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LOCAL GOVERNMENT ACT 1995

CITY OF MELVILLE

LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022

LOCAL GOVERNMENT ACT 1995**CITY OF MELVILLE****LOCAL GOVERNMENT (MEETING PROCEDURES)
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LOCAL GOVERNMENT ACT 1995

CITY OF MELVILLE

LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Melville resolved on 19 April 2022 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Melville Local Government (Meeting Procedures) Local Law 2022*.

1.2 Commencement

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

1.3 Application and Intent

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

(2) All meetings are to be conducted in accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996*, the *City of Melville Code of Conduct—Elected Members, Committee Members and Candidates* adopted by Council under section 5.104 of the *Local Government Act 1995* and this local law.

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

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

(4) This local law is a “local law as to conduct” for the purposes of the *Local Government (Administration) Regulations 1996*.

1.4 Repeal

The *City of Melville Meeting Procedures Local Law 2017*, published in the *Government Gazette* on 7 June 2017, is repealed.

1.5 Interpretation

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

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

Act means the *Local Government Act 1995*;

agenda briefing forum means an information-sharing forum convened under clause 3.7 of this local law;

amendment means a subsidiary motion moved in the course of debate on a substantive motion, with the object of modifying the proposal in such a way as to increase its acceptability;

CEO means the Chief Executive Officer of the local government;

Chamber means the City of Melville Council Chamber, or any other room allocated for meetings of the Council or a committee of the Council;

Code of Conduct means the code of conduct applicable to Members as adopted by the local government under section 5.104 of the Act and the *Local Government (Model Code of Conduct) Regulations 2021*;

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

committee meeting means a meeting of a committee of the Council;

Council means the Mayor and elected Members collectively acting as the Council of the City of Melville;

deputation means an oral submission by one or more members of the public at an agenda briefing forum or at a Council or committee meeting on an item listed on the agenda of that meeting;

district means the district of the local government as declared by the Governor pursuant to section 2.1 of the Act;

elector has the same meaning as given to it in the Act;

employee means a person employed by the local government under section 5.36 of the Act;

local government means the City of Melville;

Mayor means the Mayor of the City of Melville;

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

meeting procedures means this local law;

member has the meaning given to it in the Act;

Minister means the Minister responsible for administering the Act;

objectionable nature means offensive, derogatory or otherwise having the likely effect of causing people to think less of any person;

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;

procedural motion means a motion intended to act upon the processes or procedures being followed in the meeting, as described in Part 13 of these meeting procedures;

quorum means a minimum of 50% of the total number of offices, whether vacant or not, of the Council or the committee, unless the quorum has been reduced under section 5.7 or section 5.15 of the Act;

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

resolution means a decision resulting from a substantive motion carried at a meeting of the Council or a committee that when implemented will cause something to be done or not done in relation to a matter considered by the Council or committee;

Rules of Conduct means the Rules of Conduct set out in the *Local Government (Model Code of Conduct) Regulations 2021* and reflected in the Code of Conduct;

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

substantive motion means a proposal drafted in a manner capable of expressing a decision or opinion of the Council or committee, in either its original or amended form, but does not include an amendment or a procedural motion; and

written response means a reply in hardcopy or electronic written format.

(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—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 members, employees and other persons to be appointed to the committee;

(c) the names or titles of the members and employees 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;

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

(f) when and how the committee is to report to the Council.

(3) These meeting procedures apply to the conduct of committee meetings except for clause 19.4 (relating to seating).

2.2 Types of committees

The types of committees permissible are dealt with in the Act.

2.3 Appointment, tenure and resignation of committee members

The appointment, tenure and resignation of committee members are dealt with in the Act and the Regulations.

2.4 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to committees, limitations on such delegation and the register of delegations to committees are dealt with in the Act.

2.5 Attendance by Members at committee meetings

A Member may attend any meeting of a committee established by the Council, even if the Member is not appointed to that committee.

2.6 Disclosure of interests

A Member attending a committee meeting, whether or not they are a member of that committee, is to declare any financial, proximity or impartiality interest in any matter before the committee in accordance with Part 8 of these meeting procedures.

2.7 Participation at committee meetings

(1) In this clause a reference to a person is to a person, including a Member, who is not a member of the committee but who—

- (a) is entitled to attend a committee meeting; and
- (b) attends a committee meeting.

(2) A person attending a committee meeting is not to address the meeting without the consent of the Presiding Member.

(3) The Presiding Member of a committee may allow a person—

- (a) to ask a question on any matter before the committee;
- (b) to make an oral submission to the committee for up to 3 minutes.

(4) A person addressing the committee is to cease speaking if 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 be directed by the Presiding Member to leave the meeting.

(6) Failure to comply with a direction given under subclause (5) is an offence.

2.8 Committees to report

A committee—

- (a) is answerable to the Council; and
- (b) may submit recommendations to the Council; and
- (c) is to report on its activities when, and to the extent, required by the Council.

PART 3—MEETINGS OF COUNCIL AND COMMITTEES**3.1 Ordinary and special meetings of Council**

(1) Ordinary and special meetings of Council are dealt with in the Act.

(2) An ordinary meeting of the Council is to be held on a monthly basis or otherwise as determined by the Council and is for the purpose of considering and dealing with the ordinary business of the Council.

(3) A special meeting of the Council is to be 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 ordinary or special meetings of Council is dealt with in the Act.

3.3 Convening Council meetings

(1) The convening of an ordinary or special meeting of Council 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(2) of the Act, in convening a special meeting of Council.

(3) Where, in the opinion of the Mayor or at least one-third of the Members, there is a need for Council to meet urgently the CEO may give a lesser period of notice for a special meeting.

3.4 Calling and convening committee meetings

(1) A committee meeting is to be held—

- (a) if called for by the Mayor, the Presiding Member of that committee or any 2 members of that committee in a notice to the CEO setting out the date and proposed business of the meeting at least 5 clear working days before the proposed meeting; or
- (b) if so decided by the Council or that committee.

(2) On receipt of a notice or decision under subclause (1) the CEO is to convene a meeting of the relevant committee by giving each member notice, before the meeting, of the date, time, place and purpose of the meeting.

(3) The CEO is to prepare an agenda and ancillary documents for each committee meeting and provide a copy to each committee member at least 48 hours before the meeting.

3.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

3.6 Leave of absence

(1) The granting of leave of absence to Members is dealt with in the Act.

(2) A Member seeking the Council's approval to take leave of absence shall give written notice to the CEO prior to the commencement of the meeting.

3.7 Agenda briefing forum may be held

(1) The local government may convene an agenda briefing forum prior to any ordinary or special meeting of the Council in order for Members to ask questions or seek further information on any matter on the agenda of the relevant meeting and to receive deputations on matters on the agenda.

(2) The CEO is to—

- (a) advise all Members of, and publish on the local government's website, the time and date of the agenda briefing forum; and
- (b) cause notes of the meeting to be kept.

(3) A Member who has an interest in a matter to be discussed at an agenda briefing forum is to deal with the interest in accordance with the provisions of Part 8 of these meeting procedures.

(4) Members of the public may attend an agenda briefing forum except during the discussion of matters for which the relevant meeting will, or is likely to be, closed to members of the public under section 5.23 of the Act.

(5) A person wishing to make a deputation to the Council on a matter on a Council meeting agenda will be requested to make that deputation at the relevant agenda briefing forum.

(6) These meeting procedures apply to an agenda briefing forum except that no motions are to be moved or debated in relation to any matters on the agenda to be considered at the Council meeting.

3.8 Briefings and other informal meetings

(1) In addition to agenda briefing forums under clause 3.7, the local government may conduct briefings, workshops and other informal meetings for Members to discuss matters relevant to the business of the local government.

(2) When the local government conducts briefings, workshops and other informal meetings, the CEO is to—

- (a) advise all Members of the time, date and purpose of the meeting; and
- (b) cause notes of the meeting to be kept.

(3) A Member who has an interest in a matter to be discussed at briefing, workshop or other informal meeting is to deal with the interest in accordance with the provisions of Part 8 of these meeting procedures.

(4) Resolutions that commit the local government to a course of action may only be made at an ordinary or special meeting of Council, or at a meeting of a committee in relation to the powers or duties delegated to it.

PART 4—PRESIDING MEMBER

4.1 Who presides

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

4.2 When Deputy Mayor can act.

When the Deputy Mayor can act is dealt with in the Act.

4.3 Election of Presiding Members and deputy Presiding Members of committees

The election of Presiding Members of committees and their deputies is dealt with in the Act.

4.4 Functions of deputy Presiding Members

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

4.5 Who acts if no Presiding Member of a committee is present

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

4.6 Presiding Member participation in debates

(1) The Presiding Member at a Council or committee meeting may participate in the debate of a motion moved and seconded by other Members.

(2) Subject to subclause (3), if the Presiding Member wishes to move or second a motion or an amendment, they must cease to preside over the meeting for the duration of the debate on that motion or amendment.

(3) Subclause (2) does not apply to non-debatable motions including condolence motions, congratulatory motions or a motion to raise urgent business.

4.7 Presiding Member may cast second vote

Second votes for Presiding Members are dealt with in the Act.

PART 5—QUORUM

5.1 Quorum for meetings

(1) The quorum for meetings is dealt with in the Act.

(2) The reduction of the number required for a quorum is dealt with in the Act.

5.2 Quorum to be present

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

5.3 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.

5.4 Procedure where a quorum is not present during a meeting

(1) If at any time during a meeting a quorum is not present, the Presiding Member is to immediately suspend the proceedings of the meeting for a period of 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 expiry of the further period in subclause (2), the Presiding Member is to adjourn the meeting to a future time and date.

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

5.5 Debate on motion to be resumed

(1) Where the debate on any motion is interrupted at a Council or committee meeting as a result of an adjournment under clause 5.4, that debate is to be resumed at the meeting to which it was adjourned at the point it was so interrupted.

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

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

(4) When debate is resumed after an interruption in subclause (1), clause 12.12(1) of these meeting procedures applies.

5.6 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 6—PUBLIC PARTICIPATION**6.1 Meetings generally open to the public**

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

6.2 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 for the meeting to deal with business of a type listed in the Act as a matter for which a meeting may be closed to members of the public.

(2) The Council or a committee may at any time, whether or not the CEO has made a recommendation under subclause (1), decide by resolution in accordance with clause 13.9 to close a meeting or part of a meeting to members of the public to deal with matters listed in the Act.

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

(a) the Presiding Member is to direct everyone to leave the meeting except—

(i) the Members;

(ii) the CEO, unless the CEO has declared an interest that requires them to leave the meeting; and

(iii) any employee 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) commits an offence and may, by order of the Presiding Member, be removed from the Chamber.

(5) A motion under this clause may be moved without notice.

(6) Subject to the Regulations prescribing confidential information, when the meeting is reopened to members of the public the Presiding Member is to read out the record of decisions made while the meeting was closed to members of the public.

6.3 Question time for the public

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

6.4 Duration of question time for the public

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

(2) Subject to subclause (3), public question time is to be for a period of 15 minutes.

(3) The Council may, by resolution, agree to extend public question time in 5 minute increments to a maximum of 30 minutes.

6.5 General procedures for question time for the public

General procedures for question time for the public are dealt with in the Regulations.

6.6 Receiving questions during question time for the public

- (1) Any member of the public may raise a question during public question time.
- (2) A member of the public who asks a question during public question time must—
 - (a) state their name; and
 - (b) direct their question to the Presiding Member; and
 - (c) ask their question clearly and concisely; and
 - (d) not include any statement other than the minimum information necessary to understand the question; and
 - (e) not provide false or misleading information, or use offensive or derogatory language.
- (3) A member of the public who asks a question at the meeting under subclause (1) shall also provide a written copy of their question, in order to ensure accurate recording, and if requested to do so, an employee of the local government may assist the person to provide their question in writing.
- (4) A person may ask a question on behalf of another person who is unable to attend the meeting subject to providing the Presiding Member with proof of the consent of the person on whose behalf they are asking the question.
- (5) The name of the person asking the question and, if applicable, the name of the person on whose behalf it is asked, shall be recorded in the minutes.

6.7 Ensuring equal and fair opportunity to ask questions

- (1) A member of the public may, prior to the meeting, register their intent to ask a question at the meeting with an employee nominated by the CEO, and the employee shall record the time and date that the registration was received.
- (2) Questions on notice may be submitted to the CEO in writing at least 4 clear working days prior to the meeting at which they are to be asked.
- (3) The CEO shall ensure that the Presiding Member is advised at the commencement of the meeting of the people who wish to ask a question and the order in which the registrations of intent or questions on notice were received.
- (4) The Presiding Member may determine the order in which questions are to be asked.
- (5) Each member of the public with a question—
 - (a) is entitled to ask one question, and may ask a supplementary question with the permission of the Presiding Member; and
 - (b) shall be limited to 2 minutes to ask their question(s);before other members of the public are invited to ask their questions.
- (6) Where questions have been submitted in writing, each subsidiary question will be regarded as a separate question for the purposes of subclause (5).
- (7) If a person who submitted a written question is not present at the meeting to ask their question, the Presiding Member may—
 - (a) invite another person nominated by the questioner to ask the question; or
 - (b) defer the question and response to the next meeting; or
 - (c) declare that the question is taken on notice to be dealt with under clause 6.9; or
 - (d) rule that summaries of the question and response will be entered into the minutes of the meeting without being read out.
- (8) If a person who submitted a written question deferred under subclause (7)(b) is not present to ask their question at the meeting to which it was deferred, the question will be taken on notice at that meeting and dealt with under clause 6.9.
- (9) If time remains in public question time after each person who registered their intent to ask a question or submitted a written question has asked their question and received a response, the Presiding Member may—
 - (a) call upon any other members of the public present if they have a question; and
 - (b) allow additional questions from persons who have already asked a question, subject to the process in subclause (5).

6.8 Dealing with public questions

- (1) The Presiding Member shall—
 - (a) if the necessary information is readily available, determine who is to respond to the question; or
 - (b) if the necessary information must be retrieved or researched, declare that the question will be taken on notice.
- (2) A response to a question—
 - (a) is to be relevant and concise; and

- (b) subject to subclause (3), is not to be the subject of any discussion.
- (3) If, in the opinion of a Member or the CEO, false or misleading information is contained in any question asked or statement made by a member of the public, then the Member or CEO may, with the permission of the Presiding Member, correct or clarify the matter.
- (4) Summaries of the questions asked at the meeting and the responses given will be included in the minutes of the meeting unless the question is taken on notice.

6.9 Questions taken on notice

When a question from a member of the public 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 copy of the question and response is provided to all Members at the time the response is provided to the questioner; and
- (c) summaries of the question and the response are included in the agenda documents of the next meeting of the Council.

6.10 When Presiding Member may decide a public question will not be answered

The Presiding Member may decide that a question from a member of the public shall not be responded to where—

- (a) the same or a similar question was asked at a previous meeting, a response was provided, the answer to the question has not changed, and the member of the public is directed to the minutes of the meeting at which the response was provided; or
- (b) a question asked at a special meeting is not relevant to the purpose of the meeting; or
- (c) the question relates to a matter for which a Council or committee meeting will or could be closed to the public under section 5.23 of the Act; or
- (d) the question relates to the private activities of any person; or
- (e) the question relates to a matter that is currently before a court or the State Administrative Tribunal; or
- (f) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the statement as a question; or
- (g) the member of the public asks a question which, if asked by a Member, would contravene any written law, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question in a manner that does not breach any written law; or
- (h) responding to the question would divert a substantial and unreasonable portion of the local government's resources away from its other functions; or
- (i) the Presiding Member is of the view that the question has already been answered or the matter adequately dealt with; or
- (j) the question seeks information that would not be made available if it was sought under the *Freedom of Information Act 1992* or relates to a matter to which section 5.95 of the Act applies, or relates to any matter that is required to be kept confidential under any written law.

6.11 Petitions

(1) A petition is to—

- (a) be addressed to the Council;
- (b) be in a form approved by the local government;
- (c) be signed by at least 6 electors of the district;
- (d) state the request on each page of the petition;
- (e) contain the name, address and signature of each elector making the request, and the date each elector signed;
- (f) not contain duplicate signatories;
- (g) contain a summary of the reasons for the request;
- (h) state the name of the lead petitioner to whom, and an address at which, notice to the petitioners can be given; and
- (i) be respectful in its language.

(2) Upon receiving a valid petition relating to a matter to be considered by Council, the local government is to ensure the petition is provided to the relevant employee for consideration in the report on the matter that is the subject of the petition.

(3) On the presentation of a petition, the Council shall acknowledge the petition and—

- (a) give due consideration to the petition when deliberating on the relevant matter listed on the same agenda; or
- (b) refer it to a committee for consideration and report; or
- (c) direct that a report on the matters raised be prepared by a date determined by Council; or
- (d) take no further action.

(4) 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.

(5) A summary of the petition, the name and suburb of the lead petitioner and the decision of Council under subclause (3) are to be included in the minutes of the meeting.

6.12 Deputations

(1) A member of the public or representative of a community group may seek to make a deputation to the Council or a committee on a matter to be considered at a Council or committee meeting.

(2) Deputations on matters to be considered at Council meetings will be received at the relevant agenda briefing forum held prior to the meeting, unless the matter for which the deputation has been requested was not included in the agenda briefing forum related to the meeting.

(3) Persons wishing to make a deputation may—

- (a) apply, before the relevant agenda briefing forum or meeting, to the CEO for approval; or
- (b) seek the approval of the Presiding Member, at the agenda briefing forum or the meeting, to address the Council or committee.

(4) An application to make a deputation under subclause (3)(a)—

- (a) is to be made in the form and within the timeframe approved by the local government; and
- (b) is to relate to an item on the agenda of the agenda briefing forum or meeting at which the deputation is to be made.

(5) On receipt of an application for a deputation under subclause (3)(a), the CEO may—

- (a) approve the request and invite the deputation to attend the relevant agenda briefing forum or meeting; or
- (b) refer the request to the Mayor or Presiding Member to approve or reject the request.

(6) On receipt of an application for a deputation referred by the CEO under subclause (5)(b), the Mayor or Presiding Member may—

- (a) approve the request and invite the deputation to attend the relevant agenda briefing forum or meeting; or
- (b) reject the request.

(7) Where a person or group seeks, at an agenda briefing forum or at a Council or committee meeting, approval to make a deputation to the Council or relevant committee, the Presiding Member may—

- (a) rule that the deputation be received; or
- (b) rule that the deputation not be received.

(8) Unless the Council resolves otherwise, a deputation invited to attend an agenda briefing forum or meeting—

- (a) is not to exceed 3 persons, only 2 of whom may address the Council or committee, although others may respond to specific questions from Members; and
- (b) may speak for a period not exceeding 10 minutes unless an extension of time is granted by the Presiding Member or committee on a motion without debate, but a deputation's total speaking time must not exceed 15 minutes.

(9) Members of a deputation—

- (a) are not to make offensive, defamatory, false or misleading statements to the Council or committee; and
- (b) if wishing to table documents in support of their position, must provide a copy of each document to the local government prior to the meeting; and
- (c) if wishing to present information in video or slideshow format to the Council or committee, must provide the material to the CEO prior to the agenda briefing forum or meeting in an approved format to permit inspection for cyber-security risks.

(10) A period not exceeding 5 minutes will be given for Members to ask questions of the deputation and receive answers, with additional question time granted at the discretion of the Presiding Member in circumstances where the matter is unclear.

(11) Any Member may, with the permission of the Presiding Member, ask questions of a member of a deputation but is not to make a statement on the matter.

(12) Any Member or the CEO may draw the Presiding Member's attention to an alleged breach of subclause (9)(a) by a member of a deputation.

(13) If the Presiding Member rules that a member of a deputation has made an offensive, defamatory, false or misleading statement, the Presiding Member may—

- (a) direct the person to withdraw the offensive or defamatory statement or to correct the false or misleading statement; or
- (b) direct the person to cease speaking and be seated.

(14) A person who does not comply with a direction under subclause (13) may be directed by the Presiding Member to leave the meeting.

(15) A person who does not comply with a direction to leave the meeting under subclause (14) commits an offence.

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

(17) Documents provided by a deputation under subclause (9)(b) are deemed to be documents tabled at the meeting for the purposes of section 5.94(p)(i) and section 5.96(h)(i) of the Act.

(18) The minutes are to record the names of the members of the deputation and where relevant the name of the organisation that they represent.

6.13 Written submissions

(1) A person or group wishing to bring a particular issue to the attention of Council or a committee on a matter to be decided at a Council or committee meeting may make a written submission.

(2) Written submissions on matters to be considered at a Council meeting must be received by the CEO at least 3 working days before the relevant agenda briefing forum held prior to the meeting, unless the matter to which the submission relates was not included in the agenda briefing forum related to the meeting.

(3) Written submissions on matters to be considered at committee meetings must be received by the CEO at least 3 working days before the meeting.

(4) The CEO shall send a copy of any submissions received under subclauses (2) and (3) to all Elected Members at least 2 working days before the agenda briefing forum or meeting to which it refers.

(5) At the meeting at which the matter is to be considered, the Presiding Member shall advise the meeting of the written submissions that had been submitted and circulated prior to the meeting.

6.14 Public hearings

(1) Where an item on the agenda at a Council meeting has attracted significant public interest and/or multiple requests for deputations, a meeting in the form of a public hearing to provide a greater opportunity for members of the public to be heard may be held—

- (a) if called for by the Mayor or one-third of the Members in a notice to the CEO; or
- (b) if resolved by the Council.

(2) Where a public hearing is called under subclause (1), the CEO shall—

- (a) in consultation with the Mayor, set the time, date and place of the public hearing;
- (b) publish details for the public hearing and the purpose of the public hearing on the local government's official website as soon as practicable after the decision is made, with advice on how to lodge requests for deputations;
- (c) send a written invitation to address the public hearing to all members of the public who have applied under clause 6.12(3)(a) to make a deputation on the issue; and
- (d) cause notes of the public hearing to be taken.

(3) A public hearing held under subclause (1) shall be conducted only to hear submissions from members of the public and is not a decision-making meeting of Council.

(4) The provisions of subclauses (8) to (15) of clause 6.12 shall apply to members of deputations participating in a public hearing.

(5) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the public hearing and recording the names of all Members present at that public hearing.

6.15 No unauthorised recording of proceedings

(1) A person is not to make a visual or audio record of the proceedings of an agenda briefing forum, a Council meeting or a committee meeting without the permission of the Presiding Member.

(2) If the Presiding Member gives permission under subclause (1), they are to advise the forum or meeting, before the recording is commenced, that such permission has been given, the name of the person to whom it has been given, and the nature and extent of that permission.

6.16 Public inspection of agenda materials

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

PART 7—BUSINESS OF A MEETING

7.1 Business to be specified

(1) No business is to be transacted at any ordinary meeting of the Council or committee other than that specified in the agenda, without the approval of the Presiding Member or a decision of the Council or committee in accordance with clauses 7.4 or 7.5 of these meeting procedures.

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

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

- (a) specified in the notice of the meeting which had been adjourned; and
- (b) which remains unresolved,

except where the meeting was adjourned to the next ordinary meeting of the Council or scheduled meeting of a committee, when the business unresolved at the adjourned meeting is to be the first business to be considered at that meeting.

(4) Despite subclauses (2) and (3), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which they consider is appropriate to be decided, by that meeting.

(5) The CEO may remove any item on the agenda prior to the commencement of the meeting at which the item is to be considered, and is to advise the Mayor or Presiding Member who will inform the Council or committee.

(6) The CEO is to provide written reasons for the withdrawal of an item under subclause (5), which are to be noted in the minutes of the meeting where the item was to be considered.

7.2 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. Official opening
2. Attendance and apologies
 - (a) Members present and employees in attendance
 - (b) Apologies
 - (c) Approved leaves of absence
3. Declarations by Members
4. Announcements by the Presiding Member without discussion and identification of approved deputations
5. Disclosures of interest
6. Public Question Time
7. Awards and presentations
8. Applications for new leaves of absence
9. Confirmation of Minutes
10. New business of an urgent nature
11. Identification of matters for which meeting may be closed
12. Petitions
13. Adoption of recommendations *en bloc*
14. Reports and related approved deputations
 - (a) From committees
 - (b) From employees
15. Motions of which previous notice has been given
16. Motions without notice (introduced by absolute majority decision)
17. Matters for which the meeting is to be closed to the public
18. Reading of decisions made while meeting closed to the public
19. Closure

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

1. Official opening
2. Attendance and apologies
 - (a) Members present and employees in attendance
 - (b) Apologies
 - (c) Approved leave of absence
3. Announcements by the Presiding Member without discussion
4. Declarations by Members
5. Disclosures of Interest
6. Confirmation of Minutes
7. Public question time (if applicable)*
8. Deputations (if applicable)*
9. Business
10. Motions of which previous notice has been given
11. Next meeting
12. Closure

*** Items 7 and 8 in subclause (2) are applicable to meetings of committees to which powers or duties have been delegated under s.5.16 of the Act.**

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

7.3 Motions of which previous notice has been given

(1) Unless the Act, Regulations or these meeting procedures otherwise provide, a Member may raise at a meeting such business as they consider 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 submitted under subclause (1) is to be in the form approved by the local government and is to be given to the CEO 4 clear working days before the meeting at which the motion is to be moved.

(3) A motion of which notice is given under subclause (1) is not to—

- (a) be of an objectionable nature; or
- (b) breach any of these meeting procedures or any written law; or
- (c) be similar in intent or substance to a notice of motion or a motion which has been previously raised or resolved.

(4) The CEO may, after consultation with the member, make such amendments to the form but not the substance as will bring the notice of motion into due form.

(5) If, in the opinion of the CEO, a notice of motion submitted by a Member contravenes, or is likely to contravene, subclause (3), the CEO—

- (a) shall advise the Member of the suspected contravention or potential contravention, which unless addressed, may result in the notice of motion being excluded from the notice paper;
- (b) may, if the concerns are not addressed and with the concurrence of the Presiding Member, exclude from the notice paper any notice of motion believed to contravene, or likely to involve a contravention of subclause (3); and
- (c) shall inform all Members on each occasion that a notice has been excluded and the reasons for that exclusion.

7.4 New business of an urgent nature

(1) In this clause, cases of extreme urgency or other special circumstances means matters—

- (a) 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; and
- (b) that, if not dealt with at the meeting, are likely to—
 - (i) have a significant financial or other adverse effect on the local government or the community; or
 - (ii) result in a contravention of a written law.

(2) 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.

(3) Before debate begins on a matter under this clause that is not the subject of a written report by an employee, the CEO is to give a verbal report to the meeting that addresses the matters in subclause (1)(b).

(4) If subclause (3) applies, the minutes of the meeting must include—

- (a) a summary of the verbal report and any recommendations of the CEO; and
- (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO.

7.5 Council may agree to consider motion without notice

(1) Council may, by absolute majority decision, resolve to consider a motion without notice that does not deal with a “case of extreme urgency or other special circumstances” as defined under clause 7.4(1).

(2) A motion moved without notice under subclause (1) shall be limited to seeking a decision that a matter be investigated and a report submitted to Council or to a committee.

7.6 Announcements by Presiding Member without discussion

At any meeting of the Council or committee the Presiding Member may announce or raise any matter of interest or affecting the local government and there is to be no discussion on the matter unless the Council or committee resolves otherwise.

7.7 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.

7.8 Presentations

(1) In this clause, **presentation** means the acceptance of a gift or 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 in consultation with the Mayor.

PART 8—DISCLOSURE OF INTERESTS

8.1 Disclosure of financial and proximity interests

The requirements for disclosure of financial and proximity interests are dealt with in the Act.

8.2 Disclosure of impartiality interests

The requirements for disclosure of interests other than financial or proximity interests referred to in section 5.60 of the Act are dealt with in the Code of Conduct.

8.3 Disclosure not to be used to comment on the matter

A Member disclosing an interest is to restrict their statement of disclosure to the nature and extent of the interest and is not seek to influence the opinion of other Members on the matter in which they are disclosing the interest.

8.4 Participation by members disclosing interests

(1) The participation in discussion and decision-making by a Member who has disclosed a financial or proximity interest in a matter is dealt with in the Act.

(2) The procedures and requirements for a Council to allow participation in discussion and decision-making by a Member disclosing a financial or proximity interest in a matter are dealt with in the Act.

(3) A Member who has disclosed an impartiality interest in a matter under clause 8.2 may choose to leave the meeting while the matter is dealt with but if they remain present in the meeting they must vote as required under s.5.21 of the Act.

8.5 On-going disclosure required

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

8.6 Substitution of deputy at committee meetings

Where a Member discloses a financial or proximity interest on an item and withdraws from a meeting of a committee, the Presiding Member may invite the disclosing Member's deputy, if present, to participate as a Member of the committee in place of the disclosing Member during the consideration of that item.

8.7 Separation of committee recommendations

Where at a committee meeting a Member has disclosed an interest in a matter and the matter is contained in the recommendation of the committee to an ordinary or special meeting of the Council or to another committee meeting that will be attended by the Member—

- (a) the recommendation concerned is to be separated on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, and
- (b) the Member concerned is to declare the interest and comply with the relevant requirements of the Act, the Code of Conduct and these meeting procedures when the matter is being considered.

PART 9—ADVICE AND RECOMMENDATIONS

9.1 Advice to Council by CEO

The functions of the CEO in providing advice and information to the Council are dealt with in the Act.

9.2 Advice to Council by committees

A committee may make a recommendation to the Council which—

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

PART 10—QUESTIONS FROM MEMBERS

10.1 Questions to employees on matters on the agenda

(1) A Member who wishes to seek general information on a matter on the agenda of the meeting shall address the question to the Presiding Member who may invite an employee present at a Council meeting, agenda briefing forum or committee meeting to respond.

(2) The employee is to answer each question concisely and to the best of their knowledge and ability but, if the information is unavailable or requires research or investigation, the employee may ask that the question be taken on notice and the answer be given to all Members within 5 working days.

(3) In answering any question, an employee may qualify their answer and may at a later time in the forum or meeting, or at a later meeting, alter, correct, add to or otherwise amend their original answer.

10.2 Questions during debate

- (1) At any time during the debate on a motion before the motion is put, a Member may, with the consent of the Presiding Member, ask one or more questions of another Member or an employee present at the meeting.
- (2) The Presiding Member will determine who is to answer a question asked under subclause (1).
- (3) Subject to compliance with subclause (4) a Member who asks one or more questions will not be taken to have spoken on the matter.
- (4) A question asked by a Member is to be direct and to the point and is not to be prefaced by comment or other information except where that information is required for the question to be adequately understood.

10.3 Restrictions on questions and answers

Questions under clause 10.2 and answers to those questions—

- (a) are to be concise and relevant; and
- (b) are not to be accompanied by—
 - (i) any argument, expression of opinion or statement, except so far as may be necessary to explain the question or answer; or
 - (ii) any discussion or subsequent question, except with the consent of the Presiding Member.

PART 11—SUBSTANTIVE MOTIONS AND AMENDMENTS

11.1 Motions to be supported

- (1) 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; and
 - (b) the motion is seconded.
- (2) If a motion lapses under subclause (1), 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 unless Council resolves otherwise.
- (3) A motion does not lapse under subclause (1) if—
 - (a) the Member who gave notice of the motion submits a written request to the Presiding Member prior to the meeting to defer consideration of the motion to a specified meeting, and the Presiding Member consents to the deferral; or
 - (b) the Council or committee resolves to defer consideration of the motion to a later stage or date.
- (4) A motion to revoke or change a decision made at a Council meeting is not to be debated unless the motion has the support required under the Regulations.

11.2 Certain motions may be ruled out of order

If the Presiding Member at any meeting is of the opinion that any motion proposed—

- (a) is of an objectionable nature; or
- (b) if carried, would conflict with these meeting procedures or breach any written law; or
- (c) if carried, would be incapable of being actioned or implemented by the local government,

the Presiding Member may, either before or after the matter is brought forward, rule that the motion is out of order and will not be considered.

11.3 Motions to deal with reports and committee recommendations

A Member may, with respect to recommendations to Council contained in a report prepared by an employee or recommendations submitted by a committee, move a motion that—

- (a) the Council adopt all or specified recommendations; or
- (b) the Council reject the recommendations; or
- (c) the Council adopt an alternative motion of which notice was given under clause 11.5(2)(a); or
- (d) the matter be deferred and additional information be provided to Council.

11.4 Adoption of recommendations

- (1) Where the Council decides to adopt a recommendation submitted by a committee or contained in a report prepared by an employee of the local government, either with or without amendment, the recommendation so adopted is taken to be a resolution of the Council or committee.
- (2) Where the Council makes a resolution that is significantly different from the relevant written recommendation of a committee or employee, the reasons must be recorded as prescribed in the Regulations.

11.5 Alternative motions

- (1) In this clause and clause 11.6, **alternative motion** means a substantive motion that negates the terms and intent of—

- (a) a recommendation in a report submitted by a committee or prepared by an employee ; or

- (b) a substantive motion, that is being considered, or is to be considered, by the Council.
- (2) A Member who wishes the Council to consider an alternative motion must either—
- (a) give notice in accordance with clause 7.3 of a motion that negates or substantially differs from the recommendations contained in a report submitted by a committee or prepared by an employee; or
 - (b) foreshadow the alternative motion during the debate before the right of reply in respect of the substantive motion has commenced.

11.6 Dealing with alternative motions

- (1) Where a Member has given notice of a motion under clause 11.5(2)(a), that motion is taken to be a foreshadowed alternative motion and is to be the substantive motion that is first considered by the Council.
- (2) If notice of more than one alternative motion is received under clause 11.5(2)(a), the Presiding Member is to call for them in the order in which they were received unless one of the alternative motions received is carried, in which case the subsequent alternative motions with notice on the same matter lapse.
- (3) If all alternative motions with notice on a matter are lost, the Presiding Member is to call for a motion to adopt the recommendations submitted by the committee or contained in the report prepared by an employee.
- (4) Where a Member has foreshadowed an alternative motion under clause 11.5(2)(b), then if the substantive motion is lost, the Presiding Member must call on the Member who foreshadowed the alternative motion to move the alternative motion.
- (5) If the substantive motion is passed, the foreshadowed alternative motion is not to be moved.
- (6) Once moved and seconded, the foreshadowed alternative motion becomes the substantive motion and the same procedures and rules of debate apply to this motion as to any other substantive motion.
- (7) If more than one foreshadowed alternative motion is proposed for any item before the Council, the Presiding Member must deal with them in the order in which they were foreshadowed except that if an alternative motion is carried, all subsequent foreshadowed alternative motions on the same matter lapse.
- (8) Where an alternative motion is carried and results in a decision that significantly differs from the relevant written recommendation of an employee or a committee, clause 11.4(2) applies.

11.7 Adoption of recommendations *en bloc*

- (1) Subject to subclause (2), a Member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations from a committee or several reports, without amendment or qualification, after having first identified those recommendations.
- (2) If any recommendation identified under subclause (1) relates to a matter—
- (a) which requires adoption by absolute majority vote;
 - (b) in which an interest subject to s.5.67 of the Act has been disclosed;
 - (c) that has been the subject of a petition or deputation;
 - (d) which any Member has indicated a wish to debate; or
 - (e) in which any Member has indicated a wish to ask a question or to raise a point of clarification,
- it must be considered separately.

11.8 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
- (2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a Member indicates that they oppose a motion, the motion is to be dealt with under this Part of these meeting procedures.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting, which must be dealt with under Part 15 of these meeting procedures.

11.9 Only one substantive motion to be dealt with at a time

When a substantive motion is under debate at a meeting of the Council or committee, no further substantive motion is to be accepted until after a decision has been made on that motion.

11.10 Withdrawing motions

- (1) A motion or amendment may be withdrawn by the mover, with the consent of the seconder, and no Member is to speak on it after it has been withdrawn.
- (2) If an amendment has been proposed to a substantive motion, the substantive motion cannot be withdrawn, except by the consent of the majority of Members, until the amendment proposed has been withdrawn or lost.

11.11 Amendments

- (1) A Member may move an amendment to a substantive motion at any time during debate on the motion, except—
- (a) if the mover has been called by the Presiding Member to exercise their right of reply; or
 - (b) if the Member has already spoken to the substantive motion;
 - (c) if another amendment is being debated, or has not been withdrawn, carried or lost; or
 - (d) during debate on a procedural motion.
- (2) The mover of a motion may not move an amendment to their own substantive motion after it has been moved.
- (3) An amendment—
- (a) must be relevant to the substantive motion to which it is moved; and
 - (b) must not have the effect of negating or significantly changing the intent of the substantive motion.
- (4) An amendment to a substantive motion must take one of the following forms—
- (a) that certain words or parts be omitted;
 - (b) that certain words or parts be omitted and others substituted or added; or
 - (c) that certain words be added.
- (5) An amendment that is not an alternative motion under clause 11.5, but would significantly alter the effect of a motion of which notice has been given under clause 7.3, is not to be considered unless—
- (a) written notice of the amendment is provided in a form approved by the local government; and
 - (b) the written notice is received by the CEO by 11:30am on the last working day preceding the day of the meeting at which the relevant motion is to be considered; and
 - (c) the notice of the amendment has been distributed to all Members at least 4 hours before the meeting at which it is to be moved.
- (6) When an amendment is proposed and seconded, then the discussion on the original motion is suspended until the amendment is carried or lost or withdrawn.
- (7) An amendment may be further amended only once and is subject to subclauses (2), (3), (4) and (5) as though the original amendment were a substantive motion.
- (8) Where an amendment is carried, the substantive motion as amended is, for the purposes of all subsequent debate, to be treated as the substantive motion.
- (9) Subsequent amendments to the motion may be proposed but must not—
- (a) seek to negate a previous amendment that was carried; or
 - (b) seek to substantially replicate a previous amendment that was lost.

PART 12—DEBATE OF MOTIONS**12.1 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 support 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 to exercise their right of reply which closes debate.

12.2 Seconding motions

- (1) A Member seconding a substantive motion has the right to speak once on the motion—
- (a) immediately after the mover of the motion has spoken; or
 - (b) with the consent of the Presiding Member, at a later time in the debate.
- (2) If a motion would otherwise lapse under clause 11.1(1)(b), the Presiding Member may accept an offer from a Member to second the motion without speaking in support of it, in order for the motion to be debated.

12.3 Members to indicate their intention to speak

A Member who wishes to speak is to indicate their intention to speak by raising their hand or by another method agreed by the Council.

12.4 Priority of speaking

- (1) When invited by the Presiding Member to speak, Members shall address the meeting through the Presiding Member.

(2) 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.

(3) A decision of the Presiding Member under subclause (2) is not open to discussion or dissent.

12.5 Debate may be limited

The Presiding Member may offer the right of reply and put a substantive motion to the vote if they believe that sufficient discussion has taken place even though all Members may not have spoken.

12.6 Member may require the motion to be read

A Member may require the motion 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.

12.7 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.

12.8 Who may speak on an amendment

Any Member including the mover of the substantive motion may speak during debate on an amendment.

12.9 Right of reply

(1) The mover of a substantive motion or an amendment has the right of reply prior to the Presiding Member putting the motion or the amendment to the vote.

(2) The right of reply is confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

(3) Once the right of reply has been exercised, there shall be no further discussion on the motion.

(4) When all amendments have been dealt with and the mover of the original motion has exercised their right of reply, the original motion or the original motion as amended is immediately to be put to the vote.

12.10 Personal explanation

(1) A Council or a committee member wishing to make a personal explanation of matters referred to by any Council or committee member who is then speaking, is entitled to be heard—

- (a) immediately, if the Council or committee member then speaking consents at the time, or
- (b) at the conclusion of the speech if the Council or committee member who is speaking declines to give way.

(2) A personal explanation is to be concise, factual, directly relevant to the perceived misunderstanding and for a period of no more than 3 minutes.

(3) A Member making a personal explanation is not to seek to strengthen their former argument by introducing new matter, by replying to other Members or by making adverse reflection on any person.

12.11 Limitation on Members speaking

(1) A Member is not to address the Council more than once on any motion or amendment except—

- (a) as the mover of a motion, to exercise a right of reply; or
- (b) to raise a point of order; or
- (c) to make a personal explanation; or
- (d) subject to clause 10.3, to ask a question.

(2) A Member may speak on a motion or amendment, or exercise their right of reply, for a period not exceeding 5 minutes, unless an extension of time of up to 5 minutes is granted by the Council without debate, but a Member's total speaking time must not exceed 10 minutes.

(3) When a Member's allotted speaking time has expired, they must immediately cease speaking.

(4) A Member is not to speak on any motion or amendment—

- (a) after the mover has exercised their right of reply; or
- (b) after the question has been put.

PART 13—PROCEDURAL MOTIONS

13.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion, a Member may move the following procedural motions during debate—

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

- (g) that the ruling of the Presiding Member be disagreed with;
- (h) that the Member be no longer heard;
- (i) that a committee recommendation be referred back to the originating committee, or any other committee or a later Council meeting.

13.2 No debate on procedural motion

- (1) The mover of a motion specified in clause 13.1 (a), (b), (d), (e), (f), (h), or (i) may speak to the motion for not more than 2 minutes.
- (2) The mover of a motion specified in clause 13.1 (c) or (g) may not speak to the motion.
- (3) For all procedural motions specified in clause 13.1, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

13.3 Limits on closure of debate

- (1) With the exception of clause 13.1(h) 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.
- (2) The mover of a substantive motion retains their right of reply despite the carrying of a procedural motion which closes debate and forces a decision on the substantive motion or amendment.

13.4 Effect of motion—that the motion be deferred

- (1) A motion “that the motion be deferred” as listed in clause 13.1(a) must specify a time and date at which the substantive motion is to be resubmitted for consideration.
- (2) If a motion “that the motion be deferred”, is carried, then all debate on the substantive motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at the time and date specified in the motion.
- (3) A motion “that the motion be deferred” must not be moved in respect of the election of a Presiding Member of a committee or the Deputy Mayor.
- (4) A Member must not, at the same meeting, move or second more than one motion “that the motion be deferred” in respect of the same item.
- (5) Where debate on a motion is interrupted by deferring a motion under subclause (1)—
 - (a) the names of Members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 12.11 apply when the debate is resumed.

13.5 Effect of motion—that the motion now lie on the table

- (1) If a motion “that the motion now lie on the table” as listed in clause 13.1(b) is carried, then all debate on the substantive motion and any amendment is to cease and the meeting is to proceed to the next item of business.
- (2) Debate on the motion laid on the table is to be adjourned until such time (if any) as the Council resolves to take the motion from the table.
- (3) Where debate on a motion is interrupted by laying a motion on the table under subclause (1)—
 - (a) the names of Members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 12.11 apply when the debate is resumed.
- (4) A motion “that the motion now lie on the table” must not be moved in respect of the election of a Presiding Member or the Deputy Mayor.
- (5) A Member moving that the motion be taken from the table is entitled to speak first on the resumption of the debate.

13.6 Effect of motion—that the motion be now put

- (1) If the motion “that the motion be now put” as listed in clause 13.1(c) is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply to the mover of the substantive motion and then put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is lost, debate on the substantive motion is to continue.
- (3) The Presiding Member may refuse to accept the motion “that the motion be now put” and shall refuse if in their opinion the closure will have the effect of unfairly limiting debate before the principal arguments for or against have been presented.
- (4) The decision of the Presiding Member under subclause (3) shall be binding unless dissented from, but shall not preclude the acceptance of a motion that at a later time “the motion be now put.”

13.7 Effect of motion—that the meeting proceed to the next item of business

If the motion “that the meeting proceed to the next item of business” as listed in clause 13.1(d) is carried, then—

- (a) all debate on the substantive motion or amendment is to cease immediately; and
- (b) the mover may not exercise their right of reply; and
- (c) no decision is made on the substantive motion; and
- (d) the Council or committee moves to the next item of business; and
- (e) there is no requirement for the matter to be raised again for consideration.

13.8 Effect of motion—that the meeting now adjourn

- (1) A motion “that the meeting now adjourn” as listed in clause 13.1(e)—
 - (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 immediately adjourned to the time and date specified in the motion.
- (2) Before putting the motion for the adjournment of the Council or committee meeting, the Presiding Member may seek leave of the Council or committee to deal first with matters that may be the subject of an *en bloc* resolution.
- (3) A Member is not to move or second more than one motion of adjournment during the same meeting of the Council or committee.
- (4) A meeting adjourned under subclause (1) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council or committee, by simple majority, determines otherwise.

13.9 Effect of motion—that the meeting be closed to the public

- (1) The reasons for which a meeting may be closed to members of the public are listed in the Act and Regulations.
- (2) A motion “that the meeting be closed to members of the public” as listed in clause 13.1(f) must specify the reason why the meeting is to be closed to members of the public.
- (3) If the 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 4.2.
- (4) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

13.10 Effect of motion—that the ruling of the Presiding Member be disagreed with

- (1) If the motion “that the ruling of the Presiding Member be disagreed with” as listed in clause 13.1(g) is carried, then that ruling is to have no effect and the meeting is to proceed as though the ruling had not been made.
- (2) Clause 13.1(g) may be used only with respect to rulings made by the Presiding Member and not to directions given by the Presiding Member in accordance with these meeting procedures.

13.11 Effect of motion—that the member be no longer heard

- (1) If the motion “that the Member be no longer heard”, as listed in clause 13.1(h), is carried, the speaker against whom the motion has been moved is not to speak further on the current substantive motion, or on any amendment relating to it, except to exercise their right of reply if they are the mover of the substantive motion.
- (2) If the motion “that the Member be no longer heard” is moved with respect to the mover of a motion while they are exercising their right of reply, then if the motion is carried, the substantive motion is to be put to the vote immediately.

13.12 Effect of motion—that the item be referred back to committee

- (1) If a motion “that the item be referred back to committee” as listed in clause 13.1(i) is carried, debate on the substantive motion and any amendment is to cease and the recommendation that is the subject of the substantive motion, excluding any amendment, is to be referred back to the appropriate committee for further consideration.
- (2) If the motion in subclause (1) is lost, debate on the substantive motion or amendment is to continue.

PART 14—VOTING**14.1 Motion—when put to the vote**

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 Council or committee for a vote; and
- (b) if requested by any Member, is to again state the terms of the motion in its final form.

14.2 Voting

Voting entitlements and obligations are dealt with in the Act.

14.3 Method of taking vote

- (1) The Presiding Member, in taking the vote on any motion, is to—
 - (a) put the motion to the vote;
 - (b) determine whether the affirmative or the negative has the majority of votes; and
 - (c) declare the result of the vote.
- (2) Where voting is by show of hands or on the voices, the motion under subclause (1) may be put to the vote as often as is necessary to enable the Presiding Member to determine whether the affirmative or the negative has the requisite majority of votes.
- (3) The requirement for voting to be open is dealt with in the Regulations.
- (4) The result of voting is to be determined in any way (such as electronically or by a show of hands) that enables a record to be taken of each Member’s vote, and for the result to be declared.

14.4 Majorities required for decisions

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

PART 15—REVOKING OR CHANGING DECISIONS**15.1 Requirements to revoke or change decisions**

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

15.2 Motion to revoke or change decision at the same meeting—procedures

(1) A Member who moves a motion to revoke or change a decision at the same meeting where the decision is made must—

- (a) clearly identify the decision to be revoked or changed; and
- (b) clearly state the reason for the decision to be revoked or changed.

(2) If the CEO receives a notice of a motion to revoke or change a decision made at a meeting before the close of that meeting, the CEO must immediately advise the Presiding Member of the substance of the motion.

(3) Where the Presiding Member is advised of a motion under subclause (2), they are to—

- (a) raise it as an item of urgent business under clause 7.4;
- (b) state the substance of the motion to revoke or change the decision;
- (c) determine whether there is sufficient support under the Regulations; and
- (d) if there is sufficient support, deal with the motion.

15.3 Motion to revoke or change a decision after meeting—procedures

(1) A Member wishing to move a motion to revoke or change a decision at a future meeting of the Council or committee must give to the CEO notice of the motion, which is to—

- (a) be in writing;
- (b) specify the decision proposed to be revoked or changed;
- (c) state the reason(s) for the motion to revoke or change the decision;
- (d) be supported by the number of Members required under the Regulations;
- (e) specify the date of the ordinary or special meeting of the Council or committee where it is to be presented, as the case may be; and
- (f) be given to the CEO in accordance with the notice of motion provisions in clause 7.3.

(2) On receiving a notice of a motion under subclause (1), the CEO is to—

- (a) ensure that the motion has the support required by the Regulations;
- (b) advise the Mayor or Presiding Member that the notice has been received, and
- (c) ensure that the notice is placed on the agenda of the next appropriate meeting of the Council or committee, as the case may be.

15.4 Implementation of a decision

(1) In this clause, *valid action* means action taken to implement the decision in accordance with the relevant legislation and approved procedures by persons legally authorised to do so.

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

- (a) a valid notice of a motion to revoke or change the decision has been received and has the support of Members as required by the Regulations; and
- (b) the notice of the motion to revoke or change the decision was received before any valid action was taken by the local government to implement the decision.

(3) The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion to revoke or change the decision is moved with or without notice, if at the time the motion is moved or notice is given—

- (a) valid action has been taken by the local government to implement the decision; or
- (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate and the decision has been put into effect by notice in writing to the applicant or the applicant's agent by an employee of the local government authorised by CEO to do so;

unless the Council or committee has considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.

PART 16—ADJOURNMENT**16.1 Meetings may be adjourned**

A meeting that is adjourned by—

- (a) the Council or a committee under Part 13, or
- (b) the Presiding Member under clause 5.4 or clause 20.9,

may be adjourned—

- (a) to a later time on the same day; or
- (b) to the next ordinary meeting of Council or scheduled meeting of a committee, or
- (c) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

16.2 Effect of adjournment

Where any motion, debate or meeting is adjourned under these meeting procedures—

- (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 12.11 apply when the debate is resumed.

PART 17—RECORDING AND BROADCASTING OF MEETINGS

17.1 Local government may record meetings

- (1) The local government may make audio or audio-visual recordings of the proceedings of meetings of the Council or committees, which may be used for the purposes of ensuring the accuracy of the minutes.
- (2) The Presiding Member will ensure that all meeting participants and observers are advised at the commencement of the meeting that the meeting is being recorded.
- (3) The local government may publish any audio or audio-visual recording made of a Council or committee meeting, or part of a meeting, that is open to members of the public.
- (4) Prior to publishing any audio or audio-visual recording made of a Council or committee meeting, the CEO may cause the recording to be edited to remove material that may be offensive or defamatory, irrelevant to the matters under consideration, or the publication of which is likely to breach any written law.
- (5) Audio and audio-visual recordings of meetings made under subclause (1) will be kept according to the *State Records Act 2000*, and are subject to the *Freedom of Information Act 1992*.
- (6) Access to audio or audio-visual recordings of meetings does not extend to that part of the recordings that would reveal information that is prescribed in the Regulations as information that is confidential but that may be available for inspection if the local government so resolves, unless the local government has resolved that the information is to be available for inspection.

17.2 Local government may broadcast proceedings

The local government may make provision for electronic participation in Council or committee meetings for members of the public, including livestream broadcasts through an internet connection.

PART 18—MINUTES OF MEETINGS

18.1 Keeping of minutes

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

18.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by the Regulations, the minutes of a Council meeting or a meeting of a Committee to which powers and duties have been delegated under section 5.16 of the Act are to include the reasons for the decision where—
 - (a) an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled; or
 - (b) an objection to a local government decision is dealt with under section 9.6 of the Act.
- (3) A record of decisions made at a meeting or part of a meeting that is closed to the public is not to disclose any information that is prescribed as being confidential for the purposes of section 5.95(6) of the Act unless the Council has resolved under section 5.95(7) to make it available for inspection.

18.3 Request for specific words to be recorded in minutes

- (1) If a Member specifically requests, immediately after their use by another Member, that any particular words be recorded in the minutes—
 - (a) the Presiding Member is to cause the words used to be taken down and be read to the meeting for verification; and
 - (b) the Council may, by resolution, decide to record those words in the minutes, subject to verification with the audio recording of the meeting.
- (2) Subclause (1) applies only to the recording of words already spoken and is not to be used by a Member to seek to have a statement of their own opinion recorded in the minutes.

18.4 Publication of unconfirmed minutes of meetings

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

18.5 Public inspection of minutes and meeting documents

Public inspection of confirmed minutes and meeting documents is dealt with in the Act and Regulations.

18.6 Amendment of minutes

(1) Substantive amendments to minutes are restricted to correcting objective errors of fact or material omission in the record of the meeting.

(2) The unconfirmed minutes of a meeting may be amended—

- (a) on a motion of which notice has been given in writing by a Member under clause 7.3, submitted prior to the meeting at which the minutes are to be confirmed; or
- (b) on an amendment motion to the motion to confirm the minutes being moved.

(3) Confirmed minutes may be amended on a motion of which notice has been given in writing by a Member under clause 7.3.

(4) A notice of motion to amend minutes is to include—

- (a) identification of the minutes to be amended; and
- (b) the portion of the minutes proposed to be amended; and
- (c) the alternative words to be substituted or the words to be added or deleted; and
- (d) the reasons for the proposed amendment.

(5) In considering a motion to amend unconfirmed or confirmed minutes, Council is to have regard to the contents of any audio record of the relevant meeting.

(6) If a motion to amend confirmed minutes is carried*, then—

- (a) the minutes of the meeting at which the motion was carried will record the original and the amended version of the relevant part of the minutes to which the motion related and the reasons for the amendment; and
- (b) a notation will be added to the existing record of the original confirmed minutes, drawing attention to the amendment, the reasons for it and the date on which it was approved.

*** absolute majority required**

(7) This clause does not apply to the revocation or changing of a decision of the Council or a committee.

(8) Despite sub-clauses (1) to (5), administrative amendments to minutes may be made by an employee on the authority of the CEO to correct spelling, grammatical or minor transcription errors.

PART 19—CONDUCT OF MEMBERS**19.1 Required meeting behaviour**

When attending a Council, committee or electors meeting, a Member must—

- (a) comply with the requirements of—
 - (i) the Act;
 - (ii) the Regulations;
 - (iii) these meeting procedures, and
 - (iv) the Code of Conduct adopted under section 5.104 of the Act, including the Rules of Conduct;

and

- (b) restrict their remarks during debate to the motion or amendment under discussion, or to a personal explanation or to a point of order; and
- (c) comply with any direction given by the Presiding Member; and
- (d) immediately cease to engage in any conduct that has been ruled out of order by the Presiding Member.

19.2 Unacceptable meeting behaviour

When attending a Council, committee or electors meeting, a Member must not—

- (a) act in an abusive, bullying or threatening manner towards another person; or
- (b) make a statement that the Member knows, or could reasonably be expected to know, is false or misleading; or
- (c) use offensive or derogatory language in reference to any person; or
- (d) disparage the character or competence of another Member or an employee in connection with the performance of their official duties; or
- (e) impute any dishonest or unethical motive to a Member or an employee in connection with the performance of their official duties; or
- (f) persistently make irrelevant or repetitive statements; or
- (g) disrupt the meeting; or
- (h) engage in behaviour that may endanger the physical or mental health or wellbeing of any other person at the meeting.

19.3 Members not to interrupt

A Member of the Council or a committee is not to interrupt another Member of the Council or committee who is speaking unless—

- (a) to raise a point of order; or
- (b) to call attention to the absence of a quorum; or
- (c) to request the opportunity to make a personal explanation under clause 12.10; or
- (d) to move a procedural motion under Part 13; or
- (e) they are the Presiding Member acting to preserve order under Part 20.

19.4 Seating arrangements

- (1) At the first meeting following each ordinary election, the CEO is to allocate a seat in the Chamber to each Member.
- (2) Each Member must occupy their allocated position when present at a meeting of the Council until the Council decides to reallocate positions.
- (3) The CEO is to sit immediately to the left of the Presiding Member at Council meetings.
- (4) The minute-taker is to sit in proximity to the Presiding Member.

19.5 Advice of entry or departure

- (1) During the course of a meeting of the Council or a committee, a Member is to pay respect to the Presiding Member when entering or leaving the meeting.
- (2) Each entry to, or departure from, the meeting by a Member is to be recorded in the appropriate chronological place in the minutes.

19.6 No Member to leave while a motion is being put to the vote

- (1) When the Presiding Member is putting any motion to the vote, a Member must not leave the Chamber until the voting is complete.
- (2) Members' obligations to vote when present at a meeting are dealt with in the Act.

19.7 No reopening of discussion

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

19.8 Official Titles to be used

Members shall address each other during meetings by their respective titles of Mayor, Deputy Mayor or councillor. Members of the council, in speaking of or addressing employees, shall designate them by their respective official title or by their chosen title and surname.

PART 20—PRESERVING ORDER**20.1 Presiding Member to preserve order**

The Presiding Member is to preserve order and, whenever they consider it necessary, may call any Member or any other person to order.

20.2 Presiding Member to ensure compliance

The Presiding Member of a meeting is to use all reasonable endeavours to ensure compliance with these meeting procedures.

20.3 Presiding Member to be heard without interruption

- (1) Whenever the Presiding Member signifies a desire to speak at any time during the meeting, any Member speaking or offering to speak must be silent, so that the Presiding Member may be heard without interruption.
- (2) This clause is not to be used by the Presiding Member to exercise the right provided for in clause 4.6 but to preserve order.

20.4 Point of order

- (1) The following are to be recognised as valid points of order—
 - (a) that the discussion is of a matter not before the Council or committee;
 - (b) that a breach of these meeting procedures or the Code of Conduct has been committed by a Member;
 - (c) that a breach of any written law, policy or any other local law of the local government has been committed by any person.
- (2) A Member drawing attention to a suspected breach under subclauses (1)(b) or (1)(c) is to specify the alleged breach when making the point of order.
- (3) Despite any other provision in this local law, a point of order—
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.
- (4) A Member expressing a difference of opinion or contradicting a speaker shall not be recognised as raising a point of order.

20.5 Procedures on a point of order

(1) A Member interrupted on a point of order is to immediately cease 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 then, if permitted, the Member who has been interrupted may proceed.

(2) A Member who is raising a point of order is not to be interrupted while making the point of order.

20.6 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) If the Presiding Member rules that any motion, amendment or other matter before the meeting is out of order, it is not to be considered further.

(3) The Presiding Member, on becoming aware of conduct by a Member that breaches these meeting procedures, may rule that conduct to be out of order and direct that Member to immediately discontinue the conduct that is out of order and—

- (a) provide an explanation; or
- (b) unreservedly withdraw a specified expression or statement and make an unconditional apology; or
- (c) discontinue their speech.

(4) Where a Member fails to comply with a direction of the Presiding Member under subclause (3), the Presiding Member may refuse to hear the Member further on the matter under discussion and call on the next speaker.

(5) 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.

20.7 Continued breach of order

(1) If a Member—

- (a) persists in any conduct that the Presiding Member has ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 20.6(3),

then the Presiding Member may direct the Member to refrain from taking any further part in the item under discussion other than by recording the Member's vote and the Member must comply with that direction.

(2) If the Member subject to a direction under subclause (1) is exercising their right of reply as the mover of a substantive motion, the Presiding Member may immediately call for a vote on the matter.

20.8 Prevention of disturbance

(1) In this clause, "person" means a person other than a Member.

(2) Any person addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must comply with any direction from the Presiding Member.

(3) A person attending 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, using a mobile device capable of producing sound, or by any other means.

(4) A person attending a Council or committee meeting shall not—

- (a) attempt to threaten, harass or intimidate any Member, employee or other person attending the meeting, or
- (b) behave in a manner that is contrary to section 75 of the *Criminal Code*.

(5) Where a person is considered by the Presiding Member of the Council or committee to be in breach of subclauses (3) or (4) the Presiding Member of the Council or committee may direct the offending person to leave the meeting and the person must immediately comply with that direction.

(6) A person who fails to comply with a direction given under subclause (5) commits an offence.

(7) For the purposes of section 70A of the *Criminal Code*, the CEO is a person in authority in relation to the Chamber or meeting room and the local government premises of which they form a part and may request a person subject to a direction under subclause (5) to leave the place or a specified part of the place.

20.9 Right of Presiding Member to adjourn

(1) The Presiding Member may adjourn the meeting for a period of up to 15 minutes—

- (a) for the purpose of preserving or regaining order; or
- (b) where a person given a direction under clause 20.8(5) refuses to leave the meeting.

(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.

PART 21—MEETINGS OF ELECTORS**21.1 Electors' general meetings**

Electors' general meetings are dealt with in the Act.

21.2 Matters for discussion at electors' general meeting

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

21.3 Electors' special meetings

Electors' special meetings are dealt with in the Act and Regulations.

21.4 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

21.5 Who presides at electors' meetings

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

21.6 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
- (2) In exercising their discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to these meeting procedures.
- (3) If the Presiding Member at an electors' meeting is of the opinion that any motion proposed—
 - (a) is of an objectionable nature; or
 - (b) if carried, would breach any written law; or
 - (c) if carried, would be incapable of being actioned or implemented by the local government,the Presiding Member may rule that the motion is out of order and shall not be considered, provided that the Presiding Member has taken reasonable steps to assist the elector to reword their motion in a way that would not be objectionable, in breach of a written law or incapable of being actioned or implemented by the local government.
- (4) A person attending an electors meeting shall not—
 - (a) attempt to threaten, harass or intimidate any Member, employee or other person attending the meeting, or
 - (b) behave in a manner that is contrary to section 75 of the *Criminal Code*.
- (5) Where a person is considered by the Presiding Member of the Council or committee to be in breach of subclause (5) the Presiding Member of the Council or committee may direct the offending person to leave the meeting and the person must immediately comply with that direction.
- (6) A person who fails to comply with a direction given under subclause (5) commits an offence.

21.7 Participation of non-electors

- (1) 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 them to do so.
- (2) A person who is not an elector of the local government is not entitled to vote at an electors' meeting.

21.8 Voting at electors' meetings

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

21.9 Minutes of electors' meetings

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

21.10 Decisions made at electors' meetings

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

PART 22—OTHER PROCEDURAL MATTERS**22.1 Tabling of documents at a meeting**

- (1) Any Member may table a document or other material at a Council or committee meeting that is relevant to an agenda item—
 - (a) with the prior approval of the Presiding Member; or
 - (b) with the approval of the Council on a motion by the Member in possession of the document or material.
- (2) A Member may request on a motion that a document from which another Member is reading or quoting be tabled and with the approval of the Council that document shall be tabled by the Member in possession of it.
- (3) Subclause (2) does not apply to a document that is privileged legal communication, or would reveal the private affairs of any person, or is material that is required to be kept confidential under any written law.
- (4) Access to, and publication of, tabled documents are dealt with in the Act and Regulations.

22.2 Suspension of the operation of this local law

(1) A Member may, at any time, move that the operation of 1 or more of the provisions of these meeting procedures be suspended.

(2) A Member moving a motion under subclause (1) is to identify the clause or clauses of this local law to be suspended, and state the reasons for the motion, but no other discussion is to take place.

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

(a) seconded; and

(b) carried by a simple 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.

22.3 Where this local law does not apply

(1) In situations where—

(a) 1 or more provisions of these meeting procedures have been suspended; or

(b) a matter is not regulated by the Act, the Regulations or these meeting procedures,

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

(2) Decisions of the Presiding Member under subclause (1) are final, except where a motion of dissent is moved and carried under Part 13.

PART 23—ENFORCEMENT**23.1 Contravention of this local law by Members**

(1) Where a clause of this local law states that the matter is dealt with under the Act, a contravention by a Member may be an offence as specified in the Act.

(2) Where a clause of this local law states that the matter is dealt with under the Code of Conduct, and the matter involves a Rule of Conduct, a contravention by a Member may be a minor breach under the Act.

(3) Contravention of other clauses of this local law by Members, where such contravention does not involve an offence under the Act or a breach of the Rules of Conduct, is dealt with under the Regulations.

23.2 Offences under this local law

(1) Any person who refuses to leave the Chamber, or other venue in which a meeting subject to these meeting procedures is conducted, when directed to do so by the Mayor or Presiding Member under a provision of this local law, commits an offence.

Penalty: \$1,000

(2) An offence under subclause (1) is an offence for which an infringement notice may be given under section 9.16 of the Act.

Modified penalty: \$100

(3) An infringement notice given under subclause (2) is to be in the form shown in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

23.3 Who can prosecute or give an infringement notice

(1) Who can prosecute is dealt with in the *Criminal Procedure Act 2004*.

(2) Who can give an infringement notice is dealt with in the Act.

This Local Government (*Meeting Procedures*) *Local Law 2022* was adopted by resolution of the Council of the City of Melville at a meeting held on 19 April 2022.

The Common Seal of the City of Melville was affixed in the presence of—

GEORGE GEAR, Mayor.
MARTEN TIELEMAN, Chief Executive Officer.

Date: 29 April 2022.



PERTH, TUESDAY, 5 APRIL 2022 No. 48 SPECIAL

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LOCAL GOVERNMENT ACT 1995

SHIRE OF NARROGIN

HEALTH LOCAL LAW 2022

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LOCAL GOVERNMENT ACT 1995

SHIRE OF NARROGIN

HEALTH LOCAL LAW 2022

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Shire of Narrogin resolved on 23 February 2022 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Narrogin Health Local Law 2022*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district of the local government.

1.4 Repeal

The following local laws are repealed—

- (a) The Health Local Laws made by the Council of the Town of Narrogin adopting the *Model By-Laws Series 'A'* at a meeting of the Council on 14 December 1965 and published in the *Government Gazette* on 13 July 1966, and amended from time to time; and
- (b) The Health Local Laws made by the Council of the Shire of Narrogin adopting the *Model By-Laws Series 'A'* at a meeting of the Council on 18 March 1974 and published in the *Government Gazette* on 11 October 1974, and amended from time to time.

1.5 Transitional provisions

- (1) An application for, or the renewal of, a licence, permit or other authorisation made under a local law that is in force before the commencement day is to be dealt with and determined as if it were an application under this local law.
- (2) A licence, permit or other authorisation under a repealed local law that is in force before the commencement day is to be regarded on and after that day as a licence under this local law and may be dealt with accordingly.

1.6 Terms used

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

Act means the *Health (Miscellaneous Provisions) Act 1911*;

adequate means satisfactory or fit for purpose or, if there is any doubt, at the discretion of an authorised person;

adequate supply of water means a flow of water of not less than five litres per minute;

apparatus for the treatment of sewage has the same meaning as in section 3 of the Act;

AS or AS/NZS means an Australian Standard or Australian/New Zealand Standard published by Standards Australia, as amended from time to time, and available for viewing free of charge at the Shire of Narrogin Administration Centre;

AS 1530.2:1993 means Australian Standard for Methods for fire tests on building materials, components and structures—Test for flammability of materials;

AS 1530.3:1999 means Australian Standard for Methods for fire tests on building materials, components and structures—Simultaneous determination of ignitability, flame propagation, heat release and smoke release;

AS 1668.2:2012 means Australian Standard for the use of ventilation and air conditioning in buildings—Mechanical ventilation in building;

AS 2001.5.4:2005 means Australian Standard for Methods of test for textiles—Dimensional change—Domestic washing and drying procedures for textile testing (ISO 6330:2000, MOD);

AS 2293.1:2018 means Australian Standard for Emergency escape lighting and exit signs for buildings—System design, installation and operation;

AS 3786:2014 means Australian Standard for Smoke alarms using scattered light, transmitted light or ionization;

AS/NZS ISO 717.1:2013 means Australian Standard for Acoustics—Rating of sound insulation in buildings and of building elements—Airborne sound insulation;

authorised person means a person appointed under—

- (a) the provisions of the *Public Health Act 2016* as an authorised person; or
- (b) the *Local Government Act 1995*; and

- (c) includes a person appointed by the local government as an Environmental Health Officer;
- bed** means a piece of furniture on which to sleep;
- bedding** includes beds, mattresses, pillows and bed heads as well as bed linen;
- bed linen** includes sheets, blankets, pillow cases, quilts and doona covers, and mattress covers;
- builder** means the holder of a building permit issued in respect of building works on a building site or a person in control of a building site;
- building permit** means a permit granted under section 20 of the *Building Act 2011*;
- building site** means any lot for which a building permit is current;
- Chief Health Officer** means a person appointed to this position under the provisions of the *Public Health Act 2016*;
- Council** means the Council of the local government;
- district** means the district of the local government and includes any area placed under the jurisdiction of the local government pursuant to section 22 of the Act;
- drinking water** means drinking water as defined in the Australian Drinking Water Guidelines developed by the National Health and Medical Research Council;
- dwelling house** means a place of residence, whether temporary or permanent, containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;
- habitable room** means a room used for normal domestic activities; and
- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but
 - (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;
- hot water** means water at a temperature of at least 65 degrees Celsius;
- infectious disease** has the meaning given to it by—
- (a) section 3(1) of the Act; and
 - (b) includes a notifiable infectious disease;
- land** has the meaning given to it by the *Planning and Development Act 2005*;
- licence** means a licence, permit, registration or approval issued by the local government under this local law;
- local government** means the Shire of Narrogin;
- local planning scheme** has the meaning given to it by the *Planning and Development Act 2005*;
- lot** has the meaning given to it by the *Planning and Development Act 2005*;
- morgue** means a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation;
- NCC** means the latest edition of the *National Construction Code* published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;
- nuisance** includes the meaning given to it in section 182 of the Act;
- noise** has the meaning given to it by section 3 of the *Environmental Protection Act 1986*;
- occupier** has the meaning given to it in section 3 of the Act and includes a builder or contractor on land where the context permits;
- owner** has the meaning given to it in section 3 of the Act;
- public place** includes every place to which the public ordinarily have access, whether by payment of a fee or not;
- refuse** means any waste material including bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, timber, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter;
- sanitary convenience** includes urinals, toilets, sinks, baths, wash troughs, apparatus for the treatment of sewage, or other receptacle for the deposit of faecal matter, or refuse, and all similar conveniences;
- Schedule** means a Schedule to this local law;
- set fee** means a fee—
- (a) as prescribed by legislation; or
 - (b) in any other instance, as fixed by the local government from time to time under sections 6.16 to 6.19 of the *Local Government Act 1995*;
- sewage** means any kind of sewage, faecal matter or urine, and any waste composed wholly or in part of liquid;
- sewer** includes sewers and drains of every description, except drains to which the word “drain” as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of the local government;

stormwater means any naturally occurring water that results from rainfall on or around a site, or water flowing onto the site;

street includes any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

thoroughfare has the meaning given to it by section 1.4 of the *Local Government Act 1995*;

toilet means a toilet bowl, or urinal and includes a room or cubicle in which one or more of these are located;

townsite means the townsites within the district excluding Yilliminning and Nomans Lake townsites, which are—

(a) constituted under section 26(2) of the *Land Administration Act 1997*; or

(b) referred to in section 37 of Schedule 9.3 of the *Local Government Act 1995*;

urinal may be—

(a) an individual stall or wall hung urinal;

(b) each 600 millimetres length of a continuous urinal trough; or

(c) a toilet bowl used in place of a urinal;

vectors of disease means those pests as defined in clause 8.1;

vermin includes rats, mice, flies, fleas, mites, lice, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or likely to cause damage to human food, habitation or possessions;

window includes a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position; and

written notice means a notice issued in accordance with Part 14.

PART 2—SANITATION

Division 1—Sanitary conveniences

2.1 Interpretation

In this Part, unless the context otherwise requires—

event includes a fair, function or festival;

organiser means a person—

(a) to whom approval has been granted by an authorised person to conduct the event; or

(b) responsible for the conduct of the event;

public sanitary convenience means a sanitary convenience to which the public ordinarily have access;

receptacle for drainage has the same meaning as in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and includes the irrigation effluent disposal area of an aerobic treatment system; and

temporary sanitary convenience means a sanitary convenience, temporarily placed for use by—

(a) patrons in conjunction with an event; or

(b) employees at construction sites or the like.

2.2 Dwelling house

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.

(2) A room in which a toilet is located shall have adequate lighting and ventilation.

2.3 Premises other than a dwelling house

(1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless—

(a) the premises have sanitary conveniences in accordance with the NCC and this Part;

(b) the toilets required by this local law are situated within 90 metres and are easily accessible to the persons for whom they are provided; and

(c) the premises have hand wash basins—

(i) in accordance with the NCC;

(ii) for the use of persons employed or engaged on the premises;

(iii) provided with an adequate supply of water supplied by taps located over each hand wash basin;

(iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and

(v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house shall ensure that—

(a) clean toilet paper is available at all times in each cubicle;

- (b) a sanitary napkin disposal facility is provided in each toilet provided for the use of females; and
- (c) each hand wash basin is provided with—
 - (i) an adequate supply of soap or other hand cleaning substances; and
 - (ii) hand drying facilities, situated adjacent to and visible from the hand wash basin.

2.4 Events

The organiser of an outdoor event shall provide sanitary conveniences in accordance with the recommendations contained within the Department of Health's *'Guidelines for concerts, events and organised gatherings'*.

2.5 Toilets

- (1) Toilets on premises shall be maintained in accordance with the following requirements—
 - (a) the door to a toilet, other than an internal door, shall be properly screened to a continuous height of 1.8 metres from the floor;
 - (b) a toilet or its entrance, which is visible from overlooking windows, shall be properly screened;
 - (c) unless otherwise approved by an authorised person, a toilet shall not be directly accessible from a kitchen or a room where food is stored, prepared, served or consumed;
 - (d) the floor of any internal toilet shall be—
 - (i) of concrete or of other approved impervious material of an approved thickness; and
 - (ii) unless otherwise approved graded to a floor waste outlet and proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and
 - (e) the floor of any external toilet shall be—
 - (i) of concrete or of other approved impervious material of an approved thickness; and
 - (ii) graded to the door or alternatively an approved outlet.
- (2) Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements—
 - (a) toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling and of sufficient density to have a sound transmission class of not less than 50 as required by AS/NZS ISO 717.1:2013; and
 - (b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

2.6 Temporary sanitary conveniences at temporary work sites

A person who undertakes temporary work at any place shall ensure that every temporary sanitary convenience is—

- (a) installed and maintained in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*; and
- (b) removed within 48 hours of completion of works.

2.7 Maintenance of sanitary conveniences and fittings

- (1) The occupier of premises shall—
 - (a) keep clean, in good condition and repair; and
 - (b) whenever required by an authorised person, effectively disinfect and clean;all sanitary conveniences and sanitary fittings in or on the premises.

- (2) The owner of premises shall—
 - (a) keep or cause to be kept in good repair; and
 - (b) maintain an adequate supply of water toall sanitary conveniences including sanitary fittings in or on the premises.

2.8 Ventilation of toilets

- (1) A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the NCC.
- (2) A mechanical ventilation system provided under subclause (1) shall be maintained in good working order and condition.

2.9 Public sanitary conveniences

- (1) A person shall not—
 - (a) foul;
 - (b) damage or vandalise; or
 - (c) write on or otherwise defacea public sanitary convenience or sanitary fittings on the premises in which the public sanitary convenience is located

- (2) A person shall not live or sleep in the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

2.10 Lighting

The owner and occupier of premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain adequate lighting for persons using the convenience.

2.11 Installation

Every sanitary convenience shall—

- (a) be installed in accordance with the requirements of—
 - (i) the *Country Areas Water Supply Act 1947*; and
 - (ii) the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Wastes) Regulations 1974*; and
 - (iii) the *Water Services Act 2012*; and
- (b) have an adequate supply of water.

Division 2—Bathrooms, laundries and kitchens

2.12 Bathrooms

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—

- (a) is adequately lined with an impervious material and has a ceiling complying with the NCC;
- (b) complies with the *Health Act (Laundries and Bathrooms) Regulations* and the NCC; and
- (c) is equipped with—
 - (i) a hand wash basin; and
 - (ii) either a shower in a shower recess or a bath.

(2) All baths, showers, hand wash basins and similar fittings shall be provided with an adequate supply of hot and cold water.

(3) The floor of the bathroom shall be properly surfaced with and even fall to a floor waste otherwise approved, suitably trapped and discharging to—

- (a) the sewer of a licensed water service operator; or
- (b) an apparatus for the treatment of sewage approved by an authorised person.

2.13 Laundries

(1) A laundry shall comply with the requirements of the *Health Act (Laundries and Bathrooms) Regulations* and the NCC.

(2) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored, prepared, served or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling unless otherwise approved.

(3) Where there is an opening between a laundry and a kitchen or other room where food is stored, prepared, served or consumed, the opening shall—

- (a) not be more than 1220 millimetres wide; and
- (b) have a door, which when closed shall completely fill the opening.

(4) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that—

- (a) is properly enclosed and roofed;
- (b) is adequately lined with an impervious material;
- (c) has a floor of concrete or other approved impervious material of an approved thickness;
- (d) is properly surfaced, with an even fall to a floor waste unless otherwise approved, suitably trapped and discharging to—
 - (i) the sewer of a licensed water service operator; or
 - (ii) an on-site waste water disposal system of a type approved by an authorised person; and
- (e) is provided with adequate ventilation.

(5) In the case of a single occupancy dwelling house, the laundry referred to in subclause (1) shall have—

- (a) either—
 - (i) two wash troughs; or
 - (ii) a washing machine and either a wash trough or a sink; and
- (b) a clothes drying facility comprising either—
 - (i) a mechanical clothes dryer; or
 - (ii) not less than 20 metres of clothes line erected externally.

(6) All wash troughs, sinks and washing machines shall be—

- (a) in a laundry and connected to an adequate supply of hot and cold water; and
- (b) installed to manufacturer's specifications, and all wash troughs shall have a capacity of at least 36 litres.

(7) Sole or multiple occupancy units, each being a separate dwelling house, shall have—

- (a) laundry facilities for the exclusive use of the occupants of each unit; or

- (b) a separate laundry, with communal laundry facilities for up to four sole occupancy units that do not have their own laundry facilities.

2.14 Washing or keeping of clothes in kitchens

A person shall not in any kitchen or other place where food is kept—

- (a) wash or permit to be washed any clothing or bedding; or
- (b) keep or permit to be kept any soiled clothing or bedding.

2.15 Kitchens

(1) In this clause—

cooking facility includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

(2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen which complies with the requirements of the NCC and which is equipped with—

- (a) a cooking facility which is adequate in the opinion of an authorised person; and
- (b) a sink which is adequate in the opinion of an authorised person and which has an adequate supply of hot and cold water.

(3) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.

(4) A cooking facility shall—

- (a) be installed in accordance with the requirements of—
 - (i) the Department of Mines, Industry Regulation and Safety; and
 - (ii) the manufacturer's specifications; and
- (b) not be installed or used in any room other than a kitchen.

(5) Mechanical ventilation that is installed in a kitchen, shall be—

- (a) carried to the outside air as directly as practicable unless adequately filtered for recirculation; and
- (b) boxed throughout.

(6) Mechanical ventilation shall be maintained in good working order and condition.

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of dwelling houses

3.1 Dwelling house maintenance

The owner or occupier of a dwelling house shall maintain the dwelling house and any appurtenant buildings, in sound condition and fit for use and, in particular, shall—

- (a) maintain all roofs, guttering and downpipes in a good state of repair, clean and free from obstructions;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with any direction in writing given by an authorised person to treat the premises for the purpose of destroying any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings, damp proof course or ant caps, which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even and level in surface and free from cracks and gaps;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with—
 - (i) the provisions of the *Water Services Act 2012*;
 - (ii) the NCC with regards to plumbing and relevant associated standards; and
 - (iii) any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of all relevant public authorities.

*Division 2—Ventilation of dwelling houses***3.2 Exemption for short term hostels and recreational campsites**

This Division shall not apply to short term hostels and recreational campsites referred to in Division 2 of Part 10.

3.3 Overcrowding

The owner or occupier of a dwelling house shall not permit—

- (a) a room in the dwelling house that is not a habitable room to be used for sleeping purposes;
- (b) a habitable room in the dwelling house to be used for sleeping purposes unless—
 - (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and
 - (ii) for every person between the ages of one and ten years there is at least eight cubic metres of air space per person; or
- (c) any structure classified as Class 10(a) under the NCC, including but not limited to a garage, shed or area under a verandah or patio to be used for sleeping purposes.

3.4 Calculated sufficient space

For the purpose of clause 3.5, in calculating the space required for each person—

- (a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time;
- (b) a deduction shall be made for the space occupied by furniture, fittings and projections of the walls into a room; and
- (c) the space required includes ceilings measured up to a height of 2700 millimetres.

3.5 Ventilation

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless the dwelling house is properly ventilated.
- (2) For the purpose of subclause (1) a dwelling house shall be deemed to be properly ventilated if it complies with the NCC, including the provision of—
 - (a) natural ventilation; or
 - (b) a mechanical ventilation or air-conditioning system.
- (3) The owner of a dwelling house provided with a mechanical ventilation or air-conditioning system as its only or prime means of ventilation shall ensure that the system is—
 - (a) maintained in good working order and condition; and
 - (b) in use at all times the building is occupied.
- (4) If a dwelling house is not properly ventilated, the owner of the dwelling house may be required by written notice given by an authorised person to undertake remedial actions including but not limited to—
 - (a) providing a different, or additional method of ventilation; or
 - (b) ceasing to use the dwelling house until it is properly ventilated.

3.6 Sub-floor ventilation

The owner or occupier of a dwelling house shall make provision for any sub-floor ventilation by ensuring that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.

*Division 3—Water supply***3.7 Water supply**

- (1) The owner of every dwelling house shall provide a continuous supply of drinking water, reticulated for use and obtained from—
 - (a) a licensed water service operator;
 - (b) an underground bore;
 - (c) a rainwater storage system; or
 - (d) an alternative supply approved by the Chief Health Officer.
- (2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house.
- (3) The water supply to toilets or for garden use may be from an alternative source that is not necessarily drinking water but shall comply with the requirements of relevant legislation, codes of practice or guidelines where applicable.

3.8 Rain water tanks

- (1) The owner or occupier of a dwelling house for which part of the drinking water supply is drawn from a rain water tank shall—
 - (a) ensure that it is managed and maintained so as to meet the relevant standards in the *Australian Drinking Water Guidelines* developed by the National Health and Medical Research Council;

- (b) maintain in a clean condition—
 - (i) the roof forming the catchment for the tank; and
 - (ii) the guttering and downpipes appurtenant to the roof; and
- (c) ensure that each rain water tank is fitted with a tight fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank.

(2) The owner or occupier of a dwelling house for which its entire water supply is drawn from a rain water tank or tanks shall ensure that the storage capacity of the tank or tanks is not less than 120,000 litres.

3.9 Bores and wells

The owner or occupier of any premises shall not use or permit for human consumption the use of the water of any bore or well unless the bore or well is—

- (a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Chief Health Officer; and
- (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump; and
- (c) compliant with the requirements of the *Health Act (Underground Water Supply) Regulations 1959*.

3.10 Pollution

A person shall not deposit on or under any land, any sewage, offensive matter or any other thing which may pollute or render unfit for human consumption, water from a well or other underground source.

Division 4—Second-hand furniture, bedding and clothing

3.11 Prohibition on sale

A person shall not offer for sale or sell any second-hand furniture, bedding or clothing, which is filthy or infested with vectors of disease.

3.12 Prohibition of possession

A dealer in second-hand furniture, bedding or clothing shall not have on any premises used for the operation of the business any second-hand furniture, bedding or clothing which is filthy or infested with vectors of disease.

PART 4—LIQUID REFUSE AND WASTE, BUTCHERS' WASTE AND WASTE ENCLOSURES

Division 1—Liquid refuse and liquid waste

4.1 Interpretation

In this division, unless the context otherwise requires—

liquid refuse includes all washings from the commercial cleaning of vehicles, overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and other liquid used for cooling purposes and swimming pool discharges;

liquid waste means—

- (a) wastewater or any other waste in liquid form from domestic, industrial or commercial activities, other than effluent;
- (b) includes bathroom, kitchen, scullery and laundry wastes, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage; and
- (c) includes waste from any process or activity, whether useful or useless, that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser, solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law but does not include uncontaminated stormwater; and

receptacle for drainage has the same meaning as in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

4.2 Deposit of liquid refuse

(1) A person shall not deposit or cause or permit to be deposited liquid refuse—

- (a) on a street;
- (b) in a stormwater disposal system; or
- (c) on any land or place other than a place or depot duly authorised for that purpose.

(2) Notwithstanding subclause (1), in the case of swimming pool back wash water, discharge is permitted—

- (a) into soak wells of adequate capacity; or
- (b) onto a road verge for the purpose of watering gardens or vegetation, without discharge onto a road or into a stormwater drain.

(3) The owner or occupier of land on which a swimming pool is constructed shall ensure that backwash water is not permitted to discharge onto or run-off onto adjacent land or so as to cause a nuisance, or cause damage to any structures situated on adjacent land.

4.3 Disposal of liquid waste

- (1) The owner or occupier of premises shall—
- (a) provide, by one of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and
 - (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste shall be disposed of by one of the following methods—
- (a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;
 - (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Chief Health Officer or an authorised person; or
 - (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Chief Health Officer.

Division 2—Transport of butchers' waste

4.4 Interpretation

In this division, unless the context otherwise requires—

butchers' waste includes animal skeletons and rib cages, from a boning room and the inedible products of an abattoir or a butcher's shop.

4.5 Restriction of vehicles for transport of butchers' waste

- (1) A person shall not use, for the transport of butchers' waste—
- (a) a vehicle used for the transport of food or drugs; or
 - (b) anything intended to be used for the packing or handling of food or drugs.
- (2) A vehicle used for the transport of butchers' waste shall not be used to transport any other item, substance or material which is not butchers' waste in the same compartment.

4.6 Transport of butchers' waste

- (1) A person shall not transport butchers' waste other than in—
- (a) a compartment complying with the following specifications—
 - (i) all internal surfaces to be constructed of an approved, smooth, impervious material;
 - (ii) all joints to be sealed and made watertight;
 - (iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading or unloading; and
 - (iv) the top to be completely covered by a tarpaulin or other impervious material approved by an authorised person so as to keep the load out of sight of the public; or
 - (b) a container which is water-tight, durable and impervious and which is fitted with a lid, which can be tightly closed.
- (2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this clause, are—
- (a) maintained in good order and condition; and
 - (b) thoroughly cleaned at the conclusion of each day's work.
- (3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to—
- (a) the sight of animal skeletons, bones, offal or waste matter;
 - (b) the odour of putrefaction, offal or waste matter; or
 - (c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

Division 3—Waste receptacle enclosures

4.7 Suitable enclosure for waste receptacles

- (1) For the purposes of this clause, a "suitable enclosure" means an enclosure—
- (a) of sufficient size to accommodate all waste receptacles used on the premises but in any event having a floor area not less than a size approved by an authorised person;
 - (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by an authorised person;
 - (c) having walls not less than 1.8 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
 - (d) containing a smooth and impervious floor—
 - (i) of not less than 75 millimetres in thickness; and
 - (ii) which is evenly graded to an approved liquid refuse disposal system;
 - (e) which is easily accessible to allow for the removal of the waste receptacles;

- (f) provided with a ramp into the enclosure having a gradient no steeper than 1:8 unless otherwise approved by an authorised person; and
 - (g) provided with a tap connected to an adequate supply of water.
- (2) An owner or occupier of premises may be required by direction in writing given by an authorised person to provide a suitable enclosure on the premises for the storage and cleaning of waste receptacles, where the premises—
- (a) consists of more than 3 dwelling houses; or
 - (b) are used for commercial or industrial purposes; or
 - (c) are food premises.
- (3) An owner or occupier of premises required to provide a suitable enclosure under this clause shall keep the enclosure thoroughly clean and disinfected.

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

5.1 Interpretation

In this division, unless the context otherwise requires—

car park means premises, or any part of premises, set aside for parking of 3 or more motor vehicles;

dust means any visible granular or particulate material which has or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke;

fertiliser includes manure;

liquid waste has the same meaning as in clause 4.1; and

public vehicle includes bus, taxi or any other public transport.

5.2 Public vehicles to be kept clean

The owner or person in control of a public vehicle shall—

- (a) maintain the vehicle at all times—
 - (i) in a clean condition; and
 - (ii) free from vectors of disease; and
- (b) whenever directed by written notice given by an authorised person, thoroughly clean and disinfect the vehicle as directed.

5.3 Prohibition against spitting

A person shall not spit on a footpath, street or public place.

5.4 Transportation, use and storage of offal, blood or other offensive material

A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by—

- (a) steam, and properly dried; or
- (b) some other effective method approved by an authorised person.

5.5 Use or storage of fertiliser

An owner or occupier of premises shall not use or keep for the purpose of use, as fertiliser any—

- (a) pig manure;
- (b) human faeces; or
- (c) urine.

5.6 Storage and dispatch of artificial fertiliser

An owner or occupier of premises where artificial fertiliser is stored in bulk for sale shall—

- (a) keep all artificial fertiliser in a building—
 - (i) of which all internal surfaces are constructed of durable and non-absorbent materials; finished internally with a smooth surface;
 - (ii) that protects it from the absorption of moisture; and
 - (iii) that is adequately ventilated;
- (b) take adequate measures to prevent the emission of dust or offensive effluvia from the building; and
- (c) ensure that all artificial fertiliser dispatched from the premises is handled and loaded in such a manner as to prevent any nuisance arising during transit.

5.7 Storage of fertiliser and compost

(1) Subject to subclause (2) fertiliser and compost is not to be stored inside a dwelling house in a habitable room, kitchen, laundry, bathroom, living area, passage way or bedroom.

(2) Fertiliser and compost may be stored—

- (a) in a non-habitable building such as a shed, garage or storage room which is fully enclosed, well ventilated and separated from the habitable areas of the dwelling house; or
- (b) in an outside area.

- (3) The owner or occupier of premises where fertiliser or compost is stored or used shall—
- (a) take reasonable steps to prevent the escape of odours, dust or particles of fertiliser or compost;
 - (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for vermin; and
 - (c) store only such amounts of fertiliser or compost—
 - (i) as can be readily used within a reasonable period; or
 - (ii) as may be directed by written notice given by an authorised person.

5.8 Movement of commercial vehicles

- (1) In this clause—

light commercial vehicle—

- (a) means a vehicle with a gross vehicle mass not greater than 4500 kg, 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 vehicle for the conveyance of passengers; and
- (b) includes any 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; and

commercial vehicle means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4500 kg including—

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).

- (2) A person shall not park a light commercial vehicle or commercial vehicle containing animals in a townsite for a period in excess of one hour, unless—

- (a) on land zoned as farming, rural residential, rural, special rural, industrial, light industry or general industry; and
- (b) the vehicle is parked on that land more than 100 metres from any dwelling house.

- (3) A person shall not park a light commercial vehicle or commercial vehicle so as to create or be a nuisance to any person, by reason of the odour emanating from the vehicle where that vehicle contains or has been used for—

- (a) the carriage of animals;
- (b) the transport of chemicals; or
- (c) collection or disposal of any waste.

- (4) If a person parks a light commercial vehicle or commercial vehicle containing animals in a townsite in accordance with subclause (2) or with the approval of an authorised person, then the person does not contravene subclause (3).

- (5) A person shall not start or drive a commercial vehicle on land zoned, approved or used for residential purposes between the hours of 10.30 pm and 6.30 am on the following day without first obtaining the written consent of an authorised person.

5.9 Footpaths etc, to be kept clean

An owner or occupier of premises shall take reasonable steps to ensure that any footpath, pavement, area or right of way immediately adjacent to the premises is clear of any rubbish, matter or things coming from or belonging to the premises.

5.10 Disposing of disused refrigerators or similar containers

A person shall not place, leave or dispose of a disused refrigerator, ice chest, ice box, trunk, chest or other similar article having a compartment with a capacity of 0.04 cubic metres or more, on any land unless—

- (a) every door and lid and every lock, catch and hinge attached to a door or lid has been removed;
- (b) rendering every door and lid incapable of being fastened; and
- (c) refrigerant gas has been removed by a qualified person.

5.11 Storage of vehicles, vessels and machinery

- (1) In this clause—

machinery includes disused equipment;

vehicle means any motor vehicle, or part of a motor vehicle in a state of disrepair or in the process of being wrecked whether licensed or not;

vessel means any kind of vessel intended for navigation by water, or part of a vessel in a state of disrepair or in the process of being wrecked whether licensed or not; and

wreck includes the dismantling, breaking up, storage and disposal of vehicles.

- (2) The owner or occupier of land in a townsite shall not—

- (a) store, or allow to remain, in public view on any lot more than one vehicle, vessel or machinery (whether licensed or not) in a state of disrepair;
- (b) store, or allow to remain, in public view on any lot any vehicle, vessel or machinery in a state of disrepair for a period in excess of one month;

- (c) store, or allow to remain, in public view on any lot any vehicle, vessel or machinery parts (including tyres);
 - (d) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel or machinery except where performed—
 - (i) inside a building; or
 - (ii) within an area enclosed by a fence or wall of not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles, vessels or machinery from the street and from adjoining properties; or
 - (e) wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance.
- (3) Subclause (2)(a) to (d) does not apply where—
- (a) where the approval of an authorised person has been obtained; or
 - (b) on land that is zoned appropriately.

Division 2—Slaughter and disposal of dead animals

5.12 Slaughter of animals

- (1) Subject to subclause (2) a person, shall not slaughter any animal within the district.
- (2) Subclause (1) does not apply to—
- (a) euthanasia of animals by veterinarians or other duly authorised persons;
 - (b) persons who slaughter stock for their own consumption and who are exempted under Regulation 20 (2) of the *Food Regulations 2009*;
 - (c) slaughter of animals for the purposes of pet meat and game meat operations in accordance with Part 5 of the *Food Regulations 2009*;
 - (d) slaughter of animals for human consumption in abattoirs, operating in accordance with clause 11.37; and
 - (e) slaughter of animals for vermin control.

5.13 Disposal of dead animals

- (1) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours, shall refrigerate the carcass prior to its removal and disposal, at an approved disposal site.
- (2) An owner or occupier of premises, other than a veterinary practice, on which there is a dead animal shall without delay remove the carcass for its disposal at an approved disposal site.
- (3) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall without delay remove the carcass and arrange for its disposal at an approved disposal site.
- (4) The requirements of subclauses (1), (2) and (3) shall not limit the practice by farmers, pastoralists and the like of disposing of carcasses on rural land in a manner that is not likely to pollute or be dangerous or injurious to health.

Division 3—Feedlots

5.14 Interpretation

In this division, unless the context otherwise requires—

feedlot means a confined area with watering and feeding facilities where animals are held and fed for the purpose of weight gain;

animal includes cattle, sheep, goats, deer and the like; and

sensitive land use means land use sensitive to emissions from industry and infrastructure, and includes—

- (a) isolated rural residences;
- (b) residential developments;
- (c) hospitals, nursing homes, aged care facilities and the like;
- (d) hotels, motels, hostels, caravan parks and the like;
- (e) schools, child care facilities and the like;
- (f) shopping centres;
- (g) playgrounds, public buildings and the like; and
- (h) commercial and industrial land uses including dairies, which require a high level of amenity or are sensitive to particular emissions.

5.15 Premises to be approved

- (1) No premises shall be used as a feedlot unless approved with or without conditions by an authorised person.
- (2) In addition to clause 13.1 an application for approval under subclause (1) shall be accompanied by
- (a) plans and specifications of the proposed feedlot;
 - (b) details of the approximate number of animals to be kept;
 - (c) details of the drainage and effluent disposal system to be installed; and
 - (d) details of the method by which cleanliness of the feedlot shall be maintained.

(3) Notwithstanding subclause (1), a feedlot with more than 500 animals is to be registered under the *Environmental Protection Regulations 1987*—

- (a) Schedule 1, Part 1 (Category 1); or
- (b) Schedule 1, Part 2 (Category 68).

5.16 Buffer distances for feedlots

(1) Feedlots are to be sited so that every portion of the feedlot complies with the following minimum separation distances—

	1	2	3	4
	Feedlots and facilities for			
	more than 5000 animals	500-4999 animals	50-499 animals	less than 50 animals
Townsite boundaries	5000m	3000m	2000m	500m
Sensitive land use including isolated residences	1000m	1000m	1000m	1000m
Surface water supply catchments	Not permitted	Not permitted	Not permitted	Not permitted
Water courses, lakes or wetlands	300m	300m	300m	300m
Bores, wells, soaks for drinking water supply	300m	300m	300m	300m
Stock irrigation supply	300m	300m	300m	300m
Public roads, recreation areas	100m	100m	100m	50m
Neighbouring rural property boundaries	50m	50m	50m	50m

(2) Sites unable to satisfy the separation requirements may be approved with or without conditions on application to the Council.

5.17 Site requirements

(1) The owner or occupier of an approved feedlot shall ensure that—

- (a) the premises are sited in an area where the land slope is no greater than 1:20 but no less than 1:100;
- (b) the premises are sited on sandy loam soils rather than coarse sand;
- (c) the premises have a minimum groundwater clearance of 3 metres;
- (d) drainage diverts all uncontaminated stormwater from the general waste stream;
- (e) stock numbers per pen do not cause dust and effluvia to become a nuisance; and
- (f) the premises have solid and liquid waste disposal arrangements that are not offensive or injurious to health.

(2) The owner or occupier of the approved feedlot shall take effective measures to prevent the discharge of dust which may involve—

- (a) reducing the stocking rate immediately to a level that does not cause the discharge of dust;
- (b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
- (c) provision of adequate windbreaks to effectively prevent the discharge of dust.

5.18 Management of beef cattle feedlots

Beef cattle feedlots are to be operated and managed in accordance with the *Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia (2004)*.

Division 4—Piggeries

5.19 Interpretation

In this Division, unless the context otherwise requires—

intensive piggery means premises on which pigs are fed, watered and housed in pens;

other piggery means a piggery other than an intensive piggery;

piggery has the meaning given to it by section 3(1) of the Act; and includes any portion of premises to which pigs have access; and

sensitive land use has the meaning given to it in clause 5.14.

5.20 Premises to be approved

(1) Premises shall not be used as a piggery unless approved with or without conditions by an authorised person.

(2) An application for registration of a piggery shall be made in accordance with clause 13.1.

- (3) In addition to clause 13.1 an application for approval under subclause (1) shall be accompanied by—
- plans and specifications of the proposed piggery;
 - details of the approximate number of pigs to be kept;
 - details of the drainage and effluent disposal system to be installed; and
 - details of the method by which cleanliness of the piggery shall be maintained.
- (4) Notwithstanding subclause (1), an intensive piggery is to be registered under the *Environmental Protection Regulations 1987*—
- Schedule 1, Part 1 (Category 2); or
 - Schedule 1, Part 2 (Category 69).

5.21 Buffer distances for piggeries

(1) Subject to subclause (2), no premises shall be approved as a piggery with or without conditions by an authorised person unless every portion of such piggery complies with the following minimum separation distances —

	1	2	3	4	5	6
	Piggeries and facilities for				Land used to dispose of raw or partly treated waste	Land used to dispose of effectively treated waste
	more than 5000 pigs	500-4999 pigs	50-499 pigs	less than 50 pigs		
Townsite boundaries	5000m	3000m	2000m	500m	1000m	200m
Sensitive land use including isolated residences	1000m	1000m	1000m	1000m	1000m	50m
Surface water supply catchments	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
Water courses, lakes or wetlands	300m	300m	300m	300m	300m	100m
Bores, wells, soaks for drinking water supply	300m	300m	300m	300m	300m	100m
Stock irrigation supply	300m	300m	300m	300m	300m	100m
Public roads, recreation areas	200m	150m	100m	50m	100m	20m
Neighbouring rural property boundaries	50m	50m	50m	50m	300m	20m

(2) Sites unable to satisfy the separation requirements may be approved with or without conditions on application to the Council.

5.22 Site requirements

- (1) The owner or occupier of premises shall take effective measures to prevent the discharge of dust, offensive fumes and effluent becoming a nuisance which may involve—
- reducing the stock rate immediately to a level that does not cause the discharge of dust, odour or effluent; or
 - stabilisation of the soil surface to a level that does not cause the discharge of dust, odour or effluent; or
 - provision of adequate windbreaks to effectively prevent the discharge of dust.

5.23 Sties, enclosures or sheds

- (1) The occupier of every piggery shall provide either—
- sties and enclosures;
 - enclosures; or
 - sheds;

within which pigs shall be kept.

(2) Where sties and enclosures are provided—

- the floor of every sty shall be properly paved with impervious materials, and every such floor shall have sufficient fall to a surface gutter, which shall—
 - be constructed of similar materials;

- (ii) be not less than 300 millimetres wide and 75 millimetres deep in the centre of its width;
 - (iii) extend the whole length of the sty; and
 - (iv) have sufficient fall so that it shall discharge all liquids falling upon the floor or upon the gutter into an impervious sump of sufficient capacity to receive at least one day's drainage; and
 - (b) the area of every enclosure appurtenant to a sty or group of sties shall be not less than 3 times the area of the sty or group of sties to which it is appurtenant.
- (3) Where enclosures only are provided, then the fences of such enclosures shall be—
- (a) movable; and
 - (b) moved and re-erected to enclose a new site whenever—
 - (i) the ground within a site is becoming offensive; or
 - (ii) the occupier is directed by written notice to do so by an authorised person.
- (4) Where one or more sheds are provided, then the floor of every shed shall—
- (a) comply with subclause (2)(a);
 - (b) be maintained in a structurally sound and clean condition free of infestation with flies and other vectors of disease; and
 - (c) be effectively drained and effluent waste removed so as to prevent a nuisance occurring.

5.24 Management of piggeries

Unless otherwise provided for under this local law, piggeries are to be operated and managed in accordance with the—

- (a) *National Environmental Guidelines for Indoor Piggeries (2018)*; or
- (b) *National Environmental Guidelines for Rotational Outdoor Piggeries (2013)*.

5.25 Feed

The occupier of any piggery shall not—

- (a) receive, or allow to be received on such premises, any carcass or part of a carcass of a diseased animal;
- (b) feed the pigs upon the flesh or offal of diseased animals;
- (c) receive or suffer or permit to be received on the premises, putrid matter for any purpose; and
- (d) receive or suffer or permit to be received on the premises, any kitchen, slaughterhouse or butcher's wastes or other putrescible pig feed.

5.26 Fencing

The occupier of every piggery shall securely fence all the enclosures.

5.27 Water supply

The occupier of every piggery shall provide a sufficient and constant supply of clean water, which shall be properly protected against pollution and always available for cleansing purposes.

5.28 Feeding troughs

(1) The occupier of every piggery shall—

- (a) where sties and enclosures are provided under the provisions of clause 5.23(2), provide feeding troughs in every sty, situated near to the drainage gutter or positioned to be accessible to the pigs in two or more sties or enclosures;
- (b) where enclosures are provided under the provisions of clause 5.23(3), provide feeding troughs in every such enclosure;
- (c) cause all feeding troughs, other than those provided in connection with movable enclosures, to be fixed upon a cement or concrete floor extending 1.2 metres in all directions from such trough, and designed to permit ready drainage; and
- (d) not permit pigs to be fed other than at the feeding troughs provided in accordance with this clause.

(2) Notwithstanding the provisions of subclause (1), where pigs are kept continually confined in fully enclosed pens, floor feeding with pellets or dry meal shall be permitted, in which case feeding troughs are not required to be provided.

5.29 Slaughtering

The occupier of any piggery shall not permit any slaughtering of animals on the premises.

Division 5—Bee keeping

5.30 Interpretation

In this Division, unless the context otherwise requires—

bee means an insect belonging to any of the various *hymenopterous* insects of the super family *Apoidea* and commonly known as bee; and

hive means a moveable or fixed structure, container or object in which a colony of bees is kept.

5.31 Limitation on numbers of bee hives

- (1) A person shall not keep or permit the keeping of bees unless—
- (a) on land having an area greater than 1000 square metres; or
 - (b) approval to do so has been given by an authorised person.
- (2) Subject to subclause (3), a person shall not keep or permit the keeping of bees in more than two hives on land within a townsite.
- (3) An authorised person may, upon written application, consent to a person keeping bees in more than two hives on a lot, with or without conditions.

5.32 Restrictions on keeping of bees

A person shall not keep or permit the keeping of bees on a lot unless, at all times—

- (a) an adequate and permanent supply of water is provided on the lot which is readily accessible to bees;
- (b) the hive is kept—
 - (i) outside, and at least 10 metres from, any building other than a fence;
 - (ii) at least 10 metres from any footpath, street, private street or public place; and
 - (iii) at least 5 metres from the boundary of the lot;
- (c) the person is registered as a beekeeper if required by the *Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

5.33 Bees which cause a nuisance not to be kept

A person shall not keep or permit the keeping of bees which cause a nuisance.

PART 6—ENVIRONMENT*Division 1—Unightly land and disused materials***6.1 Unauthorised storage of materials**

- (1) All construction materials shall be located on the building site or development site under construction, unless written approval has been given by an authorised person to store materials on another property (including a road reserve).
- (2) In addition to clause 13.1 an application for approval under subclause (1) shall be accompanied by the written approval of the landowner of the land on which materials are proposed to be stored.

6.2 Removal of refuse and disused materials

The owner or occupier of a lot shall not keep, or permit to remain on the lot, any refuse, rubbish or disused material of whatever nature or kind which in the opinion of an authorised person is likely to give the lot an unsightly appearance and does not conform with the general appearance of other land in that particular part of the district.

6.3 Removal of unsightly overgrowth of vegetation

The owner or occupier of a lot shall not permit to remain on a lot, any unsightly overgrowth of vegetation that gives the lot an untidy appearance.

*Division 2—Dust, smoke, fumes and odours***6.4 Interpretation**

In this division, unless the context otherwise requires—

dust means any visible granular or particulate material which has or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke; and

liquid waste means—

- (a) wastewater or any other liquid waste from domestic, industrial or commercial activities, other than effluent;
- (b) includes bathroom, kitchen, scullery and laundry wastes, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage; and
- (c) includes waste from any process or activity, whether useful or useless, that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser, solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law but does not include uncontaminated stormwater.

6.5 Dust management

- (1) An authorised person may require an owner or occupier of land undertaking or intending to undertake any work involving the clearing of land, from which any sand or dust is likely to be released whether by means of wind, water or any other cause, to—
- (a) submit to an authorised person a Dust Management Plan in accordance with “A guideline for managing the impacts of dust and associated contaminants from land development sites, remediation and other related activities (2011)” as produced by the Department of Water and Environmental Regulation, and amended from time to time; and

- (b) obtain written approval of the Dust Management Plan from an authorised person before commencement of any work.
- (2) An owner or occupier of land may be required by written notice to take effective measures including but not limited to—
 - (a) stabilise dust on the land;
 - (b) contain all liquid waste on the land;
 - (c) ensure no dust or liquid waste is released or escapes from the land whether by means of wind, water or any other cause; and
 - (d) notify the owners or occupiers of adjoining land in writing at least 48 hours prior to the commencement of any activity that has the potential to cause the release or escape from the land of dust or liquid waste giving details of—
 - (i) the nature of the activity;
 - (ii) the proposed commencement time, frequency, duration time and location of the activity; and
 - (iii) the name of the person responsible for carrying out the activity and how and where that person may be contacted.
- (3) Where an authorised person is of the opinion that dust or liquid waste may be released or escape as a result of an activity which is likely to be carried on from any land, the authorised person may give to the owner or occupier written notice that the activity may only be carried on subject to conditions specified in the notice.

6.6 Burning of cleared vegetation on building or development site prohibited

An owner or occupier of any building site or development site within a townsite shall ensure that no vegetation or other material cleared from the site is burnt on the site unless authorisation in writing is given by an authorised person.

6.7 Burning of rubbish, refuse or other material

- (1) A person shall not on any land having an area of 4000 square metres or less within a townsite, set fire to rubbish, refuse or other materials unless—
 - (a) the material does not include any plastic, rubber, food scraps, green garden materials or other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons;
 - (b) a haze alert has not been issued by the Bureau of Meteorology for the period during which burning is to take place; and
 - (c) the burning complies with the *Bush Fires Act 1954*, any annual fire hazard reduction notice issued by an authorised person under that Act and any conditions of approval as determined by an authorised person.
- (2) Subclause (1) shall not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.
- (3) Subclause (1) is subject to any fire danger rating as determined by the Bureau of Meteorology.

6.8 Escape of dust, smoke, fumes or odours

An owner or occupier of land or premises shall not cause or permit the escape of dust, smoke, fumes or odours from the land so as to cause or to be a nuisance to any person.

Division 3—Stormwater management

6.9 Containment and disposal of stormwater

- (1) The owner or occupier of a lot shall ensure that all stormwater received by any building, house, or other structure or any paved or sealed or other surfaced areas including any vehicle access ways on the lot is contained within the lot and is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.
- (2) Subclause (1) shall not prevent the discharge of stormwater from a lot into a local government approved stormwater drain or road.
- (3) The owner or occupier of a lot shall ensure that all stormwater drainage systems on the lot or used by that lot but are located on an adjoining land, are maintained in a good state of repair and free from obstruction.

Division 4—Light

6.10 Use of exterior lights

An owner and or occupier of land on which floodlights, lighting installations or other exterior lights are erected or used shall not allow the floodlights or other exterior lights to shine directly onto an adjoining lot.

6.11 Emission or reflection of light

An owner or occupier of land shall ensure that—

- (a) artificial light is not emitted or reflected from anything on the land so as to illuminate premises outside the land at a level that interferes unreasonably with normal daily activities; and
- (b) natural light is not reflected from anything on the land so as to create or cause a nuisance to—
 - (i) the owner or occupier of any other premises; or

- (ii) person lawfully using a street or thoroughfare.

PART 7—ANIMALS AND BIRDS

Division 1—Keeping of animals and birds

7.1 Cleanliness

An owner or occupier of premises in or on which a dog, cat or other animal or bird is kept shall—

- (a) maintain the premises free from excrement, filth, food waste and all other matters which is or is likely to become offensive or injurious to health or to attract rats or other vermin;
- (b) when so directed by written notice given by an authorised person, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free from flies or other vermin by spraying with a residual insecticide or other effective means.

7.2 Nuisance caused by animals or birds

An owner or occupier of land shall not keep any animal or bird which—

- (a) is or creates a nuisance; or
- (b) emits an unreasonable or constant noise.

7.3 Animal and bird enclosures

(1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.

(2) An authorised person may give written notice to the owner or occupier of premises where animals or birds are kept to pave, grade and drain floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

7.4 Keeping of fauna

(1) In this clause—

fauna means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal—

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur unless it has been shed or discarded by the fauna in a normal or natural manner.

(2) Notwithstanding the provisions of Division 2 and Division 3 of this Part, a person may keep fauna for the period and under such conditions as may be authorised by the department of the Public Service principally assisting in the administration of the *Conservation and Land Management Act 1984*.

Division 2—Keeping of animals

7.5 Interpretation

In this division, unless the context otherwise requires—

approved animal means a farm animal the subject of an approval by an authorised person;

cow includes an ox, calf or bull;

farm animal includes a horse, cow, pig, sheep, camel, alpaca, llama, deer, goat or other large animal; and

horse includes an ass, mule, donkey or pony.

7.6 Requirements for keeping approved animals

(1) An owner or occupier of premises within a townsite shall not keep a farm animal without approval of an authorised person.

(2) An owner or occupier of premises who has an approved animal shall ensure the premises has an area of not less than 2000 square metres for the exclusive use of the approved animal.

(3) A person who keeps an approved animal or permits an approved animal to be kept shall ensure that—

- (a) all approved animals are to be kept in a properly constructed and securely fastened structure or enclosure; and
- (b) no approved animal is able to encroach within 15 metres of a dwelling house, public building, or premises where people are employed or premises where food is stored, prepared, manufactured or sold.

(4) Subclauses (1) and (2) do not apply to premises used—

- (a) for veterinary purposes;
- (b) as a pet shop; or
- (c) in accordance with clause 7.4(2).

7.7 Limitation on numbers of other animals

- (1) The number of cats or dogs permitted to be kept are as determined by the Shire of Narrogin—
- (a) *Cats Local Law 2016* as amended from time to time; and
 - (b) *Dogs Local Law 2016* as amended from time to time.
- (2) Without the approval of an authorised person, an owner or occupier of land in a townsite shall not keep more than 20 animals, including dogs and cats.
- (3) Notwithstanding subclause (2) an authorised person may require a reduction of the approved number of animals on premises within a townsite, or alternatively prohibit the keeping of animals on particular premises, if unreasonable noise or a nuisance is being caused.
- (4) Subclauses (2) and (3) do not apply to premises used—
- (a) for veterinary purposes;
 - (b) as a pet shop; or
 - (c) in accordance with clause 7.4(2).

*Division 3—Keeping of birds***7.8 Interpretation**

In this division, unless the context otherwise requires—

poultry includes fowls, peafowls, guinea fowls, turkeys, geese, ducks, chickens, bantams and other domestic fowls;

pigeons are birds that are classified within the family Columbidae and includes doves; and

miscellaneous birds means birds other than poultry and pigeons.

7.9 Commercial poultry establishments

Commercial poultry establishments are to manage operations in accordance with the *Environmental Code of Practice for Poultry Farms in Western Australia 2004* produced by the Western Australian Broilers Growers Association and Poultry Farmers Association of Western Australia.

7.10 Limitation on numbers of pigeons, poultry and miscellaneous birds

- (1) Without the approval of an authorised person, an owner or occupier of land in a townsite shall not keep a combined total of more than 20 poultry, pigeons and miscellaneous birds.
- (2) Notwithstanding subclause (1) an authorised person may require a reduction of the approved number of poultry, pigeons, or miscellaneous birds on premises within the district, or alternatively prohibit the keeping of poultry, pigeons, or miscellaneous birds on particular premises, if unreasonable noise or a nuisance is being caused.
- (3) Subclauses (1) and (2) do not apply to premises used—
- (a) for veterinary purposes;
 - (b) as a pet shop; or
 - (c) in accordance with clause 7.4(2).

7.11 Requirements for keeping poultry

- (1) A person who keeps poultry or permits poultry to be kept on land within a townsite shall ensure that—
- (a) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
 - (b) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 15 square metres; and
 - (c) no poultry is able to approach within 15 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, an authorised person has approved a lesser distance.
- (2) A person who keeps poultry or permits poultry to be kept shall ensure no poultry is able to encroach—
- (i) within 5 metres of any dwelling house on the land; or
 - (ii) within 15 metres of a neighbouring dwelling house, public building, or premises where people are employed or premises where food is stored, prepared, manufactured or sold.

7.12 Roosters, geese, turkeys, peafowl, emu and ostrich

Without the approval of an authorised person, an owner or occupier of premises in a townsite shall not keep on those premises—

- (a) a rooster;
- (b) a goose or gander;
- (c) a turkey;
- (d) a peacock or peahen;
- (e) guinea fowl;
- (f) an emu; or
- (g) an ostrich.

7.13 Requirements for keeping pigeons

- (1) An owner or occupier of land in a townsite shall not keep pigeons without the approval of an authorised person.
- (2) An authorised person may approve the keeping of pigeons, subject to conditions that may include but are not limited to—
- (a) no pigeon is able to approach within 15 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
 - (b) except where homing pigeons are freed for exercise, the pigeons are kept in a properly constructed pigeon loft that is in a yard having an otherwise unobstructed area of at least 30 square metres; and
 - (c) pigeons are kept in accordance with the *Code of Practice for Pigeon Keeping and Racing in Western Australia*.

7.14 Restrictions on pigeon nesting or perching

An authorised person may give written notice to an owner or occupier of a house or other structure in or on which pigeons are, or are in the habit of, nesting or perching so as to create a nuisance to take adequate steps to prevent them continuing to do so.

7.15 Restrictions on feeding wild birds

- (1) A person shall not feed a pigeon, dove, seagull, ibis, raven or other wild bird—
- (a) so as to cause a nuisance or be injurious or dangerous to health; or
 - (b) with a food or substance that is not a natural food of a bird.
- (2) Where an authorised person forms the opinion that a person has not complied with subclause (1) the authorised person may give a person written notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

PART 8—PEST CONTROL

8.1 Interpretation

In this Part, unless the context otherwise requires—

Argentine ant means an ant belonging to the species *Limepithema humile* (formerly *Iridomyrmex humilis*);

arthropod vectors of disease includes—

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularius*);
- (c) crab lice (*Phthirus pubis*);
- (d) body lice (*Pediculus humanus var. corporis*); and
- (e) head lice (*Pediculus humanus var. capitis*);

cockroach means any of the various orthopterous insects commonly known as cockroaches;

European wasp means a wasp *Vespula germanica*;

flies means any of the two-winged insects constituting the order *Diptera* commonly known as flies;

mosquitoes means any of the two-winged insects constituting the family *Diptera Culicidae* commonly known as mosquitoes; and

rodents means those animals belonging to the order *Rodentia* and includes rats and mice but does not include native rodents, laboratory bred rats and mice or animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

8.2 Measures to be taken for control of flies

Owners and occupiers of any land within the district that is breeding flies, or that is likely to breed flies, are to comply with the requirements of the *Fly Eradication Regulations*.

8.3 Measures to be taken to prevent breeding of mosquitoes

- (1) An owner or occupier of premises shall take effective measures to ensure that the premises are kept free from possible mosquito breeding sites and shall—
- (a) take all reasonable steps to—
 - (i) control the prevalence of mosquitoes;
 - (ii) eradicate mosquitos; and
 - (iii) effectively prevent the breeding of mosquitoes; and
 - (b) assist an authorised person to locate any possible mosquito breeding sites that may be present in or about the premises.
- (2) An owner or occupier of premises shall—
- (a) where water is kept in a horse trough, poultry drinking container or other receptacle—
 - (i) frequently change the water; and
 - (ii) keep the water clean and free from vegetable matter and slime;

- (b) where a septic tank is installed shall ensure the fixture is in sound condition at all times, and mesh having openings not larger than 1.2 millimetres covers any vent to the tank;
 - (c) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
 - (d) where any activity is undertaken on any land which creates an excavation likely to hold water and cause mosquito breeding shall as soon as practicable following the completion of the activity, and taking into consideration the purpose of the excavation, ensure that—
 - (i) the excavation is filled in with clean material and made level with the surrounding surface; or
 - (ii) alternatively treated with an approved pesticide to control mosquito breeding.
- (3) Where it appears to an authorised person that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, the owner or occupier of the premises may be required by direction in writing given by an authorised person to cut down and remove within a specified time the undergrowth or vegetation.

8.4 Measures to be taken to eradicate rodents

- (1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.
- (2) An owner or occupier of premises who keeps rodents shall—
- (a) at all times ensure that all live rodents are kept in the effective control of a person or in locked cages; and
 - (b) if a rodent escapes, ensure that all reasonable steps are taken to destroy or recapture the rodent.
- (3) A person shall not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.

8.5 Measures to be taken to eradicate cockroaches

An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.

8.6 Measures to be taken to keep premises free from Argentine ants

An owner or occupier of premises shall take effective measures to eradicate any Argentine ants in or on the premises.

8.7 Measures to be taken to keep premises free from European wasp nests

An owner or occupier of premises shall—

- (a) ensure that the premises are kept free from European wasp nests;
- (b) without delay notify the local government of any wasp nest in, on or about the premises that is suspected to be a European wasp nest;
- (c) assist an authorised person, or his or her representative, to trace any nest that may be present in, on or about the premises.

8.8 Measures to be taken to keep premises free from arthropod vectors of disease

The owner or occupier of premises shall keep the premises and any person residing in or on the premises free from any arthropod vectors of disease.

PART 9—INFECTIOUS DISEASES

9.1 Requirements for an owner or occupier to clean, disinfect and disinfest

An authorised person may, by written notice, require an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest—

- (a) the premises; or
- (b) such things in or on the premises as are specified in the notice.

9.2 Authorised person may disinfect or disinfest premises

- (1) Where an authorised person is satisfied that any case of infectious disease has occurred on any premises, the authorised person may give written notice to disinfect or disinfest premises or any part of the premises and anything in or on the premises.
- (2) An owner or occupier of premises shall permit, and provide access to enable, an authorised person or other person to carry out the written notice given under subclause (1).

9.3 Insanitary dwelling houses, premises and things

- (1) An owner or occupier of any dwelling house or premises shall maintain the dwelling house or premises free from any insanitary condition or thing.
- (2) Where the Council resolves that a dwelling house is insanitary, an authorised person may give written notice to an owner of the dwelling house to destroy or amend the dwelling house.
- (3) Where an authorised person considers that a dwelling house or premises is not being maintained in a sanitary condition or any thing is insanitary, direction in writing may be given requiring—
- (a) the owner or occupier of the dwelling house or premises to amend any insanitary condition; or

- (b) the owner or occupier of the insanitary thing to destroy or amend it.

9.4 Persons in contact with an infectious disease sufferer

If a person in any dwelling house is, or is suspected of, suffering from an infectious disease, any occupant of the dwelling house or any person who enters or leaves the dwelling house may by direction in writing—

- (a) be removed to isolation in an appropriate place to prevent or minimise the risk of the infection spreading; and
(b) if so removed, shall remain in that place until the authorised person otherwise directs in writing.

9.5 Declaration of infected dwelling house or premises

(1) To prevent or check the spread of infectious disease, an authorised person may from time to time declare any dwelling house or premises to be infected.

(2) A person shall not enter or leave any dwelling house or premises declared to be infected without the written consent of an authorised person.

9.6 Destruction of infected animals

An authorised person, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by written notice require—

- (a) that the animal be examined by a registered veterinary officer; and
(b) all steps taken to enable the condition to be controlled or eradicated; or
(c) the animal be destroyed and disposed of.

9.7 Disposal of a body

(1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subclause (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by written notice given by an authorised person.

(2) A body shall not be removed from premises where death occurred except to a cemetery or morgue.

9.8 Disposal of used condoms

(1) An occupier of premises on or from which used condoms are produced shall ensure that the condoms are—

- (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
(b) disposed of in such a manner as may be directed by written notice given by an authorised person.

(2) A person shall not dispose of a used condom in a public place except in accordance with subclause (1).

9.9 Disposal of used needles

A person shall not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak-proof container deposited in a refuse receptacle.

PART 10—LODGING HOUSES

Division 1—Registration

10.1 Interpretation

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

accommodation means one or more buildings used for boarding purposes referred to in this Part;

bed and breakfast means a dwelling house used by a resident of the dwelling house to provide short-term accommodation on a commercial basis for not more than four adults or one family, and contains not more than two guest bedrooms;

bunk means a sleeping berth comprising one of two arranged vertically;

dormitory means a building or room utilised for sleeping purposes at a short term hostel or recreational campsite;

Food Standards Code means the Australia New Zealand Food Standards Code as defined in the *Commonwealth Food Standards Australia New Zealand Act 1991*;

holiday accommodation excludes buildings on a caravan park, excludes a lodging house, and means a building where the period of occupancy of any lodger is not more than 14 consecutive days and includes a bed and breakfast, chalet, cottage or holiday house;

keeper means a person whose name appears on the register of keepers, in respect of accommodation, as the keeper of that accommodation;

lodger means a person who obtains, for hire or reward, board or lodging in accommodation;

lodging house includes a recreational campsite, a serviced apartment and a short term hostel and has the same meaning as defined in Section 3 of the Act;

manager means a person duly appointed by the keeper in accordance with this Division to reside in, and have the care and management of accommodation;

manufacturer's specifications means a data sheet describing the technical characteristics of a product which is published by a manufacturer to help consumers use the product;

recreational campsite means a lodging house, including youth camps, youth education camps, church camps and riding schools but excluding a camp or caravan within the meaning of the *Caravan Parks and Camping Grounds Act 1995*—

- (a) situated on a campsite principally used for—
 - (i) recreational, sporting, religious, ethnic or educational pursuits; or
 - (ii) conferences or conventions; and
- (b) where the period of occupancy of any lodger is not more than 14 consecutive days;

register of lodgers means the register kept in accordance with section 157 of the Act and this Part;

register of keepers means a register by the local government in which is registered the names and residences of the keepers of all accommodation within its district and the situation of every such accommodation and the number of persons authorised to be resident therein;

resident means a person, other than a lodger, who resides in accommodation;

serviced apartment means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;

short term hostel means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and shall include youth hostels and backpacker hostels; and

sleeping apartment means a room for lodgers to sleep in.

(2) Where in this Part an act is required to be done or forbidden to be done in relation to any lodging house, the keeper of the lodging house has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

10.2 Accommodation not to be kept unless registered

A person shall not keep, cause or permit to be kept accommodation unless—

- (a) the accommodation is constructed in accordance with the requirements of this Part;
- (b) the accommodation is registered by the local government under clause 10.4(1);
- (c) the names of the persons keeping or proposing to keep, and managing the accommodation is entered in the register of keepers in accordance with section 147 of the Act; and
- (d) in the case of holiday accommodation, when required by an authorised person, a management plan is approved by an authorised person that includes—
 - (i) a code of conduct detailing the expected behaviour and obligations of lodgers, which is also to be displayed within the premises;
 - (ii) details of lodger check-in and check-out procedures;
 - (iii) details of waste management procedures;
 - (iv) an emergency management plan; and
 - (v) the keeper and manager's mobile telephone numbers.

10.3 Application for registration

In addition to clause 13.1 an application for registration of accommodation shall contain the following details—

- (a) if the applicant is a body corporate, the name and position of the person having principal responsibility for the premises to be registered;
- (b) contact details of the applicant including—
 - (i) business, residential and email addresses; and
 - (ii) business, residential and mobile telephone numbers;
- (c) if the keeper is not to be resident at the lodging house, proposed arrangements for manager;
- (d) proposed classification as—
 - (i) a lodging house;
 - (ii) a short term hostel;
 - (iii) serviced apartments;
 - (iv) recreational campsite; or
 - (v) other classification;
- (e) type and number of rooms and facilities for private use;
- (f) type, number and area of rooms and facilities for use by lodger;
- (g) type, number and area of sanitary conveniences and facilities for each of male and female lodgers;
- (h) number, areas and details of equipment for laundry facilities;
- (i) if meals are to be provided by the manager; and
- (j) be accompanied by detailed plans and specifications of the lodging house.

10.4 Determination of application

(1) An authorised person may approve, with or without conditions, an application under clause 10.3 by issuing to the applicant a certificate of registration of a lodging house in the form determined by the local government from time to time.

(2) The certificate of registration is to include—

- (a) classification as per clause 10.3(d);
- (b) name of resident manager;
- (c) name of owner if not resident;
- (d) number of rooms for lodgers, and the number of lodgers permitted to in each sleeping apartment;
- (e) number / type of rooms for lodger's use;
- (f) conditions imposed, if any; and
- (g) approved number of rooms and approved number of lodgers per room listed according to room.

(3) The certificate of registration is to be displayed in the reception area accessible by lodgers.

(4) The licence for a lodging house shall expire on 30 June following the date of its issue.

10.5 Suspension or revocation of registration of a lodging house

In accordance with Part 14, an authorised person may suspend or revoke a registration, including but not limited to the following grounds—

- (a) that the lodging house has not, to the satisfaction of an authorised person, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
- (b) that the keeper has—
 - (i) been convicted of an offence against this local law in respect of the accommodation;
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of registration;
- (c) that the local government, having regard to a report from the Police, is satisfied that the keeper or manager is not a fit and proper person; and
- (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the accommodation is such as to render it, in the opinion of an authorised person, unfit to remain registered.

*Division 2—Construction and use requirements***10.6 General construction requirements**

The general construction requirements of accommodation shall comply with the NCC.

10.7 Insect screening

The keeper shall provide and maintain in good working order and condition on the premises windows and external doors that are screened with mesh having openings no larger than 1.2 millimetres.

10.8 Sanitary conveniences

(1) A keeper of accommodation shall maintain in good working order and condition and in convenient positions on the premises—

- (a) toilets; and
- (b) bathrooms, each fitted with shower or a bath (or both) and hand wash basin and in accordance with the requirements of the NCC.

(2) A bathroom or toilet, which is used as a private bathroom or toilet to the exclusion of other lodgers or residents, shall not be counted for the purposes of subclause (1).

(3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.

(4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.

(5) Each toilet and bathroom shall—

- (a) be situated, separated and screened as to ensure privacy;
- (b) be apportioned as to each sex;
- (c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
- (d) be provided with adequate lighting.

(6) Subclauses (5)(b) and (c) do not apply to a serviced apartment.

10.9 Laundry unit

(1) A laundry unit shall consist of—

- (a) a washing machine with a capacity of not less than four kilograms of dry clothing;
- (b) either an electric drying cabinet or not less than 30 metres of clothes line;
- (c) one wash trough of not less than 45 litres capacity, connected to both hot and cold water; and

- (d) A hot water system that—
 - (i) is capable of delivering an adequate supply of water at a temperature of at least 65 degrees Celsius for each washing machine and wash trough provided with the communal facilities; and
 - (ii) has a delivery rate of not less than five litres per minute for each washing machine or a higher delivery rate according to the manufacturer's specifications.
- (2) A keeper of a lodging house shall, subject to the satisfaction of an authorised person—
 - (a) provide on the premises a laundry unit for each 15 lodgers;
 - (b) at all times maintain each laundry unit in a proper sanitary condition and in good repair;
 - (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
 - (d) ensure that the floor area of each laundry unit is properly surfaced with an even fall to a floor waste.
- (3) An authorised person may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

10.10 Kitchen

The keeper of a lodging house shall provide in that lodging house a kitchen which complies with the relevant requirements of—

- (a) the *Food Act 2008*;
- (b) the *Food Regulations 2009*; and
- (c) *Standards 3.1.1, 3.2.2, and 3.2.3* of the *Food Standards Code* as determined by an authorised person.

10.11 Cooking facilities

The keeper of accommodation where meals are prepared shall provide a kitchen with cooking appliances of a number and type approved by an authorised person.

10.12 Dining room

The keeper of a lodging house shall provide in that lodging house a dining room which—

- (a) is located in close proximity to, or combined with, the kitchen;
- (b) has a floor area of which shall not be less than the greater of—
 - (i) 0.5 square metres per person; or
 - (ii) 10 square metres;
- (c) is adequately furnished to accommodate, at any one time, half of the number of lodgers; and
- (d) has a suitable floor covering.

10.13 Lounge room

The keeper of a lodging house shall provide in that lodging house a lounge room which—

- (a) has a floor area with a minimum of 13 square metres, and—
 - (i) where the lounge room is not combined with a dining room, is not less than 0.6 square metres per person; or
 - (ii) where the lounge room is combined with a dining room, is not less 1.2 metres per person;
- (b) is adequately furnished to accommodate at any one time, half of the number of lodgers; and
- (c) has a suitable floor covering.

10.14 Fire prevention and control

(1) A keeper shall—

- (a) ensure smoke alarms complying with *AS 3786:2014* are installed on or near the ceiling in every bedroom and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building as required by the NCC;
- (b) ensure that there is installed in each passage or corridor in the lodging house a smoke alarm incorporating evacuation lighting which is activated by the smoke alarm as required by the NCC;
- (c) provide evacuation lighting if required by the NCC to be kept separate from the general lighting system and kept illuminated during the hours of darkness;
- (d) provide an approved fire blanket positioned within two metres of the cooking area in each kitchen;
- (e) if required by the NCC, ensure that illuminated exit signs are installed above exit doorways which comply with *AS 2293.1:2018* and which are maintained in good working order at all times; and
- (f) provide firefighting equipment in accordance with the requirements of the NCC and ensure that the equipment is clearly visible, accessible and maintained in good working order at all times.

(2) No person shall smoke in any dormitory, kitchen or dining room or other enclosed public place within a lodging house.

(3) A keeper shall ensure that any items which are likely to cause a fire hazard are not located within bedrooms or dormitories of a lodging house.

(4) The keeper of a lodging house which is a recreational campsite or short term hostel, but not a serviced apartment, shall ensure that—

- (a) materials used in bedrooms and dormitory area comply with *AS 1530.2:1993* and *AS 1530.3:1999* as follows—
 - (i) drapes, curtains and blinds—a maximum flammability index of 6;
 - (ii) flammable furniture, upholstery and beds—
 - (A) a maximum spread of flame index of 6; and
 - (B) a maximum smoke developed index of 5; and
 - (iii) floor coverings—
 - (A) a maximum spread of flame index of 7; and
 - (B) a maximum smoke developed index of 5; and
- (b) fire retardant coatings used to make a material comply with these indices shall be—
 - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;
 - (ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of five commercial dry cleaning or laundering operations carried out in accordance with *AS 2001.5.4:2005*; and
 - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specifications.

10.15 Obstruction of passages and stairways

A keeper of a lodging house shall not place or permit to be placed furniture, fittings or other things in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house, either temporarily or permanently, in or on—

- (a) a stairway, stair landing, fire-escape, window or common passageway; or
- (b) part of the lodging house in common use or intended or adapted for common use.

10.16 Fitting of locks

A person shall not fit, cause or permit to be fitted, to an exit door a lock or other device which prevents the door being opened from within a lodging house.

10.17 Restriction on use of rooms for sleeping

(1) Subject to subclause (3) and clause 10.31, a keeper of a lodging house shall not use or permit to be used as a sleeping apartment a room in a lodging house—

- (a) which contains food;
- (b) which contains or is fitted with a cooking appliance or kitchen sink;
- (c) which is used as a kitchen, scullery, store room, dining room, general sitting room, lounge room or for the preparation or storage of food;
- (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
- (e) which, except in the case of a short term hostel or a recreational campsite, contains less than five square metres of clear space for each lodger occupying the room;
- (f) which is not naturally illuminated in accordance with the requirements of the NCC;
- (g) which is not ventilated in accordance with the requirements of the NCC;
- (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
- (i) which is not free from internal dampness;
- (j) of which any part of the floor is below the level of the adjoining ground; or
- (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an authorised person.

(2) For the purposes of this clause, two children under the age of 10 years shall be counted as one lodger.

(3) Subclauses (1)(a), (b) and (c) shall not apply to a serviced apartment.

10.18 Sleeping accommodation, short term hostels and recreational campsites

(1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than—

- (a) 4 square metres per person in each dormitory utilising beds; or
- (b) 2.5 square metres per person in dormitories utilising bunks.

(2) The calculation of floor space in subclause (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

(3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be—

- (a) 2.4 metres in any dormitory utilising beds; or
- (b) 2.7 metres in any dormitory utilising bunks.

- (4) The minimum floor area requirements in subclause (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the NCC.
- (5) The keeper of any short term hostel or recreational campsite shall provide—
- (a) fixed outlet ventilation at a ratio of 0.15 square metre to each 10 square metres of floor area of the dormitories;
 - (b) each dormitory with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable; or
 - (c) mechanical ventilation in lieu of fixed ventilation.
- (6) The keeper of any short term hostel or recreational campsite shall provide—
- (a) beds with a minimum size of—
 - (i) in short term hostels—800 millimetres x 1.9 metres; or
 - (ii) in recreational campsites—750 millimetres x 1.85 metres; and
 - (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.
- (7) The keeper of any short term hostel or recreational campsite shall—
- (a) ensure at all times there is a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;
 - (b) ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least two metres between each row of bunks and the passageway is kept clear of obstruction at all times;
 - (c) ensure all light fittings and other ceiling and wall projections (including ceiling and wall fans) are provided with safety guards or positioned so as not to be a danger to any occupants to the satisfaction of an authorised person; and
 - (d) ensure all doors, windows and ventilators are kept free from obstruction.

10.19 Furnishing etc. of sleeping apartments

A keeper of a lodging house shall, unless otherwise approved by an authorised person—

- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bed linen of good quality;
- (b) ensure that each bed—
 - (i) has a mattress and pillow;
 - (ii) is provided with a pillow case, two sheets, a blanket or rug and, in cold weather, not less than one additional blanket or rug; and
 - (iii) has a mattress and pillow protectors fitted;
- (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room; and
- (d) not cause or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

10.20 Ventilation

If, in the opinion of an authorised person, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, the authorised person may give written notice to the keeper to provide a different or additional method of ventilation.

10.21 Room identification

- (1) A keeper shall number each room available to a lodger in a lodging house or provide an alternative means of identification approved by an authorised person.
- (2) The numbering system or alternative means of room identification is to be—
- (a) legible and easily identified; and
 - (b) placed on or adjacent to each door to a habitable room.

Division 3—Management and care

10.22 Duties of keeper

Whenever there are one or more lodgers in a lodging house, a keeper or manager shall—

- (a) reside continuously in the lodging house; and
- (b) not be absent from the lodging house unless arrangements for a reputable person to have the care and management of the lodging house have been made.

10.23 Register of lodgers

- (1) A register of lodgers shall be kept in accordance with section 157 of the Act and this clause.
- (2) A keeper shall keep a register of lodgers recording the following details—
- (a) date of arrival;
 - (b) name;
 - (c) details sufficient to trace and contact each lodger should the need arise;

- (d) room number; and
- (e) date of departure.
- (3) The register of lodgers shall be—
 - (a) kept in the lodging house; and
 - (b) open to inspection at any time on demand by a police officer or by an authorised person.
- (4) The register shall be kept for a minimum of 3 years.

10.24 Keeper report

A keeper shall, whenever required by a police officer or an authorised person, provide a report containing the details of clause 10.23(2).

10.25 Certificate in respect of sleeping accommodation

- (1) An authorised person may issue to a keeper a certificate of sleeping accommodation, in respect of each room, which shall be in the form determined by the local government from time to time.
- (2) The certificate issued under subclause (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
- (3) The certificate of registration shall be displayed in the reception area accessible by those visiting the premises.
- (4) When required by an authorised person, a keeper shall exhibit the certificate issued under this clause in a conspicuous place in the room to which it refers.
- (5) A person shall not permit or allow to be permitted a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

10.26 Duplicate keys and inspection

A keeper and manager of accommodation shall—

- (a) retain possession of a duplicate key to the door of each room; and
- (b) when required by an authorised person, open the door of any room for the purposes of inspection by the authorised person.

10.27 Room occupancy

- (1) A keeper shall not—
 - (a) permit or allow to be permitted more than the maximum number of persons permitted by the certificate of registration of a lodging house issued under clause 10.4(1) to be lodged at any one time in the accommodation;
 - (b) place or permit to be placed or kept in any sleeping apartments—
 - (i) a larger number of beds; or
 - (ii) a larger quantity of bedding,than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
 - (c) use or permit to be used for sleeping purposes a room that—
 - (i) has not been certified for that purpose; or
 - (ii) an authorised person has forbidden to be used as a sleeping apartment.
- (2) For the purpose of this clause, two children under 10 years of age shall be counted as one lodger.

10.28 Maintenance of a room by a lodger or resident

- (1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.
- (2) Where permission is given or a contract entered into under subclause (1), the keeper of a lodging house shall—
 - (a) inspect each room the subject of the permission or agreement at least once a week; and
 - (b) ensure that each room is being maintained in a clean and sanitary condition.
- (3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean and sanitary condition.

10.29 Cleaning and maintenance requirements

A keeper shall—

- (a) maintain in a clean, sound and undamaged condition—
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilets, including toilet seats, cisterns and associated plumbing;
- (b) maintain in a clean condition and in good working order—
 - (i) all fixtures and fittings; and
 - (ii) windows, doors and door furniture;
- (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth, impervious washable surface;

- (d) ensure that all floors are kept clean at all times;
- (e) ensure that—
 - (i) all bed linen, towels and house linen in use is washed at least once a week;
 - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
 - (iii) a person does not occupy a bed, which has been used by another person, unless the bed has been provided with clean bed linen;
 - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
 - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, effective action is taken to eradicate the vectors of disease without delay; and
 - (vi) a room, which is not free from vectors of disease, is not used as a sleeping apartment;
- (f) when so directed by written notice given by an authorised person, ensure that—
 - (i) a room, together with its contents and any other part of the lodging house, is cleaned and disinfected; and
 - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
- (g) ensure that the yard is kept clean at all times; and
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting.

10.30 Responsibilities of lodgers and residents

A lodger or resident shall not—

- (a) use any room available to lodgers—
 - (i) as a shop, store or factory; or
 - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials which are inflammable or offensive;
- (c) use a bath or hand wash basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware or culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept—
 - (i) wash or permit the washing of clothing or bedding; or
 - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to clause 10.31—
 - (i) keep, store, prepare or cook food in any sleeping apartment; or
 - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
- (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture that is infested with vectors of disease;
- (j) store or keep items other than personal effects—
 - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
 - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

10.31 Approval for storage and consumption of food

(1) An authorised person may—

- (a) upon written application from a keeper of a lodging house, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
- (b) withdraw the approval if a nuisance, vector of disease, vermin or infestation is found to exist in the lodging house.

(2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

10.32 Infectious disease

A keeper shall without delay after becoming aware that a lodger or resident is suffering from a notifiable infectious disease notify an authorised person.

PART 11—OFFENSIVE TRADES*Division 1—General***11.1 Interpretation**

In this Part, unless the context otherwise requires—

offensive trade means any trades as defined by section 186 of the Act, and includes—

- (a) establishments carrying out gut scraping or preparation of sausage skins;
- (b) knackeries;
- (c) laundromats and dry cleaning premises;
- (d) livestock saleyards;
- (e) establishments for caged poultry farming or poultry processing;
- (f) establishments for caged rabbit farming; and
- (g) establishments for shellfish and crustacean processing, excluding retail fish shop; and

premises means those premises in or upon which an offensive trade is carried on.

11.2 Application to establish an offensive trade

(1) A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade shall—

- (a) advertise notice of his or her intention to apply for consent in accordance with clause 11.3; and
- (b) lodge an application with the local government.

(2) In addition to clause 13.1 an application for registration to establish an offensive trade shall include but is not limited to the addition following details—

- (a) description of proposed offensive trade;
- (b) details of operations—
 - (i) days and times of operation;
 - (ii) quantities of materials—received and dispatched;
 - (iii) quantities of waste materials or products; and
 - (iv) arrangements for disposal of waste materials or products;
- (c) plans and specifications of the buildings proposed to be erected or used in connection with the proposed offensive trade are attached;
- (d) details of advertising, notification to adjoining properties; and
- (e) accompanied by the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976* as amended from time to time.

11.3 Notice of application

A notice required under subclause 11.2(1)(a) shall—

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
- (d) appear in a local newspaper at least two weeks but not more than one month before the application under clause 11.2(1)(b) is lodged with the local government.

11.4 Registration of premises

Registration of premises for an offensive trade is to be in accordance with section 191 of the Act.

11.5 Certificate of registration of premises for offensive trade

(1) In addition to clause 13.2(3) a certificate of registration of premises for an offensive trade is to include the—

- (a) name of business;
- (b) address of approved offensive trade premises;
- (c) type of offensive trade;
- (d) name of owner;
- (e) name of manager if the manager is not the owner;
- (f) period of licence;
- (g) conditions imposed, if any; and
- (h) approved times of operation.

(2) The certificate of registration shall be displayed in the reception area accessible by those visiting the premises.

11.6 Transfer of business premises

(1) Transfer of an offensive trade to alternative premises is subject to clauses 11.2 and 11.4.

(2) For avoidance of doubt, registration of premises is specific to the premises registered, and is non-transferable.

11.7 Alterations to premises

While any premises remain registered under this Division, a person shall not, without the written permission of an authorised person, make or permit any change or alteration to the premises, other than minor repairs, installations or interior refurbishment.

*Division 2—General duties of an occupier***11.8 Interpretation**

In this Division, unless the context otherwise requires—

premises means those premises in or upon which an offensive trade is carried on; and

vectors of disease has the meaning given to it in clause 8.1.

11.9 Cleanliness of premises etc.

The occupier shall—

- (a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
- (b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, equipment, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, containers and other things used on or in connection with the premises;
- (c) keep the premises free from any unwholesome or offensive odour arising from the premises;
- (d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and
- (e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

11.10 Sanitary conveniences and hand wash basins

The occupier shall provide on the premises in an approved position sufficient sanitary conveniences and hand wash basins, each with an adequate supply of hot and cold water for use by employees and by all other persons lawfully upon the premises.

11.11 Painting of walls etc.

The occupier shall cause the internal surface of every wall, the underside of every ceiling or roof and all fittings in and on the premises to be cleaned and painted when directed by written notice given by an authorised person.

11.12 Effluvia, odours, gases or dust

The occupier shall—

- (a) provide, use and maintain in a state of good repair and working order, appliances and preventive measures capable of effectively destroying or of rendering harmless all offensive effluvia, odours, dust or gases arising in any process of his or her business or from any material, residue or other substance which may be kept or stored upon the premises; and
- (b) manage and operate the premises such that odours emanating from the premises do not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person.

11.13 Receptacles for disposal of offensive material

The occupier shall—

- (a) provide on the premises impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;
- (b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;
- (c) cause all offensive material and trade refuse to be placed in the receptacles without delay;
- (d) cause the contents of the receptacles to be removed from the premises at least once per week or as directed by written notice given by an authorised person; and
- (e) cause all receptacles after being emptied to be cleaned with an efficient disinfectant without delay.

11.14 Storage of materials

The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by inhalation or otherwise and so as to prevent the creation of a nuisance.

11.15 Sleeping on premises

A person shall not use or permit any room in premises used for an offensive trade to be used for sleeping purposes.

11.16 Written notice

An authorised person may give to the occupier written notice to prevent or diminish the offensiveness of a trade or to safeguard the public health.

*Division 3—Fat rendering establishments***11.17 Interpretation**

In this Division, unless the context otherwise requires—

fat rendering establishments means premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method.

11.18 Ventilation

The occupier shall provide and maintain—

- (a) a hood which shall—
 - (i) be of an approved design and construction;
 - (ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and
 - (iii) extend a minimum of 150 millimetres beyond the length of each appliance; and
- (b) an exhaust ventilation system—
 - (i) the point of discharge of which shall be at least one metre above the ridge of a pitched roof or three metres above a flat roof and shall not be located within six metres of an adjoining property or any fresh air intake; and
 - (ii) which shall discharge in such manner and in such a position that no nuisance is created.

11.19 Covering of apparatus

External parts of the fat rendering apparatus shall be constructed or covered with smooth, noncorrosive and impervious material, devoid of holes, cracks and crevices.

11.20 Walls to be impervious

The occupier shall cause walls and ceiling within of three metres of the rendering apparatus or equipment to be a smooth, impervious surface to ceiling height, devoid of holes, cracks and crevices.

*Division 4—Fish premises***11.21 Interpretation**

In this Division, unless the context otherwise requires—

appliance includes a utensil, an instrument, a cover, a container or apparatus;

fish means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs but does not include—

- (a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or
- (b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not exceeding minus 15 degrees Celsius;

fish premises includes fish processing establishments, fish curing establishments and shellfish and crustacean processing establishments but does not include retail fish shops in which no significant fish processing occurs;

fish transport vehicle includes—

- (a) an appliance attached to, carried in or used in connection with a vehicle; and
- (b) a trailer and a portable box, used or designed to be used for the transport or storage of fish; and

portable box means a box for the transport or storage of fish and includes a fish transport vehicle.

11.22 Fish preparation room

(1) The occupier of a fish premises which requires a fish processing or preparation room shall ensure that this room complies with the following requirements—

- (a) the walls shall be a smooth, impervious surface to ceiling height, devoid of holes, cracks and crevices;
- (b) the floor shall be a smooth, impervious and durable surface;
- (c) the minimum floor area shall be nine square metres;
- (d) the room shall be furnished with a hand wash basin connected to a piped supply of hot and cold water; and
- (e) the room shall be fly-proofed and provided with adequate light and ventilation.

(2) The occupier shall ensure that all fish are prepared in the fish processing or preparation room and that room shall be used solely for that purpose.

(3) The occupier of a fish premises shall provide, in or easily accessible from each fish preparation room, cleaning facilities consisting of a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises, connected to a piped supply of hot and cold water.

11.23 Bench

The occupier of a fish premises shall provide and maintain on the premises a separate stainless steel bench for the handling of fish.

11.24 Disposal of waste

The occupier of a fish premises shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be—

- (a) placed in the receptacles referred to in clause 11.13 and disposed of in accordance with that clause; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

11.25 Fish containers

The occupier of a fish premises shall not allow any box, basket or other container used for the transport of fish to—

- (a) remain on the premises longer than is necessary for it to be emptied; or
- (b) be kept so as to cause a nuisance or to attract flies.

11.26 Cooking of fish

Where cooking of fish is carried out in a fish premises, the occupier shall provide and maintain—

- (a) a hood, which shall be of an approved design and construction in accordance with the requirements of *AS 1668.2:2012* and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking; and
- (b) an exhaust ventilation system—
 - (i) the point of discharge of which shall be at least one metre above the ridge of a pitched roof or three metres above a flat roof and shall not be located within six metres of an adjoining property or any fresh air intakes; and
 - (ii) which shall discharge in such manner and in such a position that no nuisance is created.

11.27 Use of an approved portable box

An authorised person may permit an approved portable box to be used for the transport or storage of fish.

11.28 Fish transport vehicle

A person shall not use a fish transport vehicle for the transport or storage of fish unless it is so constructed, equipped and maintained that—

- (a) the frame is made of metal or other approved material;
- (b) all internal surfaces—
 - (i) are made of metal or approved impervious plastic substance, which may include stainless steel, aluminium, galvanised iron, fibreglass, or other material of similar strength and impermeable qualities;
 - (ii) are smoothly finished;
 - (iii) are rigidly secured with a solid backing; and
 - (iv) have floor and vertical angles coved with not less than a 9.5 millimetre radius, but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;
- (c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either—
 - (i) continuously welded; or
 - (ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a durable, non-absorbent sealing material;
- (d) the vehicle is effectively insulated with a stable insulating material;
- (e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a), (b), (c) and (d) of this clause, are close fitting, and have a suitable locking device fitted;
- (f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed;
- (g) any containers used in the vehicle for fish are made of stainless steel, fibreglass or approved impervious plastic; and
- (h) the vehicle is in good repair and condition and is thoroughly clean.

Division 5—Laundries, dry cleaning establishments and dye works

11.29 Interpretation

In this Division, unless the context otherwise requires—

dry cleaning establishment—

- (a) means premises where clothes or other articles are cleaned by use of solvents without using water; but
- (b) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a fully enclosed machine operating on a full cycle;

dye works means a place where articles are commercially dyed; but does not include dye works in which provision is made for the discharge of all liquid waste there from, into a public sewer;

exempt laundromat means premises in which—

- (a) laundering is carried out by members of the public using machines or equipment provided by the owners or occupiers of those establishments;
- (b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
- (c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

laundromat means a public place with coin operated washing machines, spin dryers or dry cleaning machines;

laundry means any place where articles are laundered for the purpose of trade but does not include an exempt laundromat; and

liquid waste has the same meaning as in clause 4.1.

11.30 Receiving depot

An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of an authorised person who may at any time withdraw such permission in writing.

11.31 Reception room

(1) The occupier of a laundry, dry cleaning establishment or dye works shall—

- (a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and
- (b) cause such articles as may be directed by written notice given by an authorised person to be thoroughly disinfected.

(2) A person shall not bring or permit food to be brought into the reception room referred to in this clause.

11.32 Walls and floors

The occupier of a laundry, dry cleaning establishment or dye works shall cause—

- (a) the internal surfaces of all walls shall be a smooth, impervious surface to ceiling height;
- (b) the floor to be impervious, constructed of concrete or other material approved by an authorised person and finished to a smooth surface; and
- (c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

11.33 Laundry floor

The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, at least 910 millimetres in width, so constructed as to prevent any person from standing in water on the floor.

11.34 Escape of dust

The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

11.35 Precautions against combustion

The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with any written notice given by an authorised person for that purpose.

11.36 Trolleys

The occupier of a dry cleaning establishment shall—

- (a) provide trolleys for the use of transporting dirty and clean linen; and
- (b) ensure that each trolley is—
 - (i) clearly designated to indicate the use for which it is intended;
 - (ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and
 - (iii) thoroughly cleaned and disinfected on a regular basis.

Division 6—Abattoirs

11.37 Construction of abattoirs

An abattoir shall conform to relevant standards as adopted under the *Food Act 2008* section 144(6) and the requirements of the *Food Regulations 2009*.

PART 12—MORGUES

12.1 Licensing of morgues

- (1) All non-government morgues shall be licensed pursuant to the provisions of this Part.
- (2) The licence for a morgue shall expire on 30 June following the date of its issue.

12.2 Application for licence

In addition to clause 13.1 an application for licencing of a morgue under clause 12.1(1) shall include a floor plan and specifications of the morgue containing the following details—

- (a) the use of each room;
- (b) the structural finish of each wall, floor and ceiling;
- (c) the position and type of each fitting and fixture; and
- (d) all ventilation inlets and outlets.

12.3 Decision on application for a morgue

- (1) Subject to clause 13.2(2) a licence shall not be granted in respect of any premises unless—
- (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
 - (b) the walls are constructed of stone or brickwork or other approved material;
 - (c) the interior surface of all walls shall be a smooth, impervious surface to ceiling height;
 - (d) all floors are constructed of impervious material, having a fall to an outlet discharging over a trapped gully; and
 - (e) the premises are adequately ventilated by direct communication with the outside air.

12.4 Duties of owner or occupier

The owner or occupier of premises shall at all times maintain in good working order and condition the premises, all fixtures and fittings and any equipment.

PART 13—LICENCING*Division 1—Applying for a licence***13.1 Application for licence**

- (1) Where a person is required to obtain a licence under this local law, that person 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 applicant;
 - (c) provide the information required by the form;
 - (d) full name, contact details and residential address of owner;
 - (e) where appropriate, if owner is not to be the manager, proposed arrangements for manager;
 - (f) where appropriate, the address of premises to be registered; and
 - (g) be forwarded to the local government together with any set fee.
- (3) An authorised person may require an applicant to provide additional information reasonably related to an application before determining an application for a licence.
- (4) An authorised person may require an applicant to give local public notice of the application for a licence.
- (5) An authorised person may refuse to consider an application for a licence which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

13.2 Decision on application for licence

- (1) An application not complying with the local planning scheme will not be approved.
- (2) An authorised person may—
- (a) approve an application for a licence unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a licence.
- (3) If an authorised person approves an application for a licence, the licence is to be issued to the applicant in the form determined by the local government.
- (4) If an authorised person refuses to approve an application for a licence, written advice of that refusal is to be given to the applicant.
- (5) An authorised person may, at any time, amend a condition of approval and the amended condition takes effect when written advice of it is given to the licensee.

13.3 General restrictions on grant of licence

- (1) An authorised person shall not grant a licence if there are reasonable grounds for believing that the provision of the activity to which the application relates would constitute a nuisance or unacceptable risk to the health or safety of the public.
- (2) An authorised person shall not grant a licence unless an authorised person is satisfied that—
- (a) the applicant is capable of carrying on the activity in accordance with this local law and the terms and conditions of the licence;
 - (b) a licence or similar authority granted or issued to the applicant has not been revoked in the period of 5 years before the application is made; and
 - (c) the applicant is a fit and proper person to carry on the activity.

13.4 Examples of conditions

Examples of conditions that an authorised person may impose on a licence under clause 13.2(2)(a) or 13.7(1)(a) include but are not limited to—

- (a) the payment of a set fee;
- (b) compliance with a standard or a policy adopted by the local government;
- (c) restrictions on the erection or use of materials, external signs or decorations;
- (d) the duration and commencement of the licence;
- (e) the commencement of the licence being contingent on the occurrence of an event;
- (f) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (g) the approval of another application for a licence which may be required by the local government under any written law;
- (h) the area of the district to which the licence applies; and
- (i) the obtaining of public risk insurance in an amount and on terms reasonably required by an authorised person.

13.5 Imposing conditions under a policy

(1) In this clause—

policy means a policy made under section 2.7(2)(b) of the *Local Government Act 1995* containing conditions subject to which an application for a licence may be approved or varied under clauses 13.2(2)(a) or 13.7(1)(a).

(2) Under clauses 13.2(2)(a) or 13.7(1)(a) an authorised person may approve an application subject to conditions by reference to a policy.

(3) An authorised person is to give to the licensee a copy of the policy or the part of the policy which is relevant to the application for a licence, with the form of licence referred to in clauses 13.2(3) or 13.7(2).

(4) An application for a licence is not to be taken to have been approved subject to the conditions contained in a policy until an authorised person gives the licensee a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act apply to a policy and, for that purpose, a policy is deemed to be information within section 5.94(u)(i) of the Act.

13.6 Compliance with conditions

Where an application for a licence has been approved or varied subject to conditions, the licensee shall comply with each of those conditions, as amended.

13.7 Variation of licence

(1) An authorised person may, by written advice given to the licensee, vary a licence by—

- (a) imposing a new condition; or
- (b) changing or removing any existing condition.

(2) An amendment may be made on application made by the licensee or at the initiative of an authorised person.

(3) An amendment will come into effect on the day that written advice is given to the licensee, or other date as specified in the notice.

Division 2—Duration of licences

13.8 Duration of licence

(1) A licence is valid for one year from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the licence; or
- (b) suspended or revoked under this Division.

(2) Where a licence requires annual approval, a licensee shall pay to the local government the set fee for the annual licence on or before 30 June in each year.

13.9 Renewal of licence

(1) A licensee may apply to an authorised person for the renewal of a licence.

(2) An application for renewal shall—

- (a) be in the form determined by the local government;
- (b) be signed by the licensee;
- (c) provide the information required by the form;
- (d) be forwarded to the local government no later than 28 days before the expiry of the licence, or within a shorter period that an authorised person in a particular case permits; and
- (e) be accompanied by any set fee.

(3) The provisions of this Part that apply to an application for a licence also apply to an application for the renewal of a licence as though it were an application for a licence.

13.10 Transfer of licence

- (1) An application for the transfer of a valid licence is—
- (a) to be made in writing;
 - (b) to be signed by the licensee and the proposed transferee of the licence;
 - (c) to include such information as an authorised person may require to enable the application to be determined;
 - (d) be forwarded to the local government no later than 28 days before the intended of the licence, or within a shorter period that an authorised person in a particular case permits; and
 - (e) to be forwarded to the local government together with any set fee.
- (2) An authorised person may approve an application for the transfer of a licence, refuse to approve it or approve it subject to any conditions.
- (3) Where an authorised person approves an application for the transfer of a licence, the transfer may be effected by an endorsement on the licence signed by an authorised person.
- (4) Where an authorised person approves the transfer of a licence, the local government is not required to refund any part of any set fee paid by the former licensee.

13.11 Surrender of licence

A licensee may surrender the licence at any time by written advice to an authorised person.

*Division 3—Responsibilities of licensees and others***13.12 Production of licence**

A licensee shall produce to an authorised person his or her licence when required to do so by that authorised person without delay.

13.13 Production of licence document for amendment

If an authorised person amends or renews a licence, the licensee shall, if required by the authorised person, produce the licence document to the authorised person for amendment within the period specified by the authorised person.

13.14 False or misleading statement

A person shall not make a false or misleading statement in connection with an application in respect of a licence under this local law.

PART 14—GIVING OF NOTICE**14.1 Notice to remedy non-compliance**

- (1) Where a breach of any provision of this local law has occurred, an authorised person may give written notice to the person alleged to be responsible for such breach.
- (2) A notice issued pursuant to subclause (1) shall—
- (a) specify the provision of this local law which has been breached;
 - (b) specify the particulars of the breach;
 - (c) specify the manner in which the recipient is required to remedy the breach to the satisfaction of the authorised person; and
 - (d) specify the time period within which the work or action is to be undertaken.

14.2 Notice of proposed suspension of licence

- (1) If an authorised person proposes to suspend a licence under clause 14.3(1), the authorised person is to give written notice to the licensee of the proposed suspension.
- (2) The notice shall—
- (a) state that the authorised person proposes to suspend the licence;
 - (b) state the reasons for the proposed suspension; and
 - (c) inform the licensee that the licensee is entitled to make representation to the authorised person in respect of the proposed suspension within 7 days after the day on which the licensee is given the notice.
- (3) In considering whether to suspend the licence, the authorised person is to have regard to any representations made by the licensee within the period referred to in subclause (2)(c).

14.3 Notice of suspension of licence

- (1) Subject to clause 14.2 an authorised person may by written notice to the licensee, suspend a licence if there are reasonable grounds for believing that—
- (a) the licensee has contravened a term or condition of a licence;
 - (b) the licensee has contravened a provision of this local law; or
 - (c) the continued provision of the activity authorised by the licence constitutes or will constitute—
 - (i) a nuisance; or
 - (ii) an unacceptable risk to the safety, health or welfare of the public.
- (2) The suspension notice is to—
- (a) specify the provision of this local law which has been breached;

- (b) specify the particulars of the breach;
 - (c) specify the day, or the day and time, on or at which the suspension takes effect;
 - (d) specify the manner in which the recipient is required to remedy the breach to the satisfaction of an authorised person;
 - (e) specify the time period within which the work or action is to be undertaken; and
 - (f) inform the licensee that the licensee has a right to object or appeal the decision to suspend the licence.
- (3) The suspension of a licence has effect on the day, or the day and time, specified in the suspension notice until one of the following happens—
- (a) the licence expires;
 - (b) the suspension is cancelled under clause 14.4;
 - (c) the licence is revoked under clause 14.6; or
 - (d) the licence is surrendered in accordance with the provisions of this local law.
- (4) Notwithstanding clause 14.2(2)(c) a suspension of a licence under subclause (1)(c) may have immediate effect.

14.4 Notice of cancellation of suspension of licence

The authorised person is to by written notice given to the licensee cancel the suspension of a licence if the authorised person is satisfied that—

- (a) the steps specified in the suspension notice have been taken; or
- (b) it is appropriate to do so in the circumstances of a particular case.

14.5 Notice of proposed revocation of licence

(1) If an authorised person proposes to revoke a licence under clause 14.6(1), the authorised person is to give written notice to the licensee of the proposed revocation.

(2) The notice shall—

- (a) state that the authorised person proposes to revoke the licence;
- (b) state the reasons for the proposed revocation; and
- (c) inform the licensee that the licensee is entitled to make representation to the authorised person in respect of the proposed revocation within 7 days after the day on which the licensee is given the notice.

(3) In considering whether to suspend the licence, the authorised person is to have regard to any representations made by the licensee within the period referred to in subclause (2)(c).

14.6 Notice of revocation of licence

(1) Subject to clause 14.5 an authorised person may by written notice to the licensee, revoke a licence if there are reasonable grounds for believing that—

- (a) the licence was obtained improperly;
- (b) the licensee has persistently or frequently contravened, whether or not the licence is or has been suspended on the grounds of a contravention of—
 - (i) a term or condition of the licence; or
 - (ii) a provision of this local law; or
- (c) the continued provision of the activity authorised by the licence constitutes or will constitute—
 - (i) a nuisance; or
 - (ii) an unacceptable risk to the safety, health or welfare of the public.

(2) The notice of revocation shall—

- (a) specify the provision of this local law which has been breached;
- (b) specify the particulars of the breach;
- (c) specify the day, or the day and time, on or at which the revocation takes effect; and
- (d) inform the licensee that the licensee has a right to object or appeal the decision to suspend the licence.

(3) Notwithstanding clause 14.5(2)(c) revocation of a licence under subclause (1)(c) may have immediate effect.

14.7 Local government may undertake requirements of notice

(1) If a person fails to comply with a written notice referred to in clauses 14.1 or 14.3(2)(d) or (e) the local government may—

- (a) do or cause to be done, the thing specified in the written notice, including replace the property, or reinstate the property to the state it was in before the removal, damage or interference;
- (b) execute the work required by the written notice; and
- (c) recover all costs from the person, as a debt, in addition to any penalty for which that person may be liable under this local law.

(2) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

(3) This local law is subject to sections 3.25, 3.27 and Schedules 3.1 and 3.2 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

PART 15—OBJECTIONS AND APPEALS

15.1 Objections and appeals

Division 1 of Part 9 of the *Local Government Act 1995* applies to a decision under this local law to grant, renew, vary, transfer, suspend or revoke a licence.

PART 16—ENFORCEMENT

16.1 Offences

A person commits an offence who—

- (a) fails to do anything required or directed by written notice given by an authorised person to be done under this local law; or
- (b) fails to comply with a direction in writing given under this local law by an authorised person; or
- (c) fails to comply with the requirements of a written notice issued under this local law by an authorised person; or
- (d) does anything which under this local law that person is prohibited from doing.

16.2 General penalty

(1) A person who commits an offence under clause 16.1 is liable to a penalty which is not more than \$5000 and not less than \$1000.

(2) If the offence is a continuing offence, an additional penalty not more than \$500 and not less than \$250 for each day or part of a day during which the offence has continued.

16.3 Modified penalties

(1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.

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

16.4 Form of infringement notices

(1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the *Local Government Act 1995* is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;

(2) The form of the infringement notice referred to in section 9.16 of the *Local Government Act 1995* is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and

(3) The form of the infringement withdrawal given under section 9.20 of the *Local Government Act 1995* is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

SCHEDULE—MODIFIED PENALTIES

[cl.16.3]

Item	Clause No.	Nature of offence	Modified penalty \$
1	2.4	Failure to provide sanitary conveniences in accordance with the relevant Code	500
2	4.3(2)	Unauthorised disposal of liquid waste	500
3	6.5(1)	Failure to provide a dust management plan when required	500
4	7.1(b)	Failure to keep premises clean and disinfected when directed by an authorised person	500
5	7.4(2)	Keeping of fauna without approval of the relevant department	500
6	7.9	Failure to keep a commercial poultry establishment in accordance with the relevant Code	500
7	13.14	Providing false or misleading information	500
8	14.1(1)	Failure to comply with requirements of written notice	500

Item	Clause No.	Nature of offence	Modified penalty \$
9	14.3(1)	Failure to comply with requirements of notice of suspension of licence	500
10	14.6(1)	Failure to comply with requirements of notice of revocation of licence	500
11	16.1(a), (b) (c) or (d)	All other offences not specified	200

Dated 1 March 2022.

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

L.N. BALLARD, President.
D.R. STEWART, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995*City of Busselton***LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2022**

Under the powers conferred on it by the *Local Government Act 1995* and under all powers enabling it, the Council of the City of Busselton resolved on 23 March 2022 to make the following local law.

1. Short title

This is the *Local Government Property Amendment Local Law 2022*.

2. Commencement

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

3. Local law amended

This local law amends the *Shire of Busselton Local Government Property Local Law 2010*.

4. Clause 1.1 amended

In clause 1.1, delete “*Shire of Busselton Local Government Property Local Law 2010*” and insert—
City of Busselton Local Government Property Local Law 2010

5. Clause 1.5 amended

In clause 1.5—

- (a) delete the definition of “Shire”; and
- (b) insert, in their appropriate alphabetical sequence—
“City” means the City of Busselton;
“drone” means a powered aerial vehicle that does not carry a human operator and is piloted remotely;

6. Clause 2.2 amended

In clause 2.2(2)(b), delete “Shire’s offices” and insert—
City’s offices

7. Clause 2.7 amended

In clause 2.7(1)(b), delete “fly or use a motorised model aeroplane;” and insert—
fly or use a motorised model aeroplane, helicopter, drone or other similarly remotely piloted device;

8. Clause 2.8 amended

In clause 2.8(1)—

- (a) at the end of paragraph (g), delete “and”;
- (b) at the end of paragraph (h), delete “.” and insert—
; and
- (c) after paragraph (h), insert—
(i) fly or use a motorised model aeroplane, helicopter, drone or other similarly remotely piloted device.

9. Clause 3.13 amended

In clause 3.13(1)(d), after “beach,” insert—
reserve,

10. Clause 5.1(1) amended

In clause 5.1(1)(a)(i) and (ii)—

- (a) delete each reference to “12 years” and insert—
16 years
- (b) delete each reference to “10 years” and insert—
12 years

11. Various references to “Shire” amended

In the provisions listed in the Table, delete “Shire” (each occurrence) and insert—
City

Table

Clause 1.5 definitions of—	Clause 3.10(4)
	Clause 3.13(1)(f)
	Clause 3.14(2)
	Clause 5.3(1)
	Clause 5.4 (heading and text)

“local government property” “Manager” “person”	Clause 9.1
Clause 1.7	Clause 9.4 (heading and subclauses (1) and (2))
Clause 2.7(1)(f)(iii)	Clause 9.7 (heading)
Clause 2.8(1)(f)(ii) and (h)	Clause 9.9(3)
Clause 2.9(1)	Schedule 2— (a) opening words; (b) clause 1.1; (c) clause 2.1(b); (d) clause 2.4(a); and (e) clause 2.5(1).
Clause 3.1	
Clause 3.4(1)(b) and (f)	
Clause 3.4(2)(k)	
Clause 3.5(1)	
Clause 3.7	

12. Schedule 1 amended

In Schedule 1, delete the Table and insert—

Clause	Description	Modified Penalty \$
2.4	Failure to comply with determination	\$250
3.6	Failure to comply with conditions of permit	\$250
3.13(1)	Failure to obtain a permit	\$250
3.14(3)	Failure to obtain permit to camp outside a facility	\$250
3.15(1)	Failure to obtain permit for liquor	\$250
3.16	Failure of permit holder to comply with responsibilities	\$250
4.2(1)	Behaviour detrimental to property	\$250
4.3	Taking, Injuring, Killing any Fauna	\$375
4.4	Removing, damaging, interfering, with any flora or planting or depositing any flora	\$375
4.5	Under influence of liquor or prohibited drug	\$250
4.7(2)	Failure to leave local government property	\$250
4.8(1)	Tethering animal to tree etcetera or permitting animal to enter local government property	\$250
4.9	Depositing or discarding waste on local government property	\$250
4.10	Taking a glass container within 5m of pool, to a children’s playground or within local government property as indicated by a sign	\$250
4.11(2)	Failure to comply with sign on local government property	\$250
5.2	Consuming food or drink in prohibited area	\$250
5.5	Failure to comply with sign or direction on beach	\$250
5.6	Unauthorised entry to fenced or closed local government property	\$250
5.7	Gender not specified using entry of toilet block or change room	\$250
6.1(1)	Unauthorised entry to function on local government property	\$250
8.5	Making a false or misleading statement	\$250
9.6	Failure to comply with notice	\$250

Dated 23 March 2022.

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

MICHAEL STEPHEN LEE ARCHER, Chief Executive Officer.
GRANT HENLEY, Mayor.

LOCAL GOVERNMENT ACT 1995*Town of Victoria Park***AMENDMENT (PRESCRIBED OFFENCES) LOCAL LAW 2022**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Victoria Park resolved on the 12 April 2022 to make the following local law.

1 Citation

This local law may be cited as the *Town of Victoria Park Amendment (Prescribed Offences) Local Law 2022*.

2 Commencement

This local law commences 14 days after its publication in the *Government Gazette*.

3 Local law amended

This local law amends the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* as published in the *Government Gazette* on 31 May 2000 and as amended on 10 May 2005 and 24 August 2021.

4 Clause 9.4 amended

Clause 9.4 is amended by deleting subclauses (3), (4) and (5) and replace with the following—

(3) Where this local law expresses the modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit as specified in the *Town of Victoria Park Penalty Units Local Law 2021* by the number of penalty units specified in this local law.

5 Schedule 1 replaced

Schedule 1 is deleted and replaced with—

Schedule 1—Prescribed Offences

Clause 9.4(2)

Item	Clause	Description	Penalty Unit
1	2.1(a)(i)	Plant which may cause a hazard	10
2	2.1(a)(ii)	Plant of 0.75m in height on thoroughfare	10
3	2.1(a)(iii)	Plant (except grass) on thoroughfare within 1m of carriageway	10
4	2.1(b)	Damaging lawn or garden	10
5	2.1(c)	Placing hazardous substance on footpath	10
6	2.1(d)	Damaging or interfering with signpost or structure on thoroughfare	30
7	2.1(e)	Playing games so as to impede vehicles or persons on thoroughfare	10
8	2.1(f)	Riding of skateboard or similar device on mall or verandah of shopping centre	10
9	2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	10
10	2.2(1)(b)	Throwing or placing anything on a verge without a permit	10
11	2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	10
12	2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	20
13	2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	20
14	2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	30
15	2.2(1)(h)	Felling tree onto thoroughfare without a permit	10
16	2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	10
17	2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	30
18	2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	10
19	2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	10
20	2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	10
21	2.3(1)	Consumption or possession of liquor on thoroughfare	10
22	2.4(1)	Failure to obtain permit for temporary crossing	20
23	2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	30

Item	Clause	Description	Penalty Unit
24	2.8(1)	Installation of verge treatment other than permissible verge treatment	20
25	2.9	Failure to maintain permissible verge treatment or placement of obstruction on verge	10
26	2.10	Failure to comply with notice to rectify default	10
27	2.16(2)	Failure to comply with sign on public place	10
28	2.18(1)	Driving or taking a vehicle on a closed thoroughfare	30
29	3.2(a)	Erect, place or display an advertising sign, direction sign or election sign on a thoroughfare or any structure situated on a thoroughfare without a permit	25
30	3.2(b)	Post any bill or paint, place or affix any advertisement on a thoroughfare or any structure situated on a thoroughfare without a permit	25
31	3.4(2)	Failing to comply with conditions imposed on a permit for an election sign issued by the local government	25
32	3.6(1)(a)	Failing to maintain the sign in a safe and serviceable condition at all times, in the opinion of the local government	10
33	3.6(1)(b)	Failing to display the permit number provided by the local government in a conspicuous place on the sign	5
34	3.6(1)(b)	Failing to produce a permit whenever requested by an authorised person to do so	10
35	3.6(1)(c)	Failing to ensure that the sign is of a stable design and is not readily moved by the wind, and does not by the nature of its design or anything else cause any hazard or danger to any person using a thoroughfare, in the opinion of the local government	10
36	3.6(1)(d)(i)	Failing to comply with the conditions imposed upon the permit where a permit has been issued by the local government	25
37	3.6(1)(d)(ii)	Failing to comply with the requirements of clause 3.5 where a sign is erected, placed or displayed in accordance with clause 3.5	10
38	3.6(1)(e)	Failing to display the sign in the location approved by the local government and as specified in the permit	25
39	3.6(1)(f)	Failing to ensure the sign does not prevent free passage of persons using the footpath at all times, in the opinion of the local government	10
40	3.6(1)(g)(i)	Erecting, placing or displaying a sign over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2,700mm	10
41	3.6(1)(g)(ii)	Erecting, placing or displaying a sign on or within 500mm from the kerb	10
42	3.6(1)(g)(iii)	Erecting, placing or displaying a sign in any location where, in the opinion of the local government or an authorised person, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare	25
43	3.6(1)(g)(iv)	Erecting, placing or displaying a sign on any other sign (or structure supporting a sign) any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge	10
44	3.6(2)	Erecting, placing or displaying a sign in such a condition, which in the opinion of an authorised person, causes or is likely to cause injury or danger to any person or damage to the clothing or possessions of any person	25
45	3.7	Failing to ensure that a sign that is erected, placed or displayed pursuant to Part 3 of this local law, is removed from any footpath when directed to do so by an authorised person	10
46	3.8	Failing to remove any sign, or item which does not comply with the requirements of Part 3 of this local law, from any footpath when directed to do so by an authorised person	10
47	4.1(1)	Animal or vehicle obstructing a public place or local government property	10
48	4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	10
49	4.2(2)(b)	Animal on public place with infectious disease	10
50	4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	10
51	4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	10

Item	Clause	Description	Penalty Unit
52	4.5	Person leaving shopping trolley in public place other than trolley bay	10
53	4.6(2)	Failure to remove shopping trolley upon being advised of location	10
54	5.2(1)	Conducting of stall in public place without a permit	30
55	5.3(1)	Trading without a permit	30
56	5.7(1)(a)	Failure of stallholder or trader to display or carry permit	10
57	5.7(1)(b)	Stallholder or trader not displaying valid permit	10
58	5.7(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	10
59	5.7(2)	Stallholder or trader engaged in prohibited conduct	10
60	5.9	Performing in a public place without a permit	10
61	5.10(2)	Failure of performer to move onto another area when directed	10
62	5.13	Failure of performer to comply with obligations	10
63	5.15	Establishment or conduct of outdoor eating facility without a permit	30
64	5.17	Failure of permit holder of outdoor eating facility to comply with obligations	10
65	5.19	Failure to leave outdoor eating facility when requested to do so by permit holder	5
66	6.5	Failure to comply with a condition of a permit	10
67	6.9	Failure to produce permit on request of authorised person	10
68	9.1	Failure to comply with notice given under local law	10

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the Town of Victoria Park resolved to make the following local law on 12 April 2022.

The Common Seal of the Town of Victoria Park was affixed by the authority of a resolution of the Council in the presence of

KAREN VERNON, Mayor.
ANTHONY VULETA, Chief Executive Officer.

On the 21st day of April 2022.
