LOCAL GOVERNMENT ACT 1995

Shire of Ashburton

REPEAL 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 Ashburton resolved on 18 July 2012 to make the following local law.

1. Citation
This local law is cited as the Shire of Ashburton Repeal Local Law 2012.

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

3. Repeal
The following local laws are hereby repealed—

(a) Camels By Law as published in the Government Gazette on 27 February 1914;
(b) Empty Drums on Roads By Law as published in the Government Gazette on 11 April 1930;
(c) Rates Discount By Law as published in the Government Gazette on 15 December 1933;
(d) Prevention of Damage to Roads By Law as published in the Government Gazette on 21 September 1951;
(e) Control of Dogs and Establishment of Pound By Law as published in the Government Gazette on 5 March 1954;
(f) Regulation and Manner of Keeping of Goats in any Townsite By Law as published in the Government Gazette on 25 October 1957;
(g) Building (Onslow) By Law as published in the Government Gazette on 8 August 1961;
(h) Prevention of Damage to Streets No. 1 Draft Model By Laws as published in the Government Gazette on 15 February 1962;
(i) Old Refrigerators and Cabinets No. 8 Draft Model By Law and Old Refrigerators and Cabinets No. 8 Adopt of Draft Model By Law No. 8 as published in the Government Gazette on 4 October 1962 and 3 April 1964, respectively;
(j) Removal of Refuse By Law as published in the Government Gazette on 7 February 1963;
(k) Standing Orders No. 4 Draft Model By Law as published in the Government Gazette on 7 February 1963;
(l) Animals and Vehicles Obstruction Draft Model By Law No. 1 as published in the Government Gazette on 3 April 1964;
(m) Damage to Streets No. 15 Adopt Draft Model By Law as published in the Government Gazette on 9 September 1965;
(n) Damage to Streets No. 15 Draft Model By Law as published in the Government Gazette on 12 October 1965;
(o) Disposal of Refuse and Litter No. 16 Draft Model By Law as published in the Government Gazette on 19 June 1966;
(p) Holiday Cabins and Chalets No. 13 Draft Modd By Law as published in the Government Gazette on 22 January 1969;
(q) Refuse Adversely Affecting Neighbours By Law as published in the Government Gazette on 24 December 1976;
(r) Management and Hire of Halls By Law as published in the Government Gazette on 24 February 1984 and 28 February 1986, respectively;
(s) Management and Control of Vic Hayton Memorial Swimming Pool By Law as published in the Government Gazette on 16 March 1990;
(u) Cemetery By Law as published in the Government Gazette on 30 March 1990;
(v) By-law relating to Standing Orders as published in the Government Gazette on 30 March 1990;
(w) Management and Use of Halls and Public Buildings vested in or under the care, control and management of the Council By Law as published in the Government Gazette on 12 October 1990;
(x) Adoption of Draft Model By-laws Holiday Accommodation No. 18 as published in the Government Gazette on 19 April 1991;
(y) By-law Relating to Trading in Public Places as published in the Government Gazette on 8 June 1990;

Dated: 18 July 2012.

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

K. WHITE, Shire President.
J. BREEN, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

CITY OF GREATER GERALDTON

PARKING AND PARKING FACILITIES LOCAL LAW 2012
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LOCAL GOVERNMENT ACT 1995

CITY OF GREATER GERALDTON

PARKING AND PARKING FACILITIES LOCAL LAW 2012

Under the powers conferred by subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Greater Geraldton resolved on the 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 Greater Geraldton 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 Application
(1) Subject to subclause (2), this local law applies to the parking region.
(2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
(3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
(4) Where a parking facility or a parking station is identified in Schedule 1, then the facility or station shall be deemed to be a parking station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).

1.4 Repeal

1.5 Interpretation
(1) In this local law unless the context otherwise requires—
ACROD sticker has the meaning given to it in the Code;
Act means the Local Government Act 1995;
appropriate fee means the fee appropriate to the period for which a vehicle has been parked;
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 and where the context requires, any member of the Western Australian Police Service;
authorised vehicle means a vehicle authorised by the local government, CEO or authorised person, or by any written law to stop or park in a parking facility;
bicycle has the meaning given to it by the Code;
bus has the meaning given to it by the Code;
caravan has the meaning given to it by the Caravans 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 two or more of those portions divided by a median strip, the expression means each of those portions, separately;
CEO means the Chief Executive Officer of the local government;
children’s crossing has the meaning given to it by the Code;
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 conveyance 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 local government;
district means the district of the local government;
driver means any person driving or in control of a vehicle;
fee means the prescribed amount of legal tender that the local government may impose and determine from time to time for the stopping or parking of a vehicle under and in accordance with sections 6.16 to 6.19 of the Act;
footpath has the meaning given to it in the Code;
GVM (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 City of Greater Geraldton;
median strip has the meaning given to it in the Code;
metered space means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in any way to indicate where a vehicle may be parked on payment of a fee or charge;
metered zone means any road or reserve, or part of any road or reserve, in which parking meters regulate the stopping or parking of vehicles;
motorcycle has the meaning given to it by the Code;
no parking area has the meaning given to it by the Code;
occupier has the meaning given to it in the Act;
owner—
(a) where used in relation to a vehicle licensed under the Road Traffic Act, 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 the vehicle or who is in possession of the vehicle or is entitled to possession of the vehicle; and
(c) where used in relation to land, has the meaning given to it by the Act;
park in relation to a vehicle means permit a vehicle, whether attended or unattended, to remain stationary, except for the purpose of—
(a) avoiding conflict with other traffic;
(b) complying with any written law; or
(c) immediately taking up or setting down persons or goods within 2 minutes of the vehicle becoming stationary;
parking area has the meaning given to it in the Code;
parking facilities includes land, buildings, shelters, parking stalls and other facilities open to the public generally for the parking of vehicles and signs, notices and facilities used in connection with the parking of vehicles;
parking permit means a permit issued by the local government;
parking region means the whole of the district with the exception of—
(a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
(b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
(c) any 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;
parking space means a section or part of a thoroughfare, a public reserve or a parking station, which is marked, or defined by painted lines, metallic studs, pavers or by similar devices for the purpose of indicating where a vehicle may stop or be parked;
parking station means any land, building or other structure providing for the purpose of accommodating vehicles, but does not include a metered zone or metered space;
pedestrian crossing has the same meaning as in the Code;
property line means the lateral boundary of a road;
public place means any place to which the public has access whether or not that place is on private property;
public reserve means any land—
(a) which belongs to the local government;
(b) of which the local government is the management body under the Land Administration Act 1997; or
(c) which is an “otherwise unvested facility” in terms of section 3.53 of the Act;

Road Traffic Act means the Road Traffic Act 1974;
Schedule means a Schedule to this local law;
sign includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;
stop has the meaning given to it in the Code;
symbol includes any symbol specified by Australian Standard 1742.1–2003 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 has the meaning given to it in the Code;
taxi zone has the meaning given to it in the Code;
thoroughfare has the meaning given to it in the Act;
ticket issuing machine means a machine or device which issues, as a result of money or other permitted form of payment being inserted into a machine, a ticket showing the period during which it is lawful to remain parked in the areas to which the machine relates;
traffic island has the meaning given to it in the Code;
trailer has the meaning given to it in the Code;
vehicle has the meaning given to it in the Code; and
verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

(2) In this local law, unless the context requires otherwise, a reference to a thoroughfare, parking station, parking facility or public reserve includes a reference to, as the case may be, any part of the thoroughfare, parking station, parking facility or public reserve.

(3) A reference to the wording of any sign in this local law shall also be deemed to be a reference to the corresponding symbol.

(4) 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 the Act or Code.

1.6 Vehicle and driver classification

(1) For the purpose of this local law vehicles are divided into the following classes—
(a) buses;
(b) caravans;
(c) motor cycles and bicycles;
(d) taxis;
(e) commercial vehicles;
(f) tractors; and
(g) all other vehicles not otherwise classified.

(2) For the purpose of this local law, drivers are divided into the following classes—
(a) authorised persons; and
(b) all other persons not otherwise classified.

1.7 Application and interpretation of signs

(1) Where the stopping or parking of vehicles in a thoroughfare is controlled by a sign, then the sign shall for the purposes of this local law apply 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.

(2) For the purposes of this local law a sign may prohibit or regulate parking or stopping by the use of any symbol.

(3) A sign regulating the parking or stopping of vehicles is presumed to be, in the absence of evidence to the contrary, a sign placed, marked or erected under the authority of this local law.

(4) An inscription or symbol on a sign 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 also related to the parking of vehicles.

(5) 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.

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

PART 2—PARKING STATIONS

2.1 Establishment of parking stations
(1) The local government may constitute any land or structure as a parking station by—
   (a) resolution of the Council; or
   (b) inclusion of a description of the land or structure in Schedule 1.
(2) A parking station constituted under subclause (1) may be varied as to the land or structures which it comprises by—
   (a) resolution of the Council; or
   (b) an amendment to the description in Schedule 1.
(3) In relation to a parking station, the local government may determine and indicate by signs the—
   (a) location of parking spaces within a parking station;
   (b) permitted times and conditions of parking or stopping a vehicle;
   (c) classes of vehicles permitted to park or stop;
   (d) classes of persons permitted to park or stop a vehicle; and
   (e) manner of parking or stopping a vehicle.
(4) Where the local government makes a determination or resolution under this clause, it shall erect signs to give effect to the determination or resolution.

2.2 Fees for parking stations
(1) The local government may impose and determine a fee for the stopping or parking of a vehicle in a parking station under and in accordance with sections 6.16 to 6.19 of the Act.
(2) A reference in this Part to a fee means a fee imposed in accordance with subclause (1).

2.3 Conditions of parking in a parking station
(1) A person shall not park or stop a vehicle or permit a vehicle to remain parked in any parking station during any period for which a fee is payable unless—
   (a) in the case of a parking station having an attendant on duty, the person pays the appropriate fee when demanded; or
   (b) in the case of a parking station equipped with a ticket issuing machine, the person—
      (i) inserts the appropriate fee in the ticket issuing machine or makes such other permitted form of payment which is indicated on the machine; and
      (ii) obtains a parking ticket from the machine; or
   (c) the vehicle is displaying a valid parking permit.
(2) The local government may by resolution declare that subclause (1) shall not apply in a parking station during periods or on particular days specified in that resolution.

2.4 Display of tickets
A person shall not stop or park a vehicle in a parking station equipped with a ticket issuing machine during any period for which a fee is payable, unless displaying a parking permit or an unexpired parking ticket applicable to that parking station is—
   (a) displayed inside or on the vehicle; and
   (b) displayed so that the date, expiry time and the number (if any) on the ticket are clearly visible to and able to be read by an authorised person from outside the vehicle, at all times while the vehicle remains stopped or parked in the parking station.

2.5 Lost tickets
If provision is made in any parking station for payment of a fee on the departure of a vehicle, and the ticket issued when a vehicle entered the parking station is not produced on the departure of the vehicle, the fee payable shall be calculated from the time the parking station was opened on that day to the time of the departure of the vehicle.

2.6 Removal of vehicles
A person shall not remove a vehicle which has been parked in a parking station until he or she pays the appropriate fee.

2.7 Parking within a parking space
A person shall not stop or park a vehicle in a parking station, other than wholly within a parking space.
2.8 Prohibitions on stopping or parking

(1) A person shall not stop a vehicle in any part of a parking station—
(a) if the stopping of a vehicle in that part is prohibited by a sign; or
(b) during a period in which the stopping or parking of vehicles in that part is prohibited by a sign.

(2) A person shall not park a vehicle on any part of a parking station—
(a) if the parking of vehicles on that part is prohibited by a sign;
(b) during a period in which the parking of vehicles on that part is prohibited by a sign;
(c) if a sign specifies that part is for the parking of vehicles—
   (i) of a different class; or
   (ii) driven by a person of a different class;
(d) for more than the maximum time specified by a sign; or
(e) so as to obstruct an entrance to, or an exit from a parking station, or an access way within the parking station.

2.9 Behaviour in parking stations

A person shall not—
(a) remain in or on a parking station after having been directed to leave that parking station by an authorised person;
(b) permit a vehicle to park on any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle; or
(c) drive in a parking station in a direction other than the direction indicated by arrows.

2.10 Parking stations may be locked

At the expiration of the hours of operation of a parking station the local government whether or not any vehicle remains parked in a parking station may lock the parking station or otherwise prevent the movement of any vehicle within, to or from it.

2.11 Selling and hiring in parking stations

No person shall at or on any part of a parking station sell, hire, give away, offer or expose for sale or hire anything of any nature, unless that person has the prior written permission of the local government to do so.

2.12 Authorised spaces in parking stations

(1) The local government may by use of signs set aside any parking station or any parking space or spaces in a parking station for the parking of vehicles by persons authorised by the local government.

(2) Where the local government authorises a person pursuant to subclause (1) the local government—
   (a) shall issue a written permit to the person; and
   (b) may revoke the permit at any time.

(3) A person shall not park or stop a vehicle in a parking space set aside under this clause unless a permit issued with respect to the vehicle is displayed inside or on the vehicle and is clearly visible to and readable by any authorised person examining the permit from outside the vehicle.

2.13 Damage to parking stations

A person shall not remove, damage, deface, misuse or interfere with any part of a parking station or parking facility, or attempt to do so.

2.14 Operation of ticket issuing machines

(1) A person shall not operate or attempt to operate a ticket issuing machine except in accordance with the operating instructions appearing on the ticket issuing machine.

(2) A person shall not insert or cause to be inserted or attempt to insert into a ticket issuing machine anything other than the money which is appropriate for the machine, or such other permitted form of payment which is indicated on the machine.

2.15 Damage to ticket issuing machines

A person shall not remove, damage, deface, misuse or interfere with any ticket issuing machine or attempt to do any such act.

2.16 Defacing a parking ticket

A person shall not display in or on a vehicle a ticket purchased from a ticket issuing machine or from any other place authorised by the local government if the ticket has been altered, added to or defaced in any way in an attempt to avoid payment of the appropriate fee.

PART 3—PARKING ON THOROUGHFARES

3.1 Stopping or parking contrary to signs

(1) In this clause—
   unattended, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.
(2) A person shall not stop or park a vehicle on a thoroughfare, or portion of a thoroughfare—
   (a) if it is set apart by a sign for the stopping or parking of vehicles of a different class;
   (b) if it is set apart by a sign for the stopping or parking of vehicles by persons of a different class;
   (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
   (d) the side of which is marked with a continuous yellow edge line;
   (e) other than wholly within a parking space if the part of the thoroughfare upon which the vehicle is standing or parked is provided with parking spaces;
   (f) to which a “no stopping” sign applies; or
   (g) to which a “no parking” sign applies, unless the driver is—
      (i) dropping off, or picking up, passengers or goods;
      (ii) does not leave the vehicle unattended; and
      (iii) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

(3) A person shall not stop or park a vehicle on any part of a thoroughfare, whether or not that part is marked as a parking space, for more than the maximum time specified by a sign.

3.2 Occupied parking spaces
A person shall not stop or park or attempt to stop or park a vehicle in a parking space in which another vehicle is stopped or parked.

3.3 Median strips and traffic islands
Subject to any law relating to intersections with traffic control signals, a person shall not stop or park a vehicle on any part of a thoroughfare so that any portion of the vehicle is—
   (a) on a median strip;
   (b) adjacent to a median strip otherwise than in a parking space; or
   (c) on, or within 10 metres of, any portion of a carriageway bounded on one or both sides by a traffic island,
unless otherwise indicated on a parking regulation sign or markings on the roadway.

3.4 Parking vehicle on a carriageway
(1) A person parking a vehicle on a carriageway other than in a parking space 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 dividing 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 are not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
   (e) so that it does not obstruct any vehicle on the carriageway,
unless otherwise indicated on a parking regulation sign or markings on the roadway.

(2) In this clause, **continuous dividing line** means—
   (a) a single continuous dividing line only;
   (b) a single continuous dividing line to the left or right of a broken dividing line; or
   (c) 2 parallel continuous dividing lines.

3.5 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.

3.6 When angle parking applies
(1) Subject to subclause (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.
This clause does not apply to—

(a) a person parking 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.

3.7 Parking near fire hydrant or public post box

(1) A person shall not stop or park a vehicle on a thoroughfare 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.

(2) A person shall not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within—

(a) 3 metres of a public post box; or

(b) a mail zone,

unless the vehicle is being used for the purpose of collecting postal articles from the post box.

3.8 Traffic obstructions

Subject to any law relating to intersections with traffic control signals, a person shall not stop or park a vehicle so that any portion of the vehicle is—

(a) in front of a right of way, crossover, passage or private drive or so close to one as to deny vehicles reasonable access to, or egress from, the right of way, crossover, passage or private drive;

(b) upon an intersection except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;

(c) within 10 metres of the nearest property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked;

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

(e) in a cul-de-sac so as to obstruct the turning of vehicles within the cul-de-sac; or

(f) on or over a footpath or a place of refuge for pedestrians,

unless a sign or markings on the carriageway indicate otherwise.

3.9 Double parking

(1) A person shall not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is between any other stopped or parked vehicle and the centre of that thoroughfare.

(2) This clause does not apply to a driver stopped in traffic.

3.10 Verge parking

(1) A person shall not stop or park a vehicle on a verge where signs prohibit the stopping or parking of vehicles on that verge.

(2) A person, not being the occupier of the land abutting on to a verge, shall not without consent of that occupier, drive, park or stop a vehicle upon that verge.

(3) A person shall not park a commercial vehicle on a verge unless 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.

3.11 Bus stops, pedestrian, railway and children's crossing

(1) A person shall not stop or park a vehicle on a thoroughfare 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 that vehicle is a bus taking up or setting down passengers; or

(b) a pedestrian crossing or a children's crossing established on a thoroughfare.

(2) A person shall not stop or park a vehicle on a thoroughfare 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 that vehicle is a bus taking up or setting down passengers; or

(b) a pedestrian crossing or a children's crossing established on a thoroughfare.

(3) 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.

(4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the nearest rail of a railway level crossing.

3.12 No parking within one hour

Where a person parks a vehicle in a thoroughfare where parking is restricted as to time, that person shall not park that vehicle again in the same thoroughfare on that day unless it has first been removed from the thoroughfare for at least 1 hour.
3.13 Direction to move vehicles
A driver of a vehicle shall not permit a vehicle to stop or park on any part of a thoroughfare or public reserve, if an authorised person directs the driver to move it.

3.14 Stopping in a loading zone
A person shall not stop a vehicle in a loading zone unless it is—
(a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
(b) a motor vehicle taking up or setting down passengers,
but in any event, shall not remain in that loading zone—
(c) for longer than a time indicated on the "loading zone" sign; or
(d) longer than 30 minutes, if no time is indicated on the sign.

3.15 Stopping in a taxi zone
A driver shall not stop in a taxi zone, unless the driver is driving a taxi.

3.16 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.

PART 4 — STOPPING AND PARKING GENERALLY

4.1 Parking and stopping of bicycles
A person shall not park or stop any bicycle in a parking space, unless the parking space is marked "M/C".

4.2 Authorised parking
A person shall not, without the permission of the local government or an authorised person, stop or park a vehicle, other than an authorised vehicle, in an area designated by signs for the parking of authorised vehicles only.

4.3 Private property
(1) In this clause, a reference to land does not include land which is—
(a) a public reserve;
(b) the subject of an agreement referred to in clause 1.3(2); or
(c) a parking station.
(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) The consent referred to in subclause (2) may be given subject to any conditions which are specified on a sign, and a person shall not park a vehicle on the land otherwise than in accordance with the consent.

4.4 Stopping heavy, commercial and other types of vehicles in built up area
(1) A person shall not park—
(a) 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 tonne;
(b) a commercial vehicle;
(c) a caravan;
(d) a bus;
(e) a tow truck;
(f) a tractor; or
(g) a trailer
on a carriageway or verge in a built-up area between the hours of 6.00 pm one day and 7.00 am the following day and for more than 3 hours consecutively between the hours of 7.00 am and 6.00 pm.
(2) Nothing in this clause mitigates the limitations or conditions imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

4.5 Marking of tyres
(1) An authorised person may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for any purpose connected with or arising out of that authorised person’s duties and powers.
(2) A person shall not remove a mark made by an authorised person so the purpose of the affixing of such mark is defeated or likely to be defeated.
4.6 Parking on public reserves
A person shall not stop or park a vehicle in a public reserve, other than within a parking facility or parking station on that reserve, unless the person is an employee of the local government in the course of her or his duties, or has obtained the permission of the local government or an authorised person.

4.7 No obstruction of public places
(1) A person shall not park a vehicle in a public place so as to cause an obstruction.
(2) For the purposes of subclause (1)—
   (a) a vehicle which is parked in any portion of a public place where vehicles may not lawfully be parked is deemed to be causing an obstruction; and
   (b) a vehicle that is parked in any portion of a public place where vehicles may lawfully be parked does not cause an obstruction, unless—
      (i) the vehicle is so parked for any period exceeding 24 hours, without the consent in writing of the CEO or an authorised person; or
      (ii) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign.

4.8 Impounding of vehicles
The impounding of vehicles and other goods shall be carried out in accordance with sections 3.37 to 3.48 of the Act and regulation 29 of the Local Government (Functions and General) Regulations 1996.

4.9 Stopping in a parking area for people with disabilities
(1) A driver shall not stop in a parking area for people with disabilities unless—
   (a) the driver's vehicle displays an ACROD sticker; and
   (b) either the driver or a passenger in that vehicle is a person with disabilities.
(2) In this clause a parking area for people with disabilities is a length or area—
   (a) to which a "permissive parking" sign displaying a "people with disabilities" symbol applies;
   (b) to which a "people with disabilities parking" sign applies;
   (c) indicated by a road marking (a "people with disabilities" road marking) that consists of, or includes, a people with disabilities symbol; or
   (d) set aside within a parking region as a parking bay for use of a disabled person under the Local Government (Parking for Disabled Persons) Regulations 1988.

4.10 Restrictions on parking in particular areas
(1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—
   (a) if by a sign it is set apart for the parking of vehicles of a different class;
   (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
   (c) during any period when the parking is prohibited by a sign.
(2) If—
   (a) The driver's vehicle displays an ACROD sticker; and
   (b) a person with a disability to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle,
the driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period indicated on the sign.
(3) A person shall not park a vehicle—
   (a) in a no parking area;
   (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law; or
   (c) in a space marked "M/C" unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

PART 5—RESIDENTIAL PARKING PERMITS

5.1 Residential parking permit
(1) A maximum of 3 residential parking permits may be issued for each residential lot fronting or with vehicle access to and from a thoroughfare.
(2) An application for parking permit shall be made in the form determined by the local government.
(3) The local government may in respect of an application for a permit for the purpose of subclause (1)—
   (a) approve it;
   (b) approve it subject to such conditions as the local government considers appropriate; or
   (c) refuse to approve it.
(4) Where the local government approves an application under subclause (3), it shall issue a permit in the form determined by it to the person who applied for the permit.

(5) A permit issued for the purpose of subclause (1) will be issued for a period not exceeding 1 year and expiring on 31 December in the year of issue.

(6) Every permit issued for the purpose of subclause (1) is to specify—
   (a) a permit number;
   (b) the name of the thoroughfare to which the exemption granted by clause 5.2 applies; and
   (c) the date on which that permit expires.

5.2 Conditions of exemption for residential parking permits

Where parking of a vehicle on any part of a thoroughfare within the district is prohibited for more than a specified time, the holder of a permit issued under clause 5.1 is exempted from such prohibitions if—
   (a) the vehicle is parked on a thoroughfare or portion of a thoroughfare specified in the permit, but not adjacent to retail premises where the parking of all vehicles is subject to a time restriction;
   (b) the permit is displayed in or on the vehicle in a prominent position;
   (c) the period in respect of which the permit was issued has not expired; and
   (d) the holder of the permit at the time of parking the vehicle still resides at the residential lot in respect of which the permit was issued.

5.3 Removal and cancellation of residential parking permit

The holder of a permit issued under clause 5.1 who changes residence shall remove the permit from the vehicle to which it is affixed, and the permit shall be deemed to be cancelled on and from the date the holder changes residence.

PART 6 — METERED ZONES

6.1 Determination of metered zones

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

(2) In respect of metered spaces and metered zones the local government may by resolution determine, and may indicate by signs—
   (a) permitted times and conditions of parking depending on and varying with the locality;
   (b) classes of vehicles which are permitted to park;
   (c) the amount payable for parking; and
   (d) the manner of parking.

(3) Where the local government makes a determination or resolution under this clause, it shall erect signs to give effect to the determination.

6.2 Parking fee to be paid

Subject to clause 6.5, a person shall not park a vehicle in a metered space unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

6.3 Limitation on parking in metered space

The payment of a fee under clause 6.2 shall entitle a person to park the vehicle in a metered space for the period shown on the parking meter, but does not authorise the parking of the vehicle during any time when parking in that space may be prohibited in accordance with this local law.

6.4 No parking when meter is expired

Subject to clause 6.5, a person shall not leave or permit a vehicle to remain parked in a metered space during the hours when a fee is payable to park the vehicle in the space when the parking meter referable to that space exhibits the sign “Expired” or a negative time.

6.5 Suspension of requirement to pay fee

The local government may from time to time by a resolution declare that the provisions of clauses 6.2 and 6.4 shall not apply during the periods and days specified in the resolution.

6.6 Vehicles to be within metered space

(1) Subject to subclause (2) a person shall not park a vehicle—
   (a) in a metered space in a thoroughfare otherwise than parallel to and as close to the kerb as practicable and wholly within the space, provided that where a metered space is set out otherwise than parallel to the kerb the vehicle need only park wholly within the space; or
   (b) partly within and partly outside a metered zone.

(2) If a vehicle is too long or too wide to fit completely within a single metered space then the person parking the vehicle shall do so within the minimum number of metered spaces needed to park that vehicle.
6.7 Permitted insertions in parking meters
(1) A person shall not insert into a parking meter anything other than the designations of coin or banknote or such other permitted form of payment indicated by a sign on the parking meter.
(2) The insertion of a coin or banknote into any parking meter or the making of payment in such other permitted form shall be effected only in accordance with the instructions printed on that particular meter.

6.8 Parking ticket to be clearly visible
A driver of a vehicle left parked in a metered zone which is regulated by a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible 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.

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

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

PART 7—MISCELLANEOUS

7.1 Affixing signs and notices
A person shall not without the permission of the local government—
(a) affix any board, sign, placard, notice or other thing to or paint or write upon any part of a sign, ticket issuing machine, parking facility or parking station; or
(b) place, mark or erect a sign purporting to be or resembling a sign placed, marked or erected by the local government under this local law.

7.2 No contravention of sign
A person shall not contravene the direction of a sign erected by the local government under this local law.

7.3 Removal of notice from vehicle
A person other than the driver of the vehicle or a person acting under the direction of the driver, shall not remove from that vehicle any notice affixed to or put on it by an authorised person 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 Offence
Any person who contravenes or fails to comply with a provision of this local law commits an offence and is liable upon conviction to a penalty not exceeding $5 000, and if the offence is of a continuing nature, to an additional penalty not exceeding $500 for each day or part of a day during which the offence has continued.

7.6 Prescribed offences and modified penalties
(1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the Act.
(2) The amount of the modified penalty for a prescribed offence is that specified in Column 4 of Schedule 2 adjacent to the clause.

7.7 Forms
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 3;
(b) The form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 3;
(c) The form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in Schedule 3; and
(d) The form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 3.
### Schedule 1
**DEEMED PARKING STATIONS**

### Schedule 2
**PRESCRIBED OFFENCES**

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<td>Failure to park wholly within metered space</td>
<td>$75</td>
</tr>
<tr>
<td>67</td>
<td>6.6(b)</td>
<td>Parking partly outside metered zone</td>
<td>$75</td>
</tr>
<tr>
<td>68</td>
<td>6.7</td>
<td>Non-permitted insertion in parking meter</td>
<td>$150</td>
</tr>
<tr>
<td>Item</td>
<td>Clause</td>
<td>Nature of Offence</td>
<td>Modified Penalty</td>
</tr>
<tr>
<td>------</td>
<td>--------</td>
<td>----------------------------------------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>69</td>
<td>6.8</td>
<td>Failure to display ticket clearly in metered zone</td>
<td>$75</td>
</tr>
<tr>
<td>70</td>
<td>6.9</td>
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<td>$75</td>
</tr>
<tr>
<td>71</td>
<td>6.10</td>
<td>Parking contrary to a meter hood</td>
<td>$75</td>
</tr>
<tr>
<td>72</td>
<td>7.5</td>
<td>All other offences not specified</td>
<td>$75</td>
</tr>
</tbody>
</table>

---

**Schedule 3
FORMS**

(Clause 7.7)

**Form 1
NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

To: (1) ........................................................................................................................ ..............................

of: (2) ....................................................................................................................... ...............................

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

at (4)......................................................................................................................... ........... your vehicle

make: .................................................................................. ;

model: ................................................…........ ;

registration: .................................................. ,

was involved in the commission of the following offence: ........................................................................

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

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

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

contrary to clause ...........................................of the Parking and Parking Facilities Local Law 2012.

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

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

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

(i) you inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or

(ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed; or

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

(5) ......................................................................................................................................

(6) ......................................................................................................................................

Insert—

(1) Name of owner or “the owner”

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

(3) Time of alleged offence

(4) Location of alleged offence

(5) Signature of authorised person

(6) Name and title of authorised person giving notice

---

**Form 2
INFRINGEMENT NOTICE**

Serial No. ...........................

Date .......... / .......... / ..........

To: (1)........................................................................................................................ ..............................

of: (2) ....................................................................................................................... ...............................

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

at (4)......................................................................................................................... ...............................

4244 GOVERNMENT GAZETTE, WA 4 September 2012
in respect of vehicle—
make: .................................................. ;
model: ..................................................
registration: ..................................... ,
you committed the following offence—
............................................................................................................................... ................................
............................................................................................................................... ................................
............................................................................................................................... ................................
contrary to clause ........................................ of the Parking and Parking Facilities Local Law 2012.
The modified penalty for the offence is $ ........................................
If you do not wish to have a complaint of the alleged offence heard and determined by a court, the
amount of the modified penalty may be paid to an authorised person at (5)........................................ within a period of 28 days after the giving of this notice.
If you take no action this infringement notice may be registered with the Fines Enforcement Registry
after which your driver’s licence or any vehicle licence held by you may be suspended. If the matter is
registered with the Registry, additional costs will also be payable by you.
If the above address is not your current address or if you change your address, it is important that
you advise us immediately. Failure to do so may result in your driver’s licence or any vehicle licence
you hold being suspended without your knowledge.
(6) ........................................................................................................
(7) ......................................................................................................................................................
Insert—
(1) Name of alleged offender or “the owner”
(2) Address of alleged offender
(3) Time of alleged offence
(4) Location of alleged offence
(5) Place where modified penalty may be paid
(6) Signature of authorised person
(7) Name and title of authorised person giving notice

Form 3
INFRINGEMENT NOTICE

Serial No. .........................
Date ........../........./...........

To: (1) ........................................................................................................................ ..............................
of: (2) ....................................................................................................................... ...............................
It is alleged that on .......... / .......... / .......... at (3) ............................................................. .......................
at (4)......................................................................................................................... ...............................
in respect of vehicle—
make: .................................................. ;
model: ..................................................
registration: ..................................... ,
you committed the following offence—
............................................................................................................................... ................................
............................................................................................................................... ................................
............................................................................................................................... ................................
contrary to clause ........................................ of the Parking and Parking Facilities Local Law 2012.
The modified penalty for the offence is $ ........................................
If you do not wish to have a complaint of the alleged offence heard and determined by a court, the
amount of the modified penalty may be paid to an authorised person at Cathedral Avenue Geraldton
within a period of 28 days after the giving of this notice.
Unless within 28 days after being served with this notice—
(a) you pay the modified penalty; or
(b) you—
   (i) inform the Chief Executive Officer or another authorised officer of the local government
       as to the identity and address of the person who was the driver or person in charge of
       the above vehicle at the time the offence is alleged to have been committed; or
(ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed, you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

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

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

(5) .................................................................................................................................
(6) ......................................................................................................................................................

Insert—

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

Form 4
WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No. ........................................
Date ........../........../.......... [1]

To: (1) ........................................................................................................................................
of: (2) ........................................................................................................................................
Infringement Notice No ................................................................. date ........../........../.......... [2]
in respect of vehicle—
make: .................................................. ;
model: ............................................... ;
registration: ................................................ ,
for the alleged offence of—
..........................................................................................................................................................
..........................................................................................................................................................
..........................................................................................................................................................
has been withdrawn.
The modified penalty of $ ......................................
• has been paid and a refund is enclosed.
• has not been paid and should not be paid.
delete as appropriate.
(3) ......................................................................................................................................................
(4) ......................................................................................................................................................

Insert—

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

Dated: 24 July 2012.
The Common Seal of the City of Greater Geraldton was affixed by authority of a resolution of the Council in the presence of—

NEIL McILWAINE, Deputy Mayor.
ANTHONY BRUN, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995
HEALTH ACT 1911

SHIRE OF DUNDAS

HEALTH LOCAL LAW 2012
LOCAL GOVERNMENT ACT 1995
HEALTH ACT 1911

SHIRE OF DUNDA

HEALTH LOCAL LAW 2012

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<tr>
<th>Schedule Number</th>
<th>Description</th>
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<tbody>
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<td>Application for registration of a lodging house</td>
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</tr>
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</tr>
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</tr>
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</tr>
<tr>
<td>8</td>
<td>Application for registration of premises for offensive trade</td>
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</tr>
<tr>
<td>15</td>
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</tr>
<tr>
<td>16</td>
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</tr>
</tbody>
</table>
Under the powers conferred by section 342 of the Health Act 1911, subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Dundas resolved on the 19th June 2012 to make the following local law.

**PART 1—PRELIMINARY**

1.1 Citation
This local law may be cited as the Shire of Dundas Health Local Law 2012.

1.2 Repeal
(1) The Health Local Laws adopted by the Dundas Roads Board on the 14th November 1930 and published in the Government Gazette on the 28th November 1930, and amended from time to time, are repealed.

(2) The Health Local Laws adopted by the Dundas Roads Board on the 10th October 1953 and published in the Government Gazette on the 31st December 1953, and amended from time to time, are repealed.

(3) The Health Local Laws adopted by the Dundas Roads Board on the 8th February 1958 and published in the Government Gazette on the 29th May 1958, and amended from time to time, are repealed.

1.3 Commencement
This local law came into operation on the day that it was published in the Government Gazette.

1.4 Application
This local law applies throughout the district.

1.5 Interpretation
(1) In this local law, unless the context otherwise requires—
   - **Act** means Health Act 1911;
   - **adequate supply of water** means a flow of water of not less than 0.076 litres per second;
   - **approved** means approved by the local government;
   - **AS or AS/NZS** means Australian Standard published by the Standards Association of Australia;
   - **Building Code** means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;
   - **Chief Executive Officer** means the Chief Executive Officer of the Shire of Dundas and includes an Acting Chief Executive Officer;
   - **Council** means the Council of the Shire of Dundas;
   - **district** means the district of the Shire of Dundas and includes any area placed under the jurisdiction of the local government pursuant to Section 22 of the Act;
   - **dwelling house** means a place of residence or house containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;
   - **Environmental Health Officer** means an Environmental Health Officer appointed by the local government under the Act and includes an Acting or Assistant Environmental Health Officer;
   - **habitable room** means a room used for normal domestic activities; and
   - (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room, but
   - (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;
hot water means water at a temperature of at least 65 degrees Celsius;
local government means the Shire of Dundas;
Medical Officer means the Medical Officer appointed by the local government under the Act and
includes an Acting Medical Officer so appointed;
public place includes every place to which the public ordinarily have access, whether by
payment of a fee or not;
sanitary convenience includes urinals, water closets, earth-closets, privies, sinks, baths, wash
troughs, apparatus for the treatment of sewage, ash-pits, ash-tubs, or other receptacle for the
deposit of ashes, faecal matter, or refuse, and all similar conveniences;
sewage means any kind of sewage, nightsoil, faecal matter or urine, and any waste composed
wholly or in part of liquid;
sanitary convenience includes urinals, water closets, earth-closets, privies, sinks, baths, wash
troughs, apparatus for the treatment of sewage, ash-pits, ash-tubs, or other receptacle for the
deposit of ashes, faecal matter, or refuse, and all similar conveniences;
sewer includes sewers and drains of every description, except drains to which the word drain as
defined in the Act applies, including water channels constructed of stone, brick, concrete, or
any other material, including the property of the local government;
street includes any highway, any public bridge, and any road, lane, footway, square, court, alley
or passage, whether a thoroughfare or not;
toilet means a water closet, earth closet, privy or urinal and includes a room or cubicle in which
one or more of these are located;
water means drinking water within the meaning of the Australian Drinking Water Guidelines as
published by the National Health and Medical Research Council in 2004 and as amended
from time to time; and
window means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door or
other device which transmits natural light directly from outside a building to the room
concerned when in the closed position.

(2) Where in this local law, a duty or liability is imposed on an owner or occupier; the duty or liability
shall be deemed to be imposed jointly and severally on each of the owner or occupier.
(3) Where under this local law an act is required to be done or forbidden to be done in relation to any
premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty
of causing to be done the act so required to be done, or of preventing from being done the act so
forbidden to be done, as the case may be.

PART 2—SANITATION

Division 1—Sanitary conveniences

2.1.1 Interpretation
In this Part, unless the context otherwise requires—
festival includes a fair, function or event;
organiser means a person—
(a) to whom approval has been granted by the local government to conduct the festival; or
(b) responsible for the conduct of the festival;
public sanitary convenience means a sanitary convenience to which the public ordinarily have
access, whether by payment of a fee or not; and
temporary sanitary convenience means a sanitary convenience, temporarily placed for use
by—
(a) patrons in conjunction with a festival; or
(b) employees at construction sites or the like; and
urinal may be—
(a) an individual stall or wall-hung urinal; or
(b) each 600 millimetres length of a continuous urinal trough; or
(c) a closet pan used in place of a urinal.

2.1.2 Dwelling house
(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has
at least one toilet.
(2) A room in which a toilet is located shall have adequate lighting.

2.1.3 Premises other than a dwelling house
(1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or
occupied, premises other than a dwelling house unless—
(a) the premises have sanitary conveniences in accordance with the Building Code and this Part;
(b) the toilets required by this section are situated within 90m of the premises and are easily
accessible to the persons for whom they are provided; and
(c) the premises have hand wash basins—
(i) in accordance with the Building Code;
(ii) for the use of persons employed or engaged on the premises;
(iii) provided with an adequate supply of water supplied by taps located over each basin;
(iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and
(v) situated with or adjacent to the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house shall ensure that—
(a) clean toilet paper is available at all times in each cubicle;
(b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
(c) each hand wash basin is provided with—
   (i) an adequate supply of soap or other hand cleaning substances; and
   (ii) hand drying facilities, situated adjacent to and visible from the hand wash basin.

2.1.4 Outdoor festivals

(1) The organiser of an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale—
   (a) for the first 250 males—
      (i) one water closet for each 150;
      (ii) one urinal stall for each 50; and
      (iii) one hand wash basin for each 50;
   (b) for additional males—
      (i) one water closet for each 200;
      (ii) one urinal stall for each 100; and
      (iii) one hand wash basin for each 200;
   (c) for the first 250 females—
      (i) one water closet for each 40; and
      (ii) one hand wash basin for each 50;
   (d) for additional females—
      (i) one water closet for each 100; and
      (ii) one hand wash basin for each 200.

(2) Where, under subsection (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.

(3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the local government.

2.1.5 Toilets

Toilets on premises other than a dwelling house shall, where more than one toilet is provided on the premises, bear, on the entrance to each toilet, a suitable sign indicating for which gender its use is intended.

2.1.6 Temporary works

A person who undertakes temporary work at any place shall ensure every temporary sanitary convenience is installed and maintained in accordance with the requirements of the Health (Temporary Sanitary Conveniences) Regulations 1997.

2.1.7 Maintenance of sanitary conveniences and fittings

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

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

2.1.8 Ventilation of toilets

A toilet in any premises shall be ventilated in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations 1971 and the Building Code.

2.1.9 Public sanitary conveniences

(1) A person shall not—
   (a) foul;
   (b) damage or vandalise; or
   (c) write on or otherwise deface, a public convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.
(2) A person shall not live or sleep in the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

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

2.1.11 Installation
Every sanitary convenience shall be installed in accordance with the requirements of the Country Areas Water Supply Act 1947, the Country Towns Sewerage Act 1948 and the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and shall have an adequate supply of water.

2.2.1 Bathrooms
(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—
(a) is adequately lined with an impervious material and has an adequate ceiling;
(b) complies with the Health Act (Laundries and Bathrooms) Regulations; and
(c) is equipped with—
   (i) a hand wash basin; and
   (ii) either a shower in a shower recess or a bath.
(2) All baths, showers, hand wash basins and similar fittings shall be provided with an adequate supply of hot and cold water.

2.2.2 Laundries
(1) A laundry must conform to the provisions of the Building Code.
(2) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.
(3) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall—
   (a) not be more than 1,220 millimetres wide; and
   (b) have a door which when closed shall completely fill the opening.

2.2.3 Washing or keeping of clothes in kitchens
A person shall not in any kitchen or other place where food is kept—
(a) wash or permit to be washed any clothing or bedding; or
(b) keep or permit to be kept any soiled clothing or bedding.

2.2.4 Kitchens
(1) In this section, a cooking facility includes a stove, oven, facility or appliance used for or in connection with the cooking of food.
(2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with cooking facilities and a sink supplied with hot and cold water, which are adequate in the opinion of an Environmental Health Officer; and
(3) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
(4) A cooking facility shall—
   (a) be installed in accordance with AS/AZS 3350.2.9: 1999 and the manufacturers specifications; and
   (b) not be installed or used in any room other than a kitchen.
(5) Where mechanical extraction is provided in a kitchen, the exhaust air shall be—
   (a) carried to the outside air as directly as practicable; and
   (b) boxed throughout.
(6) Mechanical ventilation shall be maintained in good working order and condition.

PART 3—HOUSING AND GENERAL
Division 1—Maintenance of houses

3.1.1 Dwelling house maintenance
The owner or occupier of a dwelling house shall maintain the dwelling house and any appurtenant buildings in sound condition and fit for use and, in particular, shall—
(a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
(b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
(c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;
(d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;
(e) maintain any brick, stone, mortar or cement work in a sound condition;
(f) maintain, repair or replace any flashings or ant caps, which are missing or defective;
(g) maintain all ventilators in good order and repair;
(h) maintain all floors even and level in surface and free from cracks and gaps;
(i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
(j) maintain all doors and windows in good working order and weatherproof condition;
(k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10 per cent of the floor area;
(l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the County Areas Water Supply Act 1947 and the Country Towns Sewerage Act 1948 and any other legal requirements to which they are subject; and
(m) maintain all electric wiring, gas services and fittings in a safe and sound condition.

3.1.2 Maintenance of guttering and downpipes and disposal of rainwater
The owner or occupier of a house shall—
(a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstructions; and
(b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property.

Division 2—Ventilation of houses

3.2.1 Exemption for short term hostels and recreational campsites
This Division shall not apply to short term hostels and recreational campsites referred to in Division 1 of Part 8.

3.2.2 Overcrowding
The owner or occupier of a house shall not permit—
(a) a room in the house that is not a habitable room to be used for sleeping purposes; or
(b) a habitable room in the house to be used for sleeping purposes unless—
   (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and
   (ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
(c) any garage or shed to be used for sleeping purposes.

3.2.3 Calculated sufficient space
For the purpose of Section 3.2.2, in calculating the space required for each person—
(a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and
(b) a deduction shall be made for the space occupied by furniture, fittings and projections of the walls into a room.

3.2.4 Ventilation
(1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.
(2) For the purpose of subsection (1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of—
   (a) natural ventilation; or
   (b) a mechanical ventilation or air-conditioning system complying with AS1668.2:-2002.
(3) The owner of a house provided with mechanical ventilation or an air-conditioning system shall ensure that the system is—
   (a) maintained in good working condition and in accordance with AS/NZS 3666.2:2002; and
   (b) in use at all times the building is occupied if it is a building without approved natural ventilation.
(4) If, in the opinion of an Environmental Health Officer, a house is not properly ventilated, the local government may by notice require the owner of the house to—
   (a) provide a different, or additional method of ventilation; or
   (b) cease using the house until it is properly ventilated.
(5) the owner shall comply with a notice made under subsection (4).
3.2.5 Sub-floor ventilation
The owner or occupier of a house shall make provision for sub-floor ventilation by ensuring that air bricks and other openings are kept clean of refuse, vegetation, building materials, dirt and the like.

Division 3—Water supply

3.3.1 Water supply
(1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of a licensed water service operator or a water supply to the satisfaction of the local government.
(2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house.
(3) The water supply to toilets or for garden use may be from an alternative source, not necessarily drinking water.

3.3.2 Rainwater tanks
The owner or occupier of a house where part of the water supply is drawn from a rainwater tank shall—
(a) maintain in a clean condition—
(i) the roof forming the catchment for the tank; and
(ii) the guttering and downpipes appurtenant to the roof;
(b) ensure that each rainwater tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;
(c) annually clean any tank, which is used to store water for human consumption; and
(d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, used to store water for human consumption.

3.3.3 Wells
The owner or occupier of any premises shall not use or permit for human consumption the use of the water from any bore or well unless the bore or well is—
(a) at least 30 metres from any soak or other possible source of pollution unless otherwise approved by the Executive Director of Public Health; and
(b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

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

Division 4—Second-hand furniture, bedding and clothing

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

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

Division 5—Morgues

3.5.1 Application and licensing of morgues
(1) All morgues, other than those of any public hospital or any local government or police morgue, shall be licensed annually in accordance with the requirements of this Division.
(2) An application for a licence of a morgue shall be—
(a) made by the applicant;
(b) made in the form prescribed in Schedule 10; and
(c) forwarded to the Chief Executive Officer with the fee as fixed from time to time by the local government under Section 344C of the Act.
(3) A licence shall—
(a) be in the form prescribed in Schedule 11; and
(b) expire on 30 June after the date of its issue.
(4) A licence shall not be granted in respect of any premises unless—
(a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
(b) the walls are constructed of stone or brickwork or other approved material;
(c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to
be non-absorbent and washable;
(d) all floors are constructed of an approved impervious material, having a fall to an outlet
discharging over a trapped gully; and
(e) the premises are adequately ventilated by direct communication with the outside air.

PART 4—WASTE
Division 1—Liquid waste

4.1.1 Interpretation
In this Division, unless the context otherwise requires—

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

liquid waste means bathroom, kitchen, scullery and laundry wastes, the contents of septic
tanks, all washings from animal and poultry pens and any other domestic or trade wastes
that are discharged by means of a drain to a receptacle for drainage.

4.1.2 Deposit of liquid refuse
A person shall not deposit or cause or permit to be deposited liquid refuse or liquid waste—
(a) on a street;
(b) in a stormwater disposal system; or
(c) on any land or place other than a place or depot duly authorised for that purpose.

4.1.3 Disposal of liquid waste
(1) The owner or occupier of premises shall—
(a) provide, one of the methods prescribed in this section, for the disposal of all liquid waste
produced on the premises; and
(b) at all times maintain in good working order and condition any apparatus used for the
disposal of liquid waste.
(2) Liquid waste shall be disposed of by one of the following methods—
(a) discharging it into the sewerage system of a licensed water service operator in a manner
approved by the licensed water service operator;
(b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and
liquid waste approved by the Executive Director, Public Health or the local government; or
(c) collection and disposal at an approved liquid waste disposal site in a manner approved by the
Department of Environment and Conservation.

4.1.4 Approval for septic tank pump outs and removal of liquid waste
A person shall not—
(a) without the written approval of the local government; and
(b) except in accordance with any terms and conditions imposed by the local government or the
Executive Director, Public Health in connection with the approval under paragraph (a)
collect, remove or dispose of the contents of a septic tank, the pump outs from holding tanks
or an apparatus for the treatment of sewage and other liquid wastes.

Division 2—Transport of butchers' waste

4.2.1 Interpretation
In this Division, unless the context otherwise requires—

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

4.2.2 Transport of butchers' waste
(1) A person shall not transport butchers' waste other than in—
(a) a compartment complying with the following specifications—
(i) all internal surfaces to be constructed of an approved, smooth, impervious material not
less than 910 millimetres high;
(ii) all joints to be sealed and made water-tight;
(iii) the loading doors, if any, to be water-tight and kept closed at all times except when
loading; and
(iv) the top to be completely covered by a tarpaulin or other impervious material approved
by the local government, carried over, and secured to the outside of the walls at least
300 millimetres from the top so as to keep the load out of sight of the public; or
(b) a sealed container fitted with a lid which can be tightly closed.
(2) A person shall not load, transport, or unload butchers’ waste in a manner that is or maybe offensive due to—

(a) the sight of animal skeletons, bones, offal or waste matter;
(b) the odour of putrefaction, offal or waste matter; or
(c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

5.1.1 Interpretation

In this Division, unless the context otherwise requires—

fertiliser includes manure; and
public vehicle includes bus, tram, taxi or any other public transport

5.1.2 Footpaths etc. to be kept clean

An owner or occupier of premises shall maintain any footpath, pavement, area or right of way immediately adjacent to the premises clear of rubbish, matter or things coming from or belonging to the premises.

5.1.3 Escape of smoke etc.

An owner or occupier shall not cause or permit the escape of smoke, dust, sand, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such nature as to cause or to be a nuisance.

5.1.4 Public vehicles to be kept clean

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

(a) maintain the vehicle at all times—
(i) in a clean condition; and
(ii) free from vectors of disease; and
(b) whenever directed to do so by an Environmental Health Officer, thoroughly clean and disinfect the vehicle as directed.

5.1.5 Prohibition against spitting

A person shall not spit—

(a) on a footpath, street or public place; or
(b) in a train, bus or other public transport.

5.1.6 Transportation, use and storage of offal, blood or other offensive matter

(1) A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried.

(2) No person shall remove any offensive matter unless such offensive matter is carried in sealed containers to prevent the escape of any of the contents thereof, or the emission of any offensive odour therefrom.

(3) Every person using any sealed containers or vehicle for the removal of offensive matter shall keep such container or vehicle in a thoroughly clean condition and in good repair.

5.1.7 Use or storage of fertiliser

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

(a) pig manure, within 200 metres of town site boundaries, or within town sites, unless it has been effectively treated to the satisfaction of the Environmental Health Officer;
(b) human faeces; or
(c) urine.

5.1.8 Storage and dispatch of artificial fertiliser

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

(a) keep all artificial fertiliser in a building—
(i) of which all internal surfaces are constructed of durable and non-absorbent materials, finished internally with a smooth surface;
(ii) that protects it from the absorption of moisture; and
(iii) that is adequately ventilated;
(b) take adequate measures to prevent the emission of dust or offensive effluvia from the building; and
(c) ensure that all artificial fertiliser dispatched from the premises is handled and loaded in such a manner as to prevent any nuisance arising during transit.
5.1.9 Storage of fertiliser in a house
The owner or occupier of a house where fertiliser or compost is stored or used shall—
(a) prevent the escape of odours, dust or particles of fertiliser or compost;
(b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and
(c) store only such amounts of fertiliser or compost—
(i) as can be readily used within a reasonable period; or
(ii) as may be directed by an Environmental Health Officer.

5.1.10 Vehicles used for transporting of animals and birds
No person having the control or management of any vehicle in which animals or birds are being or have been transported or confined shall allow such vehicle to stand within a town site until the vehicle has been thoroughly cleaned.

Division 2—Keeping of animals and birds

5.2.1 Interpretation
In this Division, unless the context otherwise requires—
animal includes cats, dogs, rabbits and ferrets;
bird includes galahs, parrots, budgerigars, finches, pigeons and doves or the like; and
catteries are premises registered for the breeding or caring of cats.

5.2.2 Cleanliness
An owner or occupier of premises, excluding an extensive farming premises, in or on which an animal or bird is kept shall—
(a) keep the premises free from excrement, filth, food waste and all other matter which is or likely to become offensive or injurious to health or to attract rats or other vectors of disease;
(b) when so directed by an Environmental Health Officer, clean and disinfect the premises;
(c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
(d) ensure the animal or bird kept is not causing a nuisance or is injurious, offensive or dangerous to health.

5.2.3 Animal enclosures
(1) A person shall not keep or cause or permit to be kept any animals or birds on premises, which are not effectively drained.
(2) The owner or occupier of premises, where animals or birds are kept shall, when directed by the local government, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

5.2.4 Cats
(1) Subject to subsection (6) and (7), a person shall not, without an exemption in writing from the local government, keep more than 2 cats over the ages of 3 months on premises on any land within the district.
(2) An owner or occupier of premises may apply in writing to the local government for exemption from the requirements of subsection (1).
(3) The local government shall not grant an exemption under subsection (2) unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.
(4) An exemption granted under this Section shall specify—
(a) the owner or occupier to whom the exemption applies;
(b) the premises to which the exemption applies; and
(c) the maximum number of cats which may be kept on the premises.
(5) A person who is granted an exemption under subsection (2) may be required by the local government to—
(a) provide for each cat kept at or on the premises, a properly constructed shelter with an enclosure complying with the following—
(i) each shelter shall have a floor area of not less than 0.5 square metres for each cat over the age of 3 months kept or to be kept therein; and
(ii) the area of the enclosure appurtenant to each shelter shall be not less than 3 times the area of the shelter;
(b) ensure every shelter and enclosure is situated at a distance of not less than—
(i) two metres from the boundary of any lot not owned or occupied by the person by whom the cats are kept; and
(ii) ten metres from any dwelling, church, schoolroom, hall or premises in which food is manufactured, packed or prepared for human consumption; and
(c) keep all shelters, enclosures, yards and grounds in which cats are kept in a clean condition and free from vectors of disease at all times and clean, disinfect or otherwise deal with them as directed by an Environmental Health Officer from time to time.

(6) A person may keep more than 2 cats on premises used for veterinary purposes or as a pet shop.

(7) The occupier of any premise shall not keep a cattery on those premises, unless the cattery is registered with the local government and the occupier has complied with the following—

(a) The occupier shall obtain approval from the local government to establish a cattery;

(b) Upon receiving approval to establish a cattery, the occupier shall apply for registration of the cattery in the form set out in Part 11, Schedule 12;

(c) The occupier shall have paid to the local government the annual registration fee as fixed from time to time by the local government under Section 344C of the Act;

(d) The occupier shall provide for every cat a properly constructed shelter with an enclosure, which shall comply with the following conditions—

(i) Every shelter shall have a floor area of not less than 0.50 square metres for every cat over the age of 3 months old that may be kept therein; and

(ii) The area of the enclosure appurtenant to any shelter or group of shelters forming a cattery shall not be less than 3 times the area of the shelter or group of shelters to which it is appurtenant;

(e) Every shelter or enclosure shall be at least 10 metres from the boundary of any land not in the same ownership or possession, or at least 10 metres from any dwelling, church, schoolroom, hall, factory, dairy or premises whatsoever wherein food is manufactured, packed or prepared for human consumption; and

(f) All enclosures, yards, runs and shelters within which cats are kept shall be maintained at all times in a clean condition and free from vectors of disease and shall at any time be cleaned, disinfected or otherwise dealt with as an Environmental Health Officer may direct.

(8) A certificate of registration of a cattery issued by the local government shall—

(a) be in the form set out in Schedule 13; and

(b) expire on 30 June next after the date of its issue.

5.2.5 Slaughter of animals

(1) A person shall not slaughter any animal within the district.

(2) Subsection (1) does not apply to—

(a) euthanasia of animals by veterinarians or other duly authorised persons;

(b) slaughter of animals for the purposes of pet meat and game meat operations;

(c) slaughter of animals for human consumption in abattoirs approved by the local government;

and

(d) farming or grazing property occupiers preparing meat for their own consumption.

5.2.6 Disposal of dead animals

(1) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours, shall refrigerate the carcass prior to its removal and disposal, at an approved disposal site.

(2) An owner or occupier of premises, other than a veterinary practice, on which there is a dead animal, shall as soon as possible remove the carcass for its disposal at an approved disposal site.

(3) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall as soon as possible remove the carcass and arrange for its disposal at an approved disposal site.

Division 3—Keeping of large animals

5.3.1 Interpretation

In this Division, unless the context otherwise requires—

 approved animal means a large animal the subject of an approval by the local government under Section 5.3.2;

cow includes an ox, calf, or bull;

horse includes an ass, mule, donkey or pony; and

 large animal includes a pig, sheep, goat, deer, lama, camel, cow, horse, emu, ostrich or the like.

5.3.2 Conditions for keeping of an animal

(1) An owner or occupier of premises, within a town site shall not keep a large animal on those premises without approval of the local government.

(2) An owner or occupier of premises who has an approved animal shall ensure—

(a) the premises has an area of not less than 0.2 hectares for the exclusive use of the approved animal; and

(b) the approved animal does not approach within 30 metres of a dwelling.
5.3.3 Stables

(1) The owner or occupier of premises within a town site, who has an approved animal, shall provide for its use a stable which shall—

(a) not be situated within 30 metres of a house or other premises;

(b) have a proper separate stall—

(i) for each horse or cow; and

(ii) with walls measuring not less than 3 metres, both horizontally and vertically, unless it has a sand floor provided in accordance with subsection (2); and

(iii) with a floor area of not less than 11 square metres, unless it has a sand floor provided in accordance with subsection (2);

(c) have each wall and roof constructed of an approved impervious material;

(d) have a roof that covers the entire floor area of the stall;

(e) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height; and

(f) subject to subsection (2), have a floor, the upper surface of which shall—

(i) be at least 75 millimetres above the surface of the ground;

(ii) be constructed of cement, concrete or other similar impervious materials; and

(iii) have a fall of 1:100 to a drain, which shall empty, into a trapped gully situated outside the stable and shall discharge in a manner approved by the local government.

(2) A stable constructed with a sand floor may be permitted by the local government, subject to the following—

(a) the site must be well drained with the highest known water table at least 1.5 metres below the sand floor level, which may be achieved artificially;

(b) a 300-millimetre thick bed of crushed limestone shall be laid under the sand of the stable;

(c) sand, whether natural or imported, must be clean, coarse and free from dust;

(d) footings to each stable shall be a minimum of 450 millimetres below ground level;

(e) the stable design must allow for the access of small earth moving machinery, such as a skid steer loader, into each individual stall, to maintain the correct floor height;

(f) the minimum floor area of each stall shall be not less than 28 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally;

(g) the roofed area of each stall shall not be less than 50 per cent of the floor area of the stall.

(3) The owner or occupier of any premises on which a stable is located shall—

(a) maintain the stable in a clean condition and when so directed by an Environmental Health Officer, clean, wash and disinfect it;

(b) keep all parts of the stable so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

(c) when so ordered by an Environmental Health Officer, spray the stable or such parts as may be directed, with a residual insecticide.

5.3.4 Manure receptacle

An owner or occupier of premises on which an approved animal is kept shall—

(a) provide in a position convenient to the stable a receptacle for manure, which is constructed of smooth, impervious, durable, easily cleanable materials and, provided with a tight-fitting cover, and with no part of the receptacle base being lower than the surface of the adjoining ground;

(b) keep the lid of the receptacle closed except when manure is being deposited or removed;

(c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;

(d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

(e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

5.4.1 Interpretation

In this Division, unless the context otherwise requires—

poultry includes bantams, ducks and other domestic fowls.

5.4.2 Limitation on numbers of poultry and pigeons

An owner or occupier of premises within a town site shall not keep a combined total of more than 12 poultry and pigeons without the approval of the local government, on any one lot of land.

5.4.3 Conditions for keeping poultry in limited numbers

A person who keeps poultry or permits poultry to be kept shall ensure that—

(a) no poultry is able to approach within 9 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
(b) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
(c) the structure is in a yard having an otherwise unobstructed area of at least 30 square metres;
(d) no poultry is able to approach within 9 metres of a street other than a right of way unless, in the case of land at the junction of 2 or more streets, the local government has approved a lesser distance;
(e) no poultry is able to approach within 1.2 metres of any side or rear boundary of the premises; and
(f) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with in a way as directed by an Environmental Health Officer.

5.4.4 Roosters, geese, turkeys, peafowls and game birds
(1) An occupier of premises within a town site, shall not without the written approval of the local government, keep or permit to be kept on those premises, any of the following fowl—
   (a) a rooster;
   (b) a goose or gander;
   (c) a turkey;
   (d) a peacock or peahen; or
   (e) a game bird (includes emus and ostriches)
(2) The local government may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in subsection (1).
(3) A person who has been granted approval under this Section to keep a bird may keep the bird on the premises only while he is the occupier thereof.
(4) The local government may revoke an approval granted under this Section if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

5.4.5 Pigeons or doves
A person who keeps, or permits to be kept, pigeons or doves shall ensure that—
   (a) none is able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and
   (b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dove cote that—
      (i) is in a yard having an otherwise unobstructed area of at least 30 square metres; and
      (ii) does not allow them to approach within 1.2 metres of any side or rear boundary of the premises; and
      (iii) is maintained in such a manner so as not to create a nuisance by the emission of dust, effluvia or odours.

5.4.6 Removal of non-conforming structure or enclosure
(1) If a structure or enclosure is used for the keeping of poultry or pigeons or doves contrary to the provisions of Section 5.4.3 and 5.4.5, the local government may direct the owner or occupier to remove it.
(2) An owner or occupier shall comply with a direction from the local government made under this Section.

5.4.7 Restrictions on pigeon nesting or perching
(1) The local government may order an owner or occupier of a house in or on which pigeons which are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.
(2) An owner or occupier shall comply with a local government order made under this Section.

5.4.8 Restrictions on Feeding Wild Birds
A person shall not feed a wild pigeon, dove, seagull, ibis, raven or other wild bird, so as to cause a nuisance or be injurious or dangerous to health.

Division 5—Feedlots

5.5.1 Interpretation
For the purpose of this Division—
   feedlot means a confined area with watering and feeding facilities where animals or birds are held and fed for the purpose of weight gain;
   animal includes sheep, lambs, goats, deer, cattle and buffalo; and
   birds includes roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches.

5.5.2 Premises to be approved
(1) No premises shall be used as a feedlot unless approved by the local government;
(2) Subject to subsection (3), no premises shall be approved as a feedlot by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Schedule 14; and
(3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the feedlot will not give rise to a health nuisance.

5.5.3 Site conditions
(1) The owner or occupier of the approved feedlot shall ensure the premises—
   (a) is sited on gently sloping land, no greater than 1:20 but not less than 1:100;
   (b) is sited on soils composed of sandy loam soils with sufficient infiltration to avoid surface ponding and run-off;
   (c) has a minimum groundwater clearance of 3 metres;
   (d) drainage diverts all uncontaminated stormwater from the general waste stream; and
   (e) has solid and liquid waste disposal arrangements that are not offensive or injurious to health.
(2) The owner or occupier of the approved feedlot shall take effective measures to prevent the discharge of dust, which may involve—
   (a) reducing the stocking rate immediately to a level that does not cause the discharge of dust; or
   (b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
   (c) provision of adequate windbreaks to effectively prevent the discharge of dust.

5.6.1 Interpretation
For the purpose of this Division—
   intensive piggery means pigs are housed, fed and watered in breeding and growing pens in sheds; and
   piggery in relation to premises shall include any portion of premises to which the pigs have access.

5.6.2 Premises to be approved
(1) No premises shall be used as a piggery unless approved by the local government;
(2) Subject to subsection (3), no premises shall be approved as a piggery by the local government unless every portion of such piggery complies with the minimum separation distances listed in Schedule 15; or if it is an intensive piggery, the minimum separation distances listed in Schedule 16; and
(3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance.

5.6.3 Site conditions
The owner or occupier of premises shall take effective measures to prevent the discharge of dust, which may involve—
   (a) reducing the stocking rate immediately to a level that does not cause the discharge of dust; or
   (b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
   (c) provision of adequate windbreaks to effectively prevent the discharge of dust.

5.6.4 Prevention of nuisances
In order to prevent dust, offensive fumes and effluent becoming a nuisance to the health of the inhabitants of the district, an intensive piggery shall comply with the minimum separation distances listed in Table 3.

PART 6—PEST CONTROL
Division 1—Flies

6.1.1 Interpretation
In this Division, unless the context otherwise requires—
   flies means any of the two-winged insects constituting the order Diptera commonly known as flies.

6.1.2 Fly breeding matter not to be left on premises unless covered or treated
An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left in, on or about the premises any matter or thing which is liable to attract or be a breeding place for flies, unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

6.1.3 Measures to be taken by an occupier
An owner or occupier of premises shall ensure that—
   (a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
   (b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
(c) lawn clippings used on gardens as mulch are raked out thinly;
(d) fertilisers are dug well into the soil;
(e) compost heaps are kept well covered;
(f) barbecues are kept clean and free from food scraps;
(g) anything that is buried and may attract or be a breeding place for flies is covered with at least 100 millimetres of soil; and
(h) excrement from pets is collected and properly disposed of without delay.

6.1.4 Officer may give notice directing measures to be taken
Where in the opinion of an Environmental Health Officer, flies are prevalent or are breeding on any premises, the Environmental Health Officer may give to the owner or occupier of the premises notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the Environmental Health Officer are necessary to—
(a) control the prevalence;
(b) effect the eradication; or
(c) effectively prevent the breeding,
of flies.

6.1.5 Local government may execute work and recover costs
(1) Where—
(a) a person is required under this Division or directed by a notice given under section 6.1.4, to execute any work; and
(b) that person fails or neglects to comply with the requirement,
the local government may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under this local law.
(2) The costs and expenses incurred by the local government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from the person referred to in subsection (1).
(3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2—Mosquitoes

6.2.1 Interpretation
In this Division, unless the context otherwise requires—
mosquitoes means any of the two-winged insects constituting the family Diptera Culicidae commonly known as mosquitoes.

6.2.2 Measures to be taken to prevent mosquitoes breeding
(1) An owner or occupier of premises shall ensure that the premises are kept free from possible mosquito breeding sites and shall—
(a) follow any direction of an Environmental Health Officer for the purpose of—
(i) controlling the prevalence of mosquitoes;
(ii) eradication of mosquitoes; or
(iii) effectively preventing the breeding of mosquitoes.
(b) assist the Environmental Health Officer to locate any possible mosquito breeding sites that may be present in or about the premises.
(2) An owner or occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall—
(a) frequently change the water; and
(b) keep the water clean and free from vegetable matter and slime.
(3) An owner or occupier of premises where a septic tank is installed shall ensure the fixture is in sound condition at all times, and mesh having openings no larger than 1.2 millimetres covers any educt vent to the system.
(4) An owner or occupier of land shall cause all drains and channels in or on the land to be kept in good order and free from obstruction.

6.2.3 Local government may execute and recover costs
(1) Where—
(a) a person is required under this Division or directed by a notice given under Section 6.2.2, to execute any work; and
(b) that person fails or neglects to comply with the requirement,
the local government may execute the work and recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable.
(2) The costs and expenses incurred by the local government in the execution of a power under Section (1) may be recovered in a court of competent jurisdiction from that person.

(3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 3—Rodents

6.3.1 Interpretation
In this Division, unless the context otherwise requires—

rodents means those animals belonging to the order Rodentia and includes rats, mice and rabbits
but does not include animals kept as pets in an enclosure designed for the purpose of keeping
as pets, animals of that kind.

6.3.2 Measures to be taken to eradicate rodents
(1) An owner or occupier of premises shall at all times take effective measures to eradicate any
rodents in or on the premises.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises
to take whatever action, in the opinion of the Environmental Health Officer, is necessary or desirable
to prevent or deter the presence of rodents in or on the premises.

(3) An owner or occupier shall within the time specified comply with any direction given by an
Environmental Health Officer under this section.

6.3.3 Food and wastes to be kept in rodent proof receptacles
A person must not store, or allow to be stored, on any premises, any food, refuse or other waste matter
unless it is contained in a rodent proof receptacle or compartment.

6.3.4 Restrictions on the keeping of rodents
A person or body who keeps rodents shall—

(a) at all times ensure that all live rodents are kept in the effective control of a person or in
locked cages; and

(b) if a rodent escapes, forthwith comply with the requirements of Section 6.3.2 and ensure that
all reasonable steps are taken to destroy or recapture the rodent.

Division 4—Cockroaches

6.4.1 Interpretation
In this Division, unless the context otherwise requires—

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

6.4.2 Measures to be taken to eradicate cockroaches
(1) An owner or occupier of premises shall take effective measures to eradicate any
cockroaches in or on the premises.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises
to take whatever action that, in the opinion of the Environmental Health Officer, is necessary or desirable
to prevent or deter the presence of cockroaches in or on the premises.

(3) An owner or occupier shall within the time specified comply with any direction given by an
Environmental Health Officer under this section.

Division 5—Argentine ants

6.5.1 Interpretation
In this Division, unless the context otherwise requires—

Argentine Ant means an ant belonging to the species Irdomyrmex humilis.

6.5.2 Measures to be taken to keep premises free from argentine ants
An owner or occupier of premises shall ensure that the premises are kept free from Argentine Ant
colonies and shall—

(a) take all steps to locate any nests, if Argentine Ants are noticed in, on or about the premises;

(b) properly treat all nests of Argentine Ants with an approved residual based insecticide; and

(c) whenever required by an Environmental Health Officer—

(i) treat any area or infestation with an insecticide referred to in paragraph (b); and

(ii) remove any objects, including timber, firewood, compost or pot plants in accordance
with a direction from the Environmental Health Officer.

Division 6—European wasps

6.6.1 Interpretation
In this Division, unless the context otherwise requires—

European wasp means a wasp Vespula germanica.
6.6.2 Measures to be taken to keep premises free from European wasp nests
An owner or occupier of premises shall ensure that the premises are kept free from European Wasp nests and shall—
(a) follow any direction of an Environmental Health Officer for the purpose of destroying the European wasps and their nest; and
(b) assist an Environmental Health Officer to trace any nest that may be present in, on or about the premises.

Division 7—Bee keeping

6.7.1 Interpretation
In this Division, unless the context otherwise requires—
bees means an insect belonging to any of the various hymenopteran insects of the super family Apoidea and commonly known as a bee.
beehive means a moveable or fixed structure, container or object in which a colony of bees is kept.

6.7.2 Restrictions on keeping of bees in hives
(1) A person shall not keep or permit the keeping of bees anywhere within the district unless approval to do so has been given by the local government.
(2) If, in the opinion of an Environmental Health Officer, the approved beehives are causing a nuisance, the local government may direct any bees or approved beehives to be removed.
(3) A person shall comply with a direction within the time specified.

Division 8—Arthropod vectors of disease

6.8.1 Interpretation
In this Division, unless the context otherwise requires—
Arthropod vectors of disease includes—
(a) fleas (Siphonaptera);
(b) bedbugs (Cimex lectularius);
(c) crab lice (Phthirius pubis);
(d) body lice (Pediculus humanus var corporis); and
(e) head lice (Pediculus humanus var capitis).

6.8.2 Responsibility of the owner or occupier
The owner or occupier of premises shall—
(a) keep the premises and any person residing in or on the premises, free from any arthropod vectors of disease; and
(b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 7—INFECTIONOUS DISEASES

Division 1—General provisions

7.1.1 Requirements for an owner or occupier to clean, disinfect and disinfest
(1) The local government or an Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest—
(a) the premises; or
(b) such things in or on the premises as are specified in the notice, or both, to the satisfaction of an Environmental Health Officer.
(2) An owner or occupier shall comply with a notice given under subsection (1).

7.1.2 Environmental Health Officer may disinfect or disinfest premises
(1) Where the local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government or the Medical Officer may direct an Environmental Health Officer, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.
(2) An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other local government officer or other person to carry out the direction given under subsection (1).
(3) The local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this Section from the owner or occupier of the premises in or on which the work was carried out.
(4) The local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.
7.1.3 Insanitary houses, premises and things
(1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.
(2) Where an Environmental Health Officer considers that a house is insanitary, the officer may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to amend the house.
(3) Where an Environmental Health Officer considers that—
   (a) a house or premises is not being maintained in a sanitary condition; or
   (b) anything is insanitary;
   the officer may by notice in writing direct as the case may be—
   (i) the owner or occupier of the house or premises to amend any insanitary condition; or
   (ii) the owner or occupier of the thing to destroy or amend it, within the time and in the manner specified in the notice.
(4) A person to whom a notice has been given under subsections (2) or (3) shall comply with the terms of the notice.

7.1.4 Medical Officer may authorise disinfecting
(1) Where the Medical Officer believes that a person is or may be infected by an infectious disease, the Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the Medical Officer.
(2) A person shall comply with any direction of the Medical Officer under this section.

7.1.5 Persons in contact with an infectious disease sufferer
If a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house—
   (a) shall obey such instructions or directions as the local government or the Medical Officer may issue; and
   (b) may be removed, at the direction of the local government or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading and if so removed, shall remain in that place until the Medical Officer otherwise directs.

7.1.6 Declaration of infected house or premises
(1) To prevent or check the spread of infectious disease, the local government or the Medical Officer may from time to time declare any house or premises to be infected.
(2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or an Environmental Health Officer.

7.1.7 Destruction of infected animals
(1) The Environmental Health Officer, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice in writing, direct that the animal be examined by a registered veterinary officer and that all steps be taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—
   (a) in the manner and within the time specified in the notice; and
   (b) by the person in whose possession, or upon whose premises, the animal is located.
(2) A person who has in his or her possession or upon premises occupied by him or her, an animal that is the subject of a notice under subsection (1) shall comply with the terms of the notice.

7.1.8 Disposal of a body
(1) An occupier of premises in or on which is located the body of a person who has died of any infectious disease shall, subject to subsection (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.
(2) A body shall not be removed from premises where death occurred except to a morgue.

7.1.9 Local government may carry out work and recover costs
(1) Where—
   (a) a person is required under this Division or by a notice given under this Division, to carry out any work; and
   (b) that person fails or neglects to comply with the requirement,
that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.
(2) The costs and expenses incurred by the local government in the execution of a power under this Section may be recovered in a court of competent jurisdiction from the person referred to in subsection (1)(a).
(3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.
Division 2—Disposal of used condoms and needles

7.2.1 Disposal of used condoms
(1) An occupier of premises on or from which used condoms are produced shall ensure that the
condoms are—
(a) placed in a sealed impervious container and disposed of in a sanitary manner; or
(b) disposed of in such a manner as may be directed by the local government.
(2) A person shall not dispose of a used condom in a public place except in accordance with
subsection (1).

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

PART 8—LODGING HOUSES
Division 1—Registration

8.1.1 Interpretation
(1) In this Part, unless the context otherwise requires—
bed means a single sleeping berth only, and a double bed provided for the use of couples, shall
have the same floor space requirements as 2 single beds;
bunk means a sleeping berth comprising one of 2 beds arranged vertically;
dormitory means a building or room utilised for sleeping purposes at a short term hostel or
recreational campsite;
Food Standards Code means the Australian New Zealand Food Standards Code as defined in
the Commonwealth Food Standards Australia New Zealand Act 1991;
keeper means a person whose name appears on the register of keepers, in respect of a lodging
house, as the keeper of that lodging house;
lodger means a person who obtains, for hire or reward, board or lodging in a lodging house;
lodging house includes a recreational campsite, a serviced apartment and a short-term hostel;
manager means a person duly appointed by the keeper in accordance with this Division to reside
in, and have the care and management of, a lodging house;
recreational campsite means a lodging-house—
(a) situated on a campsite principally used for—
(i) recreational, sporting, religious, ethnic or educational pursuits; or
(ii) conferences or conventions; and
(b) where the period of occupancy of any lodger is not more than 14 consecutive days; and
includes youth camps, youth education camps, church camps and riding schools;
register of lodgers means the register kept in accordance with Section 157 of the Act and this
Part;
resident means a person, other than a lodger, who resides in a lodging house;
serviced apartment means a lodging house in which each sleeping apartment, or group of
sleeping apartments in common occupancy, is provided with its own sanitary conveniences
and may have its own cooking facilities;
short term hostel means a lodging house where the period of occupancy of any lodger is not more
than 14 consecutive days and shall include youth hostels and backpacker hostels; and
vector of disease means an arthropod or rodent that transmits, by biological or mechanical
means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs,
crab lice, body lice and head lice.

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

8.1.2 Lodging house not to be kept unless registered
A person shall not keep or cause to be kept a lodging house unless—
(a) the lodging house is constructed in accordance with the requirements of this Part;
(b) the lodging house is registered by the local government under Section 8.1.4;
(c) the name of the person keeping or proposing to keep the lodging house is entered in the
register of keepers; and
(d) either—
(i) the keeper; or
(ii) a manager who, with the written approval of an Environmental Health Officer, has
been appointed by the keeper to have the care and management of the lodging house,
resides or intends to reside continuously in the lodging house whenever there is one or more
lodgers in the lodging house.
8.1.3 Application for registration
An application for registration of a lodging house shall be—
(a) in the form prescribed in Schedule 1;
(b) duly completed and signed by the proposed keeper; and
(c) accompanied by—
   (i) the fee as fixed from time to time by the local government under Section 344C of the Act; and
   (ii) detailed plans and specification of the lodging house.

8.1.4 Approval of application
The local government may approve, with or without conditions, an application under Section 8.1.3 by issuing to the applicant a certificate in the form prescribed in Schedule 2.

8.1.5 Renewal of registration
A person who keeps a lodging house, which is registered under this Part, shall—
(a) during the month of June in each year apply to the local government for the renewal of the registration of the lodging house; and
(b) pay the fee as fixed from time to time by the local government under Section 344C of the Act at the time of making each application for renewal.

8.1.6 Notification upon sale or transfer
If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the local government written notice in the form prescribed in Schedule 3 of the full name, address and occupation of the person to whom the lodging house has been, or is to be sold or transferred.

8.1.7 Revocation of registration
(1) Subject to subsection (3), the local government may, at any time, revoke the registration of a lodging house for any reason, which, in the opinion of the local government, justifies the revocation.
(2) Without limiting the generality of subsection (1), the local government may revoke a registration upon any one or more of the following grounds—
   (a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
   (b) that the keeper has—
      (i) been convicted of an offence against this local law in respect of the lodging house;
      (ii) not complied with a requirement of this Part; or
      (iii) not complied with a condition of registration;
   (c) that the local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
   (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of an Environmental Health Officer, unfit to remain registered;
(3) Before revoking the registration of a lodging house under this section, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.
(4) Whenever the local government revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2—Construction and use requirements

8.2.1 General construction requirements
The general construction requirements of a lodging house shall comply with the Building Code and the Act.

8.2.2 Kitchen
A keeper of a lodging house shall provide in that lodging house a kitchen which—
(a) has adequate—
   (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
   (ii) refrigerator space for storage of perishable goods; and
(b) may be required by the local government to comply with any of the requirements of Standard 3.2.3 of the Food Standards Code.

8.2.3 Dining room
The keeper of a lodging house shall provide in that lodging house a dining room—
(a) located in close proximity to, or combined with, the kitchen;
(b) the floor area of which shall be 0.5 square metres per person or not less than 10 square metres whichever is the greater; and
8.2.4 Lounge room
The keeper of a lodging house shall provide in that lodging house a lounge room—
(a) with a floor area of—
(i) where the lounge is not combined with the dining room—not less than 0.6 square metres per person; or
(ii) where the lounge room is combined with a dining room—not less than 1.2 square metres per person, but in either case having a minimum of 13 square metres; and
(b) which shall be—
(i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
(ii) provided with a suitable floor covering.

8.2.5 Sanitary conveniences
(1) A keeper shall maintain in good working order and condition and in convenient positions on the premises—
(a) toilets; and
(b) bathrooms, each fitted with a hand wash basin and either a shower or a bath.
(2) A bathroom or toilet, which is used as a private bathroom or toilet to the exclusion of other lodgers or residents, shall not be counted for the purposes of subsection (1).
(3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.
(4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.
(5) Each toilet and bathroom shall—
(a) be situated, separated and screened as to ensure privacy;
(b) be apportioned to each gender;
(c) have a distinct sign displayed in a prominent position denoting the gender for which the toilet or bathroom is provided; and
(d) be provided with adequate electric lighting.
(6) Paragraphs (b) and (c) of subsection (5) do not apply to a serviced apartment.

8.2.6 Laundry
(1) In this section—
laundry unit means a group of facilities consisting of—
(a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
(b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and
(c) either an electric drying cabinet or not less than 30 metres of clothes line, and for which a hot water system is provided that—
(i) is capable of delivering 136 litres of water per hour at a temperature of at least 75 degrees Celsius for each washing machine provided with the communal facilities; and
(ii) has a delivery rate of not less than 18 litres per minute to each washing machine.
(2) A keeper shall—
(a) subject to subsection (3)—
(i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45-litre stainless steel trough; and
(ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;
(b) at all times maintain each laundry in a proper sanitary condition and in good repair;
(c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
(d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.
(3) An Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

8.2.7 Fire prevention and control
(1) A keeper shall—
(a) in each passage of the lodging house provide an emergency light—
(i) in such a position and of such a pattern, as shall be approved by an Environmental Health Officer; and
(ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;

(b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;

(c) ensure that each exit sign and fire-fighting appliance is clearly visible, accessible and maintained in good working order at all times; and

(d) ensure all fire fighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.

(2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment as required by the Building Code.

8.2.8 Obstruction of passages and stairways

A keeper shall not cause or allow furniture, fittings or other things to be placed either temporarily or permanently in or on—

(a) a stairway, stair landing, fire-escape, window or common passageway; or

(b) part of the lodging house in common use or intended or adapted for common use, in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.

8.2.9 Fitting of locks

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

8.2.10 Restriction on use of rooms for sleeping

(1) Subject to subsection (3) and Section 8.3.10, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—

(a) which contains food;

(b) which contains or is fitted with a cooking appliance or kitchen sink;

(c) which is used as a kitchen, scullery, store room, dining room, general sitting room, lounge room or for the preparation or storage of food;

(d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;

(e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;

(f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1 square metre of floor area;

(g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;

(h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;

(i) which is not free from internal dampness;

(j) of which any part of the floor is below the level of the adjoining ground; or

(k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an Environmental Health Officer.

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

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

8.2.11 Sleeping accommodation, short term hostels and recreational campsites

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

(a) four square metres per person in each dormitory utilising beds; and

(b) two and a half square metres per person in dormitories utilising bunks.

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

(3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds, and 2.7 metres in any dormitory utilising bunks.

(4) The minimum floor area requirements in subsection (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

(5) The keeper of any short term hostel or recreational campsite shall provide—

(a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as practicable; or

(b) mechanical ventilation in lieu of fixed ventilation, subject to the local government’s approval.
The keeper of any short term hostel or recreational campsite shall provide—

(a) beds with a minimum size of—
   (i) in short term hostels—800 millimetres x 1.9 metres; and
   (ii) in recreational campsites—750 millimetres x 1.85 metres.

(b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

The keeper of any short term hostel or recreational campsite shall—

(a) maintain at all times a minimum distance of 750 millimetres between beds, and a minimum distance of 900 millimetres between bunks;

(b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks and shall ensure that the passageway is kept clear of obstruction at all times; and

(c) ensure all doors, windows and ventilators are kept free of obstruction.

The keeper of any short term hostel or recreational campsite shall ensure that—

(a) materials used in dormitory areas comply with AS 1530.2—1993 and AS 1530.3: 1999 as follows—
   (i) drapes, curtains, blinds and bed covers—a maximum flammability index of 6;
   (ii) upholstery and bedding—a maximum Spread of Flame Index of 6 and a maximum Smoke Developed Index of 5;
   (iii) floor coverings—a maximum Spread of Flame Index of 7 and a maximum Smoke Developed Index of 5;

(b) Fire retardant coatings used to make a material comply with these indices must be—
   (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices; and
   (ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-2005: Methods of test for textiles-dimensional change-Domestic washing and drying procedures for textile testing; and
   (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;

(c) emergency lighting is provided in accordance with the Building Code;

(d) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite;

(e) all mattresses in a short term hostel or recreational campsite are fitted with a mattress protector.

8.2.12 Furnishing etc, of sleeping apartments

(1) The keeper shall—
   (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
   (b) ensure that each bed—
      (i) has a bed head, mattress and pillow; and
      (ii) is provided with a pillow case, mattress cover, 2 sheets, 2 blankets or equivalent; and
   (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.

(2) The keeper shall not cause or allow any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

(3) The sheets and blankets required to be provided by subsection (1)(b)(ii), shall be deemed to have been provided by the keeper, where the keeper offers them for hire to the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper.

(4) In a short term hostel or recreational campsite, the storage facilities required by subsection (1)(c) may be located in a separate secure storage room or locker room.

8.2.13 Ventilation

(1) If, in the opinion of an Environmental Health Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.

(2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

8.2.14 Numbers to be placed on doors

(1) A keeper shall, place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that—
   (a) the number “1” is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and
(b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

(2) The numbers to be placed on the doors under subsection (1) shall be—
   (a) not less than 40 millimetres in height;
   (b) one and a half metres from the floor; and
   (c) permanently fixed either by being painted on the doors or by other legible means.

Division 3—Management and care

8.3.1 Keeper or manager to reside in the lodging house
Whenever there is one or more lodgers in a lodging house, a keeper or manager shall—
   (a) reside continuously in the lodging house; and
   (b) not be absent from the lodging house unless he or she arranges for a reputable person to have the care and management of the lodging house.

8.3.2 Register of lodgers
(1) A keeper shall keep a register of lodgers in the form prescribed in Schedule 4.
(2) The Register of lodgers shall be—
   (a) kept in the lodging house; and
   (b) open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

8.3.3 Keeper report
A keeper shall, whenever required by the local government, report to the local government in the form prescribed in Schedule 5, the name of each lodger who lodged in the lodging house during the preceding day or night.

8.3.4 Certificate in respect of sleeping accommodation
(1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form prescribed in Schedule 6.
(2) The certificate issued under subsection (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
(3) When required by an Environmental Health Officer, a keeper shall exhibit the certificate issued under this section in a conspicuous place.
(4) A person shall not cause or allow a greater number of persons than is specified on a certificate issued under this Section to occupy the room to which it refers.

8.3.5 Duplicate keys and inspection
Each keeper and manager of a lodging house shall—
   (a) retain possession of a duplicate key to the door of each room; and
   (b) when required by an Environmental Health Officer, open the door of any room for the purpose of inspection by the Officer.

8.3.6 Room occupancy
(1) A keeper shall not—
   (a) cause or allow more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;
   (b) cause or allow to be placed or kept in any sleeping apartments—
      (i) a larger number of beds; or
      (ii) a larger quantity of bedding,
      than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
   (c) use or cause or allow to be used for sleeping purposes a room that—
      (i) has not been certified for that purpose; and
      (ii) the local government or Medical Officer has forbidden to be used as a sleeping apartment.
(2) For the purpose of this Section, two children under 10 years of age shall be counted as one lodger.

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

(1) In this Section—

bed linen includes sheets, pillowcases, mattress protectors and mattress covers.

(2) A keeper of a lodging house shall—

(a) maintain in a clean, sound and undamaged condition—

(i) the floor, walls, ceilings, woodwork and painted surfaces;

(ii) the floor coverings and window treatments; and

(iii) the toilet seats;

(b) maintain in a clean condition and in good working order—

(i) all fixtures and fittings; and

(ii) windows, doors and furniture;

(c) ensure that the internal walls of each bathroom and toilet have a smooth impervious washable surface;

(d) whenever there are one or more lodgers in a lodging house, ensure that the laundry floor is cleaned daily;

(e) ensure that—

(i) all bed linen, towels, and house linen in use is washed at least once a week;

(ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;

(iii) a person does not occupy a bed, which has been used by another person unless the bed has been provided with clean bed linen;

(iv) all beds, bedheads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;

(v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and

(vi) a room, which is not free from vectors of disease, is not used as a sleeping apartment;

(f) when so directed by an Environmental Health Officer, ensure that—

(i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and

(ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;

(g) ensure that the yard is kept clean at all times;

(h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and

(i) comply with any direction, whether orally or in writing, given by an Environmental Health Officer.

8.3.9 Responsibilities of lodgers and residents

A lodger or resident shall not—

(a) use any room available to lodgers—

(i) as a shop, store or factory; or

(ii) for manufacturing or trading services;

(b) keep or store in or on the lodging house any goods or materials which are inflammable or offensive;

(c) use a bath or hand wash basin other than for ablutionary purposes;

(d) use a bathroom facility or fixture for laundry purposes;

(e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;

(f) deposit rubbish or waste food other than into a proper rubbish receptacle;

(g) in a kitchen or other place where food is kept—

(i) wash or permit the washing of clothing or bedding; or

(ii) keep or permit to be kept any soiled clothing or bedding;

(h) subject to Section 8.3.10—

(i) keep, store, prepare or cook food in any sleeping apartment; or

(ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;

(i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, that is infested with vectors of disease;

(j) store or keep items other than personal effects—

(i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or

(ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
(k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
(l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

8.3.10 Approval for storage of food
(1) An Environmental Health Officer may—
(a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
(b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.
(2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9—OFFENSIVE TRADES
Division 1—General

9.1.1 Interpretation
In this Part, unless the context otherwise requires—

- occupier in relation to premises includes the person registered as the occupier of the premises specified in the Certificate of Registration;
- offensive trade means any trade as defined by Section 186 of the Act; and
- premises includes houses.

9.1.2 Consent to establish an offensive trade
A person seeking the consent of the local government under Section 187 of the Act to establish an offensive trade shall make application in the form prescribed in Schedule 7 and in accordance with the local government’s Town Planning Scheme.

9.1.3 False statement
A person who makes a false statement in an application under Section 9.1.2 shall be guilty of an offence.

9.1.4 Registration of premises
An application for the registration of premises pursuant to Section 191 of the Act shall be—
(a) in the form prescribed in Schedule 8;
(b) accompanied by the fee prescribed in the Health (Offensive Trades Fees) Regulations 1976; and
(c) lodged with the Chief Executive Officer.

9.1.5 Certificate of registration
Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form prescribed in Schedule 9.

9.1.6 Change of occupier
Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Chief Executive Officer in writing of such change.

9.1.7 Alterations to premises
While any premises remain registered under this Division, a person shall not, without the written permission of the local government, make or permit any change or alteration whatever to the premises.

Division 2—General duties of an occupier

9.2.1 Interpretation
In this Division, unless the context otherwise requires—

- occupier means the occupier, or where there is more than one occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and
- the premises means those premises in or upon which an offensive trade is carried on.

9.2.2 Cleanliness
The occupier shall—
(a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
(b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
(c) keep the premises free from any unwholesome or offensive odour arising from the premises;
9.2.3 Rodents and other vectors of disease
The occupier shall—
(a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and
(b) provide in and on the premises all effective means and methods for the eradication and prevention of rodents, cockroaches, flies and other vectors of disease.

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

9.2.5 Painting of walls etc.
The occupier shall cause the internal surface of every wall, the underside of every ceiling or roof and all fittings in and on the premises to be cleaned and painted as may be directed, when instructed by an Environmental Health Officer.

9.2.6 Effluvia, vapours, gases or dust
The occupier shall provide, use and maintain in a state of good repair and working order, appliances and preventive measures capable of effectively destroying or of rendering harmless all offensive effluvia, vapours, dust or gases arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises.

9.2.7 Offensive material
The occupier shall—
(a) provide on the premises impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;
(b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;
(c) cause all offensive material and trade refuse to be placed immediately in the receptacles;
(d) cause the contents of the receptacles to be removed from the premises at least once in every working day or at such other intervals as may be approved or directed by an Environmental Health Officer; and
(e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

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

9.2.9 Directions
(1) An Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.
(2) The occupier shall comply with any directions given under this Section.

9.2.10 Other duties of occupier
In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades conducted on the premises.

Division 3—Fish premises

9.3.1 Interpretation
In this Division, unless the context otherwise requires—
fish premises may include a fish processing establishment, fish curing establishment and a shellfish and crustacean processing establishment;

9.3.2 Duties of an occupier
The occupier of a Fish premises shall—
(a) not suffer or permit any decomposing fish to be kept on the premises where his trade is carried on for a longer period than is reasonably necessary to dispose of them;
(b) cause all decomposing fish, to be immediately deposited in an impervious receptacle furnished with an airtight cover; and
(c) cause the brine of pickle to be removed as often as is necessary to prevent it from becoming offensive.
9.3.3 Disposal of waste
The occupier of a fish premises shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be—
(a) placed in the receptacles referred to in Section 9.2.7 and disposed of in accordance with that Section; or
(b) kept in a frozen state in an approved enclosure before its removal from the premises.

9.3.4 Fish containers
The occupier of a fish premises shall not allow any container used for the transport of fish to—
(a) remain on the premises longer than is necessary for it to be emptied; or
(b) be kept so as to cause a nuisance or to attract flies.

Division 4—Laundries, dry cleaning establishments and dye works

9.4.1 Interpretation
In this Division, unless the context otherwise requires—

**dry cleaning establishment**—
(a) means premises where clothes or other articles are cleaned by use of solvents without using water; but
(b) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a fully enclosed machine operating on a full cycle;

**dye works** means a place where articles are commercially dyed, but does not include dye works in which provision is made for the discharge of all liquid waste there from, into a public sewer;

**exempt laundromat** means a premises in which—
(a) laundering is carried out by members of the public using, machines or equipment provided by the owners or occupiers of those establishments;
(b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
(c) provision is made for the discharge of all liquid waste there from into a public sewer;

**laundromat** means a public place with coin operated washing machines, spin dryers or dry cleaning machines; and

**laundry** means any places where articles are laundered for the purpose of trade but does not include an exempt laundromat.

9.4.2 Receiving depot
An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the local government who may at any time by written notice withdraw such permission.

9.4.3 Reception room
(1) The occupier of a laundry or dry cleaning establishment or dye works shall—
(a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and
(b) cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.

(2) A person shall not bring or permit food to be brought into the reception room referred to in this Section.

9.4.4 Walls and floors
The occupier of a laundry, dry cleaning establishment or dye works shall cause—
(a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres with a smooth impervious surface;
(b) the floor to be constructed of concrete and finished with a smooth impervious surface; and
(c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

9.4.5 Laundry floor
The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, at least 910 millimetres in width and so constructed as to prevent any person from standing in water on the floor.

9.4.6 Escape of dust
The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.
9.4.7 Precautions against combustion
The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Environmental Health Officer for that purpose.

9.4.8 Trolleys
The occupier of a dry cleaning establishment shall—
(a) provide trolleys for the use of transporting dirty and clean linen; and
(b) ensure that each trolley is—
   (i) clearly designated to indicate the use for which it is intended;
   (ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and
   (iii) thoroughly cleaned and disinfected on a regular basis.

9.4.9 Sleeping on premises
A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

PART 10—OFFENCES AND PENALTIES
Division 1—General

10.1.1 Penalties
(1) A person who contravenes a provision of this local law commits an offence.
(2) A person who commits an offence under subsection (1) is liable to—
   (a) a penalty which is not more than $2,500 and not less than—
      (i) in the case of a first such offence, $250;
      (ii) in the case of a second such offence, $500; and
      (iii) in the case of a third and subsequent such offence, $1,250; and
   (b) if the offence is a continuing offence, a daily penalty that is not more than $250 and not less than $125 for each day during which, the offence continues.

Schedule 1
APPLICATION FOR REGISTRATION OF A LODGING HOUSE
(Section 8.1.3)
Shire of Dundas
HEALTH LOCAL LAWS 2012
To: Chief Executive Officer
Shire of Dundas
I/We, ................................................................. .................................................................
(Full name of applicant/s)
of ............................................................................................................................ ................................
(Residential address of applicant/s)
apply for the registration of premises situated (or to be situated) at ......................................................
............................................................................................................................... .................................
(Address of premises)
as a lodging house to be classified as—
- lodging house;
- a recreational campsite;
- a short term hostel; or
- serviced apartments,
(Specify which is to apply)
and for my name to be entered in the Register as a keeper of the lodging house.
DESCRIPTION OF LODGING HOUSE ................................................................................................
Number of storeys ............... 
Rooms for private use Number Area m²
Laundries/toilets/bathrooms .......... ............... 
Bedrooms .......... ............... 
Dining rooms .......... ............... 
Kitchens .......... ............... 
Sitting rooms .......... ............... 
Other (specify) .......... ...............
Rooms for lodgers

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Sanitary conveniences for female lodgers

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Sanitary conveniences for male lodgers

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Laundry facilities

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</table>

Additional details

(a) Lodger’s meals will be provided by the manager/keeper/lodgers.
(b) The keeper will will not reside continuously on the premises.
(c) Name and occupation of the proposed manager if the keeper resides elsewhere—
__________________________________________________________________________
__________________________________________________________________________
(d) There will be __________________ family members residing on the premises with the keeper/manager.

Application fee of $____________ is attached.

__________________________________________
Signature of applicant/s

______________________________
Date

Schedule 2

CERTIFICATE OF REGISTRATION OF A LODGING HOUSE
(Section 8.1.4)

Shire of Dundas

HEALTH LOCAL LAW 2012

This is to certify that the premises situated at ____________________________
__________________________________________________________________________
(Address of premises)
are registered as a lodging house and classified as—
• a lodging house;
• a short term hostel
• recreational campsite, or
• serviced apartments.

until 30 June __________, on the following conditions—

1. That ____________________________, whose name is entered on the register of keepers of
   the Shire of Dundas, continues to be the keeper of the lodging house;
2. That ____________________________, appointed by the keeper to be the manager of the
   lodging house, continues to be the manager of the lodging house;
3. That the certificate of registration is not cancelled or revoked;
4. That the maximum number of rooms to be used as sleeping apartments for lodgers is ................................................; and  
5. That the maximum number of lodgers on the premises shall not exceed ..................................
This certificate of registration is issued subject to the Health Act and the Shire of Dundas Health Local Law and is not transferable.

…………………………………………….
Environmental Health Officer
…………………………………………….
Date
Fee Received: $.................................

Schedule 3
NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE
(Section 8.1.6)
Shire of Dundas
HEALTH LOCAL LAW 2012
To: Chief Executive Officer
Shire of Dundas
I/We, ......................................................................................................................... ..............................
(Full name of applicant/s)
of ............................................................................................................................ ................................
(Residential address of applicant/s)
am/are the new owners of premises situated at ................................................................................. ......
which are registered in the name of ........................................................................................... ............
............................................................................................................................... .................................
for the carrying on of the lodging house business.

.........................................
Signature of applicant/s
..........................................
Date

Schedule 4
REGISTER OF LODGERS
(Section 8.3.2)
Shire of Dundas
HEALTH LOCAL LAW 2012
Location of lodging house ..................................................................................................... ..................
............................................................................................................................... .................................
(Address of Lodging House)
<table>
<thead>
<tr>
<th>Date of</th>
<th>Name</th>
<th>Previous address</th>
<th>Signature</th>
<th>Room number</th>
<th>Date of departure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Schedule 5

LIST OF LODGERS

(Section 8.3.3)

Shire of Dundas
HEALTH LOCAL LAW 2012

To: Chief Executive Officer
Shire of Dundas

The following is the name of every person who resided in the lodging house at ............................................
..................................................................................................................................................................
on the ........................................ day of .................................................................
..........................................................................................................................................................
(Signature of keeper)
..........................................................................................................................................................
Date

Schedule 6

CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE

(Section 8.3.4)

Shire of Dundas
HEALTH LOCAL LAW 2012

To: ........................................................................................................................... ...................................
(Name of keeper)
..........................................................................................................................................................
(Address of keeper)

For the registered lodging house situated at: ................................................................................. ........
..........................................................................................................................................................
(Address of lodging house)

The rooms listed below are not to be occupied by more than the number of lodgers or residents indicated below—

<table>
<thead>
<tr>
<th>Room Number</th>
<th>Maximum Occupancy</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Environmental Health Officer
..........................................................................................................................................................
Date

Schedule 7

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

(Section 9.1.2)

Shire of Dundas
HEALTH LOCAL LAW 2012

To: Chief Executive Officer
Shire of Dundas

I/We, ..............................................................................................................................................
(Full name of applicant/s)
..........................................................................................................................................................
(Address of applicant/s)

6 September 2012 GOVERNMENT GAZETTE, WA 4301
apply for consent to establish an offensive trade being .................................................................

(Description of offensive trade)

in or upon ........................................................................................................................................

(Location of the house or premises)

Plans and specifications of the buildings proposed to be used or erected in connection with the

proposed offensive trade are attached.

Signature of applicant/s

Date

_____

Schedule 8
APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

(Section 9.1.4)

Shire of Dundas

HEALTH LOCAL LAW 2012

To: Chief Executive Officer
Shire of Dundas

I/We, .......................................................................................................................................................

(Full name of applicant/s)

of ..........................................................................................................................................................

(Residential address of applicant/s)

apply for registration, for the year ended ............................................................................................

(Location of premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely ...............

(Description of offensive trade)

under the business name of ..................................................................................................................

The prescribed registration fee $ ............................ is attached.

Signature of applicant/s

Date

_____

Schedule 9
CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

(Section 9.1.5)

Shire of Dundas

HEALTH LOCAL LAW 2012

This is to certify that the premises situated at ....................................................................................

of which ............................................................................................................................................ is the occupier;

are registered for the carrying on of the trade of ..............................................................................

Trade name ...........................................................................................................................................

This registration expires on ..................................................................................................................

Environmental Health Officer

Date
Schedule 10
APPLICATION FOR LICENCE OF A MORGUE

(Section 3.5.1)

Shire of Dundas
HEALTH LOCAL LAW 2012

To: Chief Executive Officer
Shire of Dundas

apply to licence the premises listed below as a morgue

Address of premises:

Name of premises:

Signature of Applicant

Date

Schedule 11
CERTIFICATE OF LICENCE OF A MORGUE

(Section 3.5.1)

Shire of Dundas
HEALTH LOCAL LAW 2012

This is to certify that the following premises is licensed as a morgue from the .......... day of ................. until 30th day of June .................

Address of premises:

Name of premises:

Environmental Health Officer

Date

Schedule 12
APPLICATION FOR REGISTRATION OF A CATTERY

(Section 5.2.4)

Shire of Dundas
HEALTH LOCAL LAW 2012

To: Chief Executive Officer
Shire of Dundas

I/We, ......................................................... (Full name of applicant/s)

of ......................................................... (Residential address of applicant/s)

apply for registration, for the year ended ........................................

of ......................................................... (Location of premises)
being premises in or upon which there is (or is to be) a cattery, namely

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

(Description of cattery)

under the business name of .................................................................................................... ................

…………………………………….. (Signature of applicant/s)

…………………………………….. (Date)

The prescribed registration fee of $................................................ is attached.

Schedule 13
CERTIFICATE OF REGISTRATION OF A CATTERY

(Section 5.2.4)

Shire of Dundas
HEALTH LOCAL LAW 2012

This is to certify that the premises situated at .............................................................................. ........

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

of which ...................................................................................................................... ... .is the occupier;

are registered as a cattery. .................................................................................................. ...................

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

Trade name .................................................................................................................... ........................

This registration expires on .................................................................................................. .................

Dated this ……………………day of …………………… (year)……………………

……………………………………….. (Environmental Health Officer)

Schedule 14
REQUIRED BUFFER DISTANCES FOR FEEDLOTS

(Section 5.5.2)

Shire of Dundas
HEALTH LOCAL LAW 2012

<table>
<thead>
<tr>
<th>Buffer distances</th>
<th>5,000m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town site boundaries</td>
<td></td>
</tr>
<tr>
<td>Isolated rural dwellings, dairies and industries</td>
<td>1,000m</td>
</tr>
<tr>
<td>Public roads and recreation areas</td>
<td>100m</td>
</tr>
<tr>
<td>Neighbouring rural property boundaries</td>
<td>50m</td>
</tr>
<tr>
<td>Major water course and water impoundments</td>
<td>300m</td>
</tr>
<tr>
<td>Bores, wells or soaks used for drinking, stock or irrigation</td>
<td>300m</td>
</tr>
<tr>
<td>Minor water courses</td>
<td>100m</td>
</tr>
</tbody>
</table>

Schedule 15
REQUIRED BUFFER DISTANCES FOR PIGGERIES

(Section 5.6.2)

Shire of Dundas
HEALTH LOCAL LAW 2012

<table>
<thead>
<tr>
<th>Buffer distances</th>
<th>5,000m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town site boundaries</td>
<td></td>
</tr>
<tr>
<td>Isolated rural dwellings, dairies and industries</td>
<td>1,000m</td>
</tr>
<tr>
<td>Public roads and recreation areas</td>
<td>100m</td>
</tr>
<tr>
<td>Neighbouring rural property boundaries</td>
<td>50m</td>
</tr>
<tr>
<td>Major water course and water impoundments</td>
<td>300m</td>
</tr>
<tr>
<td>Bores, wells or soaks used for drinking, stock or irrigation</td>
<td>300m</td>
</tr>
<tr>
<td>Minor water courses</td>
<td>100m</td>
</tr>
</tbody>
</table>
## Schedule 16

**REQUIRED BUFFER DISTANCES FOR INTENSIVE PIGGERIES**

*(Section 5.6.2)*

Shire of Dundas

**HEALTH LOCAL LAW 2012**

<table>
<thead>
<tr>
<th>Piggeries and facilities catering for more than 5,000 pigs</th>
<th>Town site boundaries</th>
<th>Isolated rural dwellings, dairies, industries</th>
<th>Public roads, recreation areas</th>
<th>Neighbouring rural property boundaries</th>
<th>Surface water supply catchments</th>
<th>Water courses/rural water impoundments</th>
<th>Bore/well/soaks drinking water supply</th>
<th>Stock Irrigation Supply</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000m</td>
<td>300m</td>
<td>200m</td>
<td>50m</td>
<td>Not permitted</td>
<td>300m</td>
<td>300m</td>
<td>100m</td>
<td></td>
</tr>
<tr>
<td>500-5,000 pigs</td>
<td>3,500m</td>
<td>300m</td>
<td>150m</td>
<td>Not permitted</td>
<td>300m</td>
<td>300m</td>
<td>100m</td>
<td></td>
</tr>
<tr>
<td>50-499 pigs</td>
<td>2,000m</td>
<td>300m</td>
<td>100m</td>
<td>Not permitted</td>
<td>300m</td>
<td>300m</td>
<td>100m</td>
<td></td>
</tr>
<tr>
<td>Less than 50 pigs</td>
<td>500m</td>
<td>300m</td>
<td>50m</td>
<td>Not permitted</td>
<td>200m</td>
<td>300m</td>
<td>100m</td>
<td></td>
</tr>
<tr>
<td>Land used to dispose of raw or partly treated wastes</td>
<td>1,000m</td>
<td>300m</td>
<td>100m</td>
<td>300m</td>
<td>Not permitted</td>
<td>300m</td>
<td>300m</td>
<td></td>
</tr>
<tr>
<td>Land used to dispose of effectively treated wastes</td>
<td>200m</td>
<td>50m</td>
<td>20m</td>
<td>20m</td>
<td>Not permitted</td>
<td>100m</td>
<td>100m</td>
<td>100m</td>
</tr>
</tbody>
</table>

Passed at an ordinary meeting of the Council of the Shire of Dundas held on the 19th of June 2012.

The common seal of the Shire of Dundas was hereunto affixed by authority of a resolution of the Council in the presence of—

Cr JACQUIE BEST, Shire President.

RICHARD BROOKES, Chief Executive Officer.

Dated: 20 June 2012.

Consented to by—

Dr TARUN WEERAMANTHRI, Executive Director Public Health.

Dated this 29th day of July 2012.
LOCAL GOVERNMENT ACT 1995

CITY OF SUBIACO

MEETING PROCEDURES
LOCAL LAW 2012
LOCAL GOVERNMENT ACT 1995

CITY OF SUBIACO

MEETING PROCEDURES LOCAL LAW 2012

ARRANGEMENT

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1.3 Purpose and effect
1.4 Interpretation
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Under the powers conferred by the Local Government Act 1995 and under all other relevant powers, the council of the City of Subiaco resolved on 22nd May 2012 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation
This local law is the City of Subiaco Meeting Procedures 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 Purpose and effect
(1) The purpose of this local law is to provide the rules for the conduct of meetings of the council and its committees.

(2) The effect of 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 contrary intention appears—
   Act means the Local Government Act 1995;
   75% majority has the meaning given to it in the Act;
   CEO means the chief executive officer of the local government;
   committee means a committee of the council established under section 5.8 of the Act;
   committee meeting means a meeting of a committee;
   council means the council of the local government;
   local government means the City of Subiaco;
   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 any member presiding at a meeting;
   simple majority means more than 50% of the members present and voting;
   substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion;
   Regulations means the Local Government (Administration) Regulations 1996.

(2) Unless otherwise defined, 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

PART 2—BUSINESS OF A MEETING

2.1 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 of committees and employees at that ordinary meeting.

2.2 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—
   (a) declaration of opening/announcement of visitors;
   (b) attendance/apologies/leave of absence;
   (c) disclosure of interest;
   (d) response to previous public questions taken on notice;
   (e) public question time;
   (f) public statement time;
   (g) petitions and approved deputations;
   (h) confirmation of minutes of previous meetings;
   (i) announcements by the presiding member;
   (j) reports of committees and employees;
   (k) elected members motions of which previous notice has been given;
   (l) new business of an urgent nature approved by the person presiding or by decision of the meeting;
   (m) meeting closed to the public; and
   (n) closure of meeting.

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

(3) Notwithstanding subclauses (1) and (2) in 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.

(4) Notwithstanding subclause (1), the CEO may include on the agenda of a council meeting in an appropriate place within the order of business any matter which must be decided, or which the CEO considers is appropriately decided, by that meeting.

2.3 Changing order of business on agenda
(1) Business at the meeting is to be considered in the order it appears in the agenda except where the person presiding announces a change in the order of business and such change shall be noted in the minutes.

(2) Any member may move that a change in order of business proposed by the person presiding not be accepted and if carried by a majority of members present, the proposed change in order is not to take place.

(3) A member may move that a change in the order of business be accepted, and if carried by a majority of members present, the change is to be noted in the minutes.

2.4 Alternative motions/amendments
Elected members are to submit material amendments and alternative resolutions to recommendations on meeting agendas to the CEO, with supporting reasons, by 12 noon on the day before each meeting, so they can be distributed to other members to give them an opportunity to reflect on the proposed changes.

2.5 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) Subject to clause 2.4, a notice of motion under subclause (1) is to be given at least seven clear working days before the meeting at which the motion is moved.

(3) The requirement to give notice of a motion under subclause (1) does not apply where the proposed motion is determined by the presiding member to be relevant to—
   (a) a recommendation made by or contained in a report on the agenda, or
   (b) a notice of motion that appears on the agenda,
   and is moved after the motion has been dealt with.

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

(5) The CEO—
   (a) may, with the concurrence of the mayor, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;
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.

(6) 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.

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

2.6 New business of an urgent nature
The presiding member may dispense with the requirement for a member to give notice under clause 2.5 where the presiding member is satisfied that—
(a) the motion is a matter of urgency and the motion could not reasonably be dealt with at the next ordinary meeting of the Council; and
(b) it was not reasonable for the notice to be given.

2.7 Certain recommendations not to be submitted en bloc
(1) In this clause en bloc means a resolution of the meeting that has the effect of adopting, for a number of specifically identified reports, the officer or committee recommendation as the meeting resolution.
(2) Recommendations are not to be submitted to a meeting en bloc where—
(a) an absolute majority vote is required;
(b) a special majority vote is required;
(c) a disclosure of interest has been made; or
(d) a member has indicated that the member wishes the recommendation to be considered separately.

2.8 Announcements by the presiding member
Announcements by the presiding member under clause 2.2(1)(i) are—
(a) to inform the council of official duties performed or functions attended by the mayor or of other matters of importance to the council of which the council has not previously been informed;
(b) to be brief and concise; and
(c) to be completed within 10 minutes.

PART 3 — PUBLIC PARTICIPATION

3.1 Meetings generally open to the public
Meetings being generally open to the public is dealt within the Act.

3.2 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 unless 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 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 4.11 is to be suspended until the council, by resolution, decides otherwise.
(6) A resolution under this clause may be made without notice.

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

3.4 Public statement time
(1) The procedure for the making of statements by member of the public may be determined by resolution of the council.
(2) Notwithstanding subclause (1), unless the council decides otherwise, there is to be no public statement time at meetings of committees other than a committee to which the local government has delegated a power or duty under section 5.17 of the Act.

3.5 Deputations
(1) Deputations to council meetings will only be received in special circumstances and only with the approval of the council given by simple majority at a prior meeting.
(2) Deputations to committees will only be received with the prior approval of a simple majority of the members of the committee.
(3) Unless the meeting resolves otherwise—
   (a) a deputation is not to exceed five persons, only two of whom may address the council, although others may respond to specific questions from members;
   (b) a deputation is not to address the council for a period exceeding 15 minutes without the agreement of the council as the case requires; 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.

3.6 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 City is to submit the petition to the relevant employee to be included in the employee's deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
(3) At any meeting, the council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
   (a) the matter is the subject of a report included in the agenda; and
   (b) the council has considered the issues raised in the petition.

3.7 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 three 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.

3.8 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) The CEO and the mayor are to 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 is to—
   (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 3.9 to make a deputation on the issue; and
   (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
A meeting held under subclause (1) is to be conducted only to hear submissions and the council must not make resolutions at the meeting.

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

A member of the public is limited to 10 minutes in making a written submission, but this period may be extended at the discretion of the presiding member.

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

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.

The council must not resolve on the matter that is the subject of a meeting held under subclause (1) until it has received the CEO’s report under subclause (8).

3.9 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, or part of a meeting, that is closed to the public,

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

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

(a) at a closed meeting;

(b) to the extent specified by the council and subject to such other conditions as the council determines;

(c) that is already in the public domain;

(d) to an officer of the Department;

(e) to the Minister;

(f) to a legal practitioner for the purpose of obtaining legal advice; or

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

3.10 Recording of proceedings

(1) A person who uses any electronic, visual or vocal recording device or instrument to record the proceedings of the council or a committee without the written permission of the council commits an offence.

Penalty: $5000.

(2) Subclause (1) does not apply if the record is taken by or at the direction of the CEO, with the permission of the council or committee.

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

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

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

PART 4—CONDUCT OF MEMBERS

4.1 Members to be in their proper places

(1) At the first meeting held after each election day, the CEO is to allot, alphabetically by ward, a position at the council table to each member.

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

4.2 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.

4.3 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.
4.4 Advice of entry or departure
During the course of a meeting, 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.

4.5 Members to indicate their intention to speak
A member 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.

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

4.7 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.

4.8 The presiding member to be impartial
The presiding member must not make statements on matters before the chair and must not appear to be prejudiced either in favour or against the matter during the debate, except that where the presiding member wishes to take part in the debate the presiding member must first announce this to the meeting and include the presiding member in the priority of speakers and when this occurs all matters relating to the conduct of members during debate are to apply to the presiding member.

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

4.10 Number of speeches
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.

4.11 Duration of speeches
(1) A member is not to speak on any matter for more than five 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.

4.12 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.

4.13 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 3; or
   (d) to move a procedural motion that the member be no longer heard.

4.14 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.
4.15 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.

4.16 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.

4.17 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 4.16—
      (i) reflects adversely on the character or actions of another member; or
      (ii) imputes any motive to a member; 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.

4.18 Suspension of the limitations on speaking
The council may suspend the operation of clauses 4.10 and 4.11 during debate on a motion.

PART 5—PRESERVING ORDER

5.1 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 cease speaking 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 4.6, but to preserve order.

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

5.3 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.

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

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

5.6 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 5.5(3),
the presiding member may direct the member to refrain from taking any further part in that item under discussion, other than by voting, and the member is to comply with that direction.

5.7 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 6—DEBATE OF SUBSTANTIVE MOTIONS

6.1 Motions to be stated
Any member of the council who moves a substantive motion or 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.

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

6.3 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.

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

6.5 Breaking down of complex questions
The person presiding may order a complex question to be broken down and put in the form of several motions, which are to be put in sequence.

6.6 Order of call in debate
(1) The presiding member is to call speakers to a substantive motion in the following order—
   (a) the mover to state the motion;
   (b) a seconder to the motion;
   (c) the mover to speak to the motion;
   (d) the seconder to speak to the motion;
   (e) a speaker against the motion;
   (f) a speaker for the motion;
   (g) other speakers against and for the motion, alternating where possible; and
   (h) mover takes right of reply which closes debate.
(2) Paragraphs (c) to (g) inclusive of subclause (1) are not to apply to a meeting of a committee.

6.7 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.

6.8 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.

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

6.10 Amendments—who may move
Any member, except the mover and second of the original motion, who feels that the motion is worded unsatisfactorily, or does not cover fully the point at issue, or wishes to delete some part of it, may propose an amendment to the motion provided he or she has not already spoken to it.

6.11 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.

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

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

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

6.15 Mover of motion may speak on amendment
Any member may speak during debate on an amendment.

6.16 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.

6.17 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.

6.18 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 does not have a right of reply.

(3) The right of 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 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 7—PROCEDURAL MOTIONS

7.1 Permissible procedural motions
In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions—

(a) that the meeting proceed to the next 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 person presiding be disagreed with;
(g) that the question be referred to a committee (or to the council-in the case of a meeting of a committee);
(h) that the meeting or part of the meeting be closed to the public.

7.2 No debate
(1) The mover of a motion specified in paragraph (a), (b), (c), (f), (g) or (h) of clause 7.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
(2) The mover of a motion specified in paragraph (d) or (e) of clause 7.1 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.

7.3 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.

7.4 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.

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

7.6 Debate to be adjourned
(1) 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.
(2) If the motion is carried at a meeting—
(a) the names of members who have spoken on the matter are to be recorded in the minutes; and
(b) the provisions of clause 4.10 apply when the debate is resumed.

7.7 Meeting now adjourn
(1) A member is not to move or second more than one motion of adjournment during the same sitting of the meeting.
(2) Before putting the motion for the adjournment of the meeting, the presiding member may seek leave of the meeting to deal first with matters that may be the subject of an en bloc 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 in accordance with clause 10.2, unless the presiding member or the meeting determines otherwise.

7.8 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.

7.9 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.

7.10 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.
7.11 That the matter be referred to a committee

(1) The motion “that the matter be referred to a committee” or the motion “that the matter be referred to the council” (in the case of a meeting of a committee), if carried, causes discussion to cease on the matter.

(2) The motion must state the meeting to and, where that meeting is to be given power to act, must include the delegation.

(3) Where the matter is to be again referred to the council the date the report is to be ready for consideration is to be stated in the motion.

(4) The motion may be debated and the mover of this procedural motion has a right of reply.

7.12 The meeting or part of the meeting be closed to the public — effect of motion

(1) The motion that the meeting or part of the meeting be closed to the public, if carried, causes the public and any employee the council determines, to leave the room.

(2) While a decision made under this clause is in force the operation of clause 4.10 limiting the number of speeches a member of the meeting may make, is suspended unless the meeting decides otherwise.

(3) Upon the public again being admitted to the meeting the person presiding, is to cause the motions passed by the council whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act. Where no members of the public are in attendance at this time the reading of the motions can be dispensed with.

(4) A person who is a council member, a committee 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.

PART 8 — VOTING

8.1 Question — when put

(1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the presiding member—
   (a) is to put the question to the council; and
   (b) if requested by any member, is to again state the terms of the question.

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

8.2 Voting

Voting is dealt with in the Act and the Regulations.

8.3 Majorities required for decisions

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

8.4 Method of taking vote

If a decision of the council is unclear or in doubt, the presiding member is to put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter’s vote is secret, before declaring the decision.

8.5 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.

8.6 Names to be recorded

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

PART 9 — MINUTES OF MEETINGS

9.1 Keeping of minutes

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

9.2 Content of minutes

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

(2) In addition to the matters required by Regulation 11 of the Regulations, the minutes of a council meeting are 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.

9.3 Public inspection of unconfirmed minutes

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

(1) When minutes of a meeting 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 give to the CEO a written copy of the alternative wording to amend the minutes no later than seven clear working days before the next meeting.

(2) At the next meeting, the member who provided the alternative wording must, 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 10—ADJOURNMENT OF MEETING

10.1 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.

10.2 Effect of adjournment
Where any matter, motion, debate or meeting is adjourned under this local law—
   (a) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
   (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
   (c) the provisions of clause 4.10 [number of speeches] apply when the debate is resumed.

PART 11—REVOKING OR CHANGING DECISIONS

11.1 Terms used in this Part
In this Part—
   (a) relevant meeting, where used in relation to a revocation motion, means—
      (i) the ordinary or special meeting specified in the notice of the revocation motion; or
      (ii) if that meeting is adjourned before the motion is announced by the presiding person, then at the resumption of the adjourned meeting or;
      (iii) if that meeting is closed before the motion is announced by the presiding person, then at the next ordinary meeting or a special meeting convened to consider those matters not considered prior to the closure of the meeting; or
      (iv) if the motion is deferred by the council to another meeting of the council, then at that other meeting, as the case may be;
   (b) revocation motion means a motion to revoke or change a decision made at the council meeting.

11.2 Requirements for support
The requirements for support of a motion for revocation or change of a council decision are dealt with in the Act and Regulations.

11.3 Application of this Part
This Part does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

11.4 Procedure for moving a revocation motion
(1) A member wishing to move a revocation motion at a meeting of the council must give to the CEO notice of the revocation motion, which is to—
   (a) be in writing;
   (b) specify the decision proposed to be revoked or changed;
   (c) include a reason or reasons for the revocation motion;
   (d) be signed by the number of members required by the law to support the motion to revoke or change the decision referred to in the revocation motion;
   (e) specify the date of the ordinary or special meeting of the council, as the case may be, which next follows the expiry of seven clear days after the notice is given to the CEO;
   (f) be given to the CEO not less than seven clear days prior to the date of the ordinary or special meeting specified in the notice.

(2) (a) If, at the relevant meeting, the member who gave the notice of the revocation motion is present, then the presiding person is to call on that member to move the revocation motion.
   (b) If that member is not present or, being present, does not move the revocation motion when called upon to do so by the presiding person, then notwithstanding subclause (1) any member of the council may move the revocation motion.
11.5 Implementation of a decision the subject of a revocation motion

Where notice of a revocation motion is given in accordance with the requirements of this clause, then the CEO must not implement or continue to implement, the decision the subject of the revocation motion until—

(a) the revocation motion is not supported by the number of members of the council required by law to support the motion;
(b) no member of the council moves the revocation motion;
(c) the motion is moved but not seconded; or
(d) the motion is moved and seconded but is not made by the kind of majority required by law, at the relevant meeting.

11.6 Lapse of notice of revocation motion

A notice of revocation motion given in accordance with the requirements of this clause is to lapse when—

(a) the revocation motion is not supported by the number of members of the council required by law to support the motion;
(b) no member of the council moves the revocation motion;
(c) the motion is moved but not seconded; or
(d) the motion is moved and seconded but is not made by the kind of majority required by law, at the relevant meeting.

11.7 Application of clause

Clause 2.5 does not apply where the motion is a revocation motion.

11.8 Deferral of a revocation motion

A motion that a revocation motion be deferred is only to be carried by the decision of an absolute majority.

11.9 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 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.

11.10 Implementing a decision

(1) In this clause—

(a) authorisation means a licence, permit, approval or other means of authorising a person to do anything;
(b) implement, in relation to a decision, includes—
   (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
   (ii) take any other action to give effect to the decision; and
(c) valid notice of revocation motion means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and this local law and may be considered, but has not yet been considered, by the council 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 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 12—MISCELLANEOUS

12.1 Cases not provided for in this 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 7.10.

12.2 Application to committees
(1) Unless otherwise provided in this local law, the provisions of this local law are to apply to meetings of committees with the exception of—
   (a) clause 4.1 (Members to be in their proper places); and
   (b) clause 4.11(Number of speeches).
(2) Notwithstanding subclause (1), unless the council decides otherwise, 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.

Dated: 3rd September 2012
The Common Seal of the City of Subiaco was affixed by the authority of a resolution of council in the presence of—

HEATHER HENDERSON, Mayor.
STEPHEN TINDALE, Chief Executive Officer.