LG302*

LOCAL GOVERNMENT ACT 1995
City of Cockburn

JETTIES, WATERWAYS AND MARINA AMENDMENT LOCAL LAW 2012

Under the powers conferred by the Local Government Act and under all other powers enabling it, the local government of the City of Cockburn resolved on the 12 July 2012 to amend the following local law.

1. Citation
This local law may be cited as the City of Cockburn Jetties, Waterways and Marina Amendment Local Law 2012.

2. Commencement
This local law will come into operation 14 days after the date of publication in the Government Gazette.

3. Principal Local Law
In this local law the City of Cockburn Jetties, Waterways and Marina Local Law 2012 as published in the Government Gazette on 23 February 2012 is referred to as the Principal Local Law. The Principal Local Law is amended.

4. Clause 1.3 amended
(a) delete "AS 3191" and insert "AS/NZS 3191";
(b) delete "AS 3679.1" and insert "AS/NZS 3679.1";
(c) delete "AS 3679.2" and insert "AS/NZS 3679.2";
(d) replace all instances of "the Standards Association of Australia" with "Standards Australia"; and
(e) delete the definition for "reasonable notice".

5. Clause 4.12 amended
In clause 4.12—
(a) delete paragraph (e); and
(b) redesignate paragraphs (f) to (h) accordingly.

Dated: 16 July 2012.

The Common Seal of the City of Cockburn was affixed under the authority of a resolution of Council in the presence of—

LOGAN K. HOWLETT, Mayor.
STEPHEN CAIN, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

CITY OF BUNBURY

STANDING ORDERS
LOCAL LAW 2012
LOCAL GOVERNMENT ACT 1995

CITY OF BUNBURY

STANDING ORDERS LOCAL LAW 2012

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LOCAL GOVERNMENT ACT 1995

CITY OF BUNBURY

STANDING ORDERS LOCAL LAW 2012

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Bunbury resolved on 26 June 2012 to make the following Local Law.

PART 1—PRELIMINARY

1.1 Citation
This Local Law may be cited as the City of Bunbury Standing Orders Local Law 2012.

1.2 Commencement
This Local Law will come into operation 14 days after the date of publication in the Government Gazette.

1.3 Application and intent
(1) This Local Law provides rules and guidelines which apply to the conduct of all meetings, whether formal or informal, of the Council, its committees and to meetings of electors.
(2) All meetings are to be conducted in accordance with the Act, the Regulations and this Local Law.
(3) This Local Law is intended to result in—
   (a) Better decision-making by the Council and committees;
   (b) The orderly conduct of meetings dealing with Council business;
   (c) Better understanding of the process of conducting meetings; and
   (d) The more efficient and effective use of time at meetings.

1.4 Interpretation
(1) In this Local Law unless the context otherwise requires—
   absolute majority has the meaning given to it in the Act;
   75% majority has the meaning given to it in the Act;
   Act means the Local Government Act 1995;
   CEO means the Chief Executive Officer of the Local Government;
   committee means a committee of the Council established under section 5.8 of the Act;
   committee meeting means a meeting of a committee;
   Council means the Council of the City of Bunbury;
   Employee means an employee of the City of Bunbury;
   Local Government means the City of Bunbury;
   Mayor means the Mayor of the Local Government or other Presiding Member at a Council meeting under section 5.6 of the Act;
   meeting means a meeting of the Council or a committee, as the context requires;
   Member has the meaning given to it in the Act;
   Presiding Member means—
   (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
   (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;
   Regulations means the Local Government (Administration) Regulations 1996;
   simple majority means more than 50% of the members present and voting; and,
   substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.
(2) Unless otherwise defined in this Local Law, the terms and expressions used in this Local Law are to have the meaning given to them in the Act and Regulations.
1.5 Repeal
The City of Bunbury Local Law—Standing Orders as published in the Government Gazette on 13 January 2000 is repealed.

PART 2—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES

2.1 Establishment of committees
(1) The establishment of committees is dealt with in the Act.
(2) A Council resolution to establish a committee under section 5.8 of the Act is to include—
   (a) the terms of reference of the committee;
   (b) the number of council members, employees and other persons to be appointed to the committee;
   (c) the names or titles of the council 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; and
   (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
(3) This Local Law is to apply to the conduct of committee meetings.

2.2 Types of committees
The types of committees are dealt with in the Act.

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

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

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

2.6 Tenure of committee membership
Tenure of committee membership is dealt with in the Act.

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

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

2.9 Committees to report
A committee—
   (1) is answerable to the Council; and
   (2) is to report on its activities when, and to the extent, required by the Council.

PART 3—CALLING AND CONVENING MEETINGS

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

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

3.3 Convening Council meetings
(1) The convening of a Council meeting is dealt with in the Act.
(2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5, in convening a special meeting of the Council.
(3) Where, in the opinion of the Mayor or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings
The CEO is to call a meeting of any committee when requested by the Mayor, the Presiding Member of a committee or any two members of that committee.

3.5 Public notice of meetings
Public notice of meetings is dealt with in the Regulations.
PART 4—PRESIDING MEMBER AND QUORUM
Division 1—Who presides

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

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

4.3 **Who acts if no Mayor**
Who acts if there is no Mayor is dealt with in the Act.

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

4.5 **Election of Deputy Presiding Members of committees**
The election of Deputy Presiding Members of committees is dealt with in the Act.

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

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

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4.8 **Quorum for meetings**
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4.9 **Reduction of quorum for Council meetings**
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4.10 **Reduction of quorum for committee meetings**
The reduction of a quorum for committee meetings is dealt with in the Act.

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

4.12 **Procedure where quorum not present during a meeting**
If at any time during a meeting a quorum is not present, the Presiding Member is—
(a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
(b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

4.13 **Names to be recorded**
At any meeting—
(a) at which there is not a quorum present; or
(b) which is adjourned for want of a quorum,
the names of the Members then present are to be recorded in the minutes.

PART 5—BUSINESS OF A MEETING

5.1 **Business to be specified**
(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or the Council.
(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
(3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that—
(a) specified in the notice of the meeting which had been adjourned; and
(b) which remains unresolved.
(4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports at that ordinary meeting.

5.2 **Order of business**
(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—
1. Declaration of Opening/Announcement of Visitors
2. Disclaimer
3. Announcements from the Presiding Member
4. Attendance
   4.1 Apologies
   4.2 Approved leave of absence
5. Declaration of interest
6. Public Question Time
   6.1 Response to previous public questions taken on notice
   6.2 Public question time
7. Confirmation of minutes and tabling of notes of briefings and other meetings under clause 19.1
8. Presentations
   8.1 Petitions
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   8.3 Deputations
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9. Method of dealing with agenda business
10. Reports
11. Applications for leave of absence
12. Motions of which previous notice has been given
13. Questions from Members
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   13.2 Questions from Members
14. New business of an urgent nature introduced by decision of the meeting
15. Meeting closed to public
   15.1 Matters for which the meeting may be closed
   15.2 Public reading of resolutions that may be made public
16. Closure

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

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

5.3 Motions of which previous notice has been given

(1) Unless the Act, Regulations or this Local Law otherwise provides, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.

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

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

(4) The CEO—
   (a) may, with the concurrence of the Mayor, exclude from the agenda paper any notice of motion deemed to be, or likely to involve, a breach of this Local Law or any other written law;
   (b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;
   (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
   (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) A motion of which notice has been given is to lapse unless—
   (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or
   (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

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

5.4 New business of an urgent nature

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

(2) In subclause (1), “cases of extreme urgency or other special circumstances” means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the Local Government and must be considered and dealt with by the Council before the next meeting.
5.5 Adoption by exception resolution

(1) In this clause “adoption by exception resolution” means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the employee recommendation as the Council resolution.

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

(3) An adoption by exception resolution may not be used for a matter—
   (a) that requires a 75% majority or a special majority;
   (b) in which an interest has been disclosed;
   (c) that has been the subject of a petition or deputation;
   (d) that is a matter on which a Member wishes to make a statement; or
   (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

PART 6—PUBLIC PARTICIPATION

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

6.2 Meetings not open to the public

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

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

(3) If a resolution under subclause (2) is carried—
   (a) the Presiding Member is to direct everyone to leave the meeting except—
      (i) the Members;
      (ii) the CEO; and
      (iii) any 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) may, by order of the Presiding Member, be removed from the meeting.

(5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.

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

(7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.

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

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

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

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

6.7 Other procedures for question time for the public

(1) In this clause—
   (a) a “person” means a member of the public; and
   (b) a “question” includes a part of a question.

(2) Unless the Presiding Member determines otherwise, a person may ask up to 3 questions at a meeting.

(3) A person who wishes to ask a question at a meeting must—
   (a) before the commencement of the meeting, complete a question form provided by the Local Government and place the completed form in the question tray provided by the Local Government; and
   (b) be present at the meeting when the question is asked.

(4) A completed question form must include—
   (a) the name and residential or contact address of the person who wishes to ask the question; and
   (b) the terms of no more than 3 questions that the person wishes to ask.
In cases of disability or other extenuating circumstances—

(a) the Local Government if requested to do so, is to assist a person to complete a question form; and

(b) in the absence of that assistance, the Presiding Member may permit a person to ask a question that was not included on a question form.

The Presiding Member may decide that a question is out of order, and is not to be recorded or responded to—

(a) if the same or a similar question was asked at a previous meeting, a response was provided and the person is directed to the minutes of the meeting at which the response was provided;

(b) if it is not in the form of a question or, having regard to its content and length, is essentially a statement or expression of opinion rather than a question;

(c) if, in respect of a Council meeting, the question does not relate to a matter affecting the Local Government;

(d) if, in respect of a special meeting of the Council, the question does not relate to the purpose of the meeting;

(e) if, in respect of a committee meeting, the question does not relate to a function of the committee; or

(f) if the question uses an offensive or objectionable expression or is defamatory.

If, in the opinion of the Presiding Member, a question requires further research or cannot be answered satisfactorily at the meeting, or if a question form does not contain the name and residential or contact address of the person who wishes to ask the question—

(a) the Presiding Member may determine that the question is to be treated as correspondence or is to be taken on notice;

(b) the CEO, unless of the opinion that a response would divert a substantial and unreasonable portion of the Local Government's resources away from its other functions, is to ensure that a written response is given as soon as practicable after the meeting to the person who asked the question; and

(c) if a question is treated as correspondence, the question, but not the response, is to be recorded in the minutes of the meeting.

Unless subclause (6) or (7) applies—

(a) the Presiding Member is either to read out each question to ensure that each question is displayed electronically in a form that may be viewed by members of the public attending the meeting;

(b) the Presiding Member is to respond personally or is to ask another Member or an employee to respond to the question; and

(c) a summary of the question and response is to be recorded in the minutes of the meeting.

A response to a question is not to be the subject of any discussion, except that if, in the opinion of a Member, false information or any adverse reflection is contained in any question asked or comments made by any member of the public, then, through the Presiding Member, the Member may correct or clarify the matter.

The Presiding Member may extend question time for up to 15 minutes after the end of the minimum time for questions.

6.8 Distinguished visitors

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

6.9 Deputations

(1) A person or group who completes and submits, with at least 24 hours notice, a “Request for Deputation” application form may be received as a deputation—

(a) at an agenda briefing session;

(b) if the Council determines, at a Council Meeting.

(2) The CEO may either—

(a) approve the request and invite the deputation to attend an agenda briefing under clause 19.1; or

(b) refer the request to the Council to decide by simple majority whether or not to receive the deputation and, if so, the meeting or briefing at which it is to be received.

(3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting or an informal briefing or meeting under clause 19.1—

(a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;

(b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and

(c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.

(4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.
6.10 Petitions
(1) A petition is to—
   (a) be addressed to the Mayor;
   (b) be made by electors of the district;
   (c) state the request on each page of the petition;
   (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
   (e) contain a summary of the reasons for the request; and
   (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.

(2) Upon receiving a petition, the Local Government is to—
   (a) receive the petition and submit it to the relevant officer to be included in his or her report deliberations (to be submitted within the next 2 rounds of Council meetings) on the matter that is the topic of the petition, subject to subclause (3);
   (b) If in the opinion of the Presiding Member the subject or topic of the petition does not fall within the jurisdiction of the Council, reject the petition.

(3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
   (a) the matter is the subject of a report included in the agenda; and
   (b) the Council has considered the issues raised in the petition.

6.11 Presentations
(1) In this clause, a “presentation” means the acceptance of a gift or an award by the Council on behalf of the Local Government or the community.

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

6.12 Participation at committee meetings
(1) In this clause a reference to a person is to a person who—
   (a) is entitled to attend a committee meeting;
   (b) attends a committee meeting; and
   (c) is not a member of that committee.

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

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

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

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

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

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

(2) Where a resolution is made under subclause (1), the CEO and the Mayor shall set the time and date of the meeting to provide the opportunity to be heard.

(3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall—
   (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
   (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
   (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.

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

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

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

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

(8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
(9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

6.14 Public Inspection of agenda materials
The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at City of Bunbury Administration Building, 4 Stephen Street Bunbury and on the Local Government's website.

6.15 Confidentiality of information withheld
(1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be—
(a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";
(b) marked "Confidential" in the agenda; and
(c) kept confidential by Employees and Members until the Council resolves otherwise.
(2) A member or an employee who has—
(a) confidential information under subclause (1); or
(b) information that is provided or disclosed for the purpose of or during a meeting, that is closed to the public;
c must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.
(3) Subclause (2) does not prevent a member or employee from disclosing information—
(a) at a closed meeting;
(b) to the extent specified by the Council and subject to such other conditions as the Council determines;
(c) that is already in the public domain;
(d) to an officer of the Department;
(e) to the Minister;
(f) to a legal practitioner (engaged by the Council) for the purpose of obtaining legal advice; or
(g) if the disclosure is required or permitted by law.

6.16 Recording of proceedings
(1) The Local Government may direct that an audio or video recording of a meeting of the Council or a committee be made.
(2) In the event of a recording being made under subclause (1), the Presiding Member is to advise the meeting, immediately before the meeting is commenced, that such a recording will be taking place.
(3) A person, other than the Local Government, is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.
(4) If the Presiding Member gives permission under subclause (3), the Presiding Member is to advise the meeting, immediately before the meeting is commenced, that such permission has been given and the nature and extent of that permission.

6.17 Prevention of disturbance
(1) A reference in this clause to a person is to a person other than a member.
(2) A person addressing the Council or a committee shall extend due courtesy and respect to the Council or the committee and the processes under which it operates and shall comply with any direction by the Presiding Member.
(3) A person present at or observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
(4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council or committee.
(5) The Presiding Member may warn a person who fails to comply with this clause.
(6) If—
(a) after being warned, the person again acts contrary to this clause, or to these Standing Orders; or
(b) a person refuses or fails to comply with a direction by the Presiding Member,
the Presiding Member may expel the person from the meeting by ordering him or her to leave the meeting room.
(7) A person who is ordered to leave the meeting room and fails to do so may, by order of the Presiding Member, be removed from the meeting room and, if the Presiding Member orders, from the premises.

PART 7 — QUESTIONS BY MEMBERS

7.1 Questions by Members
(1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.
(2) A Member requesting general information from an employee at a Council meeting may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that employee or another employee present at the meeting.

(3) Where possible the employee shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the employee may ask that—
   (a) the question be placed on notice for the next meeting of Council; and
   (b) the answer to the question be given to the Member who asked it within 14 days.

(4) Every question and answer—
   (a) is to be brief and concise; and
   (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.

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

**PART 8—CONDUCT OF MEMBERS**

**8.1 Members to be in their proper places**
(1) At the first meeting held after each Election Day, the CEO is to; conduct a ballot to determine the seating position of each member at the Council table.
(2) Each Member is to occupy his or her allotted position at each Council meeting.

**8.2 Respect to the Presiding Member**
After the business of a Council has been commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member.

**8.3 Titles to be used**
A speaker, when referring to the Mayor, Deputy Mayor or Presiding Member, or a Member or Employee, is to use the title of that person's office.

**8.4 Advice of entry or departure**
During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

**8.5 Members to indicate their intention to speak**
A Member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.

**8.6 Priority of speaking**
(1) Where 2 or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.
(2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.
(3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

**8.7 Presiding Member may take part in debates**
The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with this Local Law.

**8.8 Relevance**
When addressing a meeting on any motion, amendment, or other business, a Member is to restrict his or her remarks to that motion, amendment, or other business, or to a personal explanation or point of order, and not digress.

**8.9 Speaking twice**
A Member is not to address the Council more than once on any motion or amendment except—
   (a) as the mover of a substantive motion, to exercise a right of reply;
   (b) to raise a point of order; or
   (c) to make a personal explanation.

**8.10 Duration of speeches**
(1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.
(2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

**8.11 No speaking after conclusion of debate**
A Member is not to speak on any motion or amendment—
   (a) after the mover has replied; or
   (b) after the question has been put.
8.12 No interruption
A Member is not to interrupt another Member who is speaking unless—
(a) to raise a point of order;
(b) to call attention to the absence of a quorum;
(c) to make a personal explanation under clause 8.13; or
(d) to move a procedural motion that the Member be no longer heard.

8.13 Personal explanations
(1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.
(2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech of the other Member.
(3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.14 No reopening of discussion
A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed.

8.15 Adverse reflection
(1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed.
(2) A Member is not—
(a) to reflect adversely on the character or actions of another Member or employee; or
(b) to impute any motive to a Member or employee, unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
(3) A Member is not to use offensive or objectionable expressions in reference to any Member, employee or other person.
(4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes—
(a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
(b) the Council may, by resolution, decide to record those words in the minutes.

8.16 Withdrawal of offensive language
(1) A Member who, in the opinion of the Presiding Member, uses an expression which—
(a) in the absence of a resolution under clause 8.15—
(i) reflects adversely on the character or actions of another Member or employee; or
(ii) imputes any motive to a Member or employee; or
(b) is offensive or insulting, must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
(2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

PART 9—PRESERVING ORDER

9.1 Presiding Member to preserve order
(1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.
(2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.
(3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.7, but to preserve order.

9.2 Point of order
(1) A Member may object, by way of a point of order, only to a breach of—
(a) this Local Law; or
(b) any other written law.
(2) Despite anything in this Local Law to the contrary, a point of order—
(a) takes precedence over any discussion; and
(b) until determined, suspends the consideration or discussion of any other matter.
9.3 Procedures on a point of order
(1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.
(2) A Member interrupted on a point of order is to resume his or her seat until—
(a) the Member raising the point of order has been heard; and
(b) the Presiding Member has ruled on the point of order,
and, if permitted, the Member who has been interrupted may then proceed.

9.4 Calling attention to breach
A Member may, at any time, draw the attention of the Presiding Member to any breach of this Local Law.

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

9.6 Continued breach of order
If a Member—
(a) persists in any conduct that the Presiding Member had ruled is out of order; or
(b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(3),
the Presiding Member may direct the Member to refrain from taking any further part in the matter under discussion, other than by voting, and the Member is to comply with that direction.

9.7 Right of Presiding Member to adjourn
(1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
(2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
(3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

PART 10—DEBATE OF SUBSTANTIVE MOTIONS

10.1 Motions to be stated and in writing
Any Member who wishes to move a substantive motion or an amendment to a substantive motion—
(a) is to state the substance of the motion before speaking to it; and
(b) if required by the Presiding Member, is to put the motion or amendment in writing.

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

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

10.4 Only one substantive motion at a time
When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.
10.5 Order of call in debate
The Presiding Member is to call speakers to a substantive motion in the following order—
(a) the mover to state the motion;
(b) a seconder to the motion;
(c) the mover to speak to the motion;
(d) the seconder to speak to the motion;
(e) a speaker against the motion;
(f) a speaker for the motion;
(g) other speakers against and for the motion, alternating where possible; and
(h) mover takes right of reply which closes debate.

10.6 Limit of debate
The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

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

10.8 Consent of seconder required for alteration
The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

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

10.10 Form of an amendment
An amendment must add, delete, or substitute words to the substantive motion.

10.11 Amendment must not negate original motion
An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

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

10.13 Mover of motion may speak on amendment
Any Member may speak during debate on an amendment.

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

10.15 Withdrawal of motion or amendment
(1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
(2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

10.16 Right of reply
(1) The mover of a substantive motion has the right of reply.
(2) The mover of any amendment to a substantive motion has a right of reply.
(3) The right of the reply may only be exercised—
   (a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or
   (b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.
(4) After the mover of the substantive motion has commenced the reply—
   (a) no other Member is to speak on the question;
   (b) there is to be no further discussion on, or any further amendment to, the motion.
(5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
(6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.
PART 11—PROCEDURAL MOTIONS

11.1 Permissible procedural motions
In addition to the right to move an amendment to a substantive motion a Member may move the following procedural motions—
(a) that the meeting proceed to the next item of business;
(b) that the debate be adjourned;
(c) that the meeting now adjourn;
(d) that the question be now put;
(e) that the Member be no longer heard;
(f) that the ruling of the Presiding Member be disagreed with;
(g) that the meeting be closed to the public.

11.2 No debate
(1) The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than 2 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
(2) The mover of a motion specified in paragraph (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

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

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

11.5 Meeting to proceed to the next item of business
The motion “that the meeting proceed to the next business”, if carried, has the effect that—
(a) the debate on the substantive motion or amendment ceases immediately;
(b) no decision is made on the substantive motion;
(c) the Council moves to the next item of business; and
(d) there is no requirement for the matter to be raised again for consideration.

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

11.7 Meeting now adjourn
(1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.
(2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution.
(3) A motion “that the meeting now adjourn”—
(a) is to state the time and date to which the meeting is to be adjourned; and
(b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
(4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

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

11.9 Member to be no longer heard
If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.
11.10 Ruling of the Presiding Member to be disagreed with
If the motion “that the ruling of the Presiding Member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

PART 12—DISCLOSURE OF INTERESTS

12.1 Disclosure of interests
Disclosure of interests is dealt with in the Act.

PART 13—VOTING

13.1 Question —when put
(1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member—
   (a) is to put the question to the meeting; and
   (b) if requested by any Member, is to again state the terms of the question.
(2) A Member is not to leave the meeting when the Presiding Member is putting any question.

13.2 Voting
Voting is dealt with in the Act and the Regulations.

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

13.4 Method of taking vote
(1) In taking the vote on any motion or amendment the Presiding Member—
   (a) is to put the question, first in the affirmative, and then in the negative;
   (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
   (c) is to count and determine the votes of Members in any way (such as electronically or by a show of hands) that enable a record to be taken of each member’s vote; and
   (d) subject to this clause, is to declare the result.
(2) The CEO is to ensure that the minutes record—
   (a) the name of each member who voted; and
   (b) whether he or she voted in the affirmative or negative.

PART 14—MINUTES OF MEETINGS

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

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

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

14.4 Confirmation of minutes
(1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the Local Government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.
(2) At the next ordinary meeting of the Council, the Member who provided the alternative wording shall, at the time for confirmation of minutes—
   (a) state the item or items with which he or she is dissatisfied; and
   (b) propose a motion clearly outlining the alternative wording to amend the minutes.
(3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

PART 15—ADJOURNMENT OF MEETING

15.1 Meeting may be adjourned
The Council may adjourn any meeting—
   (a) to a later time on the same day; or
   (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.
Effect of adjournment
Where any matter, motion, debate or meeting is adjourned under this Local Law—
(a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
(b) debate is to be resumed at the next meeting at the point where it was interrupted; and
(c) the provisions of clause 8.9 apply when the debate is resumed.

PART 16—REVOKING OR CHANGING DECISIONS

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

16.2 Limitations on powers to revoke or change decisions
(1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision—
(a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
(b) where the decision is procedural in its form or effect.
(2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

16.3 Implementing a decision
(1) In this clause—
(a) "authorisation" means a licence, permit, approval or other means of authorising a person to do anything;
(b) "implement", in relation to a decision, includes—
(i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
(ii) take any other action to give effect to the decision; and
(c) "valid notice of revocation motion" means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Local Laws and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
(2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
(3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
(4) A decision made at a meeting is not to be implemented by the CEO or any other person—
(a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
(b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
(5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation—
(a) is to take effect only in accordance with this clause; and
(b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

PART 17—SUSPENSION OF LOCAL LAW

17.1 Suspension of Local Law
(1) A Member may at any time move that the operation of one or more of the provisions of this Local Law be suspended.
(2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
(3) A motion under subclause (1) which is—
(a) seconded; and
(b) carried by an absolute majority,
is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

17.2 Where Local Law does not apply
(1) In situations where—
(a) one or more provisions of this Local Law have been suspended; or
(b) a matter is not regulated by the Act, the Regulations or these Standing Orders, the Presiding Member is to decide questions relating to the conduct of the meeting.

(2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

17.3 Cases not provided for in Local Law

(1) The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this Local Law, the Act or the Regulations are silent.

(2) The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.

PART 18—MEETINGS OF ELECTORS

18.1 Electors’ general meetings

Electors’ general meetings are dealt with in the Act.

18.2 Matters for discussion at electors’ general meetings

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

18.3 Electors’ special meetings

Electors’ special meetings are dealt with in the Act.

18.4 Requests for electors’ special meetings

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

18.5 Convening electors’ meetings

Convening electors’ meetings is dealt with in the Act.

18.6 Who presides at electors’ meetings

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

18.7 Procedure for electors’ meetings

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

(2) In exercising his or her discretion to determine the procedure to be followed at an electors’ meeting, the Presiding Member is to have regard to this Local Law.

18.8 Participation of non-electors

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

18.9 Voting at electors’ meetings

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

18.10 Minutes of electors’ meetings

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

18.11 Decisions made at electors’ meetings

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

PART 19—BRIEFINGS AND OTHER INFORMAL MEETINGS

19.1 Briefings and other informal meetings

(1) The Council may conduct briefings, workshops and other informal meetings.

(2) Where the Council conducts briefings, workshops and other informal meetings, the CEO is to—

(a) advise all Members of the time, date and place 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 a briefing, workshop or other informal meeting is to deal with the interest in accordance with the provisions of Part 12 of these Standing Orders.

(4) The Council is not to make a formal resolution at any meeting other than at a Council Meeting or at a meeting of a committee which has delegated authority to do so.

(5) The Council is not to meet except at—

(a) a Council or committee meeting;

(b) a briefing, workshop or informal meeting under this clause; or

(c) a meeting to hear public submissions convened under clause 6.13.

PART 20—ENFORCEMENT

20.1 Penalty for Breach

A person who breaches a provision of this Local Law commits an offence.

Penalty: $1,000.00 and a daily penalty of $500.00.
20.2 Who can prosecute
Who can prosecute is dealt with in the Act.

PART 21 — COMMON SEAL

21.1 City of Bunbury Common Seal
(1) The CEO is responsible for the safe custody and proper use of the common seal of the Local Government.
(2) Each document to which the common seal is affixed must be signed by the CEO or an employee authorised in writing by the Chief Executive Officer.
(3) The common seal is to be affixed to any Local Law which is made by the Local Government.
(4) On each occasion the common seal is affixed to a document, the CEO is to have recorded in a register maintained for the purpose—
   (a) the date the common seal was affixed;
   (b) the nature of the document; and
   (c) the parties described in the document.
(5) A person who uses the common seal of the Local Government or a replica without authority commits an offence.

Dated: 26 June 2012.
The Common Seal of the City of Bunbury was affixed by the authority of a resolution of Council in the presence of—

   DAVID LAWRENCE SMITH, Mayor.
   ANDREW BRIEN, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

CITY OF GOSNELLS

STANDING ORDERS
LOCAL LAW 2012
Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Gosnells resolved on 10 July 2012 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation
This local law may be cited as the City of Gosnells Standing Orders Local Law 2012.

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

1.3 Interpretation
(1) In this local law unless the context otherwise requires—
   - **absolute majority** has the meaning given to it in the Act;
   - **Act** means the Local Government Act 1995;
   - **adjourned meeting** means a meeting to deal with matters which were not completed when discussions or decision making at a prior meeting were postponed until another time;
   - **clause** means a clause of this local law;
   - **CEO** means the Chief Executive Officer of the local government;
   - **committee** means a committee of the Council established under the Act;
   - **committee meeting** means a meeting of a committee;
   - **Council** means the Council of the local government;
   - **election day** has the meaning given to it in the Act;
   - **employee** means a person employed by the local government;
   - **local government** means the City of Gosnells;
   - **meeting** means a meeting of the Council or a committee, as the context requires;
   - **Member** has the meaning given to it in the Act;
   - **Presiding Member** means—
     (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
     (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;
   - **Regulations** means the Local Government (Administration) Regulations 1996;
   - **resolution** means a decision of Council made by the appropriate majority;
   - **simple majority** means more than 50% of the members present and voting; and,
   - **substantive motion** means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

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

1.4 Repeal

PART 2—CALLING AND CONVENING MEETINGS

2.1 Ordinary Council meetings
An ordinary meeting of the Council, held as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
2.2 Special meetings of Council
Special meetings of Council are those for considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential, the purpose of which is to be detailed in the notice convening the meeting.

2.3 Convening Council meetings
(1) Subject to subclause (2), the CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
(2) Where, in the opinion of the Mayor or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special meeting.

PART 3 — QUORUM

3. Procedure where quorum not present during a meeting
(1) If at any time during a meeting a quorum is not present, the Presiding Member upon becoming aware of the fact 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 either suspend the proceedings of the meeting for a further period of up to 15 minutes or adjourn the meeting to a later time on the same day or to another date.

PART 4 — BUSINESS OF A MEETING

4.1 Business to be specified
(1) With the exception of that provided for in clause 4.14, no business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda.
(2) No business is to be transacted at a special meeting of the Council other than that specified in the agenda, which reflects the purpose of the meeting as specified in the notice.
(3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that—
   (a) specified in the notice of the meeting which had been adjourned; and
   (b) which remains unresolved.
(4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Item 11 of the Order of Business on the Agenda at that ordinary meeting.

4.2 Order of business
Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—
1. Declaration of Opening/Announcement of Visitors/Disclaimer
2. Attendance
   2.1 Apologies
   2.2 Approved leave of absence
3. Disclosure of interests
4. Announcements by the Presiding Member (without discussion)
5. Reports of delegates (without discussion)
6. Question time for the public and the receiving of public statements
   6.1 Question time
   6.2 Public statements
7. Confirmation of minutes
8. Receiving of petitions and presentations
   8.1 Petitions
   8.2 Presentations
9. Applications for leave of absence
10. Questions by Members of which due notice has been given (without discussion)
11. Items brought forward for the convenience of those in the public gallery
12. Reports of Committee Meetings
13. Reports
14. Motions of which previous notice has been given
15. Urgent business
16. Confidential matters
17. Closure

4.3 Announcements by Presiding Member
At any meeting of the Council the Presiding Member may announce or direct attention to any matter of relevance to the business of the Council however no discussion on the matter shall take place.
4.4 Reports of delegates
At any meeting of Council a Member appointed by the Council to a committee or external organisation may provide a brief verbal report on the progress of that committee or organisation however no discussion on the report shall take place.

4.5 Question time for the public
(1) In this clause a question includes part of a question (so that a question in 3 parts is to be treated as 3 questions).
(2) A member of the public who wishes to ask a question at a meeting must—
   (a) before the commencement of the meeting, submit their question in writing, on the form provided by the local government, to the CEO or his or her representative; and
   (b) be present at the meeting when the question is asked, however the person may seek approval from the Presiding Member for their nominated representative to ask the question on their behalf.
(3) A completed question time form must include—
   (a) the name and residential or contact address of the person who wishes to ask the question; and
   (b) the question in a succinct and legible form.
(4) In cases of disability or other extenuating circumstances—
   (a) an officer of the local government, if requested to do so, may assist the person to complete a question time form;
   (b) in the absence of that assistance, the Presiding Member may permit a person to ask a question that was not included on a question time form.
(5) (a) If more than 2 questions are submitted in writing by any one person, the Presiding Member shall allow that person, in the first instance, to ask a maximum of 2 questions.
   (b) If after all other members of the public have asked their questions, and where time permits, the Presiding Member will allow members of the public who wish to ask more than 2 questions to sequentially ask one further question. This process will continue until the allotted time has expired.
   (c) Where only one person wishes to ask more questions and where time permits, the Presiding Member will invite that person to ask their additional questions.
(6) The Presiding Member may decide that a question is out of order, and is not to be recorded or responded to—
   (a) if it is not in the form of a question, having regard to its content and length, is essentially a statement of expression of opinion rather than a question, provided that the Presiding Member has taken reasonable steps to assist the member of the public to phrase the statement as a question; or
   (b) if the question uses an offensive or objectionable expression or is defamatory.
(7) The Presiding Member may determine that any question requiring research or investigation be answered in writing as soon as practicable.
(8) Where the necessary information is available at the time the question is posed a response will be provided by either the CEO, relevant Member or employee nominated by the Presiding Member.
(9) If the 15 minute period set aside for question time for the public is reached, Council, by resolution, may resolve question time be extended for an additional 15 minutes to allow further questions to be asked.
(10) No more than 2, 15-minute extensions to question time for the public will be permitted.

4.6 Public statements
(1) Members of the public may, during the public statements segment of the order of business, with the consent of the Presiding Member make a public statement on any matter that appears on the agenda for that meeting provided that—
   (a) The member of the public submits to the CEO prior to the commencement of the meeting a public statement in the form determined by the CEO which shall include the name and residential or contact address of the member of the public;
   (b) The public statement precedes discussion of any matter which requires a decision to be made at the meeting but otherwise at item (6.2) of order of business at clause 4.2;
   (c) The public statement is limited to a maximum period of 3 minutes, unless otherwise determined by the Presiding Member; and
   (d) No discussion or questions relating to the statement are permitted, unless otherwise determined by the Presiding Member.
(2) Fifteen minutes is to be allocated for the public statement time.
(3) Once all statements have been made, nothing prevents the unused part of the statement time period from being used for other matters.
(4) If the 15-minute period set aside for public statement time is reached, Council, by resolution, may resolve statement time be extended for an additional 15 minutes to allow statements to be made.
(5) No more than 2, 15-minute extensions to public statement time will be permitted.
(6) Procedures for public statement time shall be in accordance with policy adopted from time to time by the Council and, where the policy is silent on the matter, the procedures for that matter are to be determined by the Presiding Member.

4.7 Confirmation of minutes
(1) When minutes of meetings are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member is to provide the CEO with a written copy of the alternative wording to amend those minutes prior to the commencement of the meeting.
(2) At the meeting where the Minutes are to be confirmed, the Member who provided the alternative wording shall, at the time for confirmation of minutes—
   (a) state the item or items with which he or she is dissatisfied; and
   (b) propose a motion clearly outlining the alternative wording to amend the minutes.
(3) Members at the meeting must not discuss items of business contained in the unconfirmed minutes, other than discussion as to their accuracy as a record of the proceedings.

4.8 Petitions
(1) A petition is to—
   (a) be addressed to the Mayor;
   (b) be made by electors of the district;
   (c) state the request on each page of the petition;
   (d) contain the name, address and signature of each elector making the request;
   (e) contain a summary of the reasons for the request;
   (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
   (g) be respectful and temperate in its language and not contain language disrespectful to Council.
(2) The presentation of the petition shall be confined to the reading of the petition.
(3) In response to a petition presented to it, the Council may resolve—
   (a) that the petition be received;
   (b) that the petition be rejected;
   (c) that the petition be received and report prepared for Council; or
   (d) that the petition be received and referred to the CEO for action.
(4) Discussion is not permitted on any motion referred to in subclause (3).
(5) At the same meeting that a matter is presented to Council in a petition, Council is not to vote on the matter in the petition unless the matter is the subject of a report included in the agenda, detailing the issues raised in the petition.

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

4.10 Leave of absence
(1) 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.
(2) The notice referred to in subclause (1) shall include the period of leave of absence required and the reasons for seeking the leave.

4.11 Questions on notice
(1) A Member who wishes to ask a question at a meeting of the Council on a matter that is not included in the agenda for that meeting is to give written notice of the specific question to the CEO at least 3 clear working days before the meeting of the Council.
(2) If the question referred to in subclause (1) relates to a matter affecting the local government, is respectful and temperate in its language, it is to be tabled at the meeting, at item 10 of the Order of Business at clause 4.2 and the answer is, as far as practicable, to be provided at that meeting of the Council.
(3) Every question and answer is to be submitted as briefly and concisely as possible, and no discussion on the question or answer is permitted.

4.12 Items brought forward for the convenience of those in the public gallery
Any items on the agenda which are either the subject of a question or statement by members of the public, or requested by others in attendance may, by resolution of Council be brought forward to Item 11 in the Order of Business and dealt with in the order in which they appear on the agenda.

4.13 Motions of which previous notice has been given
(1) Unless the Act, Regulations or this local law otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
(2) A notice of motion under subclause (1) is to be given at least 7 days before the meeting at which the motion is moved.

(3) A notice of motion is to be accompanied by supporting reasons and relate to the good governance of the district.

(4) The CEO—
   (a) may, with the concurrence of the Mayor, exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written law;
   (b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;
   (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
   (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) A motion of which notice has been given is to lapse unless—
   (a) (i) 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
      (ii) the motion is seconded; or
   (b) the Council on a motion agrees to defer consideration of the motion to a later date.

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

4.14 Urgent business

A Member may move a motion to consider an item of urgent business that is not included in the agenda for that meeting provided that—

(a) The Presiding Member has first consented to the business raised;

(b) The Presiding Member considers that either—
   (i) the urgency of the business is such that the business cannot await inclusion in the agenda for the next meeting of the Council; or
   (ii) the delay in referring the business to the next meeting of the Council could have adverse legal or financial implications for the local government.

(c) Other than a motion to revoke referred to in clause 13.1, the item of urgent business is presented in the form of a detailed staff report outlining the social, environmental, financial and statutory implications of the proposal, a copy of which is to be provided to Members prior to the commencement of the meeting.

4.15 Confidential matters — meetings not open to the public

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

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

(3) If a resolution under subclause (2) is carried—
   (a) the Presiding Member is to direct everyone to leave the meeting except—
      (i) the Members;
      (ii) the CEO; and
   (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, by resolution, decides otherwise.

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

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

(6) Once the meeting is reopened to members of the public, the Presiding Member is to ensure that, if anyone returns to the meeting, any resolution of the Council made while the meeting was closed is to be read aloud including the details of any voting recorded.

4.16 Confidentiality of information withheld

(1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be—
   (a) identified in the agenda of a Council meeting under the item "Confidential matters";
   (b) marked "Confidential" in the agenda; and
   (c) kept confidential by employees and Members until in the opinion of the CEO, the reason for confidentiality ceases to exist.

(2) A Member or an employee in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another Member or an employee to the extent necessary for the purpose of carrying out his or her duties.

(3) Subclause (2) does not apply where a Member or employee discloses the information to a legal practitioner or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities, or where disclosure is required or permitted by law.
4.17 Order of business at special meetings

Unless otherwise decided by the Council the order of business at a Special Meeting is to be as follows—

1. Declaration of Opening/Announcement of Visitors/Disclaimer
2. Attendance
   2.1 Apologies
   2.2 Approved leave of absence
3. Disclosure of interests
4. Question time for the public and receiving of public statements
   4.1 Question time
   4.2 Public statements
5. Receiving of petitions and presentations
   5.1 Petitions
   5.2 Presentations
6. Reports
7. Closure

PART 5—PUBLIC PARTICIPATION

5.1 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.

5.2 Recording of proceedings

(1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.

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

5.3 Prevention of disturbance

(1) A reference in this clause to a person is to a person other than a Member.

(2) A person addressing the Council shall be courteous and respectful to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.

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

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

(5) A person who fails to comply with the provisions of this clause when so directed by the Presiding Member shall immediately leave the Council chamber or meeting room.

(6) A person directed to leave the Council chamber or meeting room and failing to do so may, by order of the Presiding Member, be removed from the Council chamber or meeting room.

(7) The direction of the Presiding Member is final and may not be challenged by moving dissent with the ruling.

PART 6—QUESTIONS BY MEMBERS

6.1 Questions during debate

(1) At any time during the debate on a motion prior to the mover of the motion commencing the right of reply, a Member may ask a question and, with the consent of the Presiding Member, may ask one or more further questions.

(2) Where possible, the CEO, or the CEO’s nominee, is to answer each question to the best of his or her knowledge and ability but, if the information is unavailable or requires research or investigation, the CEO or the CEO’s nominee may ask that—
   (a) the question be placed on notice for the next meeting of Council; or
   (b) the answer to the question be given within 7 days to all Members.

6.2 Restrictions on questions and answers

(1) Questions asked by a Member, and responses given by the CEO or the CEO’s nominee—
   (a) are to be brief and concise; and
   (b) are not to be accompanied by argument, expression of opinion or statements, except to the extent necessary to explain the question or answer.

(2) In answering any question, the CEO or the CEO’s nominee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.
PART 7—CONDUCT OF MEMBERS

7.1 Members to be in their proper places
(1) At the first meeting held after each Election Day the CEO is to allot a position at the Council table which reflects the alphabetical order of the surname of each Member, commencing from the right hand side of the Presiding Member.
(2) The allotted positions remain unless and until the Council unanimously resolves otherwise.
(3) Each Member is to occupy his or her allotted position at each Council meeting.

7.2 Advice of entry or departure
After the business of a Council Meeting has commenced, a Member is not to enter or leave the meeting without first informing the Presiding Member, in order to facilitate the recording in the minutes of the time of entry and departure.

7.3 Titles to be used
A speaker, when referring to the Mayor, Deputy Mayor or Presiding Member, or a Member or employee, is to use the title of that person’s office.

7.4 Crossing Council chambers
(1) When the Presiding Member is putting any motion or amendment to the vote, a Member shall not leave or cross the Council chamber.
(2) Whilst another Member is speaking, a Member shall not pass between the speaker and the Presiding Member.

7.5 No conversing with the public during meetings
A Member shall not converse with any member of the public in the public gallery during a Council meeting.

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

7.7 Members to address Presiding Member
A Member moving a motion or amendment or taking any part in any discussion shall address the Presiding Member.

7.8 Members and employees to rise
At a Council meeting—
(a) any Member, other than the Presiding Member, asking a question or taking part in discussion or a debate; or
(b) any employee, other than the CEO, answering a question, shall stand, except when prevented from doing so by sickness or infirmity.

7.9 Priority of speaking
(1) Where 2 or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.
(2) A decision of the Presiding Member under subclause (1) is not open to discussion, dissent or point of order.

7.10 Presiding Member may take part in debates
(1) The Presiding Member may, without vacating the chair, take part in debate upon any matter before the Council subject to compliance with this local law.
(2) The Presiding Member may only speak once and this is to be done before the right of reply.

7.11 Relevance
(1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
(2) The Presiding Member, at any time, may—
(a) call the attention of the meeting to—
   (i) any irrelevant, repetitious, offensive or insulting language by a Member; or
   (ii) any breach of order or decorum by a Member; and
(b) direct that Member to discontinue.
(3) A Member is to comply with the direction of the Presiding Member under subclause (2).

7.12 Speaking twice
(1) A Member is not to address the Council more than once on any motion or amendment except—
   (a) as the mover of a substantive motion, to exercise a right of reply;
   (b) to raise a point of order; or
   (c) to make a personal explanation.
(2) A Member who asks a question, makes a request or responds to a request under clause 9.7 has not addressed the meeting for the purpose of this clause.
7.13 Duration of speeches
(1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.
(2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

7.14 No speaking after conclusion of debate
A Member is not to speak on any motion or amendment—
(a) after the mover has replied; or
(b) after the motion or amendment has been put to the vote.

7.15 No interruption
A Member must—
(a) not make any noise or disturbance or converse in a loud manner whilst another Member is speaking;
(b) not cause any interruption or speak out of turn during a meeting, other than to raise a point of order, call attention to the absence of a quorum, make a personal explanation under clause 7.16 or move a procedural motion; and
(c) ensure that his or her mobile telephone, pager or other audible device is switched off or maintained in the silent mode and not used during any meeting of the Council.

7.16 Personal explanations
(1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.
(2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.
(3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood and is not to seek to strengthen his or her former argument by new matter or by replying to other Members.

7.17 No reopening of discussion
A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed.

7.18 Adverse reflection
(1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed.
(2) A Member is not—
(a) to reflect adversely on the character or actions of another Member or employee; or
(b) to impute any motive to a Member or employee,
unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
(3) A Member is not to use offensive or objectionable expressions in reference to any Member, employee or other person.
(4) A Member shall at all times be factual when dealing with matters before Council and not knowingly make false or misleading statements

7.19 Withdrawal of offensive language
(1) A Member who, in the opinion of the Presiding Member, uses an expression which—
(a) in the absence of a resolution under clause 7.18—
   (i) reflects adversely on the character or actions of another Member or employee; or
   (ii) imputes any motive to a Member or employee; or
(b) is offensive or insulting, must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
(2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

7.20 Consumption of alcohol during meetings
The consumption of alcoholic beverages in any Council meeting is prohibited.

7.21 Smoking prohibited
Smoking in any meeting is prohibited.
PART 8—PRESERVING ORDER

8.1 Presiding Member to preserve order
(1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.
(2) When the Presiding Member speaks during a debate, any Member then speaking is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.
(3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 7.10, but to preserve order.

8.2 Point of order
(1) Any Member, by way of point of order, may direct the attention of the Presiding Member to any breach of this local law by any other Member.
(2) A Member raising a point of order shall specify the grounds of the breach of order before speaking further on the matter.
(3) A Member rising to express a difference of opinion or to contradict a speaker shall not be recognised as raising a point of order.
(4) Despite anything in this local law to the contrary, a point of order—
   (a) takes precedence over any discussion; and
   (b) until determined, suspends the consideration or discussion on any other matter.

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

8.4 Ruling by the Presiding Member
(1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
(2) A ruling by the Presiding Member on a point of order is to be final unless the majority of Members then present and voting on a motion moved immediately after the ruling, dissent from the ruling.
(3) In the event a motion of dissent under subclause (2) fails, if the Presiding Member rules that—
   (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
   (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

8.5 Continued breach of order
If a Member—
   (a) persists in any conduct that the Presiding Member had ruled is out of order; or
   (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 8.4(3)(b),
the Presiding Member may direct the Member to refrain from taking any further part in the debate of the item before the meeting, other than by voting, and the Member is to comply with that direction.

8.6 Right of Presiding Member to adjourn
(1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
(2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
(3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a time determined by the Presiding Member on the same day or to another day.

PART 9—DEBATE OF SUBSTANTIVE MOTIONS

9.1 Motions to be stated and in writing
Any Member who wishes to propose a motion other than a recommendation contained within the agenda, or an amendment to a motion, but not a procedural motion, shall unless ruled otherwise by the Presiding Member submit it in writing, accompanied by comment outlining the reason for the motion or amendment, to the Presiding Member prior to a vote being taken.

9.2 Motions to be supported
(1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
(2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.
9.3 Unopposed business
(1) Immediately after a substantive motion has been moved and seconded, the Presiding Member shall ask the meeting if any Member opposes it, wishes to speak or wishes to ask a question.
(2) If no Member opposes the motion, or wishes to speak or ask a question the Presiding Member may put the motion to the vote without debate.
(3) If a Member signifies opposition to the motion or wishes to speak, it is to be dealt with in accordance with clause 9.5.
(4) If a Member wishes to ask a question, the question is to be asked and answered.

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

9.5 Order of call in debate
If there is opposition to a motion or a Member wishes to speak, the Presiding Member is to call speakers to a motion in the following order—
(a) the mover to speak to the motion;
(b) the seconder to speak to the motion;
(c) a speaker against the motion, if any;
(d) a speaker for the motion;
(e) other speakers, if any against and for the motion, alternating where possible; and
(f) the mover exercises the right of reply, which closes debate.

9.6 Limit of debate
The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

9.7 Member may require 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.

9.8 Amendments to motions
An amendment to a substantive motion may be proposed once the substantive motion has been moved and seconded and the mover has had the opportunity to speak to the motion.

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

9.10 Who can move amendment to a motion
Anyone, except the mover and seconder of the substantive motion and a Member who has spoken on the substantive motion, may propose an amendment to the motion.

9.11 Form of an amendment
Every amendment is to be—
(a) relevant to the motion to which it is moved; and
(b) worded to indicate precisely which words need to be deleted, added or altered.

9.12 Amendment must not negate original motion
An amendment to a substantive motion cannot have the effect of negating the original motion.

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

9.14 Effect of an amendment
If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion.

9.15 Withdrawal of a motion or amendment
(1) The Council may, without debate, grant leave for a motion or amendment to be withdrawn or altered by the mover, with the consent of the seconder, provided there is no objection by any Member.
(2) If a Member objects, discussion on either the motion or amendment shall continue and no alteration shall occur.

9.16 Right of reply
(1) The mover of a substantive motion has the right of reply.
(2) The mover of any amendment to a substantive motion has a right of reply in relation to that amendment.
(3) The right of the reply may only be exercised—
   (a) where no amendment is moved to the substantive motion, at the conclusion of the discussion on the motion;
   (b) on an amendment, at the conclusion of discussion on that amendment; or
   (c) where one or more amendments have been moved to the substantive motion, at the conclusion of the discussion on the substantive motion and any amendments.

(4) After the mover of an amendment or the substantive motion has commenced the reply, no other Member is to speak on the amendment or motion, ask a question or propose a further amendment.

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

(6) At the conclusion of the right of reply, the amendment, substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

9.17 Foreshadowing alternative motions

(1) Should a Member wish to negate a substantive motion and have Council consider a new substantive motion on the matter with different intent, the Member must foreshadow the new substantive motion prior to the right of reply.

(2) Should a substantive motion be lost, the Presiding Member will call upon the Member who foreshadowed the new substantive motion to move the proposed motion.

(3) Once moved and seconded, the foreshadowed motion becomes the substantive motion and the same procedures and rules of debate apply to this motion as any other motion.

(4) If more than one foreshadowed motion is proposed for any item before the Council, the Presiding Member shall deal with them in the order in which they were presented.

9.18 Motions supported become decisions

Where the Council adopts a motion either with or without amendment, the motion so adopted is deemed to be the decision of Council.

PART 10—PROCEDURAL MOTIONS

10.1 Permissible procedural motions

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

   (a) that the debate on the motion be adjourned;
   (b) that the meeting now adjourn;
   (c) that the motion be now put;
   (d) that the Member be no longer heard; or
   (e) that the ruling of the Presiding Member be disagreed with.

10.2 No debate

(1) The mover of a motion specified in paragraph (a), (b) or (e) of clause 10.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

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

10.3 Who may move

(1) No Member 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) A Member is not to move or second more than one motion of adjournment during the same meeting of the Council.

10.4 Procedural motions—right of reply on substantive motion

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

10.5 Debate to be adjourned

A motion “that the debate on the motion be adjourned”—

   (a) is to state where in the order of business, or to which future meeting the debate is to be adjourned; and
   (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues when the Presiding Member reintroduces the matter at the time in the order of business stated in the motion.

10.6 Meeting now adjourn

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

   (a) is to state the time and date to which the meeting is to be adjourned; and
   (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
A meeting adjourned under subclause (1) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

10.7 Motion be put

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

(2) If the motion “that the amendment be now put” is carried during discussion of an amendment, the Presiding Member is to offer the right of reply in relation to the amendment and then put the amendment to the vote without further debate.

(3) This motion, if lost, allows debate to continue.

10.8 Member to be no longer heard

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

10.9 Motion that the ruling of the Presiding Member be disagreed with

(1) The motion, “that the ruling of the Presiding Member be disagreed with”, having been carried, will cause the ruling of the Presiding Member about which this motion was moved, to be reversed and for the meeting to proceed accordingly.

(2) Where the Presiding Member has adjourned the meeting in accordance with clause 8.6, the motion, that the Presiding Member be disagreed with, may not be moved.

PART 11—VOTING

11.1 Motion—when put

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; and

(b) if requested by any Member, is to again state the terms of the motion.

11.2 Dividing motions for voting

Where a report to Council contains more than one motion, the Presiding Member may put the motions individually, in groups or as one.

11.3 Method of taking vote

The Presiding Member, in taking the vote on any motion or amendment—

(a) may put the motion or amendment as often as may be necessary to enable him or her to determine whether the affirmative or negative has the majority of votes;

(b) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each Member’s vote; and

(c) subject to this clause, is to declare the result.

11.4 Recording of votes

The names of all Members voting for or against a motion shall be recorded, adjacent to the respective motion, in the minutes.

PART 12—ADJOURNMENT OF MEETING

12. Meeting may be adjourned

(1) On a motion for the adjournment of a meeting being carried, a record shall be taken of those who have spoken on the subject under consideration at the time of adjournment.

(2) All business not dealt with on the agenda of a meeting adjourned under clause 10.6 is to be resumed at the meeting determined under that clause at the point at which it was adjourned, immediately following Item 10 in the Order of business as listed in clause 4.2, or as determined by an absolute majority resolution of Council.

(3) Those Members to which subclause (1) applies shall not be permitted to speak on any subsequent consideration of the same subject at the reconvened meeting in accordance with clause 7.12.

(4) Subclause (3) does not deprive the mover of the motion of the right of reply.

PART 13—REVOKING OR CHANGING DECISIONS

13.1 Revoking or changing decisions at the same meeting

(1) The Council may at the same meeting at which it is passed, revoke or change a decision if all Members who were present in the Council chamber at the time the decision was passed are also present in the Council chamber at the time the revoking or changing is proposed.

(2) The revocation or change referred to in sub-clause (1) shall be considered under Item 15 “Urgent Business” in the order of business on the Agenda and no notice of motion is required for it to be considered by Council.
13.2 Implementing a decision
(1) A resolution shall not be implemented by the CEO or any employee of the local government until noon on the first working day following the Council meeting at which that resolution was passed.
(2) Where a notice of motion to revoke or change a resolution in accordance with clause 13.3 is received after the meeting at which the resolution was passed, but before noon on the first working day following that meeting, a resolution shall not be acted upon until the motion to revoke or change is—
   (a) moved and voted upon by the Council; or
   (b) withdrawn by the proponents of the motion to revoke or change a resolution.
(3) Where a resolution as referred to in subclause (2) is defeated or withdrawn by the proponent, the CEO shall implement the original resolution of Council after noon on the first working day following the decision.

13.3 Method of submitting motions to revoke or change
A notice of motion to revoke or change a decision shall—
   (a) be submitted in writing to the CEO at least 7 working days prior to the scheduled meeting at
       which it is proposed to be moved;
   (b) be signed by at least one third of the number of offices of Members of the Council;
   (c) clearly identify the resolution to be revoked or changed; and
   (d) clearly state the reason or reasons for seeking the revocation or change.

13.4 Limitations on revocations and impact statement
The Council shall not consider a motion to revoke or change a decision of the Council if at the time the motion is moved or notice is given—
   (a) action has been taken 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 where the approval or authorisation of a licence, permit or certificate has
       been put into effect by the local government in writing to the applicant or the applicant’s
       agent by an employee of the local government authorised to do so,
       without having considered a statement of impact prepared by or at the direction of the CEO of
       legal and financial consequences of the proposed revocation or change.

13.5 Absence of mover or seconder
(1) A motion to revoke or change a prior decision of the Council must be moved and seconded by the
required number of offices of Members of the Council, as required by the Regulations before it can be debated.
(2) If a motion to revoke or change a decision is not supported in accordance with sub-clause (1) it—
   (a) lapses and can not be dealt with later on that agenda; and
   (b) is considered to have failed.

13.6 Repeated revocations by the same Member prohibited
If the Council, on a motion moved by any Member, resolved not to revoke or change a resolution, then
the Council shall not entertain a motion by the same Member to revoke or change the same resolution
at a subsequent meeting unless the notice of motion referred to in clause 13.3 is signed by an absolute
majority of the Council.

PART 14—SUSPENSION OF LOCAL LAW

14.1 Suspension of provision of local law
(1) A Member may at any time move that the operation of clause 7.12 of the provisions of this local
law be suspended.
(2) A Member moving a motion under subclause (1) is to state the reason for the motion but no other
discussion is to take place.
(3) A motion under subclause (1) which is—
   (a) seconded; and
   (b) carried by an absolute majority,
is to suspend the operation of that clause for the duration of the specific agenda item identified by the
mover.
(4) The mover of a substantive motion debated following the suspension of clause 7.12 does not close
debate on the item when speaking more than once.

14.2 Where local law does not apply
(1) In situations where—
   (a) clause 7.12 of this local law has been suspended; or
   (b) a matter is not regulated by the Act, the Regulations or this local law,
the Presiding Member is to decide questions relating to the conduct of the meeting.
(2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved
and carried under clause 10.9.
PART 15 — COMMITTEES OF THE COUNCIL

15.1 Establishment, type and membership of Committees
A Council resolution to establish a committee under section 5.8 of the Act is to include—
(a) the terms of reference of the committee;
(b) the number of Council Members, employees and other persons to be appointed to the committee;
(c) the names or titles of the Council 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.

15.2 Calling committee meetings
The CEO is to call a meeting of any committee when requested by the Presiding Member of a committee or any 2 members of that committee.

15.3 Order of business
(1) Unless otherwise decided by the committee, the order of business at any meeting of a committee is to be as follows—
1. Declaration of Opening
2. Attendance
   2.1 Apologies
   2.2 Approved leave of absence
3. Disclosure of interest
4. Question time for the public
5. Confirmation of minutes
6. Reports
7. Confidential matters
8. Closure
(2) Notwithstanding subclause (1), there is to be no public question time in meetings of committees other than a committee to which the Council has delegated a power or duty under section 5.17 of the Act.

15.4 Participation at committee meetings
(1) A Member may attend any meeting of a committee established by the Council as an observer, even if the Member is not appointed to that committee.
(2) A deputy to a Member of a committee established by the Council may attend a meeting of that committee as an observer, even if the deputy is not acting in the capacity of a Member.
(3) The Member in the case of subclause (1), or deputy to a Member attending a committee meeting as an observer in the case of subclause (2)—
   (a) may, with the consent of the Presiding Member, make an oral submission to the committee for up to 3 minutes, but cannot vote, on any motion before the committee; and
   (b) must sit in the area set aside for observers separated from the committee members.

15.5 Local law applies to committees
Unless otherwise specifically provided, the provisions of this local law apply generally to the proceedings of committees, except for—
(a) clause 7.1;
(b) clause 7.8; and
(c) clause 7.12.

PART 16 — MEETINGS OF ELECTORS

16.1 Procedure for electors’ meetings
In exercising his or her discretion to determine the procedure to be followed at an electors’ meeting, the Presiding Member is to have regard to the Act, Regulations and this local law.

16.2 Participation of non-electors
A person who is not an elector of the local government shall not take part in any discussion at an electors’ meeting unless the meeting, by resolution, permits the person to do so.

PART 17 — ENFORCEMENT

17. Penalty for breach
A person who breaches a provision of this local law commits an offence.
Penalty: $1,000.00 and a daily penalty of $100.00.
PART 18—COMMON SEAL

18.1 Custody of the common seal
The CEO is to have charge of the common seal of the local government and is responsible for its safe custody and proper use.

18.2 Register
The CEO is to maintain a register that is to record, in respect of each occasion when the common seal is affixed to a document—
   (a) the date that the common seal was affixed;
   (b) the nature of the document; and
   (c) the parties described in the document.

18.3 Use of common seal
(1) The common seal of the local government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Mayor and either the CEO or a senior employee authorised by the Chief Executive Officer.
(2) Any person who uses the common seal of the local government or a replica without the Council’s authority commits an offence.

Dated: 11th July 2012.
The Common Seal of the City of Gosnells was affixed by the authority of a resolution of the Council in the presence of—

DAVID GRIFFITHS, Mayor.
IAN COWIE, Chief Executive Officer.
Under the powers conferred by the Local Government Act 1995, and under all other powers enabling it, the Council of the Shire of Broome resolved on 14 June 2012 to make the following local law.

1. Citation
This local law is the Shire of Broome Standing Orders Amendment Local Law 2012.

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

3. Principal local law amended
The Shire of Broome Standing Orders Local Law 2003 as published in the Government Gazette on 28 November 2003 and as amended and published in the Government Gazette on 30 July 2004 is referred to as the principal local law. The principal local law is amended.

4. Clause 1.3 amended
In clause 1.3(1)—

(a) in the definition for “Committee” delete “Committee” and insert “committee”;
(b) in the definition for “Councillor” delete “Councillor” and insert “councillor”;
(c) in the definition for “Employee” delete “Employee” and insert “employee”;
(d) insert the following definitions in alphabetical order—
   (i) “local government” means the Shire of Broome;
   (ii) “member” means the President, Deputy President or a councillor and includes, in the case of a committee, a member of the committee who is not the President, Deputy President or a councillor;
   (iii) “person presiding” means—
      (a) in reference to a Council meeting the person who presides at the Council meeting in accordance with section 5.6 of the Act; and
      (b) in reference to a committee, the presiding member.

5. Clause 2.2 amended
In clause 2.2(c) delete “Chief Executive Officer” and insert “CEO”.

6. Clause 2.5 amended
In clause 2.5—

(a) delete “Chief Executive Officer” and insert “CEO”; and
(b) delete all incidences of “Members” and insert “members”.

7. Clause 3.1 amended
In clause 3.1(3) delete “Committee” and insert “committee”.

8. Clause 3.2 amended
In clause 3.2—

(a) delete subclause (1) and insert—
   “(1) Unless otherwise decided by the Council the order of business for ordinary and special council meetings of Council shall be as determined by the President and CEO from time to time.”;
(b) in clause 3.2(3) delete “Committee” and insert “committee”.
9. Clause 3.4 amended
Delete clause 3.4 and insert—

3.4 Public Question Time
(1) A member of the public who wishes to raise a question at a Council or committee meeting should submit the question in writing at least 72 hours before the meeting at the Shire Administration Office or either by email or facsimile.
(2) For a member of the public to have their question recorded in the minutes they must be present at the meeting and announce their question, otherwise their question will be processed administratively by the CEO in due course.
(3) A member of the public who raises a question during public question time, is to state his or her name and address.
(4) A question may be taken on notice by the Council or committee for a later response.
(5) When a question is taken on notice the CEO is to ensure that—
   (a) a response is given to the member of the public in writing; and
   (b) a summary of the response is included in the agenda of the next meeting of the Council or committee as the case requires.
(6) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
(7) The person presiding may decide that a question shall not be responded to where—
   (a) the same or similar question was asked at a previous meeting and a response was provided;
   (b) the member of the public uses public question time to make a statement, provided that the person presiding has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
   (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the person presiding has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
(8) The Council or committee, by resolution, may agree to extend public question time.
(9) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

10. Clause 3.5 amended
In clause 3.5(1)(g)—
   (b) delete sub-paragraph (ii); and
   (c) delete sub-paragraph (iii).

11. Clause 3.9 deleted
Delete clause 3.9

12. Clause 3.10 correction
In clause 3.10(4) delete “(b)” the second time it appears and insert “(c)”.

13. Clause 3.13 amended
Delete clause 3.13(2) and insert—
(2) The President, if the request is to attend a Council meeting, or the presiding member of the committee if the request is to attend a meeting of a committee, may either—
   (a) approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be; or
   (b) instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.

14. Clause 4.2 amended
Delete clause 4.2(2) and insert—
(2) A member in receipt of confidential information is not to disclose such information except to the extent permitted by Regulation 6(3) of the Local Government (Rules of Conduct) Regulations 2007.

15. Clause 5.3 amended
In clause 5.3 delete all incidences of “Member” and insert “member”.

16. Clause 5.4 amended
In clause 5.4 delete “of the Council”.

17. Clause 6.2 correction
In clause 6.2(1)(b) delete “the Standing Orders” and insert “these Standing Orders”.

**18. Clause 8.1 amended**  
Delete clause 8.1 and insert—

8.1 Official Titles  
(1) Members are to speak of each other in the Council or committee by their respective titles of President, councillor or member.  
(2) Members in speaking of or addressing employees are to designate them by their respective official titles.

**19. Clause 8.3 amended**  
Delete clause 8.3 and insert—

8.3 Adverse Reflection  
(1) No member is to use offensive or objectionable expressions in reference to any member, employee, or any other person.  
(2) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the person presiding is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

**20. Clause 8.4 amended**  
In clause 8.4(1) delete “vocal” and insert “audio”.

**21. Clause 8.6 amended**  
In clause 8.6—

(a) in subclause (1) delete “presiding member” and insert “person presiding”;  
(b) delete subclauses (3) and insert—  
(3) In the event of any such interruption—  
(a) the person presiding may use discretion and without a vote, require the person or persons interrupting to immediately leave the chamber or meeting room; and  
(b) this direction may not be challenged by moving dissent with the ruling; and  
(c) delete subclause (4) and insert—  
(4) Any person who being ordered to leave the chamber or meeting room fails to do so may, by order of the person presiding be removed from the chamber or meeting room.

**22. Clause 9.1 amended**  
Delete clause 9.1 and insert—

9.1 Members to Indicate Desire to Speak  
(1) Every member wishing to speak is to indicate by show of hands or other method agreed upon by Council or committee.  
(2) When invited, members are to address the Council or committee through the person presiding.

**23. Clause 9.4 amended**  
In clause 9.4 delete “of the Council or a committee”.

**24. Clause 9.5 amended**  
In clause 9.5—

(a) delete “council” and insert “Council”; and  
(b) delete “Member” and insert “member”.

**25. Clause 9.7 amended**  
In clause 9.7 delete “of the Council or a committee”.

**26. Clause 9.8 amended**  
In clause 9.8 delete all incidences of “of the Council or a committee”.

**27. Clause 9.9 amended**  
In clause 9.9 delete “of the Council or a committee”.

**28. Clause 10.1 amended**  
Delete clause 10.1 and insert—

10.1 Motions to be stated  
Any member who moves a substantive motion or amendment to a substantive motion is to state its substance before addressing the other members thereon and if so required by the person presiding, shall put the motion or amendment in writing.

**29. Clause 10.3 correction**  
In clause 10.3(1) delete “members” and insert “member”.
30. Clause 10.16 amended
Delete clause 10.16 and insert—

10.16 Personal explanation
(1) No member is to speak at any meeting of the Council or a committee, except upon the matter before the Council or committee, unless it is to make a personal explanation.
(2) Any member who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood.
(3) When a member makes a personal explanation, no reference is to be made to matters unnecessary for that purpose.

31. Clause 10.17 amended
In clause 10.17—
(a) delete “of the Council or a committee”; and
(b) delete all incidences of “of the Council or Committee”.

32. Clause 10.18 amended
In clause 10.18 delete “unless of motion” and insert “unless a motion”.

33. Clause 11.1 amended
In clause 11.1(h) delete all incidences of “Committee” and insert “committee”.

34. Clause 11.2 amended
Delete clause 11.2(3) and insert—
(3) The mover of a motion stated in clause 11.1(h) may speak to the motion for not more than five minutes; and—
(a) the seconder shall not speak other than to formally second the motion;
(b) the presiding member of the committee concerned or in his or her absence a member thereof, may speak for not more than five minutes;
(c) the mover of the amendment to the committee recommendation (if any) then before the presiding member of the committee may speak for not more than five minutes; and
(d) in the event that no member has moved an amendment to the committee recommendation the presiding member may, in his or her absolute discretion, allow one other member to speak against the recommittal motion for not more than five minutes.

35. Clause 11.3 amended
In clause 11.3 delete “person” and insert “member”.

36. Clause 12.7 amended
In clause 12.7—
(a) in subclause (2) delete “of the Council”; and
(b) delete subclause (4) and insert—
(4) A member or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

37. Clause 13.1 amended
In clause 13.1 delete “of the Council or committee”.

38. Clause 14.1 amended
In clause 14.1(3)(b)—
(a) delete “Council” and insert “local government”; and
(b) delete “employee of the Council” and insert “employee”.

39. Clause 15.1 amended
In clause 15.1—
(a) delete subclause (2) and insert—
(2) The person presiding may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member and may direct that member, if speaking, to discontinue and thereupon the member shall cease speaking, and
(b) delete subclause (3) and insert—
(3) Every member shall be entitled to direct the attention of the person presiding to any infraction of these Standing Orders by any other member.

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

41. **Clause 15.8 amended**
In clause 15.8(1) delete “of the Council or committee”.

42. **Clause 17.3 amended**
Delete clause 17.3 and insert—

17.3 **Presentation of Committee Reports**
When the report of recommendations of a committee is placed before the Council, the adoption of the recommendations of the committee is to be moved by—

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

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

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

43. **Clause 17.4 amended**
Delete clause 17.4 and insert—

17.4 **Reports of Committees—Questions**
When a recommendation of any committee is submitted for adoption by the Council, any member may direct questions directly relating to the recommendation through the person presiding to the presiding member or to any member of the committee in attendance.

44. **Clause 17.6 amended**
In clause 17.6 delete “Clause 9.5” and insert “clause 9.5”.

45. **Clause 18.3 added**
After Clause 18.2 insert—

18.3 **Enforcement**

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

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

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

(4) Penalties for the breach of these Standing Orders are as per the Act and the Regulations.

Dated: 15 June 2012.

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

G. T. CAMPBELL, Shire President.
K. R. DONOHoe, Chief Executive Officer.
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LOCAL GOVERNMENT ACT 1995

SHIRE OF BROOME

PARKING AND PARKING FACILITIES LOCAL LAW 2012

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Broome resolved on 14 June 2012 to make the following local law.

PART 1—DEFINITIONS AND OPERATION

1.1 Title
This local law may be cited as the Shire of Broome Parking and Parking Facilities Local Law 2012.

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

1.3 Definitions
In this local law unless the context otherwise requires—

Act means the Local Government Act 1995;

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

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

bicycle means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor)—

(a) including a pedicab, penny-farthing and tricycle; but
(b) not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating);

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

built-up area has the meaning given to it by the Code;

bus means a motor vehicle, built mainly to carry people, that seats over 12 adults (including the driver);

bus embayment means an embayment at the side of a carriageway, designed so that a public bus can be driven into it, for the purpose of allowing passengers to alight or enter, without impeding the flow of traffic on that carriageway, but does not include a bus lane;

bus stop means a length of carriageway commencing 20 metres on the approach side of, and ending 10 metres on the departure side of, a post indicating that public buses stop at that point;

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

caravan has the same meaning given to it by the Caravan Parks and Camping Grounds Act 1995;

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

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

(a) for a two-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or
(b) in the absence of any such lines, marks or other indications—the middle of the main, travelled portion of the carriageway;

caravan has the meaning given to it by the Code;
CEO means the Chief Executive Officer of the local government;
Code means the Road Traffic Code 2000;
commercial vehicle means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;
Council means the Council of the Shire of Broome;
district means the district of the local government;
driver means any person driving or in control of a vehicle;
edge line for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;
emergency vehicle has the meaning given to it by the Code;
footpath means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;
GVM (which stands for "gross vehicle mass") has the meaning given to it by the Code;
loading zone means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked "Loading Zone";
local government means the Shire of Broome;
mail zone has the meaning given to it by the Code;
median strip means any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicular traffic proceeding in opposing directions;
motorcycle means a motor vehicle that has 2 wheels and includes—
(a) a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and
(b) a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels,
but does not include any trailer;
motor vehicle means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle or motorised scooter;
motorised scooter has the meaning given to it by the Code;
no parking area means—
(a) a portion of carriageway to which a no parking sign applies; or
(b) an area to which a no parking sign applies;
no parking sign means a sign with the words "no parking" in red letters on a white background, or the letter “P” within a red annulus and a red diagonal line across it on a white background;
no stopping area means—
(a) a portion of carriageway to which a no stopping sign applies; or
(b) an area to which a no stopping sign applies;
no stopping sign means a sign with the words “no stopping” or “no standing” in red letters on a white background or the letter “S” within a red annulus and a red diagonal line across it on a white background;
occupier has the meaning given to it by the Act;
owner—
(a) where used in relation to a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Road Traffic Act;
(b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
(c) where used in relation to land, has the meaning given to it by the Act;
park means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of—
(a) avoiding conflict with other traffic;
(b) complying with the provisions of any law; or
(c) taking up or setting down persons or goods (for a maximum of 2 minutes);
parking area means—
(a) a portion of carriageway to which a permissive parking sign applies; or
(b) an area to which a permissive parking sign applies;
parking facilities includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or
without charge and signs, notices and facilities used in connection with the parking of vehicles;

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

**parking region** means the area described in Schedule 1;

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

**pedestrian crossing** has the meaning given to it by the Code;

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

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

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

**Schedule** means a Schedule to this local law;

**scooter** has the meaning given to it by the Code;

**shared zone** means the network of roads in an area with—
(a) a “shared zone” sign on each road into the area, indicating the same number; and
(b) an “end shared zone” sign on each road out of the area;

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

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

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

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

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

**taxi zone** has the meaning given to it by the Code;

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

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

**traffic island** means any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection, to guide vehicular traffic;

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

**vehicle** includes—
(a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks by any means; and
(b) where the context permits, an animal being driven or ridden;

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

**wheeled recreational device** has the meaning given to it by the Code; and

**wheeled toy** has the meaning given to it by the Code.

### 1.4 Repeal


### 1.5 Application of particular definitions

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

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

### 1.6 Application

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

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

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

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

(5) The provisions of Parts 2, 3, 4 and 5 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

### 1.7 Pre-existing signs

(1) A sign that—

(a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and

(b) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.

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

### 1.8 Classes of vehicles

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

(a) buses;

(b) commercial vehicles;

(c) motorcycles and bicycles;

(d) taxis; and

(e) all other vehicles.

### 1.9 Part of thoroughfare to which sign applies

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

(a) lies beyond the sign;

(b) lies between the sign and the next sign beyond that sign; and

(c) is on that side of the thoroughfare nearest to the sign.

### 1.10 Powers of the local government

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

## PART 2—PARKING STALLS AND PARKING FACILITIES

### 2.1 Determination of parking stalls and parking facilities

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

(a) parking stalls;

(b) parking facilities;

(c) permitted time and conditions of parking in parking stalls and parking facilities which may vary with the locality;

(d) permitted classes of vehicles which may park in parking stalls and parking facilities;

(e) permitted classes of persons who may park in specified parking stalls or parking facilities; and

(f) the manner of parking in parking stalls and parking facilities.

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

### 2.2 Vehicles to be within parking stall on a thoroughfare
(1) Subject to subclauses (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—
   (a) parallel to and as close to the kerb as is practicable;
   (b) wholly within the stall; and
   (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
(2) Subject to subclause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.
(3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.
(4) A person shall not park a vehicle partly within and partly outside a parking area.

2.3 Payment of fee to park in a parking facility
A person shall not park a vehicle or permit a vehicle to remain parked in any parking facility during any period for which a fee is payable unless—
   (a) in the case of a parking facility having an authorised person on duty, the appropriate fee is paid when demanded; or
   (b) in the case of a parking facility equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted.

2.4 Suspension of parking facility restrictions
The Council may by resolution declare that the provisions of clause 3.3 do not apply during periods on particular days in relation to particular parking facilities as specified in such resolution.

2.5 Vehicle not to be removed until fee paid
A person shall not remove a vehicle which has been parked in a parking facility until there has been paid the appropriate fee for the period for which the vehicle has been parked.

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

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

2.8 Parking prohibitions and restrictions
(1) A person shall not—
   (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking facility, or an access way within a parking facility;
   (b) except with the permission of the local government or an authorised person park a vehicle on any part of a parking facility contrary to a sign referable to that part;
   (c) permit a vehicle to park on any part of a parking facility, if an authorised person directs the driver of such vehicle to move the vehicle; or
   (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked “M/C”, if the bicycle is parked in accordance with subclause (2).
(2) No person shall park any bicycle—
   (a) in a parking stall other than in a stall marked “M/C”; and
   (b) in such stall other than against the kerb.

PART 3—PARKING GENERALLY

3.1 Restrictions on parking in particular areas
(1) A person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking facility—
   (a) if by a sign it is set apart for the parking of vehicles of a different class;
   (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
   (c) during any period when the parking of vehicles is prohibited by a sign.
(2) A person shall not park a vehicle—
   (a) in a no parking area;
   (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law;
(c) in a stall marked “M/C” unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

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

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

### 3.2 Parking vehicle on a carriageway

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

(a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;

(b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;

(c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;

(d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and

(e) so that it does not obstruct any vehicle on the carriageway, unless otherwise indicated on a parking regulation sign or markings on the carriageway.

(2) In this clause continuous dividing line means—

(a) a single continuous dividing line only;

(b) a single continuous dividing line to the left or right of a broken dividing line; or

(c) 2 parallel continuous dividing lines.

### 3.3 When parallel and right-angled parking apply

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

(a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and

(b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

### 3.4 When angle parking applies

(1) This clause does not apply to—

(a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or

(b) a person parking either a motor cycle without a trailer or a bicycle.

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

### 3.5 General prohibitions on parking

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

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

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

(a) between any other stationary vehicles and the centre of the carriageway;

(b) on or adjacent to a median strip;

(c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;

(d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;

(e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;

(f) on any footpath or pedestrian crossing;

(g) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
(h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;

(i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;

(j) within 3 metres of a public letter pillar box located on a thoroughfare, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or

(k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked,

unless a sign or markings on the carriageway indicate otherwise.

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

(a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here”, or with equivalent symbols depicting these purposes, unless the vehicle is a bus stopped to take up or set down passengers; or

(b) a children’s crossing or pedestrian crossing.

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

(a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here”, or with equivalent symbols depicting these purposes, unless the vehicle is a bus stopped to take up or set down passengers; or

(b) a children’s crossing or pedestrian crossing.

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

(7) A person shall not park on a verge unless that portion of the verge has been approved in writing by the local government as a parking area.

(8) Subclause (7) does not apply to a verge adjacent to a premises zoned residential under the local planning scheme if the person is the owner or occupier of the premises adjacent to that portion of the verge, or is a person authorised by the occupier to park on that portion of the verge.

3.6 Authorised person may order vehicle on thoroughfare to be moved

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

3.7 Authorised person may mark the tyres of a vehicle

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

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

3.8 No movement of vehicles to avoid time limitation

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

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

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

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

(a) for the purpose of exposing it for sale;

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

(c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or

(d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

3.10 Parking on private land

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

(a) which belongs to the local government;

(b) of which the local government is the management body under the Land Administration Act 1997;

(c) which is an “otherwise unvested facility” within section 3.53 of the Act;

(d) which is the subject of an agreement referred to in subclause 1.6(2); or

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

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

### 3.11 Parking on reserves

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

### 3.12 Suspension of parking limitations for urgent, essential or official duties

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

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

**PART 4 — PARKING AND STOPPING GENERALLY**

### 4.1 No stopping and no parking signs, and yellow edge lines

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

(2) A driver shall not stop on a length of carriageway or in an area to which a no parking sign applies, unless the driver—
   (a) is dropping off, or picking up, passengers or goods;
   (b) does not leave the vehicle unattended; and
   (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

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

(4) In this clause a driver leaves the vehicle unattended if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

**PART 5 — STOPPING IN ZONES FOR PARTICULAR VEHICLES**

### 5.1 Stopping in a loading zone

A person shall not stop a vehicle in a loading zone unless it is—
   (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
   (b) a motor vehicle taking up or setting down passengers,

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

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

### 5.2 Stopping in a taxi zone or a bus zone

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

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

### 5.3 Stopping in a mail zone

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

### 5.4 Other limitations in zones

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

**PART 6 — OTHER PLACES WHERE STOPPING IS RESTRICTED**

### 6.1 Stopping in a shared zone

A driver shall not stop in a shared zone unless—

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

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

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

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

6.5 Stopping on crests, curves, etc.
(1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
(2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

6.6 Stopping near a fire hydrant etc.
(1) A driver shall not stop a vehicle so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless—
   (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
   (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
(2) In this clause a driver leaves the vehicle unattended if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

6.7 Stopping at or near a bus stop
(1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless—
   (a) the vehicle is a public bus stopped to take up or set down passengers; or
   (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
(2) In this clause—
   (a) distances are measured in the direction in which the driver is driving; and
   (b) a trailer attached to a public bus is deemed to be a part of the public bus.

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

6.9 Stopping on verge
(1) A person shall not—
   (a) stop a vehicle other than a bicycle;
   (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
(c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a
sign adjacent and referable to that verge,
so that any portion of it is on a verge.

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

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

6.10 Obstructing access to and from a path, driveway, etc.
(1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position
that obstructs access by vehicles or pedestrians to or from that path, unless—
   (a) the driver is dropping off, or picking up, passengers; or
   (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall
      under this local law.

(2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles
travelling to or from adjacent land, unless—
   (a) the driver is dropping off, or picking up, passengers; or
   (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall
      under this local law.

6.11 Stopping near a letter box
A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter
pillar box, unless the driver—
   (a) is dropping off, or picking up, passengers or mail; or
   (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign
      applies and the driver is permitted to stop at that place under this local law.

6.12 Stopping on a carriageway — heavy and long vehicles
(1) A person shall not park a vehicle or any combination of vehicles, that, together with any projection
on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or
exceeds a GVM of 4.5 tonnes—
   (a) on a carriageway in a built-up area, for any period exceeding 1 hour, unless engaged in the
      picking up or setting down of goods; or
   (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a
      truck bay or other area set aside for the parking of goods vehicles.

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

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

6.14 Stopping on a carriageway with motor cycle parking sign
The driver of a vehicle shall not stop on a length of carriageway, or in an area, to which a “motor cycle
parking” sign applies, or an area marked “M/C” unless—
   (a) the vehicle is a motor cycle; or
   (b) the driver is dropping off, or picking up, passengers.

PART 7—MISCELLANEOUS

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

7.2 Unauthorised signs and defacing of signs
A person shall not without the authority of the local government—
   (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or
      exhibited by the local government under this local law;
   (b) remove, deface or misuse a sign or property, set up or exhibited by the local government
      under this local law or attempt to do any such act; or
   (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign
      set up or exhibited by the local government under this local law.

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

7.4 General provisions about signs
(1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this local law.
(2) The first 3 letters of any day of the week when used on a sign indicate that day of the week.

7.5 Special purpose and emergency vehicles
Notwithstanding anything to the contrary in this local law, the driver of—
(a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and
(b) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.

7.6 Vehicles not to obstruct a public place
(1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.
(2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

PART 8—PENALTIES

8.1 Offences and penalties
(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
(2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
(3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding $1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding $100 for each day or part of a day during which the offence has continued.
(4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.2 Form of notices
For the purposes of this local law—
(a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Local Government (Functions and General) Regulations 1996;
(b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the Local Government (Functions and General) Regulations 1996; and
(c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Local Government (Functions and General) Regulations 1996.

Schedule 1
PARKING REGION

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

Schedule 2
PRESCRIBED OFFENCES

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<td>61</td>
<td>6.8</td>
<td>Stopping on path, median strip or traffic island</td>
<td>60</td>
</tr>
<tr>
<td>62</td>
<td>6.9</td>
<td>Stopping on verge</td>
<td>60</td>
</tr>
<tr>
<td>63</td>
<td>6.10</td>
<td>Obstructing path, a driveway etc</td>
<td>60</td>
</tr>
<tr>
<td>64</td>
<td>6.11</td>
<td>Stopping near letter box</td>
<td>60</td>
</tr>
<tr>
<td>65</td>
<td>6.12</td>
<td>Stopping heavy or long vehicles on carriageway</td>
<td>60</td>
</tr>
<tr>
<td>66</td>
<td>6.13</td>
<td>Stopping in bicycle parking area</td>
<td>60</td>
</tr>
<tr>
<td>67</td>
<td>6.14</td>
<td>Stopping in motorcycle parking area</td>
<td>60</td>
</tr>
<tr>
<td>68</td>
<td>7.6</td>
<td>Leaving vehicle so as to obstruct a public place</td>
<td>60</td>
</tr>
</tbody>
</table>

Dated: 15 June 2012.

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

G. T. CAMPBELL, Shire President.
K. R. DONOHOE, Chief Executive Officer.

__________________________
LOCAL GOVERNMENT ACT 1995

SHIRE OF BROOME

TRADING, OUTDOOR DINING AND STREET ENTERTAINMENT AMENDMENT LOCAL LAW 2012

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Broome resolved on 14 June 2012 to make the following local law.

1. Citation
This local law is the Shire of Broome Trading, Outdoor Dining and Street Entertainment Amendment Local Law 2012.

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

3. Principal local law amended
The Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003 as published in the Government Gazette on 5 March 2004 is referred to as the principal local law. The principal local law is amended.

4. General amendment
The principal local law is amended by—
(a) deleting all instances of “eating house” and inserting “food premises”; and
(b) deleting all instances of “authorized” and inserting “authorised”.

5. Clause 1.6 amended
In clause 1.6—
(a) delete the definition for “authorized person” and insert—
"authorised person" means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;
(b) insert the following definition in alphabetical order—
“food” has the same meaning as that in section 9 of the Food Act 2008;
(c) delete the definition for “eating house” and insert—
“food premises” means a premises—
(a) on which a food business as defined by the Food Act 2008 is carried out; or
(b) that is the subject of a hotel licence, limited hotel licence, special facility licence or restaurant licence granted under the Liquor Control Act 1988;
(d) delete the definition for “Health Act”;
(f) insert the following definition in alphabetical order—
“local planning scheme” means a local planning scheme of the local government made under the Planning and Development Act 2005;
(g) in the definition for “lot” delete “Town Planning and Development Act 1928” and insert “Planning and Development Act 2005”; and
(h) delete the definition for “proprietor” and insert the following—
“proprietor” in relation to a food premises, means—
(a) the person carrying on the food business or if that person cannot be identified the person in charge of the food business; or
(b) the holder of a hotel licence, a limited hotel licence, a special facility licence or a restaurant licence granted under the Liquor Control Act 1988 in relation to the food premises.
6. Clause 2.1 amended
In clause 2.1 delete “Shire of Broome Town Planning Scheme No. 4” and insert “local planning scheme”.

7. Clause 2.2 amended
In subclause 2.2.1(c) delete “clause 5.3” and insert “clause 5.5”.

8. Clause 2.3 amended
In subclause 2.3.2 delete paragraph “(g)”.

9. Clause 2.9 amended
In clause 2.9 delete “regulations 33 and 34” and insert “regulation 33”.

10. Clause 3.4 amended
In clause 3.4(c) delete all instances of “foodstuffs” and insert “food”.

11. Clause 3.5 amended
In subclause 3.5.1(a) delete “, as approved by the local government”.

12. Clause 3.7 amended
In subclause 3.7.1(a) delete “Health Act” and insert “Food Act 2008”.

13. Clause 3.8 amended
In subclause 3.8.1(h) delete “and shall not have any claim for compensation or damages as a result of any disruption to business or loss incurred due to such works”.

14. Clause 5.4 amended
In subclause 5.4.1 in the definition “charitable organisation” delete “expect” and insert “except”.

15. Clause 6.6 amended
Delete subclause 6.6.2(c) and insert—
(c) display—
(i) a sign with letters and numerals not less than 5 centimetres in height in a conspicuous place in the performance location, indicating the name of the licensee and the licence number; or
(ii) standard business cards;

16. Clause 6.7 amended
In clause 6.7 delete “clause 2.7, the local government” and insert “clause 2.7, the local government”.

17. Clause 7.2 amended
In subclause 7.2.2 delete “the local government in carrying out” and insert “the local government in carrying out”.

18. Clause 8.3 deleted
Delete clause 8.3.

19. First Schedule heading amended
In the First Schedule—
(a) delete “Trading in Public Places Local Law 2000” and insert “Trading, Outdoor Dining and Street Entertainment Local Law 2003”;
(b) delete “30” in the Third Column of Item 78 and insert “60”.

Dated: 15 June 2012.
The Common Seal of the Shire of Broome was affixed under the authority of a resolution of Council in the presence of—

G. T. CAMPBELL, Shire President.
K. R. DONOHOE, Chief Executive Officer.