LOCAL GOVERNMENT ACT 1995

SHIRE OF CHAPMAN VALLEY

ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2016

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LOCAL GOVERNMENT ACT 1995

SHIRE OF CHAPMAN VALLEY

ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2016

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Chapman Valley resolved on 17 August 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation
This local law may be cited as the Shire of Chapman Valley Activities in Thoroughfares and Public Places and Trading Local Law 2016.

1.2 Commencement
By virtue of section 3.14 of the Act, this local law come into operation 14 days after the date of their publication in the Government Gazette.

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

Act means the Local Government Act 1995;
applicant means a person who applies for a permit;
authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;
built-up area has the meaning given to it in the Road Traffic Code 2000;
bulk rubbish container means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government’s regular domestic rubbish collection service;
carriageway has the meaning given to it in the Road Traffic Code 2000;
CEO means the chief executive officer of the local government;
commencement day means the day on which this local law comes into operation;
Council means the council of the local government;
crossing means a crossing giving access from a public thoroughfare to—
(a) private land; or
(b) a private thoroughfare serving private land;
district means the district of the local government;
footpath has the meaning given to it in the Road Traffic Code 2000;
garden means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with 1 or more plants;
intersection has the meaning given to it in the Road Traffic Code 2000;
kerb includes the edge of a carriageway;
lawn means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;
liquor has the meaning given to it in section 3 of the Liquor Control Act 1988;
local government means the Shire of Chapman Valley;
local government property means anything except a thoroughfare—
(a) which belongs to the local government;
(b) of which the local government is the management body under the Land Administration Act 1997; or
(c) which is an ‘otherwise unvested facility’ within section 3.53 of the Act;
local planning scheme means a town planning scheme of the local government made under the Planning and Development Act 2005;

lot has the meaning given to it in the Planning and Development Act 2005;

owner or occupier in relation to land does not include the local government;

permissible verge treatment means any 1 of the 4 treatments described in clause 2.8(2), and includes any reticulation pipes and sprinklers;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

person does not include the local government;

premises for the purpose of the definition of public place in both this clause and clause 6.1, means a building or similar structure, but does not include a carpark or a similar place;

public place includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—

(a) premises on private property from which trading is lawfully conducted under a written law; and

(b) local government property;

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

rural means a sub-set of rural living, generally located on the outskirts of an existing town. Rural settlement may also be used to describe proposals for rural living as this land use results in people settling in rural areas;

rural residential means a sub-set of rural living and a land use zone with land parcels from 1 to 4 hectares in size and generally provided with scheme water and power supply;

sign includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

thoroughfare has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management control of the local government;

townsite means the townsites of Nanson, Nabawa and Yuna which are—

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

(b) referred to in clause 37 of Schedule 9.3 of the Act;

vehicle includes—

(a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and

(b) an animal being ridden or driven, but excludes—

(a) a wheelchair or any device designed for use by a physically impaired person on a footpath; and

(b) a pram, a stroller, a shopping trolley or a similar device; and

verge means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

1.4 Application
This local law applies throughout the district.

1.5 Repeal
(1) The Activities On Thoroughfares And Trading In Thoroughfares And Public Places Local Law published in the Government Gazette on 8 August 2000 is repealed.

(2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

(3) The Council may resolve that notwithstanding subclause (2) specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

PART 2—ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES

Division 1—General

2.1 General prohibitions
A person shall not—

(a) plant any plant (except grasses or a similar plant) within 10 metres of an intersection;

(b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless—

(i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or

(ii) the person is acting under the authority of a written law:
(c) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2m of a carriageway;

(d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;

(e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law; or

(f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare.

2.2 Activities allowed with a permit—general

(1) A person shall not, without a permit—

(a) dig or otherwise create a trench through or under a kerb or footpath;

(b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government;

(c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;

(d) cause any obstruction to a water channel or a water course in a thoroughfare;

(e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;

(f) damage a thoroughfare;

(g) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 5.13;

(h) build or extend any building, structure or land abutting on a thoroughfare;

(i) unless installing, or in order to maintain, a permissible verge treatment—

(ii) lay pipes under or provide taps on any verge; or

(j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;

(k) on a public place use anything or do anything so as to create a nuisance;

(l) place or cause to be placed on a thoroughfare a bulk rubbish container; or

(m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.

(2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

2.3 No possession and consumption of liquor on thoroughfare

(1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless—

(a) that is permitted under the Liquor Control Act 1988 or under another written law; or

(b) the person is doing so in accordance with a permit.

(2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 2—Vehicle crossing

Subdivision 1—Temporary crossings

2.4 Permit required

(1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where—

(a) a crossing does not exist; or

(b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.

(2) The person responsible for the works in subclause (1) is to be taken to be—

(a) the person named on the building permit issued under the Building Act 2011, if 1 has been issued in relation to the works; or

(b) the registered proprietor of the lot, if no building permit has been issued under the Building Act 2011 in relation to the works.

(3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.
Subdivision 2—Redundant vehicle crossings

2.5 Removal of redundant crossing
(1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.

(2) The local government may give written notice to the owner or occupier of a lot requiring her or him to—
(a) remove any part of or all of a crossing which does not give access to the lot; and
(b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal,
within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

Division 3—Verge treatments

Subdivision 1—Preliminary

2.6 Application
This Division only applies to the gazette townsites and areas zoned rural residential and residential as prescribed by the local planning scheme.

Subdivision 2—Permissible verge treatments

2.7 Permissible verge treatments
(1) An owner or occupier of land which abuts on a verge may on that part of the verge directly in front of her or his land install a permissible verge treatment.

(2) The permissible verge treatments are—
(a) the planting and maintenance of a lawn;
(b) the planting and maintenance of a garden provided that—
(i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;
and
(ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;
(c) the installation of an acceptable material; or
(d) the installation over no more than 1/3 of the area of the verge (excluding any vehicle crossing) of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

2.8 Only permissible verge treatments to be installed
(1) A person shall not install or maintain a verge treatment which is not a permissible verge treatment.

(2) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.10.

2.9 Obligations of owner or occupier
An owner or occupier who installs or maintains a permissible verge treatment shall—
(a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
(b) not place any obstruction on or around the verge treatment; and
(c) not disturb a footpath on the verge.

2.10 Notice to owner or occupier
The local government may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Division.

Subdivision 3—Existing verge treatments

2.11 Transitional provision
(1) In this clause—
former provisions means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.

(2) A verge treatment which—
(a) was installed prior to the commencement day; and
(b) on the commencement day is a type of verge treatment which was permitted under and
complied with the former provisions,
is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the
same type and continues to comply with the former provisions.

Subdivision 4—Public works

2.12 Power to carry out public works on verge
Where the local government or an authority empowered to do so under a written law disturbs a verge,
the local government or the authority—
(a) is not liable to compensate any person for that disturbance;
(b) may backfill with sand, if necessary, any garden or lawn; and
(c) is not liable to replace or restore any—
   (i) verge treatment and, in particular, any plant or any acceptable material or other hard
   surface; or
   (ii) sprinklers, pipes or other reticulation equipment.

Division 4—Property numbers

Subdivision 1—Preliminary

2.13 Interpretation
In this Division, unless the context requires otherwise—
number means a number of a lot with or without an alphabetical suffix indicating the address of
the lot by reference to a thoroughfare.

Subdivision 2—Assignment and marking of numbers

2.14 Assignment of numbers
The local government may assign a number to a lot in the district and may assign another number to
the lot instead of that previously assigned.

Division 5—Fencing

2.15 Public place—Item 4(1) of Division 1, Schedule 3.1 of Act
The following places are specified as a public place for the purpose of item 4(1) of Division 1 of
Schedule 3.1 of the Act—
(a) a public place, as that term is defined in clause 1.2; and
(b) local government property.

Division 6—Signs erected by the local government

2.16 Signs
(1) A local government may erect a sign on a public place specifying any conditions of use which apply
to that place.
(2) A person shall comply with a sign erected under subclause (1).
(3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving
notice of the effect of a provision of this local law.

2.17 Transitional
Where a sign erected on a public place has been erected under a local law of the local government
repealed by this local law, then on and from the commencement day, it is to be taken to be a sign
erected under clause 2.17 if—
(a) the sign specifies a condition of use relating to the public place which gives notice of the effect
of a provision of this local law; and
(b) the condition of use specified is not inconsistent with any provision of this local law.

Division 7—Driving on a closed thoroughfare

2.18 No driving on closed thoroughfare
(1) A person shall not drive or take a vehicle on a closed thoroughfare unless—
   (a) that is in accordance with any limits or exceptions specified in the order made under section
   3.50 of the Act; or
   (b) the person has first obtained a permit.
(2) In this clause—
closed thoroughfare means a thoroughfare wholly or partially closed under section 3.50 or 3.50A
of the Act.
PART 3—ADVERTISING SIGNS ON THOROUGHFARES

Division 1—Preliminary

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

advertising sign means a sign used for the purpose of advertisement and includes an “election sign”;
direction sign means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;
election sign means a sign or poster which advertises any aspect of a forthcoming Federal, State or local government election;
portable direction sign means a portable free standing direction sign; and
portable sign means a portable free standing advertising sign.

Division 2—Permit

3.2 Advertising signs and portable direction signs
(1) A person shall not, without a permit—
(a) erect or place an advertising sign on a thoroughfare; or
(b) post any bill or paint, place or affix any advertisement on a thoroughfare.
(2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which neither exceeds 500mm in height nor 0.5m² in area, provided that the sign is placed or erected on a thoroughfare on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event.
(3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign—
(a) on a footpath;
(b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5m;
(c) on or within 3m of a carriageway;
(d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
(e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

3.3 Matters to be considered in determining application for permit
In determining an application for a permit for the purpose of clause 3.2(1), the local government is to have regard to—
(a) any other written law regulating the erection or placement of signs within the district;
(b) the dimensions of the sign;
(c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;
(d) whether or not the sign will create a hazard to persons using a thoroughfare; and
(e) the amount of the public liability insurance cover, if any, to be obtained by the applicant.

Division 3—Conditions on permit

3.4 Conditions on portable sign
If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions—
(a) the portable sign shall—
(i) not exceed 1m in height;
(ii) not exceed an area of 1m² on any side;
(iii) relate only to the business activity described on the permit;
(iv) contain letters not less than 200mm in height;
(v) not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
(vi) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
(vii) be secured in position in accordance with any requirements of the local government;
(viii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
(ix) be maintained in good condition; and
(b) no more than 1 portable sign shall be erected in relation to the 1 building or business.
3.5 Conditions on election sign

If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign—

(a) being erected at least 30m from any intersection;
(b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
(c) being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
(d) being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
(e) being maintained in good condition;
(f) not being erected until the election to which it relates has been officially announced;
(g) being removed within 24 hours of the close of polls on voting day;
(h) not being placed within 100m of any works on the thoroughfare;
(i) being securely installed;
(j) not being an illuminated sign;
(k) not incorporating reflective or fluorescent materials; and
(l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

PART 4—OBSTRUCTING ANIMALS AND VEHICLES

Division 1—Animals and vehicles

4.1 Leaving animal or vehicle in public place or on local government property

(1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorised to do so under a written law.

(2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.

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

4.2 Prohibitions relating to animals

(1) In subclause (2), owner in relation to an animal includes—

(a) an owner of it;
(b) a person in possession of it;
(c) a person who has control of it; and
(d) a person who ordinarily occupies the premises where the animal is permitted to stay.

(2) An owner of an animal shall not—

(a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
(b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
(c) train or race the animal on a thoroughfare.

(3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

PART 5—ROADSIDE CONSERVATION

Division 1—Preliminary

5.1 Interpretation

In this Part—

MRWA means Main Roads Western Australia;
protected flora has the meaning given to it in section 6(1) of the Wildlife Conservation Act 1950;
rare flora has the meaning given to it in section 23F of the Wildlife Conservation Act 1950;
Roadside Conservation Committee means the Roadside Conservation Committee appointed by the Minister for Environment; and
special environmental area means an area designated as such under clause 5.7.

5.2 Application

This Part does not apply to the townsite.
Division 2—Flora roads

5.3 Declaration of flora road
The local government may declare a thoroughfare which has, in the opinion of the local government, high quality roadside vegetation to be a flora road.

5.4 Construction works on flora roads
Construction and maintenance work carried out by the local government on a flora road is to be in accordance with the Handbook of Environmental Practice for Road Construction and Road Maintenance Works.

5.5 Signposting of flora roads
The local government may signpost flora roads with the standard MRWA flora road sign.

5.6 Driving only on carriageway of flora roads
(1) A person driving or riding a vehicle on a flora road shall only drive or ride the vehicle on the carriageway.
(2) Subclause (1) does not apply where—
   (a) conditions on the thoroughfare do not reasonably permit a vehicle to remain on the carriageway;
   (b) there is no carriageway; or
   (c) an exemption from the application of subclause (1) has been obtained from the local government.

Division 3—Special environmental areas

5.7 Designation of special environmental areas
The local government may designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which—
   (a) has protected flora or rare flora; or
   (b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

5.8 Marking of special environmental areas
The local government is to mark and keep a register of each thoroughfare, or part of a thoroughfare, designated as a special environmental area.

Division 4—Planting in thoroughfares

5.9 Permit to plant
A person shall not plant any plant or sow any seeds in a thoroughfare without first obtaining a permit.

5.10 Relevant considerations in determining application
In determining an application for a permit for the purpose of clause 5.9, the local government is to have regard to—
   (a) existing vegetation within that part of the thoroughfare in which the planting is to take place; and
   (b) the diversity of species and the prevalence of the species which are to be planted or sown.

Division 5—Fire management

5.11 Permit to burn thoroughfare
A person shall not burn part of a thoroughfare without first obtaining a permit or unless acting under the authority of any other written law.

5.12 Application for permit
In addition to the requirements of clause 7.1(2), an application for a permit for the purposes of clause 5.13 shall—
   (a) include a sketch plan showing the portions of a thoroughfare which are proposed to be burned; and
   (b) advise of the estimated fire intensity and the measures to be taken to protect upper storey vegetation from the burn.

5.13 When application for permit can be approved
The local government may approve an application for a permit for the purpose of clause 5.13 only if the burning of the particular part of the thoroughfare will—
   (a) reduce a fire hazard and alternative means of reducing that hazard, such as slashing or the use of herbicides, are considered by the local government to be not feasible or more detrimental to native flora and fauna than burning; or
   (b) in the opinion of the local government, be beneficial for the preservation and conservation of native flora and fauna.
Division 6—Firebreaks

5.14 Permit for firebreaks on thoroughfares
A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

5.15 When application for permit cannot be approved
(1) The local government is not to approve an application for a permit for the purpose of clause 5.17 where the thoroughfare is equal to or less than 20m wide.
(2) Subclause (1) does not apply where the firebreak is, in the opinion of the local government, desirable for the protection of roadside vegetation.

Division 7—Commercial wildflower harvesting on thoroughfares

5.16 General prohibition on commercial wildflower harvesting
Subject to clause 5.17, a person shall not commercially harvest native flora on a thoroughfare.

5.17 Permit for revegetation projects
(1) A person shall not collect seed from native flora on a thoroughfare without first obtaining a permit.
(2) The local government may approve an application for a permit under subclause (1) only where—
   (a) the seed is required for a revegetation project in any part of the district; and
   (b) the thoroughfare, or the relevant part of it, is not a special environmental area.
(3) Unless the local government specifically provides to the contrary on a permit, if the local government approves an application for a permit for the purpose of subclause (1) it is to be taken to be approved subject to the following conditions—
   (a) the collection of the seed is to be carried out so as not to endanger the long time survival of the native flora on the thoroughfare; and
   (b) any licence or approval which may be required under any other written law is to be obtained by the applicant.

PART 6—TRADING IN THOROUGHFARES AND PUBLIC PLACES

Division 1—Stallholders and traders

Subdivision 1—Preliminary

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

*Competition Principles Agreement* means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995;

*public place* includes—
   (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
   (b) local government property;
but does not include premises on private property from which trading is lawfully conducted under a written law.

*stall* means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire;

*stallholder* means a person in charge of a stall;

*stallholder’s permit* means a permit issued to a stallholder;

*trader* means a person who carries on trading;

*trader’s permit* means a permit issued to a trader; and

*trading* includes—
   (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
   (b) displaying goods in any public place for the purpose of—
      (i) offering them for sale or hire;
      (ii) inviting offers for their sale or hire;
      (iii) soliciting orders for them; or
      (iv) carrying out any other transaction in relation to them; and
   (c) the going from place to place, whether or not public places, and—
      (i) offering goods or services for sale or hire; or
      (ii) inviting offers or soliciting orders for the sale or the hire of goods or services, but does not include—
      (d) the delivery of pre-ordered goods or services to the purchaser of those goods or services or to the person nominated by the purchaser of those goods or services whether or not payment for those goods or services is accepted on delivery; or
(e) the taking of further orders for goods or services from the purchaser of those pre-ordered goods or services or from the person nominated by the purchaser of those pre-ordered goods or services when those orders are taken at the same time as a previous order is being delivered, whether or not payment is made for those goods or services at the time of taking the order;

(f) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder’s permit;

(g) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;

(h) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and

(i) the selling or hiring or the offering for sale or hire of—
   (i) goods by a person who represents a manufacturer of the goods; or
   (ii) services by a person who represents a provider of the services, which are only sold directly to consumers and not through a shop.

Subdivision 2—Permits

6.2 Stallholder’s permit

(1) A person shall not conduct a stall on a public place unless that person is—
   (a) the holder of a valid stallholder’s permit; or
   (b) an assistant specified in a valid stallholder’s permit.

(2) Every application for a stallholder’s permit shall—
   (a) state the full name and address of the applicant;
   (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
   (c) specify the proposed location of the stall;
   (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
   (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
   (f) be accompanied by an accurate plan and description of the proposed stall.

6.3 Trader’s permit

(1) A person shall not carry on trading unless that person is—
   (a) the holder of a valid trader’s permit; or
   (b) an assistant specified in a valid trader’s permit.

(2) Every application for a trader’s permit shall—
   (a) state the full name and address of the applicant;
   (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
   (c) specify the location or locations in which the applicant proposes to trade;
   (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
   (e) specify the proposed goods or services which will be traded; and
   (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.

6.4 Relevant considerations in determining application for permit

(1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to—
   (a) any relevant policies of the local government;
   (b) the desirability of the proposed activity;
   (c) the location of the proposed activity;
   (d) the principles set out in the Competition Principles Agreement; and
   (e) such other matters as the local government may consider to be relevant in the circumstances of the case.

(2) The local government may refuse to approve an application for a permit under this Division on any 1 or more of the following grounds—
   (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
   (b) that the applicant is not a desirable or suitable person to hold a permit; or
   (c) that—
      (i) the applicant is an undischarged bankrupt or is in liquidation;
the applicant has entered into any composition or arrangement with creditors; or
(iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant’s undertakings or property.

6.5 Conditions of permit

(1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include—

(a) the place, the part of the district, or the thoroughfare to which the permit applies;
(b) the days and hours during which a permit holder may conduct a stall or trade;
(c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;
(d) the goods or services in respect of which a permit holder may conduct a stall or trade;
(e) the number of persons and the names of persons permitted to conduct a stall or trade;
(f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;
(g) whether and under what terms the permit is transferable;
(h) any prohibitions or restrictions concerning the—
   (i) causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
   (ii) the use of amplifiers, sound equipment and sound instruments;
   (iii) the use of signs; and
   (iv) the use of any lighting apparatus or device;
(i) the manner in which the permit holder’s name and other details of a valid permit are to be displayed;
(j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;
(k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;
(l) the acquisition by the stallholder or trader of public risk insurance;
(m) the period for which the permit is valid; and
(n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.

(2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorize another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder.

6.6 Exemptions from requirement to pay fee or to obtain a permit

(1) In this clause—

charitable organisation means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and

commercial participant means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.

(2) The local government may waive any fee required to be paid by an applicant for a stallholder’s permit or a trader’s permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on—

(a) on a portion of a public place adjoining the normal place of business of the applicant; or
(b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.

(3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

Subdivision 3—Conduct of stallholders and traders

6.7 Conduct of stallholders and traders

(1) A stallholder while conducting a stall or a trader while trading shall—

(a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
(b) not display a permit unless it is a valid permit; and
(c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the National Measurements Act 1960 (Cth).
(2) A stallholder or trader shall not—
   (a) deposit or store any box or basket containing goods on any part of a thoroughfare so as to
       obstruct the movement of pedestrians or vehicles;
   (b) act in an offensive manner;
   (c) use or cause to be used any apparatus or device including any flap or shelf, whereby the
       dimensions of a stall, vehicle or structure are increased beyond those specified in the permit;
       or
   (d) in the case of a trader, carry on trading from a public place, unless there is adequate parking
       for customers’ vehicles reasonably close to the place of trading.

PART 7—PERMITS

Division 1—Applying for a permit

7.1 Application for permit

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

(2) An application for a permit under this local law shall—
    (a) be in the form determined by the local government from time to time;
    (b) be signed by the applicant;
    (c) provide the information required by the form; and
    (d) be forwarded to the CEO together with any fee imposed and determined by the local
        government under and in accordance with sections 6.16 to 6.19 of the Act.

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

(4) The local government may require an applicant to give local public notice of the application for a
    permit.

(5) The local government may refuse to consider an application for a permit which is not in accordance
    with subclause (2).

7.2 Decision on application for permit

(1) The local government may—
    (a) approve an application for a permit unconditionally or subject to any conditions; or
    (b) refuse to approve an application for a permit.

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

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

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

(5) Where a clause of this local law refers to the grounds on which an application for a permit may be
    or is to be refused, the clause does not limit the power of the local government to refuse the
    application for a permit on other grounds under subclause (1)(b).

Division 2—Conditions

7.3 Conditions which may be imposed on a permit

The local government may approve an application for a permit subject to conditions relating to—
    (a) the payment of a fee;
    (b) the duration and commencement of the permit;
    (c) the commencement of the permit being contingent on the happening of an event;
    (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to
        the application;
    (e) the approval of another application for a permit which may be required by the local
        government under any written law;
    (f) the area of the district to which the permit applies;
    (g) where a permit is issued for an activity which will or may cause damage to a public place, the
        payment of a deposit or bond against such damage;
    (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the
        local government; and
    (i) the provision of an indemnity from the permit holder indemnifying the local government in
        respect of any injury to any person or any damage to any property which may occur in
        connection with the use of the public place by the permit holder.
7.4 Imposing conditions under a policy
(1) In this clause—

\textit{policy} means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 7.2(1)(a).

(2) Under clause 7.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 7.2(2).

(4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

7.5 Compliance with and variation of conditions
(1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

\textit{Division 3—General}

7.6 Duration of permit
A permit is valid for 1 year from the date on which it is issued, unless it is—

(a) otherwise stated in this local law or in the permit; or

(b) cancelled under clause 7.10.

7.7 Renewal of permit
(1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of—

(a) this Part; and

(b) any other provision of this local law relevant to the permit which is to be renewed,

shall apply to an application for the renewal of a permit with all the necessary changes as required.

7.8 Transfer of permit
(1) An application for the transfer of a valid permit is to—

(a) be made in writing;

(b) be signed by the permit holder and the proposed transferee of the permit;

(c) provide such information as the local government may require to enable the application to be determined: and

(d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—

(a) an endorsement on the permit signed by the CEO; or

(b) issuing to the transferee a permit in the form determined by the local government.

(4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

7.9 Production of permit
A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

7.10 Cancellation of permit
(1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a—

(a) condition of the permit; or

(b) provision of any written law which may relate to the activity regulated by the permit.

(2) On the cancellation of a permit the permit holder—

(a) shall return the permit as soon as practicable to the local government; and

(b) is to be taken to have forfeited any fees paid in respect of the permit.
8.1 Application of Part 9 Division 1 of Act
When the local government makes a decision—
(a) under clause 7.2(1); or
(b) as to whether it will renew, vary, or cancel a permit,
the provisions of the Local Government Act 1995 apply to that decision.

9.1 Notice to redirect or repair sprinkler
Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

9.2 Hazardous plants
(1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.
(2) Subclause (1) does not apply where the plant was planted by the local government.

9.3 Notice to repair damage to thoroughfare
Where any portion of a thoroughfare has been damaged, the local government may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

9.4 Notice to remove thing unlawfully placed on thoroughfare
Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

10.1 Offence to fail to comply with notice
Whenever the local government gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

10.2 Local government may undertake requirements of notice
Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

10.3 Offences
(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding $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.

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

10.5 Forms
Unless otherwise specified, for the purposes of this local law—
(a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
(b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
(c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
## SCHEDULE 1
### PRESCRIBED OFFENCES

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
<th>Modified Penalty $</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1(a)</td>
<td>Plant any plant (except grasses or a similar plant) within 10 metres of an intersection:</td>
<td>125</td>
</tr>
<tr>
<td>1.1(b)</td>
<td>Damaging lawn or garden</td>
<td>125</td>
</tr>
<tr>
<td>1.1(c)</td>
<td>Plant (except grass) on thoroughfare within 2m of carriageway</td>
<td>125</td>
</tr>
<tr>
<td>1.1(d)</td>
<td>Placing hazardous substance on footpath</td>
<td>125</td>
</tr>
<tr>
<td>1.1(e)</td>
<td>Damaging or interfering with signpost or structure on thoroughfare</td>
<td>350</td>
</tr>
<tr>
<td>1.1(f)</td>
<td>Playing games so as to impede vehicles or persons on thoroughfare</td>
<td>125</td>
</tr>
<tr>
<td>1.1(g)</td>
<td>Digging a trench through a kerb or footpath without a permit</td>
<td>125</td>
</tr>
<tr>
<td>1.1(h)</td>
<td>Throwing or placing anything on a verge without a permit</td>
<td>125</td>
</tr>
<tr>
<td>1.1(i)</td>
<td>Causing obstruction to vehicle or person on thoroughfare without a permit</td>
<td>125</td>
</tr>
<tr>
<td>1.1(j)</td>
<td>Causing obstruction to water channel on thoroughfare without a permit</td>
<td>250</td>
</tr>
<tr>
<td>1.1(k)</td>
<td>Placing or draining offensive fluid on thoroughfare without a permit</td>
<td>250</td>
</tr>
<tr>
<td>1.1(l)</td>
<td>Lighting a fire on a thoroughfare without a permit</td>
<td>350</td>
</tr>
<tr>
<td>1.1(m)</td>
<td>Felling tree onto thoroughfare without a permit</td>
<td>125</td>
</tr>
<tr>
<td>1.1(n)</td>
<td>Installing pipes or stone on thoroughfare without a permit</td>
<td>125</td>
</tr>
<tr>
<td>1.1(o)</td>
<td>Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit</td>
<td>350</td>
</tr>
<tr>
<td>1.1(p)</td>
<td>Creating a nuisance on a thoroughfare without a permit</td>
<td>125</td>
</tr>
<tr>
<td>1.1(q)</td>
<td>Placing a bulk rubbish container on a thoroughfare without a permit</td>
<td>125</td>
</tr>
<tr>
<td>1.1(r)</td>
<td>Interfering with anything on a thoroughfare without a permit</td>
<td>125</td>
</tr>
<tr>
<td>1.1(s)</td>
<td>Consumption or possession of liquor on thoroughfare</td>
<td>125</td>
</tr>
<tr>
<td>1.1(t)</td>
<td>Failure to obtain permit for temporary crossing</td>
<td>250</td>
</tr>
<tr>
<td>1.1(u)</td>
<td>Failure to comply with notice to remove crossing and reinstate kerb</td>
<td>350</td>
</tr>
<tr>
<td>1.1(v)</td>
<td>Installation of verge treatment other than permissible verge treatment</td>
<td>250</td>
</tr>
<tr>
<td>1.1(w)</td>
<td>Failure to maintain permissible verge treatment or placement of obstruction on verge</td>
<td>125</td>
</tr>
<tr>
<td>1.1(x)</td>
<td>Failure to rectify a verge treatment</td>
<td>125</td>
</tr>
<tr>
<td>1.1(y)</td>
<td>Failure to comply with sign on public place</td>
<td>125</td>
</tr>
<tr>
<td>1.1(z)</td>
<td>Driving or taking a vehicle on a closed thoroughfare</td>
<td>350</td>
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<tr>
<td>1.1(aa)</td>
<td>Placing advertising sign or affixing any advertisement on a thoroughfare without a permit</td>
<td>125</td>
</tr>
<tr>
<td>1.1(bb)</td>
<td>Erecting or placing of advertising sign in a prohibited area</td>
<td>125</td>
</tr>
<tr>
<td>1.1(cc)</td>
<td>Animal or vehicle obstructing a public place or local government property</td>
<td>125</td>
</tr>
<tr>
<td>1.1(dd)</td>
<td>Animal on thoroughfare when not led, ridden or driven</td>
<td>125</td>
</tr>
<tr>
<td>1.1(ee)</td>
<td>Animal on public place with infectious disease</td>
<td>125</td>
</tr>
<tr>
<td>1.1(ff)</td>
<td>Training or racing animal on thoroughfare in built-up area</td>
<td>125</td>
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<tr>
<td>1.1(gg)</td>
<td>Horse led, ridden or driven on thoroughfare in built-up area</td>
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<tr>
<td>1.1(hh)</td>
<td>Driving a vehicle on other than the carriageway of a flora road</td>
<td>250</td>
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<tr>
<td>1.1(ii)</td>
<td>Planting in thoroughfare without a permit</td>
<td>250</td>
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<tr>
<td>1.1(jj)</td>
<td>Burning of thoroughfare without a permit</td>
<td>500</td>
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<tr>
<td>1.1(kk)</td>
<td>Commercial harvesting of native flora on thoroughfare</td>
<td>500</td>
</tr>
<tr>
<td>1.1(ll)</td>
<td>Collecting seed from native flora on thoroughfare without a permit</td>
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</tr>
<tr>
<td>1.1(mm)</td>
<td>Conducting of stall in public place without a permit</td>
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</tr>
<tr>
<td>1.1(nn)</td>
<td>Trading without a permit</td>
<td>350</td>
</tr>
<tr>
<td>1.1(oo)</td>
<td>Failure of stallholder or trader to display or carry permit</td>
<td>125</td>
</tr>
<tr>
<td>1.1(pp)</td>
<td>Stallholder or trader not displaying valid permit</td>
<td>125</td>
</tr>
<tr>
<td>1.1(qq)</td>
<td>Stallholder or trader not carrying certified scales when selling goods by weight</td>
<td>125</td>
</tr>
<tr>
<td>1.1(rr)</td>
<td>Stallholder or trader engaged in prohibited conduct</td>
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</tr>
<tr>
<td>Clause</td>
<td>Description</td>
<td>Modified Penalty $</td>
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<td>--------</td>
<td>-------------------------------------------------------</td>
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<tr>
<td>45 7.5</td>
<td>Failure to comply with a condition of a permit</td>
<td>125</td>
</tr>
<tr>
<td>46 7.9</td>
<td>Failure to produce permit on request of authorised person</td>
<td>125</td>
</tr>
<tr>
<td>47 10.1</td>
<td>Failure to comply with notice given under local law</td>
<td>125</td>
</tr>
</tbody>
</table>

Dated 30th of August 2016.

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

JOHN COLLINGWOOD, President.
MAURICE BATTILANA, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

SHIRE OF CHAPMAN VALLEY

STANDING ORDERS LOCAL LAW 2016

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Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Shire of Chapman Valley resolved on 17 August 2016 to make the following local law.

## PART 1—PRELIMINARY

### 1.1 Citation
This local law may be cited as the *Shire of Chapman Valley Standing Orders Local Law 2016*.

### 1.2 Commencement
By virtue of section 3.14 of the Act, this local law comes into operation 14 days after the date of their publication in the *Government Gazette*.

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

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

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

(a) better decision-making by the Council and committees;

(b) the orderly conduct of meetings dealing with Council business;

(c) better understanding of the process of conducting meetings; and

(d) the more efficient and effective use of time at meetings.

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

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

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

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

*CEO* means the Chief Executive Officer of the 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 Shire of Chapman Valley;

*Local government* means the *Shire of Chapman Valley*;

*President* means the President of the local government or other Presiding Member at a Council meeting under section 5.6 of the Act;

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

*Member* has the meaning given to it in the Act;

*Presiding Member* means—

(a) in respect of the Council, the person presiding under section 5.6 of the Act; and

(b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

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

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

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

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


PART 2—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES

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

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

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

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

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

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

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

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

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

PART 3—CALLING AND CONVENING MEETINGS

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

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

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

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

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

Division 1—Who presides

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

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

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

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

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

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

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

Division 2—Quorum

4.8 Quorum for meetings
The quorum for meetings is dealt with in the Act.

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

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

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

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

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

PART 5—BUSINESS OF A MEETING

5.1 Business to be specified
(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in
the agenda, without the approval of the Presiding Member or the Council.
(2) No business is to be transacted at a special meeting of the Council other than that given in the
notice as the purpose of the meeting.
(3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council
other than that—
(a) specified in the notice of the meeting which had been adjourned; and
(b) which remains unresolved.
(4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council
resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before
considering Reports (Item 10) at that ordinary meeting.

5.2 Order of business
(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the
Council is to be as follows—
1. Declaration of Opening/Announcement of Visitors
2. Announcements from the Presiding Member
3. Attendance
   3.1 Apologies
   3.2 Previously approved leave of absence
4. Public Question Time
   4.1 Response to previous public questions taken on notice
   4.2 Public question time
5. Applications for leave of absence
6. Declaration of interest
7. Presentations
   7.1 Petitions
   7.2 Presentations
   7.3 Deputations
8. Confirmation of minutes
9. Items to be dealt with EnBloc
10. Officers’ Reports
11. Elected Members Motions of which previous notice has been given
12. New business of an urgent nature introduced by decision of the meeting
13. Delegates’ reports
14. Announcements by Presiding member without discussion
15. Matters for which meeting may be closed to public
16. Closure

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

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

5.3 Motions of which previous notice has been given

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

(2) A notice of motion under subclause (1) is to be given at least 10 clear working days before the meeting at which the motion is moved.

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

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

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

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

5.4 New business of an urgent nature

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

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

5.5 Adoption by exception resolution

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

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

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

PART 6—PUBLIC PARTICIPATION

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

6.2 Meetings not open to the public
(1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
(2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
(3) If a resolution under subclause (2) is carried—
   (a) the Presiding Member is to direct everyone to leave the meeting except—
       (i) the Members;
       (ii) the CEO; and
       (iii) any Officer specified by the Presiding Member; and
   (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
(4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.
(5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
(6) A resolution under this clause may be made without notice.
(7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.

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

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

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

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

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

(8) A member of the public shall have two minutes to submit a question.

(9) The Council, by resolution, may agree to extend public question time.

(10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

6.8 Distinguished visitors

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

6.9 Deputations

(1) Any person or group wishing to be received as a deputation by the Council is to either—
   (a) apply, before the meeting, to the CEO for approval; or
   (b) with the approval of the Presiding Member, at the meeting, address the Council.

(2) The CEO may either—
   (a) approve the request and invite the deputation to attend a meeting of the Council; or
   (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.

(3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting—
   (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
   (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,
   (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.

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

6.10 Petitions

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

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

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

6.11 Presentations

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

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

6.12 Participation at committee meetings

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

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

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

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

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

### 6.13 Council may meet to hear public submissions

1. Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
2. The CEO and the President shall set the time and date of the meeting to provide the opportunity to be heard.
3. Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall—
   a. instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
   b. provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
   c. cause minutes to be kept of the meeting to provide the opportunity to be heard.
4. A meeting held under subclause (1) shall be conducted only to hear submissions. The council shall not make resolutions at a meeting to provide the opportunity to be heard.
5. At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
6. A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.
7. Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.
8. The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
9. The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

### 6.14 Public Inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at Lot 7 Chapman Valley Road, Nabawa, and on the local government’s website.

### 6.15 Confidentiality of information withheld

1. Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be—
   a. identified in the agenda of a Council meeting under the item “Matters for which meeting may be closed”;
   b. marked Confidential in the agenda; and
   c. kept confidential by Officers and Members until the Council resolves otherwise.
2. A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.
3. Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

### 6.16 Recording of proceedings

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

### 6.17 Prevention of disturbance

1. A reference in this clause to a person is to a person other than a member.
2. A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.
3. A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
4. A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council.
5. A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.
PART 7—QUESTIONS BY MEMBERS

7.1 Questions by Members
(1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.

(2) A Member requesting general information from an Officer at a Council meeting may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that Officer or another Officer present at the meeting.

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

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

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

PART 8—CONDUCT OF MEMBERS

8.1 Members to be in their proper places
(1) At the first meeting held after each election day, the CEO is to allot alphabetically a position at the Council table to each Member.

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

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

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

8.4 Members to indicate their intention to speak
A Member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council. Each Member will stand when invited to speak by the Presiding Member.

8.5 Priority of speaking
(1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.

(2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.

(3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

8.6 Presiding Member may take part in debates
The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with this local law.

8.7 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 by a Member; and
   (b) direct that Member, if speaking, to discontinue his or her speech.

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

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

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

8.11 No interruption
A Member is not to interrupt another Member who is speaking unless—
(a) to raise a point of order;
(b) to call attention to the absence of a quorum;
(c) to make a personal explanation under clause 8.12; or
(d) to move a procedural motion that the Member be no longer heard under clause 11.1(e).

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

8.13 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 under Part 16.

8.14 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 under Part 16.
(2) A Member is not—
(a) to reflect adversely on the character or actions of another Member or Officer; or
(b) to impute any motive to a Member or Officer,
unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
(3) A Member is not to use offensive or objectionable expressions in reference to any Member, Officer or other person.
(4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes—
(a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
(b) the Council may, by resolution, decide to record those words in the minutes.

8.15 Withdrawal of offensive language
(1) A Member who, in the opinion of the Presiding Member, uses an expression which—
(a) in the absence of a resolution under clause 8.14—
(i) reflects adversely on the character or actions of another Member or Officer; or
(ii) imputes any motive to a Member or Officer; or
(b) is offensive or insulting,
must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
(2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

PART 9—PRESERVING ORDER

9.1 Presiding Member to preserve order
(1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.
(2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.
(3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.6, but to preserve order.

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

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

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

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

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

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

PART 10—DEBATE OF SUBSTANTIVE MOTIONS

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

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

10.3 Unopposed business
(1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
(2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
(3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.

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

(5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting under Part 16.

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

10.5 Order of call in debate
The Presiding Member is to call speakers to a substantive motion in the following order—
(a) the mover to state the motion;
(b) a seconder to the motion;
(c) the mover to speak to the motion;
(d) the seconder to speak to the motion;
(e) a speaker against the motion;
(f) a speaker for the motion;
(g) other speakers against and for the motion, alternating where possible; and
(h) mover takes right of reply which closes debate.

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

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

10.8 Consent of seconder required for alteration
A Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

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

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

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

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

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

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

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

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

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

(2) The mover of any amendment to a substantive motion has a right of reply.

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

PART 11—PROCEDURAL MOTIONS

11.1 Permissible procedural motions
In addition to the right to move an amendment to a substantive motion (under Part 10), a Member
may move the following procedural motions—
   (a) that the meeting proceed to the next item of business;
   (b) that the debate be adjourned;
   (c) that the meeting now adjourn;
   (d) that the question be now put;
   (e) that the Member be no longer heard;
   (f) that the ruling of the Presiding Member be disagreed with;
   (g) that the meeting be closed to the public under clause 6.2.

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

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

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

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

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

11.7 Meeting now adjourn
(1) A Member is not to move or second more than one motion of adjournment during the same sitting
of the Council.
(2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek
leave of the Council to deal first with matters that may be the subject of an adoption by exception
resolution under clause 5.5;
(3) A motion “that the meeting now adjourn”—
   (a) is to state the time and date to which the meeting is to be adjourned; and
   (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the
motion.
(4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned,
unless the Presiding Member or the Council determines otherwise.

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

3. This motion, if lost, causes debate to continue.

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

11.10 Ruling of the Presiding Member to be disagreed with
If the motion “that the ruling of the Presiding Member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

PART 12—DISCLOSURE OF INTERESTS

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

PART 13—VOTING

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

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

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

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

PART 14—MINUTES OF MEETINGS

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

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

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

PART 15—ADJOURNMENT OF MEETING
15.1 Meeting may be adjourned
The Council may adjourn any meeting—
   (a) to a later time on the same day; or
   (b) to any other time on any other day, including a time which coincides with the conclusion of
      another meeting or event.

15.2 Effect of adjournment
Where any matter, motion, debate or meeting is adjourned under this local law—
   (a) the names of Members who have spoken on the matter prior to the adjournment are to be
      recorded in the minutes;
   (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
   (c) the provisions of clause 8.8 [speaking twice] apply when the debate is resumed.

PART 16—REVOKING OR Changing DECISIONS
16.1 Requirements to revoke or change decisions
The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of
the Regulations.

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

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

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

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

PART 17—SUSPENSION OF LOCAL LAWS

17.1 Suspension of Local Laws

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

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

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

(a) seconded; and

(b) carried by an absolute majority,

is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

17.2 Where Local Laws do not apply

(1) In situations where—

(a) one or more provisions of this local law have been suspended; or

(b) a matter is not regulated by the Act, the Regulations or this local law,

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

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

17.3 Cases not provided for in Local Laws

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this local law, the Act or the Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.

PART 18—MEETINGS OF ELECTORS

18.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

18.2 Matters for discussion at electors' general meetings

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

18.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

18.4 Requests for electors' special meetings

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

18.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

18.6 Who presides at electors' meetings

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

18.7 Procedure for electors' meetings

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

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

18.8 Participation of non-electors

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

18.9 Voting at electors' meetings

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

18.10 Minutes of electors' meetings

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

18.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.
PART 19—ENFORCEMENT

19.1 Penalty for breach
A person who breaches a provision of this local law commits an offence.
Penalty: $1,000.00 and a daily penalty of $100.00.

19.2 Who can prosecute
Who can prosecute is dealt with in the Act.

Dated 30th of August 2016.

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

JOHN COLLINGWOOD, President.
MAURICE BATTILANA, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

SHIRE OF CHAPMAN VALLEY

REPEAL LOCAL LAW 2016

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Chapman Valley resolved on 17 August 2016 to make the following local law.

1. Citation
This local law is cited as the Shire of Chapman Valley Repeal Local Law 2016.

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) Building—Minimum Area for Dwelling House as published in the Government Gazette on 19 May 1950; and

(b) Speed of Vehicles Driven on Certain Land as published in the Government Gazette on 5 March 1976.

Dated 30th of August 2016.

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

JOHN COLLINGWOOD, President.
MAURICE BATILANA, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

CITY OF COCKBURN

STANDING ORDERS LOCAL LAW 2016
LOCAL GOVERNMENT ACT 1995

CITY OF COCKBURN

STANDING ORDERS LOCAL LAW 2016

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LOCAL GOVERNMENT ACT 1995

CITY OF COCKBURN

STANDING ORDERS LOCAL LAW 2016

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Cockburn resolved on 8 September 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Short Title
In the clauses to follow, The City of Cockburn Standing Orders Local Law 2016 is referred to as “this local law”.

1.2 Application
The proceedings and business of the Council must be conducted according to this local law.

1.3 Interpretation
In this local law, unless the context otherwise requires—

absolute majority means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the Council;

Act means the Local Government Act 1995;

agenda paper in relation to any proposed meeting means a paper setting out the terms of business to be transacted at the meeting and the order of that business;

business papers in relation to any proposed meeting means the agenda paper for that meeting and details relating to any other business for the proposed meeting;

CEO means the Chief Executive Officer of the City of Cockburn;

council means any committee appointed in accordance with the provisions of Part 5 Division 2, subdivision 2 of the Act;

Committee means the Council of the City of Cockburn;

councillor means a council member of the City of Cockburn excluding the Mayor;

local government means the City of Cockburn;

Mayor unless the context otherwise requires, means the Mayor elected by the electors of the district;

meeting includes any ordinary or special meeting of the Council or of a committee held pursuant to the Act;

member means the Mayor or any councillor;

minor amendment in relation to a motion to amend another motion (“the primary motion”) shall be one which does not alter the primary or basic intent of the primary motion as determined by the person presiding at the meeting;

negatived motion means a motion which, having been voted upon, is declared as lost;

Officer means an officer of the local government;

ordinary meeting has the meaning given to that term in clause 2.2;

presiding member means the presiding member of a meeting or the deputy presiding member, or a member when performing a function of the presiding member in accordance with the Act;

procedural motion means a motion as described in clause 11.1;

recommendation refers to the recommended outcome on any item presented to a Council or committee meeting for consideration or a recommended outcome forwarded by a committee for Council consideration;

Regulation means the Local Government (Administration) Regulations 1996;

simple majority is more than 50% of the members present and voting;
special majority means a majority comprising enough of the members for the time being of the
council for their number to more than 75% of the number of offices (whether vacant or not) of
member of the council;
special meeting has the meaning given to that term in clause 2.2;
substantive motion means an original motion or an original motion as amended, but does not
include an amendment or a procedural motion: and
urgent business means business dealt with in accordance with the provisions of clause 4.11.

PART 2—MEETINGS OF COUNCIL

2.1 Mayor to Preside
Subject to the Act the Mayor, or if the Mayor is not available or is unable or unwilling the Deputy
Mayor, or if the Deputy Mayor is not available or is unable or unwilling a councillor chosen by the
councillors present, shall preside at any meeting of the Council

2.2 Kind of Meeting and Calling of Meeting
(1) Meetings of the Council shall be of 2 kinds, “ordinary” and “special”.
   (a) Ordinary meetings are those called under subclause 5.5(1) of the Act at such place and at
      such times as the Council, from time to time, appoints for the transaction of the ordinary
      business of the Council.
   (b) Special meetings are those called under subclause 5.5(2) of the Act to consider Council
      business which is urgent, complex, for a particular purpose or confidential, the nature of
      which shall be specified in the notice convening the meeting. Subject to the provisions of the
      Act and this local law relating to the rescission or alteration of a resolution, no business shall
      be transacted at a special meeting other than that for which the special meeting has been
called.

2.3 Calling Council Meetings
An ordinary or special meeting of council is to be held—
   (a) if called for by either:
      (i) the mayor; or
      (ii) at least ⅓ of the councillors,
      in a notice to the CEO setting out the date and purpose of the proposed meeting; or
   (b) if so decided by the Council.

2.4 Notice of Ordinary Meeting
(1) Notice of an ordinary meeting of the Council shall be given to members by the CEO, and shall
      state the date, time, and place of holding the meeting. The notice shall be given to each of the
      members together with a copy of the Agenda and business papers at least 72 hours before the time of
      the commencement of the meeting.
   (2) The business papers for an ordinary meeting of the Council shall be made available for inspection
      by a ratepayer or elector of the local government during office hours at the office of the Local
      government from the time of service of the business papers on members.

2.5 Convening of Special Meeting
(1) The CEO is to convene a special meeting by giving each member notice, before the meeting, of the
date, time, place and purpose of the meeting.
(2) Notice to convene a special meeting may be given at any time prior to the time of the meeting
given in the notice.
(3) Notice to convene a special meeting should be given in writing if the time available for giving
notice and the circumstances permit.

2.6 Notice of Adjourned Meeting
When a meeting of the Council is adjourned by Council to a day and hour other than the next
ordinary meeting of the Council, notice of the adjourned meeting shall, if time permits, made in line
with the notice requirements of the Act for an ordinary meeting.

2.7 Notices
(1) Where this local law provides for a notice or any other paper or thing to be given or delivered to or
      served upon a member, unless the context or the Act otherwise require, the notice, paper or thing may be—
      (a) delivered to the member personally or to the member’s ordinary residence or other designated
          place in Western Australia within the minimum time stipulated; or
      (b) sent by means of electronic transmission as may be operable from time to time or posted to
          the ordinary residence or the usual place of business (if any) of the member.
PART 3—QUORUM

3.1 Number Required For Quorum
(1) The quorum for a meeting of a Council or committee is at least 50% of the number of offices (whether vacant or not) of member of the Council or a committee.
(2) The Minister may reduce the number of offices of member required for a quorum at a Council meeting specified by the Minister if there would not otherwise be a quorum for the meeting.
(3) The Minister may reduce the number of offices of member required at a Council meeting to make a decision specified by the Minister if the decision is one which would otherwise be required to be made by an absolute majority and a sufficient number of members would not otherwise be present or able to vote at the meeting.

3.2 Quorum Must Be Present
(1) The Council shall not transact business at a meeting unless a quorum is present.
(2) Subject to the provisions of clause 3.2(3) every meeting shall proceed to business at the date and time appointed in the notice of meeting.
(3) If at the expiration of half an hour from the time fixed for the commencement of a meeting of the Council a quorum is not present, the Mayor or in the Mayor’s absence, the Deputy Mayor, or in the Deputy Mayor’s absence, the majority of councillors present, or any councillor present alone, or in the absence of the Mayor and all the councillors, the CEO or a person authorised by the CEO, may adjourn the meeting to some future time or date. Business which could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting or at the next ordinary meeting if that occurs first. If the business is transacted at the next ordinary meeting the adjourned meeting shall lapse.

3.3 Loss of Quorum During Meeting
(1) Count Out
If at any time during a meeting of the Council a quorum is not present, the Mayor upon becoming aware of that fact shall thereupon suspend the proceedings of the meeting for a period of 10 minutes and if a quorum is not present at the expiration of that period, the meeting shall be deemed to have been counted out, and the Mayor shall adjourn it to some future time or date and time.
(2) Debate on Motion to be Resumed
Where the debate on any motion is interrupted by the Council being counted out, that debate shall be resumed at the next meeting at the point where it was so interrupted. Where the interruption occurs at an ordinary meeting the resumption shall be at the next ordinary meeting unless a special meeting is called earlier for the purpose. Where the interruption is at a special meeting, the resumption shall be at the next special meeting called to consider the same business or at the next ordinary meeting if it occurs before a special meeting can be called.

3.4 Names to Be Recorded
At any meeting at which there is not a quorum of members present, or at which the Council is counted out for want of a quorum, the names of the members then present shall be recorded in the Minute Book.

PART 4—BUSINESS OF THE MEETING

4.1 Business at Ordinary Meeting
The order of business at an ordinary meeting of the Council shall, unless for the greater convenience of the Council, altered by resolution to that effect, be nearly as practicable to the order, as detailed in clause 4.2.

4.2 Order of Business
(1) Declaration of Opening.
(2) Appointment of presiding member (if required).
(3) Disclaimer (to be read aloud by presiding member).
(4) Acknowledgement of receipt of written declarations of financial interests and conflicts of interest (by presiding member).
(5) Apologies and leave of absence.
(6) Written requests for leave of absence
(7) Response to previous public questions taken on notice.
(8) Public question time.
(9) Confirmation of minutes.
(10) Deputations.
(11) Petitions.
(12) Business left over from previous meeting (if adjourned).
(13) Declaration by members who have not given due consideration to matters contained in the business paper presented before the meeting.
(14) Council matters.
(15) Planning and Development Division issues.
(16) Finance and Corporate Services Division issues.
(17) Engineering and Works Division issues.
(18) Community Services Division issues.
(19) Executive Division issues.
(20) Motions of which previous notice has been given.
(21) Notices of motion given at the meeting for consideration at next meeting.
(22) New business of an urgent nature introduced by Members or Officers.
(23) Matters to be noted for investigation, without debate.
(24) Confidential business.
(25) Resolution of compliance
(26) Closure of meeting.

4.3 Order of Business at Special Meeting
The order of business at any special meeting of the Council shall be the order in which that business stands in the notice of the meeting.

4.4 Public Question Time

1. Fifteen minutes shall be allocated for questions to be raised by members of the public and responded to at—
   (a) every ordinary meeting of the Council;
   (b) every special meeting of the Council as related to the purpose of the meeting;
   (c) every meeting of a committee to which the Council has delegated a power or duty; and
   (d) every other meeting prescribed for the purpose of clause 5.24(1) of the Act.

2. The Presiding Member may extend the time, subject to time constraints or limitations imposed by the presiding member.

3. Once all the questions raised by members of the public have been presented and responded to at a meeting, any unused portion of the time period may be used for other matters.

4. Each member of the public who wishes to raise a question or questions at a meeting referred to in clause (1) shall be given equal and fair opportunity to raise the question or questions and receive a response, subject to time constraints or limitations imposed by the presiding member or otherwise by resolution of the meeting.

5. In addition to raising a question or questions without notice at meetings, a member of the public wishing to raise a question or questions may register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question or questions. The order in which registrations of interest are received by the CEO shall determine the order of questions to be raised unless the presiding member determines otherwise. Persons submitting questions to be raised pursuant to this clause shall be invited by the presiding member to present their question or questions at the beginning of this session. If the person is not present at the time, the matter shall lapse and any response prepared forwarded to the person in writing.

6. A member of the public having raised a question or questions shall return to a seat in the gallery unless otherwise directed by the presiding member at the meeting.

7. Subclause (4) only requires the Council or committee to answer a question that relates to a matter affecting the local government, with priority being given to items listed on the meeting agenda paper being considered.

8. Subject to the procedural matters previously set out in this subclause, the procedures for the raising of and responding to questions raised by members of the public at a meeting referred to in subclause (1) are to be determined—
   (a) by the presiding member at the meeting; or
   (b) in the case where the majority of members present at the meeting disagree with the presiding member, by the majority of these members.

9. Every reasonable effort should be made to provide a substantive response to a question or questions raised by a member of the public, but if the meeting is unable to provide an informative response to the whole of the issue, it may—
   (a) respond to that part (if any) for which it has a substantive response; or
   (b) respond otherwise that the response or part to which no substantive response has been supplied will be responded to substantively in a manner and at a time indicated.
(2) Questions and Answers to be Brief
All questions and answers shall be given as briefly and concisely as possible, and no discussion shall be allowed thereon. Questions requiring a written response shall be taken on notice and responded to as soon as practicable thereafter. Action taken shall be noted on the order of business at the following ordinary meeting of the Council in relation to written responses taken on notice.

(3) Questions Not to Involve Bad Language, Argument or Opinion, or Adverse Reflection on Integrity of any Member or Employee
1. In submitting any questions, no bad language, argument or expression of opinion shall be used or offered, nor any facts stated except so far as may be necessary to explain the issue. The presiding member may modify a question to make it comply with this subclause.
2. Questions shall not contain any statement reflecting adversely on the integrity of any member or employee.
3. If in the opinion of a member, false information or any adverse reflection is contained in any question or questions raised, then through the presiding member, the member may offer comment by way of correction.

(4) No Discussion on Questions
Subject to clause (3) of the preceding subclause, no discussion or further questions shall be allowed on any question or the response thereto.

4.5 Minutes
(1) Confirmation of Minutes
1. The minutes of a meeting of the Council, whether of an ordinary or a special meeting, shall be submitted to the next ordinary meeting of the Council for confirmation as a true and accurate record, subject to time constraints associated with preparation of the meeting agenda.
2. The minutes of a meeting of a committee shall be submitted to the next meeting of the committee for confirmation.
3. Discussion of any minutes other than discussion as to their accuracy as a record of proceedings shall not be permitted, and when confirmed the minutes shall thereupon be signed and certified by the Mayor in the case of Council minutes or by the presiding member in the case of a committee. In addition, that person shall initial each page of the minutes.

(2) Keeping of Minutes
1. Minutes may be pasted or otherwise permanently affixed to or as the leaves of a book which may be known as the “Minute Book”.
2. Minutes may be otherwise kept in the records of the local government in a manner which ensures that they are permanently and securely recorded, and available for inspection, copying, and production in evidence in any court. Such record of the minutes may be referred to as “Minute Book”, whether it is in book form or not.

(3) Content of Minutes
The content of minutes of a meeting of the Council or a committee is to include the matters contained in regulation 11 of the Regulations.

(4) Preservation of Minutes
Minutes including the agenda of each Council and committee meeting are to be kept as a permanent record of the activities of the local government and are to be transferred to the Public Records Office, being a directorate of the Library and Information Service of Western Australia, in accordance with DA 2015-001—General Disposal Authority for Local Government Records.

4.6 Petitions
(1) Every petition shall be respectful and temperate in its language and shall be presented to the Council or CEO by a member who shall acquaint himself or herself with the contents thereof and ascertain that it does not contain language disrespectful to the local government.

In addition, any individual may present a petition in the form mentioned in clause (2) direct to the CEO who shall inform the Mayor and councillors of the content of the petition and any action taken in response to the subject matter contained in the petition.

(2) A petition must—
(a) contain on each page, the subject of the petition;
(b) contain the name, address and signature of each petitioner; and
(c) have the name of the person who lodged the petition with the local government shown at the top of the front page thereof but need not otherwise be in any particular form.

(3) On the presentation of a petition, the member presenting it shall be confined to reading the petition, and the only motions that are in order are that the petition be received and if necessary that it be referred for an officer’s report.

4.7 Deputations
(1) Any person or persons wishing to be received as a deputation by Council shall, in the first instance, send to the CEO a written request, setting out the subject matter to be raised by the deputation in concise terms, but nevertheless in sufficient detail to enable the Council to have a general understanding of the purpose of the deputation.
(2) Where the CEO receives a request in terms of the preceding subclause but not otherwise, the CEO shall—
   (a) refer it to the presiding member of the appropriate meeting,
   (b) give a written precis of the request to the presiding member;
   (c) recommend, with a written explanation, whether or not the deputation should be received:
       and
   (d) request written advice from the presiding member within a stated time whether or not he or
       she considers the deputation should be received.

(3) In the event that the presiding member indicates agreement, the person or persons wishing to be
    received as a deputation shall be invited to meet the Council at its next meeting or another meeting
    at which the subject matter is to be considered.

(4) A deputation shall not exceed 10 minutes in length and will consist of no more than 5 in number
    and only 2 thereof shall be at liberty to address the Council except in reply to questions from
    members to be raised through the presiding member.

(5) A Council shall not make a resolution arising from the subject of a deputation at the meeting at
    which the deputation is received unless the matter is the subject of an officer report contained in the
    business papers of the meeting.

4.8 Business at Adjourned Meeting
At an adjourned meeting of the Council no business shall be transacted other than that specified in
the notice of the meeting of which it is an adjournment, and which remains indisposed of, save and
except in the case of an adjournment to the next ordinary meeting of the Council, when the business
undisposed of at the adjourned meeting shall have the precedence at such ordinary meeting.

4.9 Declaration of Due Consideration
Any member who is not familiar with the substance of any report, minutes or other information
provided for consideration at a meeting shall declare that fact at the time declarations of due
consideration are called for in the order of business of the meeting.

4.10 Notices of Motion
(1) Giving Notice of Motion
   (a) A member may have business included in the agenda of a meeting by forwarding a notice of
       motion in writing to the CEO.
   (b) The notice of motion must include a draft version of the motion proposed to be moved by the
       member.
   (c) The notice of motion must be accompanied by sufficient information to enable an officer’s
       report to be prepared and included in the agenda of the meeting at which Council will
       consider the motion.
   (d) Except in the case of a special meeting of the Council, the notice of motion must be given—
       (1) at least 14 clear days before the meeting at which it is considered; or
       (2) at the previous Council meeting, and is to be read at Agenda Item 21 of the order of
           business.

(2) Amendment of Notices
The CEO may on his or her own initiative make such amendments to the form of the motion, but not
its substance, so as, to bring the motion into proper form.

(3) Motion to Lapse
Subject to the provisions of clause 16.12, any motion of which notice has been given pursuant to
clause 4.10 lapses unless—
   (a) the member who provided the notice, or some other member authorised by the member in
       writing, is present to move the motion when called on; or
   (b) the Council on a motion agrees to defer consideration of the motion to a later stage of the
       meeting or date.

(4) Dealing with Lapsed Motion
   (a) If a notice of motion is given and lapses in the circumstances referred to in the preceding
       subclause, notice of motion in the same terms or to the same effect may be given for
       consideration at a subsequent meeting of the Council.
   (b) If a motion lapses and is in the same terms or to the same effect as a motion which lapsed at
       a previous meeting of the Council, the Council shall not entertain a motion in the same terms
       or to the same effect at a subsequent meeting until at least 3 months have elapsed from the
date of the meeting at which the motion last lapsed. This provision shall not apply to motions
to rescind or alter a resolution and to which clause 22.3 applies.

(5) Amendments to Notice of Motion
   (a) An amendment to a motion of which notice has been given pursuant to clause 4.10(1), other
       than a minor amendment, must not be considered at a meeting unless notice in writing of the
       amendment is received by the CEO no later than 10am on the day of the meeting at which
       the motion is to be considered.
(b) In accordance with the procedures for debate of motions under Part 10 of this local law, a motion of which notice has been given pursuant to clause 4.10(1) is not considered to have been moved until a member has stated the motion at the relevant Council meeting.

(c) The Mayor shall decide whether any amendment moved without notice given in accordance with the preceding clauses of this subclause is a minor amendment, but the Council may dissent from the Mayor's ruling in accordance with the provisions of clause 10.15(3).

(d) No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

4.11 Urgent Business

(1) When Introduced
A member may move a motion involving urgent business that is not included in the agenda paper for that meeting provided that—

(a) the presiding member at the meeting has requested the member to move the motion or has first consented to the business being raised having taken due regard to:

(i) the urgency of the business is such that the business cannot await inclusion in the agenda paper for the next meeting of the Council; or

(ii) if the business was to be deferred to the next meeting, such delay could result in legal or financial implications to the local government; or

(b) the business could not normally be dealt with by an officer of Council during Council office hours.

(2) When Absolute Majority Required
If at an ordinary meeting a member objects that a motion introduced as urgent business and moved without notice does not deal with urgent ordinary business within the meaning of that term in clause 4.11(a)(i) or (ii) of this local law, the motion shall be of no effect unless it is agreed to at the meeting by an absolute majority of the Council.

(3) Items Decided Under Delegated Authority
Items dealt with by officers under the delegated authority of Council, will only be permitted for addition to an agenda of Council, following the matter being discussed by a member at the request of a third party, with the appropriate staff member responsible for the delegation and no agreeable resolution being forthcoming from those discussions.

4.12 Matters Received in Writing to be Noted for Investigation, Without Debate

(1) When Introduced
A member seeking to have a matter related to the functions of the local government investigated may do so in the following manner—

1. Forward a written request clearly domiciled “Matter for Investigation Without Debate” to the CEO, by no later than 10.00am on the day of the Ordinary Council Meeting.

2. The request is to contain sufficient details of the matter to enable a clear understanding of the topic and any outcomes expected.

3. Subject to the request complying with the requirements of sub-clauses 1 and 2 above, the CEO shall ensure a listing of requests received pursuant to these provisions is reported to members as part of the next scheduled ordinary Council meeting process.

4. Matters for Investigation Without Debate received in accordance with these requirements are to be listed in the Minutes of the Council Meeting under this heading and upon being listed, shall be referred to an appropriate staff member for research and a subsequent response to be prepared for consideration by Council.

5. Officer Reports prepared in response to Matters for Investigation Without Debate will subsequently appear on the Council Agenda under this heading and all outstanding Matters for Investigation Without Debate will remain on the record of Agendas and Minutes under this heading until addressed in an Officer Report and formally considered at a Council Meeting, after which time they will be removed.

4.13 Confidential Business

(1) Obligation of Confidentiality
Every matter dealt with by, or brought before the Council sitting otherwise than with open doors, shall be treated as strictly confidential by members and officers.

(2) CEO Restricting Documents
Any report, correspondence or other document which is to be placed before the Council and which in the opinion of the CEO is of a confidential nature may at the CEO’s discretion be marked as such and shall then be treated as strictly confidential by members and officers.

(3) Non-disclosure of Matters or Documents which are Strictly Confidential
No person, without the authority of the Council, is to disclose any matter or any report, correspondence or other document, which is treated as strictly confidential under the terms of subclause (1) or subclause (2), to any person other than the Mayor, any Councillor or any employee of the local government (and in the case of employees, only so far as may be necessary for the performance of their duties). The confidentiality of any matter under the provisions of subclause (1) ceases upon that matter being discussed at a meeting of the Council held with open doors.
Freedom of Information Act 1992 and Discovery

The provisions of this clause 4.13 do not apply to restrict access to documents the local government might otherwise be required to give under the Freedom of Information Act 1992, or under the discovery processes of any Court, Tribunal or Commission, or under a subpoena duces tecum, or pursuant to a lawful direction, order or request of an Inquiry under Part 8 of the Act.

Committees

Notwithstanding clause 17.1, this clause 4.13 does not operate to authorise the disclosure of confidential information or documents to a committee member other than the Mayor, or Councillor or any employee of the local government.

Closure of Meeting

Should a meeting of Council still be in progress 2 hours after the opening of the meeting, the presiding member shall request the meeting for an extension of time to enable the business of the meeting which remains unresolved to be considered. A motion must be carried to this effect and stipulate a time up to a maximum extension of 1 further hour until which business of the meeting may be considered, at which time the presiding member shall close the meeting, if still in progress, and any business remaining unresolved shall be adjourned and reconsidered to a day and time as determined by Council or at the next ordinary meeting of the Council.

PART 5—PUBLIC ACCESS TO AGENDA MATERIAL

Inspection Entitlement

In addition to information posted on the City of Cockburn website, members of the public have access to agenda material in the terms set out in regulation 14 of the Regulations and may inspect the material at the City of Cockburn Administration Building or the Coolbellup, Spearwood and Success Public Libraries on the Friday prior to each Ordinary Council Meeting.

Confidentiality of Information Withheld

A member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

Penalty $5,000

PART 6—PRODUCTION OF DOCUMENTS

Interpretations

In this clause—

(a) the term document means a deed, book, report, paper or any other written material whatsoever or any other recorded or stored information;

(b) the term other thing means anything whatsoever other than a document as hereinbefore defined, which relates to a matter or question under consideration or discussion by the Council or, by virtue of a notice of meeting given, to be considered or discussed by the Council; and

(c) the term laid on the table means laid or deposited at a place within the local government’s administrative building designated from time to time for that purpose by the CEO and at which place a tabled document or other thing may be perused or inspected by a member during Council office hours or at other times on application to the CEO but the document or other thing shall not be copied or removed.

Member May Require Production

On giving to the CEO not less than 4 hours’ notice, a member is entitled to have laid on the table a document or other thing which is under consideration by Council and the CEO on receiving that notice shall lay the document on the table for a period of 24 hours, or as otherwise agreed, commencing as soon as practicable after the receipt by the CEO of the notice.

Circumstances in Which CEO to Comply

The CEO shall comply with a request made pursuant to clause 6.2 unless the CEO is of the opinion that it would not be in order to do so in which case the CEO shall refer the request to the Mayor for determination, except in the case where the Mayor has made the request, in which circumstances the CEO shall refer the request to Council for determination.

Mayor’s Ruling

On the reference to the Mayor of a request made by a councillor pursuant to clause 6.2 or 6.3 the Mayor shall rule whether it is in order and accordingly whether it should be granted or refused and the ruling is final but where the request is refused the CEO shall report the fact to the next meeting of Council.

Access by Member to Tabled Documents

When a document or other thing is laid on the table in accordance with this Part then that document or other thing may be perused or inspected by a member in the place designated at any time during Council’s office hours or at any other reasonable time on application to the CEO but the document or other thing shall not be copied or removed.
PART 7—OPEN DOORS—EXCEPT AS PROVIDED

7.1 General Obligation
Subject to the provisions of clause 7.2 the business of the Council shall be conducted with open doors.

7.2 Resolution To Close Doors
The Council may by resolution decide to conduct behind closed doors any business of a meeting dealing with any of the matters referred to in clause 5.23(2) of the Act.

7.3 Persons to Leave Chamber
Upon the carrying of a resolution referred to in clause 7.2 the Mayor shall direct all persons other than councillors, the CEO and any other person nominated in the resolution to leave the Council chamber and every such person shall forthwith comply with the direction.

7.4 Removal of Person by Order
Any person who fails to comply with the direction made pursuant to clause 7.3 may, by order of the Mayor, be removed from the Council chamber.

7.5 Duration of Closure
(1) After the carrying of a resolution referred to in clause 7.2 at a meeting, the business of that meeting of the Council shall proceed behind closed doors, until the Council, by resolution, decides to proceed with open doors.
(2) If the resolution was to conduct specified business behind closed doors the meeting shall revert to open doors upon the completion of the specified business unless the Council resolves to do so earlier.

7.6 Notice of Motion Not Required
Any resolution mentioned in this clause may be moved without notice.

7.7 Conduct of Business Behind Closed Doors
(1) The following business may be conducted behind closed doors—
   (a) matters of a personal nature regarding the conduct in employment of an employee of the Council or the relationship or contract with the Council of an employee;
   (b) consideration of legal advice;
   (c) any matter which in the opinion of the person presiding at the meeting requires consideration of the personal private affairs of a person in circumstances likely to cause unreasonable embarrassment to that person if the consideration did not occur behind closed doors; and
   (d) a matter that if disclosed, could be reasonably expected to—
      (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
      (ii) endanger the security of the local government’s property; or
      (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.
(2) The Council may in any case resolve to conduct behind closed doors any other matter referred to in clause 5.23(2) of the Act.

7.8 Recording Decision in Minutes
A decision to close a meeting or part of a meeting and the reason for the decision shall be recorded in the minutes of the meeting.

PART 8—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

8.1 Official Titles to be Used
Members and employees of the Council are to speak of each other at Council meetings by their respective titles.

8.2 Leaving Meetings
During the course of a meeting of the Council or a committee no member is to enter or leave the meeting without first indicating to the presiding member, in order to facilitate the recording in the minutes of the time of their entry or departure.

8.3 Adverse Reflection
(1) No member of the Council is to reflect adversely during the meeting upon a decision of the Council, except on a motion that the decision be revoked or changed, unless the meeting resolves, without debate, that the matter before the meeting cannot otherwise be adequately considered.
(2) No member of the Council is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.
(3) If a member of the Council specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the presiding member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.
8.4 Recording of Proceedings
(1) No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the presiding member, or in the case where the majority of members then present at the meeting disagree, by the majority of those members.

8.5 Prevention of Disturbance
(1) Any member of the public addressing the Council is to extend due courtesy and respect to the Council and the processes under which they operate and must take direction from the presiding member whenever called upon to do so.
Penalty $1,000
(2) No person observing a meeting, is to 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.
Penalty $1,000

8.6 Distinguished Visitors
If a distinguished visitor is present at a meeting of the Council, the presiding member may invite such person to sit at the Council table.

8.7 Objectionable Business
If the Mayor at any meeting of the Council is of the opinion, or a councillor draws to the Mayor’s attention, that any motion or business proposed to be made or transacted thereat is of an objectionable nature, the Mayor either before or after the same is brought forward may declare that the same shall not be entertained provided always that any member of the Council may move dissent from the declaration made from the Mayor, whereupon the motion to dissent shall forthwith be put without debate, and in the event of the same being carried by a majority of the members present the business referred to shall thereupon be entertained but not otherwise.

8.8 Use of Electronic Equipment in Meetings
Electronic equipment provided for the use of elected members and officers in attendance at meetings is to be used only for the purposes associated with the business of the meeting. Mobile phones are to be switched off or to silent mode for the duration of the meeting and are not to be used during the meeting to distract attention away from the meeting. Should the presiding member become aware of any deviation from these requirements by members or officers in attendance, the presiding member may direct the person or persons responsible to immediately discontinue any non-compliant activity and immediately resume attention to the meeting proceedings.

PART 9—CONDUCT OF MEMBERS DURING DEBATE

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

9.2 Priority
In the event of 2 or more members of the Council wishing to speak at the same time, the presiding member is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

9.3 The Presiding Member to Take Part In Debates
Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in this local law, the presiding member may take part in a discussion of any matter before the Council as the case may be.

9.4 Relevance
Every member of the Council is to restrict his or her remarks to the motion or amendment under discussion, or to a question, a personal explanation or point of order.

9.5 Limitation of Number of Speeches
No member of the Council is to address the Council more than once on any motion or amendment before the Council except the mover of a substantive motion, in reply, or to a question, a personal explanation or point of order.

9.6 Limitation of Duration of Speeches
All addresses are to be limited to a maximum of 5 minutes. Extension of time is permissible only with the agreement, by motion, of a simple majority of members present.

9.7 Members Not to Speak After Conclusion of Debate
No member of the Council is to speak to any question after it has been put by the presiding member.

9.8 Members Not to Interrupt
No member of the Council is to interrupt another member of the Council whilst speaking unless—
(a) to raise a point of order:
(b) to call attention to the absence of a quorum;
(c) to make a personal explanation under clause 10.15; or
(d) to move a motion under clause 11(1).

9.9 Re-Opening of Discussion on Decisions
No member of the Council is to re-open discussion on any decision of the Council taken at the same meeting, except for the purpose of moving that the decision be revoked or changed.

PART 10—PROCEDURES FOR DEBATE OF MOTIONS

10.1 Motions to be Stated
Any member of the Council who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it. Where in the opinion of the presiding member, an amendment or modification of a recommendation alters the substance or effect of the recommendation, the presiding member shall, where practicable, require the proposed motion to be in writing and ready to be handed to the CEO, for recording in the minutes of the meeting. Such written notice shall also contain the reason for the proposed amendment, as required by clause 11(da) of the Regulations.

10.2 Motions to be Supported
No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or change the decision made at a Council meeting, unless the motion has the support required under regulation 10 of the Regulations.

10.3 Unopposed Business
(1) Upon a motion being moved and seconded, the presiding member is to ask the meeting if any member wishes to speak against it.
(2) If no member signifies opposition to the motion the presiding member may declare the motion in subclause (1) carried without debate and without taking a vote on it.
(3) If a member signifies opposition to a motion the motion is to be dealt with according to this Part (clause 10.6).
(4) This clause does not apply to any motion to revoke or change a decision which has been made at a Council meeting.

10.4 Only 1 Substantive Motion Considered
When a substantive motion is under debate at any meeting of the Council or a committee, no further substantive motion is to be accepted.

10.5 Breaking Down of Complex Motions
The presiding member may order a complex motion to be broken down and put in the form of several motions, which are to be put in sequence.

10.6 Order of Call in Debate
(1) The presiding member is to call speakers to a substantive motion in the following order—
   (a) The mover to state the motion;
   (b) A seconder to the motion;
   (c) The mover to speak to the motion;
   (d) A speaker against the motion;
   (e) A speaker for the motion;
   (f) Other speakers against and for the motion in alternating order until there is no member (excluding the mover) wishing to speak who is of the opposite view than the last preceding speaker;
   (g) Mover takes right of reply which closes the debate; and
   (h) No member (other than the mover who may elect to open debate and speak in reply) may speak twice.

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

10.7 Members May Require Motions to be Read
Any member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

10.8 Consent of Seconder Required to Accept Alteration of Wording
The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.9 Order of Amendments
Any number of amendments may be proposed to a 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 or determined.
10.10 Amendments Must Not Negate Original Motion
No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

10.11 Mover of a Motion Not to Speak On Amendment
On an amendment being moved, any member may speak to the amendment, provided that if the person who moved the substantive motion does choose to speak to the amendment, the right of reply is forfeited by that person.

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

10.13 Withdrawal of Motion and Amendments
Council may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.

10.14 Limitation of Withdrawal
Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, until the amendment proposed has been withdrawn or lost.

10.15 Personal Explanations and Questions
(1) No member or employee is to speak at any meeting of the Council, except upon the matter before the council, unless it is to make a personal explanation or ask a question related to the matter under direct consideration. Any member or employee of the Council who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood or to seek clarification on the matter under direct consideration. When a member or employee of the Council is invited to speak, no reference is to be made to matters unnecessary for that purpose.

(2) A member or employee of the Council wishing to make a personal explanation of matters referred to by any member of the Council then speaking, is entitled to be heard immediately, if the member of the Council then speaking consents at the time, but if the member of the Council who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech. Questions may only be introduced at the conclusion of any speech currently being heard.

(3) The ruling of the presiding member on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is carried before any other business proceeds.

10.16 Right of Reply
(1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.

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

10.17 Right of Reply Provisions
The right of reply is governed by the following provisions—

(a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;

(b) subject to clause 10.11 if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments carried;

(c) the mover of any amendment does not have a right of reply; and

(d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

PART 11—PROCEDURAL MOTIONS

11.1 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 now adjourn;

(b) that the question now be put;

(c) that the Council meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under clause 5.23 of the Act—

except if the motion is in conflict with clause 11.3

11.2 No Debate on Procedural Motions
(1) The mover of a motion stated in each of subclauses (a) and (c) of clause 11.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
(2) The mover of a motion stated in clause (b) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion and there is to be no debate on the motion.

11.3 Procedural Motions—Closing Debate—Who May Move

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

11.4 Procedural Motions—Right of Reply on Substantive Motion

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

PART 12—EFFECT OF PROCEDURAL MOTIONS

12.1 Meeting to Now Adjourn—Effect of Motion

(1) The motion “that the meeting now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the presiding member or a majority of members then present at the meeting, upon vote, determine otherwise.

(2) Where debate is to be resumed at the next meeting at the point where it was so interrupted—

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

(ii) the provisions of clause 9.5 to apply when the debate is resumed.

12.2 Question to be Put—Effect of Motion

(1) The motion “that the question be now put”, if carried during discussion of a substantive motion without amendment, causes the presiding member to offer the right of reply and then immediately put the matter under consideration without further debate.

(2) This motion, if carried during discussion of an amendment, causes the presiding member to put the amendment to the vote without further debate.

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

12.3 Council to Meet Behind Closed Doors—Effect of Motion

(1) Subject to any decision under clause 7.7 or other decision of the Council, this motion, if carried, causes persons to leave the room pursuant to clause 7.3.

(2) While a decision made under this clause is in force the operation of clause 9.5 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.

(3) Upon the public again being admitted to the meeting the person presiding, unless the Council decides otherwise, 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 clause 5.21 of the Act.

(4) A person who is a Council 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.

Penalty $5,000.

PART 13—MAKING DECISIONS

13.1 Question—When Put

When the debate upon any question is concluded and the right of reply has been exercised the presiding member shall immediately put the question to the Council, and, if so desired by any member of the Council, shall again state it.

13.2 Question—Method of Putting

If a decision of the Council is unclear or in doubt, the presiding member shall put the motion or amendment as often as necessary to determine the decision from a show of hands before declaring the decision.

PART 14—VOTING

14.1 Procedure

(1) The Mayor shall cast a deliberative vote on any question in respect of which the Mayor is not precluded by the Act.

(2) If the votes of members present at a Council or committee meeting are equally divided, the presiding member is to cast a second vote.

(3) Subject to Part 19, each member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the Council or committee is to vote.

(4) Voting at a Council or committee meeting is to be conducted so that no voter's vote is secret.
14.2 Method of Taking Vote
(1) The Mayor shall, in taking the vote on any motion or amendment, put the question, first in the affirmative, and then in the negative, and the Mayor may do so as often as is necessary to enable the Mayor to form and declare his or her opinion as to whether the affirmative or the negative has the majority by a show of hands.
(2) The result of voting openly is determined on the count of raised hands.
(3) Upon a vote on a show of hands being taken, a member may call for—
   (a) his or her vote; or
   (b) the vote of all members present to be recorded in the minutes, whereupon the Mayor shall cause the vote or votes to be so recorded.

PART 15—PRESERVING ORDER

15.1 The Presiding Member to Preserve Order
The presiding member is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

15.2 Demand for Withdrawal
A member at a meeting of the Council may be required by the presiding member, or by a decision of the Council, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee, and if the member declines or neglects to do so, the presiding member may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

15.3 Points of Order—When to Raise—Procedure
Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, is to immediately stop speaking and be silent while the presiding member listens to the point of order.

15.4 Points of Order—When Valid
The following are to be recognised as valid points of order—
   (a) that the discussion is of a matter not before the Council;
   (b) that the discussion refers to information that can be demonstrated to be factually incorrect;
   (c) that offensive or insulting language is being used; and
   (d) drawing attention to the violation of any written law, or policy of the local government, provided that the member making the point of order states the written law or policy believed to be breached.

15.5 Points of Order—Ruling
The presiding member is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

15.6 Points of Order—Ruling Conclusive, Unless Dissent Motion Is Moved
The ruling of the presiding member upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

15.7 Points of Order Take Precedence
Notwithstanding anything contained in this local law to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

15.8 Precedence of Presiding Member
(1) When the presiding member speaks during the progress of a debate, any member of the Council then speaking, or offering to speak, is to immediately be silent and every member of the Council present shall preserve strict silence so that the presiding member may be heard without interruption. Penalty $500
(2) Subclause (1) is not to be used by the presiding member to exercise the right provided in clause 9.3, but to preserve order.

15.9 Right of the Presiding Member to Adjourn Without Explanation to Regain Order
(1) If a meeting ceases to operate in an orderly manner, the presiding member may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any 1 meeting, the presiding member has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.
(2) Where debate of a motion is interrupted by an adjournment under sub-clause (1), in the case of a Council meeting—
   (a) the names of members who have spoken in the matter prior to the adjournment are to be recorded; and
   (b) the provisions of clause 9.5 apply when the debate is resumed.
PART 16—MOTION FOR REVOCATION

16.1 “Substantive Resolution” Defined
In this clause the term *substantive resolution* refers to a resolution which is the subject of a motion for revocation or change.

16.2 Revocation or Change
The Council may, at the same meeting at which it is passed, revoke or change a resolution if all members of the Council who were present in the Council chamber at the time the resolution was passed are also present in the Council chamber at the time the revocation or change is proposed and that number of persons who are, in accordance with clause 16.4 required to support the motion, indicate their support by a show of hands.

16.3 Revocation or Change—Notice
(1) If a revocation or change is to be moved at a subsequent meeting, notice of the motion to revoke or change must be given to the CEO at least 14 days before the meeting, and must be signed by the number of persons who are by the next succeeding subclause required to support the motion.

(2) This subclause does not apply to the change of a substantive resolution unless the effect of the change would be that the substantive resolution would be revoked or would become substantially different.

16.4 Support For Revocation or Change
(1) If a substantive resolution has been passed at a meeting then any motion to revoke or change the substantive resolution must be supported—
   (a) in the case where an attempt to revoke or change the substantive resolution has been made within the previous 3 months but has failed, by an absolute majority; or
   (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the Council, inclusive of the mover. Otherwise the motion shall not be entertained.

(2) If a substantive resolution has been passed at a meeting then any resolution to revoke or change the substantive resolution must be passed—
   (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special (75%) majority, by that majority; or
   (b) in any other case, by an absolute majority.

(3) This subclause does not apply to the change of a substantive resolution unless the effect of the change would be that the substantive resolution would be revoked or would become substantially different.

16.5 Terms of and Reasons for Revocation or Change at the Same Meeting to be Stated
When moving a motion of revocation or change at the same meeting at which the substantive resolution was passed, the member moving the revocation or change shall state in clear terms—
   (a) the terms of the motion of revocation or change identifying the substantive resolution proposed to be revoked or changed; and
   (b) the reason or reasons for seeking revocation or change,
and the Mayor shall not accept a motion for revocation or change which does not comply with those requirements.

16.6 Terms and Reasons for Revocation at Subsequent Meeting to be Stated in Notice
When giving notice of motion of revocation or change the member giving notice shall record in writing in clear terms—
   (a) the terms of the motion of revocation or change identifying the substantive resolution proposed to be revoked or changed; and
   (b) the reason or reasons for seeking revocation or change.

The CEO shall not accept a notice of motion of revocation or change which does not comply with the above mentioned requirements and is not supported in accordance with clause 16.4(1).

16.7 Written Notices Received During Same Meeting
(1) If the CEO receives a written notice of motion to revoke or change a substantive resolution before the close of the meeting at which the substantive resolution was passed, then provided the notice complies with the preceding subclauses, the CEO shall forthwith deliver the notice to the Mayor who shall at the earliest opportunity notify the meeting of the notice, and thereafter at the first available opportunity the Mayor shall bring on the motion before the close of the meeting.

(2) If the CEO receives a written notice of motion to revoke or change a substantive resolution after the closure of the meeting at which the substantive resolution was passed, then provided the notice complies with the preceding subclauses the CEO shall ensure that the motion is considered at a special or ordinary meeting of the Council held at the earliest opportunity after the meeting at which the substantive resolution was passed.

16.8 Delay in Implementing Substantive Resolution
If a notice of motion to revoke or change a substantive resolution is received by the CEO before any step has been taken thereafter to implement the substantive resolution, then no step shall be taken to
implement or give effect to the substantive resolution until the motion to revoke or change has been dealt with.

16.9 Restraints on Notices of Revocation or Change
The CEO shall not receive a notice of motion to revoke or change a substantive resolution if any step has been taken in accordance with these Local Laws to implement or give effect to the substantive resolution.

16.10 Restraints on Motions for Revocation or Change
Without affecting the generality of the preceding subclause, the Council shall not entertain a motion for revocation or change of a substantive resolution if—
(a) at the time the motion is moved any step has been taken in accordance with this local law by the CEO or any other officer of the Council to implement the substantive resolution; or
(b) the substantive resolution concerns an application for planning consent, or a building licence or for any consent approval or licence of a similar nature, where notification of the resolution to grant the consent, approval or licence has been sent to the applicant by the Council in writing, or has been communicated orally to the applicant or the applicant’s representative by an employee of the Council having authority to give such notification in ordinary circumstances.

16.11 Multiple Notices to Revoke or Change
The CEO may receive more than 1 notice of motion to revoke or change the same substantive resolution.

16.12 Absence of Mover or Seconder
If a motion to revoke or change a substantive resolution fails to be considered by the Council by reason that at the time the motion is called on—
(a) the member who gave notice of the motion is not present or is not willing to move the motion; and
(b) there is no other member present willing to move the motion; or
(c) if the motion is not supported by the number of members required by the preceding provisions of this clause,
then the motion shall lapse.

16.13 No Rescission of Procedural Resolution or a Resolution to Revoke
The Council shall not entertain a motion to revoke a substantive resolution which is merely procedural in its form and effect, or a resolution to revoke another resolution.

16.14 Motion to Change Having Effect of Revocation
If a motion to change a substantive resolution in its form or effect would amount to a motion to revoke the substantive resolution then it shall be treated as if it was a motion to revoke the substantive resolution.

PART 17—COMMITTEES

17.1 Standing Orders Apply to Committees
Except in so far as they limit the number of times a member may speak, this local law applying to the Council shall apply to committees.

17.2 Committees
(1) 1. The Council may establish committees of 3 or more persons to assist the Council and to exercise the powers and discharge the duties of the Council that can be delegated to committees.

2. Any resolution to establish a committee or to appoint members requires an absolute majority of the Council.

(2) A person appointed member as an ordinary member shall hereafter in this clause be referred to as “member” or an ordinary member, and a person appointed member as a deputy member shall hereinafter be referred to as “deputy” or “deputy member” unless the deputy is acting in place of an ordinary member.

(3) 1. In this subclause “other person” means a person who is not a member or an employee of the Council.

2. A committee is to comprise of—
(a) Council members only;
(b) Council members and employees;
(c) Council members, employees and other persons;
(d) Council members and other persons;
(e) employees and other persons; or
(f) other persons only.
(4) At any given time each member is entitled to be an ordinary member of at least 1 committee referred to in item (a) of the preceding subclause, and if a member nominates himself or herself to be a member of 1 or more of such committees, the Council shall include that member to at least 1 of those committees as the Council determines.

(5) If at a meeting of the Council appointments are to be made to a committee that has or could have an elected member as a member and the Mayor informs the Council of his or her wish to be a member of the committee, the Council shall appoint the Mayor to be a member of the committee.

(6) If at a meeting of the Council an appointment is to be made to a committee that has or will have an employee as a member and the CEO informs the Council of his or her wish—

(a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee,
the Council shall appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.

(7) The Council may appoint a deputy as referred to in clause 17.2(2)—

(a) as a deputy having office for the same period as a relevant ordinary member to act in place of the relevant ordinary member whenever the relevant ordinary member is unable to be present at a meeting of the committee; or

(b) as a deputy to a member who is presently unable or expected to become unable for any cause to perform the functions of a member and such a deputy shall have office during the period that the ordinary member is unable to perform the functions of a member, unless a shorter term is stipulated by the Council.

(8) The Council may only appoint a person to be a member of a committee as deputy who would be qualified to be appointed as an ordinary member.

(9) In the event that the Council appoints 2 or more deputies to any member of a committee, they shall have seniority in the order determined by the Council.

(10) If a member of a committee does not attend a meeting, during the member’s absence any deputy of that member is entitled to attend the meeting in place of the member and act for the member at the meeting, and while so acting has all the powers of that member. For all purposes under this local law a deputy acting for a member shall be treated as and included in any reference to the members or a member of the committee as if the deputy was the ordinary member, and the deputy member’s vote shall have effect accordingly.

(11) If a deputy has commenced to act in place of a member at a committee meeting and the member attends the meeting, the member takes precedence and assumes the seat and the deputy shall thereupon cease to act as a member at that meeting.

(12) A deputy who is 1 of 2 or more deputies of a member of a committee is not entitled to attend a meeting of the committee in place of that member if the meeting is attended by another deputy of that member who has precedence over that deputy in the order of seniority determined under clause 17.2(9).

(13) A person who is a member of a committee is not eligible to be appointed a deputy for another member of that committee.

(14) An absolute majority of the Council is required for the appointment of any member to a committee including a deputy member, with the exception of members appointed pursuant to clauses 17.2(5) and 17.2(6).

17.3 Member Attending Committee as Observer

(1) A member may attend as an observer at meetings of a committee notwithstanding that the member is not a member of that committee. A member attending a committee meeting as an observer may speak on nominated issues by resolution of the committee, but shall not vote on any question before the committee unless the member is a deputy of a member excluded from a meeting pursuant to clause 19 and he or she is then entitled to participate pursuant to clause 17.4(4).

(2) Subject to the preceding subclause a member attending a committee as an observer shall sit in an area set aside by the presiding member for observers.

17.4 Term of Appointment

(1) Whenever possible committees should be established at the first meeting of the Council held after the ordinary election day.

(2) Where a person is appointed as a member of a committee under clauses 17.2(5) or 17.2(6), the person’s membership of the committee continues until—

(a) in the case of the Mayor, the person no longer holds that office;

(b) in the case of the CEO or the CEO’s representative, the person no longer holds that position;

(c) the person resigns from membership of the committee;

(d) the committee is disbanded; or

(e) the next ordinary election day,

whichever happens first.

(3) Where a person is appointed as a member of a committee as ordinary member or deputy member other than under clauses 17.2(5), 17.2(6), or 17.2(7) (b) the person’s membership of the committee continues until—

(a) the term of the person’s appointment as a committee member expires:
(b) the Council removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
(c) the committee is disbanded; or
(d) the next ordinary election day,
whichever happens first.

17.5 Resignation of Committee Member
(1) A committee member may resign from membership of the committee by giving the CEO or the committee’s presiding member written notice of the resignation.
(2) A resignation takes effect upon the delivery of the notice to the CEO or the presiding member, or on a later date if specified in the notice.
(3) If received by the presiding member, any letter of resignation is to be passed to the CEO for record keeping purposes.

17.6 Committee Membership May Be Changed
The Council may by an absolute majority, change the membership of any committee provided that the Council may not remove as members persons appointed pursuant to clauses 17.2(5) or 17.2(6).

17.7 Constitution of Committee
A Council resolution to establish a committee shall include details of its constitution including—
(a) the number of members;
(b) qualifications for membership; and
(c) terms of reference specifying duties, powers and reporting requirements.

17.8 Delegation of Powers and Duties
(1) Subject to the next following subclause the Council by absolute majority may delegate to a committee powers and duties other than this power of delegation.
(2) The procedure associated with the making of the delegation, its duration and revocation by the Council shall be as provided in s.5.16 of the Act.
(3) The Council may delegate—
(a) to a committee comprising Council members only, any of the Council’s powers or duties under the Act except—
   (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the Council; and
   (ii) any other power or duty that is prescribed under the Act;
(b) to a committee comprising Council members and employees, any of the Council’s powers or duties that can be delegated to the CEO under Division 4 of the Act; and
(c) to a committee which includes any Council member or employee, any of the Council’s powers or duties that are necessary or convenient for the proper management of—
   (i) the local government’s property; or
   (ii) an event in which the local government or the Council is involved.
(4) The Council cannot delegate any of its powers or duties to a committee which does not include a member or employee in its membership.
(5) The Council shall keep a register of the delegations made under the preceding subclause and shall review the delegations at least once every financial year.

17.9 Meetings of Committees
(1) Quorum
The quorum for meetings of committees shall be as provided in clause 3.1(1) and 3.1(4).
(2) Meetings
A meeting of a committee shall be held in accordance with clause 17.10 when called by the CEO (for the inaugural meeting), presiding member or as determined by the committee or Council.
(3) Meetings of a committee to which a power or duty of the Council has been delegated, shall be open to the public except where that committee decides by resolution to conduct its business or any specified part thereof behind closed doors in which case the provisions of clauses 7.2 to 7.8 inclusive apply.

17.10 Notice of Committee Meeting
(1) CEO to Give Notice of Meeting
The CEO shall give notice of the meeting to every member of the committee and to any elected member who is a deputy member.
(2) Papers for Committee Meeting to be Put to Members
When a meeting of any committee is called the business paper for the meeting together with copies of all officers’ reports relating to matters on the agenda for that meeting shall be forwarded to all members of the committee, including deputy members.
17.11 Quorum of Committees
(1) Quorum Required
No meeting of a committee may proceed to business unless sufficient members are present to establish a quorum pursuant to the provisions of clause 17.9(1).
(2) Failure of Quorum
Every meeting shall proceed to business as soon after the time stated in the summons as a quorum is constituted; but if a quorum is lacking 30 minutes after the hour at which a meeting of any committee is appointed to be held, no meeting shall take place, and the meeting shall stand adjourned until the day and time fixed for the next ordinary meeting of the committee, unless the presiding member convenes a special meeting of the committee for the transaction of the business standing adjourned.

17.12 Unfinished Business of Former Committees
It shall be competent for every committee of the Council to take up matters referred by the Council to the preceding committee which may not have been entered upon or fully discharged at the time such committee went out of office.

17.13 Voting By Committees
(1) A decision of a committee does not have effect unless it has been made by a simple majority, or if another kind of majority has been prescribed by regulations or this local law for the particular kind of decision by that kind of majority.
(2) If the votes of members present at a committee meeting are equally divided, the presiding member is to cast a second vote.

17.14 Conference of Committees
Any 2 or more committees may confer together by mutual agreement and resolution of the committees on any matter of joint interest.

17.15 Minutes of Committees
The presiding member of a committee shall cause minutes of the proceedings of the committee to be recorded and kept in a minute book.

17.16 Committees to Report
(1) Obligation to Report
A committee is answerable to the Council and shall, as and when required by the Council to do so, report fully on its activities to the Council.
(2) Preparation of Report
When it has reached a decision on each matter referred to it by the Council the committee shall as soon as possible prepare a report containing recommendations and submit it to the Council.

17.17 Reports of Committees
(1) Minutes to be Report
Subject to clause 4.5 the CEO shall cause the minutes of all committees to be permanently fixed in the Minute Book. The minutes of each committee shall be deemed to be the report of the committee to Council, where issues contained in such minutes require a resolution of Council to be effective.
(2) Presentation of Reports
1. Minutes of a committee shall be presented to the Council for consideration of its recommendations.
2. The presiding member shall—
   (a) call for requests by any member or the CEO to withdraw any recommendation contained in the report, and where such a request is made the subject recommendation shall be withdrawn;
   (b) put the question that the recommendations be adopted with the exception of any recommendations withdrawn pursuant to item (a) of this clause,

and in relation to a recommendation or those recommendations in the report which are the subject of a request by a member or the CEO pursuant to item (a), those recommendations shall be individually dealt with in accordance with this local law.

PART 18—ELECTORS’ MEETINGS

18.1 Standing Orders Apply
This local law apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this local law and the provisions of subdivision 4 of Part 5 of the Act and Regulations, the provisions of the Act and the Regulations prevail.

18.2 Restriction on Voting and Speaking
A person who is not an elector as that term is defined in clause 5.26 of the Act (including ratepayers) is not entitled to vote at a meeting of electors, and he or she may not take any part in any discussion at that meeting, unless the meeting, by a resolution, allows the person to do so.
PART 19—DISCLOSURE OF MEMBERS’ FINANCIAL INTERESTS

19.1 Interpretation
In this clause the term member refers to either a Council member or a member of a committee.

19.2 Obligation to Disclose a Financial Interest
(1) Any member who has an interest within the meaning of clause 5.60 but subject to clause 5.63 of the Act (“interest”) in a matter to be discussed at any meeting that will be attended by the member must disclose the nature of the interest.
(2) The member must disclose the interest at the meeting immediately before the matter is discussed, or if there is no discussion, immediately before the matter is voted upon.
(3) The obligation to disclose an interest at a meeting immediately before discussion of the matter does not apply to a member who has disclosed the member’s interest by written notice in accordance with clause 5.66 of the Act, nor to a member who has an interest in any matter raised during public question time, except if a question is directed to that member, in which case another member or employee present not having an interest pursuant to these Local Laws, is allowed to respond to the question.
(4) Where a member has provided written notice of an interest pursuant to clause (3), the presiding member at the meeting is to bring the notice and its contents to the attention of persons present immediately before the relative disclosure matters are discussed.
(5) If a member has an interest in a matter raised otherwise without notice, the member must disclose that interest at the earliest possible time after the matter is raised, but in any event before discussion or voting on the matter takes place.
(6) The obligation to disclose an interest shall apply to all members present at the meeting including a member attending a committee meeting in the capacity of an observer.
(7) The obligation to disclose an interest applies in regard to each meeting at which the matter the subject of the interest arises.

19.3 Details of Financial Interest
(1) At the time of disclosing an interest, a member is required to disclose the nature of the interest, but is not required to state the extent of the interest including its value and amount, unless the member wishes the meeting to consider and resolve upon the question whether the member—
(a) should be allowed to be present during any discussion or decision-making procedure relating to the matter; or
(b) may be allowed to participate in discussions and the decision-making procedures relating to the matter,

in which case the member shall comply with clause (2) hereof.
(2) If a member wishes the meeting to consider and resolve upon the questions referred to in either (a) or (b) of clause (1) of this clause the member shall first disclose to the meeting the nature and extent of the interest, including its value and amount, in sufficient detail to enable the meeting to make a fair and informed decision on the question.
(3) If a member wishes the Council or the CEO to apply to the Minister under clause 5.69 of the Act the member shall provide to the Council or the CEO as the case may be the same details of the nature and extent of the member’s interest as referred to in clause (2).

19.4 Disclosing Member Not to Participate In Meeting
(1) A member who makes a disclosure under clause 19.2 must not—
(a) preside at the part of the meeting relating to the matter; or
(b) participate in, or be present during, any discussion or decision-making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so by resolution of the Council under clause 19.6 hereof, or by the Minister under clause 5.69 of the Act.
(2) A member who has disclosed an interest in a matter and who has not been permitted by resolution of the meeting or by the Minister under clause 5.69 of the Act to participate in the decision-making procedures relating to the matter, shall depart from and remain absent from the chamber or room where the meeting is held while the matter is under consideration and until a vote on the matter has been taken.
(3) If it is resolved at a meeting that a member who has disclosed an interest in a matter be permitted to participate in the discussion or decision-making procedures on the matter or both, then the member may return and participate to the extent permitted.
(4) Where a member has disclosed an interest in a matter and has departed from the chamber or room, the meeting may resolve to invite the member to return to provide information in respect of the matter or in respect of the member’s interest in the matter, but in such case the member must withdraw after providing the information requested.

19.5 Substitution of Deputy at Committee
Where a member withdraws from a meeting of a committee in respect of a matter under consideration by that committee in accordance with the provisions of this clause, another member present at the meeting who is a deputy of the excluded member for that committee is entitled to participate as a member of the committee in the absence of the excluded member.
19.6 Meeting Allowing Disclosing Member to Participate
(1) If a member has disclosed, under clause 19.3, an interest in a matter, the members present at the
meeting who are entitled to vote on the matter—
(a) may allow the disclosing member to be present during any discussion or decision-making
procedure relating to the matter; and
(b) may allow, to the extent decided by those members, the disclosing member to preside at the
meeting (if otherwise qualified to preside) or to participate in discussions and the decision-
making procedures relating to the matter, if—
(i) the disclosing member also discloses the extent of the interest; and
(ii) those members decide that the interest—
(I) is so trivial or insignificant as to be unlikely to influence the disclosing member’s
conduct in relation to the matter; or
(II) is common to a significant number of electors or ratepayers.
(2) A decision under the preceding clause of this subsection is to be recorded in the minutes of the
meeting relating to the matter together with the extent of any participation allowed by the Council or
committee.
(3) This subsection does not prevent the disclosing member from discussing, or participating in the
decision-making process on, the question of whether an application should be made to the Minister
under clause 5.69 of the Act.

19.7 Exemption By Minister
(1) Where the Minister allows a member who has disclosed an interest to participate in a meeting in
any capacity, in the case of any inconsistency between the provisions of this clause and the Minister’s
determination, the Minister’s determination shall prevail.
(2) The terms of any determination by the Minister shall be recorded in the minutes in the same
manner as a disclosure of interest.

19.8 Recording Details of Financial Interest in Minutes
The minutes of a meeting shall record in summary form the details of the interest disclosed by a
member in respect of a matter arising at that meeting in accordance with the provisions of this
clause, unless the meeting resolves that the details should be recorded in full.

PART 20—DISCLOSURE OF EMPLOYEES’ FINANCIAL INTERESTS

20.1 Interpretation
(1) In this clause the term employee includes a person who, under a contract for services with the
Local government, provides advice or a report on a matter.
(2) An employee who has an interest in any matter in respect of which the employee is providing
advice or a report directly to the Council or a committee shall disclose the nature of the interest when
giving the advice or report.
(3) An employee who discloses an interest under this clause must, if required to do so by the Council
or committee, as the case may be, disclose the extent of the interest.
(4) An employee if called upon to disclose the extent of an interest shall disclose full detail including
the value and amount of the interest so as to enable the meeting to make a fair and informed
evaluation of the nature and extent of the employee’s interest and any effect that interest might be
thought to have upon the advice or report given.
(5) The details of the interest of an employee disclosed under the preceding provisions of this clause
shall be recorded in the minutes of the meeting relating to the disclosure.
(6) If, under Division IV of the Act, an employee has been delegated a power or duty relating to a
matter and the employee has an interest in the matter, the employee must not exercise the power or
discharge the duty and—
(a) in the case of the CEO, must disclose to the Mayor the nature of the interest as soon as
practicable after becoming aware that the CEO has the interest in the matter; and
(b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon
as practicable after becoming aware that the employee has the interest in the matter.
(7) The requirement to disallow an interest under this Part does not apply to the public question time
period of a meeting unless a question is directed to an employee with an interest in the matter being
the subject of the question. In these circumstances, the employee will declare the interest and another
employee present at the meeting will be allowed to respond to the question.

PART 21—DECLARATION OF IMPARTIALITY INTEREST

21.1 When to be Considered
(1) In this clause—
interest under this clause means an interest of a personal nature which a member or employee
has in a matter which is not required to be disclosed under Part 19 or Part 20, but which a
reasonable person knowing the facts might assume would influence the consideration of that
matter by the member or employee. (Examples are applications for an approval consent or
licence by a parent, sibling, adult child or close friend of a member or employee.)
(2) If a member or employee attending a meeting of the Council has an interest under this clause in any matter proposed to be considered at that meeting the member or employee should disclose that interest at the meeting before the discussion of the relevant matter that requires a decision to be made by the Council.

(3) A member expected to disclose an interest under this clause in a matter shall remain in the chamber or room of the meeting while the matter is discussed and voted upon.

(4) In applying the preceding clause, a member must bear in mind the obligation under clause 5.21(2) of the Act to vote at meetings where the member is present.

(5) The decision to disclose an interest under this clause is a decision to be made by the member or employee and is not to be determined by resolution of the meeting.

PART 22—ADMINISTRATIVE MATTERS

22.1 Suspension of Standing Orders
(1) The Council may decide, by simple majority vote, to suspend temporarily 1 or more clauses of this local law.

(2) The mover of a motion to suspend temporarily any 1 or more of the clauses in this local law is to state the clause or clauses to be suspended, and the purpose of the suspension.

22.2 Cases Not Provided For in Standing Orders
The presiding member is to decide questions of order, procedure, debate, or otherwise in cases where this local law and the Act and Regulations are silent. The decision of the presiding member in these cases is final.

22.3 Negatived Motion not to be Entertained Within 3 Months
A motion to the same effect as any motion, other than a motion moved in pursuance of a report of a committee of the Council, which has been lost at a meeting of the Council shall not again be entertained within a period of 3 months unless an absolute majority of the councillors signify to the CEO in writing before a meeting their consent to the motion being entertained at that meeting.

22.4 Deputations by Council
(1) In the event that the Council resolves to seek a meeting with any Minister or government department or agency, federal, state or local, or any other body or person the request for the meeting should be made in writing within 2 working days after the date of the resolution.

(2) The CEO should report to the members the measures taken to arrange the requested meeting and should present a report on the requested meeting to the next Council meeting occurring after the requested meeting, should a resolution of Council be required as an outcome of the meeting.

22.5 Dispute Resolution Procedure
(1) A member or employee who is aggrieved by the manner in which any particular issue under consideration by Council is being administered may, in the first instance, report his or her concerns to the CEO in writing.

(2) Within 7 days of receipt of a written report pursuant to clause (1), the CEO is to take whatever action is considered appropriate to mediate the aggrieved parties.

In undertaking this process, the function of the CEO, pursuant to sec. 5.41 of the Act, is to be clearly understood as the role of the CEO only.

(3) Upon the completion of the mediation process referred to in clause (2), the CEO is to prepare a report to be provided to the aggrieved parties.

(4) The report referred to in clause (3) is to contain the outcomes achieved by the mediation process, together with any recommended course of action to be further initiated by the CEO.

(5) In the event that no agreement can be reached to the mutual satisfaction of the parties concerned, the CEO may refer the matter to Council for further consideration. In addition, each or any of the parties may request the matter be referred to Council for consideration if, following the conclusion of this procedure, they remain dissatisfied.


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

LOGAN HOWLETT, Mayor.

STEPHEN CAIN, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995
CAT ACT 2011

CITY OF
KALGOORLIE-BOULDER

CAT LOCAL LAW 2016
LOCAL GOVERNMENT ACT 1995
CAT ACT 2011

CITY OF KALGOORLIE-BOULDER

CAT LOCAL LAW 2016

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LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011  

CITY OF KALGOORLIE-BOULDER  

CAT LOCAL LAW 2016

Under the powers conferred by the Local Government Act 1995, the Cat Act 2011, and under all other powers enabling it, the City of Kalgoorlie-Boulder resolved on 12 September 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation
This local law may be cited as the City of Kalgoorlie-Boulder Cat Local Law 2016.

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

1.3 Application
This local law applies throughout the district.

1.4 Repeal
Section 5.2.4 of the City of Kalgoorlie Boulder Health Local Law 2001 as gazetted on 7 June 2001 is repealed.

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

Act means the Cat Act 2011;
animal welfare organisation means a non-government, not-for-profit organisation with the welfare of animals as their reason for existence;
apPLICANT means the occupier of the premises who makes an application for a permit under this local law;
approved cat breeder has the meaning given to it in the Act;
authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;
cat means an animal of the species felis catus or a hybrid of that species;
cat management facility has the meaning given to it in the Act;
cattery means any premises where 3 or more cats are boarded, housed or trained temporarily, usually for profit, and where the occupier of the premises is not the ordinary owner of the cats;
CEO means the Chief Executive Officer of the local government;
Council means the Council of the local government;
district means the district of the local government;
effective control in relation to a cat means any of the following methods—
(a) held by a person who is capable of controlling the cat;
(b) secured in a cage; or
(c) any other means of preventing escape;
group dwelling (commonly referred to as a duplexes, villas or townhouses) means a dwelling that is 1 of a group of 2 or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;
local government means the City of Kalgoorlie-Boulder;
**multiple dwelling** (often called flats, apartments or units) meaning a dwelling in a group of more than 1 dwelling on a lot where any part of a dwelling is vertically above part of any other but—
(a) does not include a group dwelling; and
(b) includes any dwellings above the ground floor in a mixed use development;

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

**owner** has the meaning given to it in the Act;

**permit** means a permit issued by the local government under clause 3.7;

**permit holder** means a person who holds a valid permit under clause 3.7;

**pet shop** means a shop or place used for the conduct of a business, in the course of which an animal is kept for the purposes of sale;

**premises** has the meaning given to it in the Act;

**public place** has the meaning given to it in the Act;

**RSPCA** means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

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

**scheme** means a town planning scheme of the local government made by it under the Planning and Development Act 2005 and its antecedents;

**single dwelling** means a house that stands alone on its own parcel of land; and

**veterinary hospital** means any premises at which veterinary surgery is practised at which animals receive treatment, nursing care, and other services required for the reception, treatment and care of animals suffering from disease or injury or in need of surgical or medical treatment or assistance.

**PART 2—CONTROL OF CATS**

2.1 Cats in public places
(1) A cat shall not be permitted in a public place, if in the opinion of an authorised person, the cat is causing a nuisance.
(2) If a cat is at any time in a public place in contravention of subclause (1)—
(a) the owner of the cat commits an offence; and
(b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.2 Cats in other places
(1) A cat shall not be in any place that is not a public place if—
(a) consent to its being there has not been given by the occupier, or a person authorised to consent on behalf of the occupier; and/or
(b) the cat, in the opinion of an authorised person, is causing a nuisance.
(2) If a cat is at any time in a place in contravention of subclause (1)—
(a) the owner of the cat commits an offence; and
(b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.3 Direction to confine a cat
If a cat is causing a nuisance, an authorised person may direct the owner to confine the cat. If the owner fails to comply—
(a) the owner of the cat commits an offence; and
(b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

**PART 3—PERMITS FOR KEEPING CATS**

3.1 Interpretation
In this Part, and for the purposes of applying the definition of “cattery” in Part 3, a cat does not include a cat less than 6 months old.
3.2 Cats for which a permit is required
(1) Subject to subclause (2) a person is required to have a permit—
   (a) to keep 3 or more cats in any dwelling (whether or not this dwelling is a group dwelling, multiple dwelling or single dwelling premises);
   (b) to use any premises as a cattery; or
   (c) to be an approved cat breeder.
(2) A permit is not required under subclause (1) if the premises concerned are—
   (a) a refuge of the RSPCA or any other animal welfare organisation;
   (b) a cat management facility which has been established by and is maintained by the local government for the impounding of cats;
   (c) a veterinary hospital; or
   (d) a pet shop.

3.3 Transitional provisions
Where an owner has 3 or more cats in their dwelling or premises prior to this local law coming into operation they are not required to have a permit; however they will not substitute or replace any cat (in excess of 2 cats) once that cat—
   (a) dies; or
   (b) is permanently removed from the dwelling.

3.4 Application for permit
An application for a permit under clause 3.2 shall be—
   (a) made by an occupier of a dwelling or premises in relation to that dwelling or premises;
   (b) in a form approved by the local government, describing and specifying the number of cats to be kept at the dwelling or on the premises;
   (c) accompanied by the plans of the dwelling or premises to which the application relates, to the specification and satisfaction of the local government;
   (d) accompanied by the consent in writing of the owner of the dwelling or premises, where the occupier is not the owner of the dwelling or premises to which the application relates;
   (e) accompanied by the application fee for the permit determined by the local government from time to time; and
   (f) accompanied by written evidence that either the applicant or another person who will have charge of the cats, will reside at the dwelling or on the premises or, in the opinion of the local government, sufficiently close to the dwelling or premises so as to maintain effective control of the cats and ensure their health and welfare.

3.5 Refusal to determine application
The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.4.

3.6 Factors relevant to determination of application
(1) In determining an application for a permit the local government may have regard to—
   (a) the physical suitability of the dwelling or premises for the proposed use;
   (b) the suitability of the zoning of the dwelling or premises under any scheme which applies to the premises for the use;
   (c) the environmental sensitivity and general nature of the location surrounding the dwelling or premises for the proposed use;
   (d) the structural suitability of any enclosure in which any cat is to be kept;
   (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
   (f) the likely effect on the amenity of the surrounding area of the proposed use;
   (g) the likely effect on the local environment, including any pollution or other environmental damage which may be caused by the use;
   (h) any submissions received under subclause (2) within the time specified in subclause (2); and
   (i) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
(2) The local government may require an applicant to—
   (a) consult with adjoining landowners; and
   (b) advise the adjoining landowners that they may make submissions to the local government on the application for the permit within 14 days of receiving that advice, before determining the application for the permit.

3.7 Decision on application
(1) The local government may—
   (a) approve an application for a permit, in which case it shall approve it subject to the conditions in clause 3.8, and may approve it subject to any other conditions it considers fit; or
   (b) refuse to approve an application for a permit.
(2) If the local government approves an application under subclause (1), then it shall issue to the applicant a permit in the form determined by the CEO.

(3) If the local government refuses to approve an application under subclause (1), then it is to advise the applicant accordingly in writing.

3.8 Conditions
(1) Every permit is issued subject to the following conditions—
   (a) each cat shall be contained at the dwelling or on the premises unless under the effective control of a person;
   (b) the permit holder will provide adequate space for the exercise of the cats;
   (c) the dwelling or premises shall be maintained in good order and in a clean and sanitary condition; and
   (d) those conditions contained in Schedule 1.

(2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

(3) A permit holder who fails to comply with a condition of a permit commits an offence.

3.9 Duration of permit
Unless otherwise specified, in a condition on a permit, a permit commences on the date of issue and is valid for a period of 12 months from the date of issue unless and until—
   (a) it is revoked; or
   (b) the permit holder ceases to reside at the dwelling or premises to which the permit relates.

3.10 Revocation
The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

3.11 Permit not transferable
A permit is not transferable in relation to either the permit holder or the dwelling or premises.

PART 4—IMPOUNDING OF CATS

4.1 Cat management facility
(1) The local government may establish and maintain a cat management facility or facilities, managed by an authorised person for the impounding of cats and the subsequent management of those cats under this local law.

(2) The local government may determine from time to time—
   (a) the times when a cat management facility will be open for the reception and release of cats; and
   (b) times for the sale of cats from the facility.

(3) An authorised person, referred to in subclause (1), is to be in attendance at the facility for the release of impounded cats at the times and on the days of the week as are determined by the CEO.

4.2 Impounding register
(1) The local government is to keep a proper record of impounded cats (the “Impounding Register”).

(2) The Impounding Register is to contain the following information about each impounded cat—
   (a) if known, the breed and sex of the cat;
   (b) the colour, distinguishing markings and features of the cat;
   (c) if known, the name and address of the owner;
   (d) the date, time and location of seizure and impounding;
   (e) the name and address of the authorised person who impounded the cat and, if applicable, the person who delivered a cat for impounding;
   (f) the reason for the impounding;
   (g) a note of any direction made by an authorised person under clause 2.3 relating to the cat; and
   (h) the date of the sale, release or destruction of the cat.

(3) The Impounding Register is to be available for inspection by the public.

4.3 Charges and costs
The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the Local Government Act 1995—
   (a) the charges to be levied under section 31 of the Act relating to the seizure, impounding, caring, microchipping, sterilisation or destruction/disposal of a cat; and
   (b) the additional fee payable under section 31 of the Act where a cat is released or sold at a time or on a day other than those determined under clause 4.1(2).
4.4 Release of impounded cats

(1) A claim for the release of a cat seized and impounded is to be made to the authorised person referred to in clause 4.1(1) or in the absence of that person, to the CEO.

(2) The authorised person referred to in clause 4.1(1) is not to release a cat seized and impounded to any person unless that person has produced, to their satisfaction, evidence—

(a) of his or her ownership of the cat or of his or her authority to take delivery of it;

(b) that he or she is the person identified as the owner on a microchip implanted in the cat;

(c) of proof of registration of the cat in accordance with the Act;

(d) if a permit under Part 3 is required, proof of obtaining the permit; and

(e) of payment of the charges and costs imposed by the local government in accordance with clause 4.3.

4.5 No breaking into or destruction of a cat management facility

(1) In this clause, a reference to a person does not include the person authorised in clause 4.1(1).

(2) A person who—

(a) releases or attempts to release a cat from a cat management facility established under clause 4.1(1); or

(b) destroys, breaks into, damages or in any way interferes with or renders ineffective—

(i) any cat management facility established under clause 4.1; or

(ii) any vehicle or container used for the purpose of catching, holding or conveying a seized cat,

commits an offence.

PART 5—MISCELLANEOUS

5.1 Giving of a notice

A notice given under this local law may be given to a person—

(a) personally;

(b) by mail addressed to the person; or

(c) by leaving it for the person at her or his address.

5.2 Content of a notice

The contents of a notice given under section 5.1 can be—

(a) ascertained from the person directly;

(b) recorded by the local government under the Act; or

(c) ascertained from enquiries made by the local government.

PART 6—OBJECTIONS AND REVIEW

6.1 Objections and review

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object to the decision under Division 1 of Part 9 of the Local Government Act 1995.

PART 7—OFFENCES AND PENALTIES

7.1 Offences

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

(2) Any person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding $5000, 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.

7.2 Prescribed offences

An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 84 of the Act. The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

7.3 Forms

(1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the Act.

(2) An infringement notice given under section 62 of the Act is to be in the form of Form 6 of Schedule 1 of the Cat Regulations 2012.

(3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the Cat Regulations 2012.
SCHEDULE 1—ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS

[Clause 3.8 (2)]

A. Permit to keep 3 or more cats
Additional conditions
(1) The written consent to the application for a permit of the adjoining multiple dwellings has been obtained; and
(2) The written consent to the application from the owner of the premises, if not the applicant, has been obtained; and
(3) Without the consent of the local government, the permit holder will not substitute or replace any cat once that cat—
   (a) dies; or
   (b) is permanently removed from the premises.

B. Permit to use premises as a cattery
Additional conditions
(1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements;
(2) There is to be a feed room, wash area, isolation cages and maternity section;
(3) Materials used in structures are to be approved by the local government;
(4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects;
(5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin;
(6) Wash basin with the minimum of cold water to be available;
(7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded;
(8) An entry book is to be kept recording in respect of each cat the—
   (a) date of admission;
   (b) date of departure;
   (c) breed, age, colour and sex; and
   (d) the name and residential address of the owner;
(9) The entry book is to be made available for inspection on the request of an authorised person;
(10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease;
(11) No sick or ailing cat to be kept on the premises; and
(12) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

C. Permit for Approved Cat Breeder
Additional conditions
(1) Required to keep records of all purchases and or transfers of cat/s for a period of 2 years, including but not limited to the purchasers’ name and address, and the cat/s microchip number; and
(2) Premises may be inspected annually.

SCHEDULE 2—MODIFIED PENALTIES

[Clause 7.2]

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Clause</th>
<th>Nature of offence</th>
<th>Modified Penalty $</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2.1(2)(a)</td>
<td>Cat in a public place causing a nuisance</td>
<td>$200</td>
</tr>
<tr>
<td>2</td>
<td>2.2 (2)(a)</td>
<td>Cat in a place that is not a public place without consent and/or is causing a nuisance</td>
<td>$200</td>
</tr>
<tr>
<td>3</td>
<td>2.3(a)</td>
<td>Failure to comply with a direction to confine a cat</td>
<td>$200</td>
</tr>
<tr>
<td>4</td>
<td>3.2(1)</td>
<td>Failure to obtain the proper permit for the keeping of 3 or more cats</td>
<td>$200</td>
</tr>
<tr>
<td>5</td>
<td>3.8(3)</td>
<td>Failure to comply with the conditions of a permit</td>
<td>$200</td>
</tr>
<tr>
<td>6</td>
<td>4.5(2)(a)</td>
<td>Attempting to or causing an unauthorised release a cat from a cat management facility</td>
<td>$400</td>
</tr>
<tr>
<td>7</td>
<td>4.5(2)(b)</td>
<td>Interfering with any cat management facility, vehicle or container used for the purpose of catching, holding or conveying a seized cat</td>
<td>$400</td>
</tr>
</tbody>
</table>

SCHEDULE 3—AREAS WHERE CATS ARE PROHIBITED ABSOLUTELY
• Karlkurla Park, Lot 222, Nankiville Road, Hannans
• Hammond Park, Lot 3110, Memorial Drive, Kalgoorlie
• Lake Douglas Recreation Reserve and Camp Site, Muncaster Road, Yilkari
• Kalgoorlie-Boulder Golf Course, Lots 501 and 502, Aslett Drive, Hannans

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

J. BOWLER, Mayor.
J. WALKER, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

SHIRE OF DUNDAS

ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2016
LOCAL GOVERNMENT ACT 1995

SHIRE OF DUNDAS

ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2016

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LOCAL GOVERNMENT ACT 1995

SHIRE OF DUNDAS

ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2016

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Dundas resolved on 20 of September 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation
This local law may be cited as the Shire of Dundas Activities on Thoroughfares and Public Places and Trading Local Law 2016.

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

- **Act** means the Local Government Act 1995;
- **applicant** means a person who applies for a permit;
- **authorised person** means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;
- **built-up area** has the meaning given to it in the Road Traffic Code 2000;
- **bulk rubbish container** means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government’s regular domestic rubbish collection service;
- **carriageway** has the meaning given to it in the Road Traffic Code 2000;
- **CEO** means the Chief Executive Officer of the local government;
- **commencement day** means the day on which this local law comes into operation;
- **Council** means the council of the local government;
- **crossing** means a crossing giving access from a public thoroughfare to—
  - (a) private land; or
  - (b) a private thoroughfare serving private land;
- **district** means the district of the local government;
- **footpath** has the meaning given to it in the Road Traffic Code 2000;
- **garden** means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;
- **intersection** has the meaning given to it in the Road Traffic Code 2000;
- **kerb** includes the edge of a carriageway;
- **lawn** means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;
- **liquor** has the meaning given to it in section 3 of the Liquor Control Act 1988;
- **local government** means the Shire of Dundas;
- **local government property** means anything except a thoroughfare—
  - (a) which belongs to the local government;
  - (b) of which the local government is the management body under the Land Administration Act 1997 or
  - (c) which is an otherwise unvested facility within section 3.53 of the Act;
- **lot** has the meaning given to it in the Planning and Development Act 2005;
- **owner or occupier** in relation to land does not include the local government;
permissible verge treatment means any one of the 4 treatments described in clause 2.8(2), and includes any reticulation pipes and sprinklers;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

person does not include the local government;

premises for the purpose of the definition of public place in both this clause and clause 6.1, means a building or similar structure, but does not include a carpark or a similar place;

public place includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—

(a) premises on private property from which trading is lawfully conducted under a written law; and

(b) local government property;

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

sign includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

thoroughfare has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management or control of the local government;

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

townsite means the town sites of Norseman and Eucla which are—

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

(b) referred to in clause 37 of Schedule 9.3 of the Act;

vehicle includes—

(a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and

(b) an animal being ridden or driven,

but excludes—

(a) a wheelchair or any device designed for use by a physically impaired person on a footpath; and

(b) a pram, a stroller, Shopping trolley or a similar device;

verge means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

nuisance means—

(a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;

(b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land or

(c) interference which causes material damage to land or other property on the land affected by the interference.

1.3 Application
This local law applies throughout the district.

1.4 Repeal
The Shire of Dundas Activities on Thoroughfares and Public Property and Trading Local Law 2013 as published in the Government Gazette on 20 August 2013 is repealed.

PART 2—ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

Division 1—General

2.1 General prohibitions
A person shall not—

(a) plant any plant (except ground coverage to a maximum height of 0.1 metres) within 6 metres of an intersection;

(b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless—

(i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or

(ii) the person is acting under the authority of a written law;

(c) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2 metres of a carriageway;

(d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath.
(e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;

(f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare; or

(g) within a mall, arcade or verandah of a shopping centre, ride any skateboard, rollerblades or similar device.

2.2 Activities allowed with a permit—general

(1) A person shall not, without a permit—

   (a) dig or otherwise create a trench through or under a kerb or footpath;

   (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only during the period of time advertised in connection with that collection by the local government;

   (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;

   (d) cause any obstruction to a water channel or a water course in a thoroughfare;

   (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;

   (f) damage a thoroughfare;

   (g) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 5.13;

   (h) fell any tree onto a thoroughfare;

   (i) unless installing a permissible verge treatment—

      (i) lay pipes under or provide taps on any verge; or

      (ii) place or install any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;

   (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;

   (k) on a public place use anything or do anything so as to create a nuisance;

   (l) place or cause to be placed on a thoroughfare a bulk rubbish container; or

   (m) interfere with the soil of, or anything in, a thoroughfare or take anything from a thoroughfare.

(2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

2.3 No possession and consumption of liquor on thoroughfare

(1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless without a permit—

   (a) that is permitted under the Liquor Control Act 1988 or under another written law; or

   (b) the person is doing so in accordance with a permit.

(2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 2—Vehicle crossing

Subdivision 1—Temporary crossings

2.4 Permit required

(1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where—

   (a) a crossing does not exist; or

   (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.

(2) The person responsible for the works in subclause (1) is to be taken to be—

   (a) the builder named on the building licence issued under the Building Act 2011, if one has been issued in relation to the works; or

   (b) the registered proprietor of the lot, if no building licence has been issued under the Building Act 2011 in relation to the works.

(3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition as not to create any danger or obstruction to persons using the thoroughfare.

Subdivision 2—Redundant vehicle crossings

2.5 Removal of redundant crossing

(1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.
(2) The local government may give written notice to the owner or occupier of a lot requiring her or him to—
   (a) remove any part of or all of a crossing which does not give access to the lot; and
   (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal,
within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

Division 2—Verge treatments
Subdivision 1—Preliminary

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

acceptable material means any of the following materials—
(1) gravel;
(2) blue metal;
(3) brick paving; or
similar material approved by the local government.

2.7 Application
This Division only applies to the townsites.

Subdivision 2—Permissible verge treatments

2.8 Permissible verge treatments
(1) An owner or occupier of land which abuts on a verge may on that part of the verge directly in front of her or his land install a permissible verge treatment.
(2) The permissible verge treatments are—
   (a) the planting and maintenance of a lawn;
   (b) the planting and maintenance of a garden provided that—
      (i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare; and
      (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;
   (c) the installation of an acceptable material; or
   (d) the installation over no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

2.9 Only permissible verge treatments to be installed
(1) A person shall not install or maintain a verge treatment which is not a permissible verge treatment.
(2) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.10.

2.10 Obligations of owner or occupier
An owner or occupier who installs or maintains a permissible verge treatment shall—
   (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
   (b) not place any obstruction on or around the verge treatment; and
   (c) not disturb a footpath on the verge.

2.11 Notice to owner or occupier
The local government may give a notice in writing to the owner or the occupier of a lot abutting on a verge to rectify default, within the time specified in the notice, any breach of a provision of this Division.

Subdivision 3—Existing verge treatments

2.12 Transitional provision
(1) In this clause—
former provisions means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.
(2) A verge treatment which—
(a) was installed prior to the commencement day; and
(b) on the commencement day is a type of verge treatment which was permitted under and
complied with the former provisions,
is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the
same type and continues to comply with the former provisions.

Subdivision 4—Public works

2.13 Power to carry out public works on verge
Where the local government or an authority empowered to do so under a written law disturbs a verge,
the local government or the authority—
(a) is not liable to compensate any person for that disturbance;
(b) may backfill with sand, if necessary, any garden or lawn; and
(c) is not liable to replace or restore any—
(i) verge treatment and, in particular, any plant or any acceptable material or other hard
surface; or
(ii) sprinklers, pipes or other reticulation equipment.

Division 4—Property numbers

Subdivision 1—Preliminary

2.14 Interpretation
In this Division, unless the context requires otherwise, number means a number of a lot with or
without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare

Subdivision 2—Assignment and marking of numbers

2.15 Assignment of numbers
The local government may assign a number to a lot in the district and may assign another number to
the lot instead of that previously assigned.

Division 5—Fencing

2.16 Public place—item 4(1) of Division 1, Schedule 3.1 of the Act
The following places are specified as a public place for the purpose of item 4(1) of Division 1 of
Schedule 3.1 of the Act—
(a) a public place, as that term is defined in clause 1.2; and
(b) local government property.

Division 6—Signs erected by the local government

2.17 Signs
(1) A local government may erect a sign on a public place specifying any conditions of use which apply
to that place.
(2) A person shall comply with a sign erected under subclause (1).
(3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving
notice of the effect of a provision of this local law.

2.18 Transitional
Where a sign erected on a public place has been erected under a local law of the local government
repealed by this local law, then on and from the commencement day, it is to be taken to be a sign
erected under clause 2.17 if—
(a) the sign specifies a condition of use relating to the public place which gives notice of the effect
of a provision of this local law; and
(b) the condition of use specified is not inconsistent with any provision of this local law.

Division 7—Driving on a closed thoroughfare

2.19 No driving on closed thoroughfare
(1) A person shall not drive or take a vehicle on a closed thoroughfare unless without a permit—
(a) that is in accordance with any limits or exceptions specified in the order made under section
3.50 of the Act; or
(b) the person has first obtained a permit.
(2) In this clause, closed thoroughfare means a thoroughfare wholly or partially closed under section
3.50 or 3.50A of the Act.
PART 3—ADVERTISING SIGNS ON THOROUGHFARES

Division 1—Preliminary

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

**advertising sign** means a sign used for the purpose of advertisement and includes an election sign;

**direction sign** means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;

**election sign** means a sign or poster which advertises any aspect of a forthcoming Federal, State or local government election;

**portable direction sign** means a portable free standing direction sign; and

**portable sign** means a portable free standing advertising sign.

Division 2—Permit

3.2 Advertising signs and portable direction signs
(1) A person shall not, without a permit—
(a) erect or place an advertising sign on a thoroughfare; or
(b) post any bill or paint, place or affix any advertisement on a thoroughfare.

(2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which neither exceeds 500mm in height nor 0.5m\(^2\) in area, provided that the sign is placed or erected on a thoroughfare on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event.

(3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign—
(a) on a footpath;
(b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5m;
(c) on or within 3m of a carriageway;
(d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
(e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

3.3 Matters to be considered in determining application for permit
In determining an application for a permit for the purpose of clause 3.2(1), the local government is to have regard to—
(a) any other written law regulating the erection or placement of signs within the district;
(b) the dimensions of the sign;
(c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;
(d) whether or not the sign will create a hazard to persons using a thoroughfare; and
(e) the amount of the public liability insurance cover, if any, to be obtained by the applicant.

Division 3—Conditions on permit

3.4 Conditions on portable sign
If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions—
(a) the portable sign shall—
(i) not exceed 1m in height;
(ii) not exceed an area of 1m\(^2\) on any side;
(iii) relate only to the business activity described on the permit;
(iv) contain letters not less than 200mm in height;
(v) not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
(vi) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
(vii) be secured in position in accordance with any requirements of the local government;
(viii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
(ix) be maintained in good condition; and
(b) no more than one portable sign shall be erected in relation to the one building or business.

3.5 Conditions on election sign
If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign—
(a) being erected at least 30m from any intersection;
(b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
(c) being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
(d) being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
(e) being maintained in good condition;
(f) not being erected until the election to which it relates has been officially announced;
(g) being removed within 24 hours of the close of polls on voting day;
(h) not being placed within 100m of any works on the thoroughfare;
(i) being securely installed;
(j) not being an illuminated sign;
(k) not incorporating reflective or fluorescent materials; and
(l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

PART 4—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

Division 1—Animals and vehicles

4.1 Leaving animal or vehicle in public place or on local government property
(1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorised to do so under a written law.
(2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
(3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.
(4) Assistance animals, this local law is subject to any written law and law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section 9(2).

4.2 Prohibitions relating to animals
(1) In subclause (2), owner in relation to an animal includes—
(a) an owner of it;
(b) a person in possession of it;
(c) a person who has control of it; and
(d) a person who ordinarily occupies the premises where the animal is permitted to stay.
(2) An owner of an animal shall not—
(a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
(b) allow an animal which has a contagious or infectious disease to be led, ridden or driven on a public place; or
(c) train or race the animal on a thoroughfare.
(3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare, unless that person does so under a permit or under the authority of a written law.

4.3 Prohibition relating to parking on verges
(1) A person shall not park on a verge a vehicle having a gross vehicle mass in excess of 4.5 tonnes or that is in combination with any other vehicle or vehicles or anything in or on that vehicle more than 7.5 metres in length—
(a) for more than four hours consecutively;
(b) within 10 metres of an intersection for any period of time; or
(c) for the purpose of repairing, servicing or cleaning the vehicle.
(2) For the purpose of subclause (1) park means to permit a vehicle whether attended or not to remain stationary and parking has a correlative meaning.
4.4 Interpretation
In this Division—

*retailer* means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop; and

*shopping trolley* means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

4.5 Shopping trolley to be marked
A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

4.6 Person not to leave trolley in public place
A person shall not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys.

4.7 Retailer to remove abandoned trolley
(1) If a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, the local government may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.

(2) A retailer shall remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer—

(a) requests the local government to collect and deliver the shopping trolley to the retailer; and

(b) pays any fee for that collection and delivery, imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act, within the period specified by the local government.

PART 5—ROADSIDE CONSERVATION

Division 1—Preliminary

5.1 Interpretation
In this Part—

*MRWA* means Main Roads Western Australia;

*protected flora* has the meaning given to it in section 6(1) of the Wildlife Conservation Act 1950;

*rare flora* has the meaning given to it in section 23F of the Wildlife Conservation Act 1950;

*Roadside Conservation Committee* Roadside Conservation Committee means the Roadside Conservation Committee appointed by the Minister for Environment; and

*special environmental area* means an area designated as such under clause 5.7.

5.2 Application
This Part does not apply to the townsites.

Division 2—Flora roads

5.3 Declaration of flora road
The local government may declare a thoroughfare which has, in the opinion of the local government, high quality roadside vegetation to be a flora road.

5.4 Construction works on flora roads
Construction and maintenance work carried out by the local government on a flora road is to be in accordance with the ‘Handbook of Environmental Practice for Road Construction and Road Maintenance Works’ prepared by the Roadside Conservation Committee.

5.5 Signposting of flora roads
The local government may signpost flora roads with the standard MRWA ‘flora road’ sign.

5.6 Driving only on carriageway of flora roads
(1) A person driving or riding a vehicle on a flora road shall only drive or ride the vehicle on the carriageway.

(2) Subclause (1) does not apply where—

(a) conditions on the thoroughfare do not reasonably permit a vehicle to remain on the carriageway;

(b) there is no carriageway; or

(c) an exemption from the application of subclause (1) has been obtained from the local government.
5.7 Designation of special environmental areas
The local government may designate a thoroughfare, or any part of a thoroughfare, has a special environmental area which—
(a) as protected flora or rare flora; or
(b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

5.8 Marking of special environmental areas
The local government is to mark and keep a register of each thoroughfare, or part of a thoroughfare, designated as a special environmental area.

5.9 Permit to plant
A person shall not plant any plant or sow any seeds in a thoroughfare without first obtaining a permit.

5.10 Relevant considerations in determining application
In determining an application for a permit for the purpose of clause 5.9, the local government is to have regard to—
(a) existing vegetation within that part of the thoroughfare in which the planting is to take place; and
(b) the diversity of species and the prevalence of the species which are to be planted or sown.

5.11 Permit to clear
A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1m of that person’s land without first obtaining a permit and any other approvals which may be required under any written law.

5.12 Application for permit
In addition to the requirements of clause 7.1(2), a person making an application for a permit for the purpose of clause 5.11 shall submit a sketch plan clearly showing the boundary of the person’s land and the portions of the thoroughfare joining that person’s land which are to be cleared.

5.13 Permit to burn thoroughfare
A person shall not burn part of a thoroughfare without first obtaining a permit or unless acting under the authority of any other written law.

5.14 Application for permit
In addition to the requirements of clause 7.1(2), an application for a permit for the purposes of clause 5.13 shall—
(a) include a sketch plan showing the portions of a thoroughfare which are proposed to be burned; and
(b) advise of the estimated fire intensity and the measures to be taken to protect upper storey vegetation from the burn.

5.15 When application for permit can be approved
The local government may approve an application for a permit for the purpose of clause 5.13 only if the burning of the particular part of the thoroughfare will—
(a) reduce a fire hazard and alternative means of reducing that hazard, such as slashing or the use of herbicides, are considered by the local government to be not feasible or more detrimental to native flora and fauna than burning; or
(b) in the opinion of the local government, be beneficial for the preservation and conservation of native flora and fauna.

5.16 Prohibitions on burning
Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 5.13 is not to be approved by the local government—
(a) for burning between 31 August and 1 May of the following year where the intensity of the burn could damage native flora and fauna; or
(b) in any year to any person for any part of a thoroughfare which is on the opposite side of the carriageway to that portion of the thoroughfare for which a permit to burn has been approved in the same year.

5.17 Permit for firebreaks on thoroughfares
A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.
5.18 When application for permit cannot be approved
(1) The local government is not to approve an application for a permit for the purpose of clause 5.17 where the thoroughfare is less than 20m wide.
(2) Subclause (1) does not apply where the firebreak is, in the opinion of the local government, desirable for the protection of roadside vegetation.

Division 8—Commercial wildflower harvesting on thoroughfares

5.19 Commercial wildflower harvesting
(1) Subject to clause 5.20, a person shall not commercially harvest native flora on a thoroughfare without first obtaining a permit under this local law and any other licence or approval which may be required under any other written law.
(2) The local government may approve an application for a permit under subclause (1) only where the thoroughfare, or relevant part of it, is not a special environment area.

5.20 Permit for revegetation projects
(1) A person shall not collect seed from native flora on a thoroughfare without first obtaining a permit.
(2) The local government may approve an application for a permit under subclause (1) only where—
   (a) the seed is required for a revegetation project in any part of the district; and
   (b) the thoroughfare, or the relevant part of it, is not a special environmental area.
(3) Unless the local government specifically provides to the contrary on a permit, if the local government approves an application for a permit for the purpose of subclause (1) it is to be taken to be approved subject to the following conditions—
   (a) the collection of the seed is to be carried out so as not to endanger the long time survival of the native flora on the thoroughfare; and
   (b) any licence or approval which may be required under any other written law is to be obtained by the applicant.

PART 6—TRADING IN THOROUGHFARES AND PUBLIC PLACES

Division 1—Stallholders and traders

Subdivision 1—Preliminary

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

Competition Principles Agreement means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995;

public place includes—
   (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
   (b) local government property,
but does not include premises on private property from which trading is lawfully conducted under a written law.

stall means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire;

stallholder means a person in charge of a stall;

stallholder’s permit means a permit issued to a stallholder;

trader means a person who carries on trading;

trader’s permit means a permit issued to a trader; and

trading includes—
   (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
   (b) displaying goods in any public place for the purpose of—
      (i) offering them for sale or hire;
      (ii) inviting offers for their sale or hire;
      (iii) soliciting orders for them; or
      (iv) carrying out any other transaction in relation to them; and
   (c) the going from place to place, whether or not public places, and—
      (i) offering goods or services for sale or hire;
      (ii) inviting offers or soliciting orders for the sale or the hire of goods or services; or
      (iii) carrying out any other transaction in relation to goods or services,
but does not include—
   (d) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder’s permit;
(e) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;
(f) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and
(g) the selling or hiring or the offering for sale or hire of—
   (i) goods by a person who represents a manufacturer of the goods; or
   (ii) services by a person who represents a provider of the services,
which are sold directly to consumers and not through a shop.

Subdivision 2—Permits

6.2 Stallholder’s permit
(1) A person shall not conduct a stall on a public place unless that person is—
   (a) the holder of a valid stallholder’s permit; or
   (b) an assistant specified in a valid stallholder’s permit.
(2) Every application for a stallholder’s permit shall—
   (a) state the full name and address of the applicant;
   (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
   (c) specify the proposed location of the stall;
   (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
   (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
   (f) be accompanied by an accurate plan and description of the proposed stall.

6.3 Trader’s permit
(1) A person shall not carry on trading unless that person is—
   (a) the holder of a valid trader’s permit; or
   (b) an assistant specified in a valid trader’s permit.
(2) Every application for a trader’s permit shall—
   (a) state the full name and address of the applicant;
   (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
   (c) specify the location or locations in which the applicant proposes to trade;
   (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
   (e) specify the proposed goods or services which will be traded; and
   (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.

6.4 No permit required to sell newspaper
Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper is not required to obtain a permit.

6.5 Relevant considerations in determining application for permit
(1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to—
   (a) any relevant policies of the local government;
   (b) the desirability of the proposed activity;
   (c) the location of the proposed activity;
   (d) the principles set out in the Competition Principles Agreement; and
   (e) such other matters as the local government may consider to be relevant in the circumstances of the case.
(2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds—
   (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
   (b) that the applicant is not a desirable or suitable person to hold a permit; that—
      (i) the applicant is an undischarged bankrupt or is in liquidation;
      (ii) the applicant has entered into any composition or arrangement with creditors; or
      (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant’s undertakings or property; or
   (c) such other grounds as the local government may consider to be relevant in the circumstances of the case.
6.6 Conditions of permit
(1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include—
   (a) the place, the part of the district, or the thoroughfare to which the permit applies;
   (b) the days and hours during which a permit holder may conduct a stall or trade;
   (c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;
   (d) the goods or services in respect of which a permit holder may conduct a stall or trade;
   (e) the number of persons and the names of persons permitted to conduct a stall or trade;
   (f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;
   (g) whether and under what terms the permit is transferable;
   (h) any prohibitions or restrictions concerning the—
      (i) causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
      (ii) the use of amplifiers, sound equipment and sound instruments;
      (iii) the use of signs; and
      (iv) the use of any lighting apparatus or device;
   (i) the manner in which the permit holder’s name and other details of a valid permit are to be displayed;
   (j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;
   (k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;
   (l) the acquisition by the stallholder or trader of public risk insurance;
   (m) the period for which the permit is valid; and
   (n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.
(2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorize another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder.

6.7 Exemptions from requirement to pay fee or to obtain a permit
(1) In this clause—
   charitable organisation means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and
   commercial participant means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.
(2) The local government may waive any fee required to be paid by an applicant for a stallholder’s permit or a trader’s permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on—
   (a) on a portion of a public place adjoining the normal place of business of the applicant; or
   (b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.
(3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

Subdivision 3—Conduct of stallholders and traders

6.8 Conduct of stallholders and traders
(1) A stallholder while conducting a stall or a trader while trading shall—
    (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
    (b) not display a permit unless it is a valid permit; and
    (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the National Measurements Act 1960 (Cth).
(2) A stallholder or trader shall not—
    (a) attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader;
(b) deposit or store any box or basket containing goods on any part of a thoroughfare so as to
obstruct the movement of pedestrians or vehicles;
(c) act in an offensive manner;
(d) use or cause to be used any apparatus or device including any flap or shelf, whereby the
dimensions of a stall, vehicle or structure are increased beyond those specified in the permit;
or
(e) in the case of a trader, carry on trading from a public place, unless there is adequate parking
for customers’ vehicles reasonably close to the place of trading.

Division 2—Street entertainer
Subdivision 1—Preliminary

6.9 Interpretation
In this Division the context otherwise requires—
perform includes to play a musical instrument, sing, mime, dance, give an aerobic display or
entertain, but does not include public speaking;
permit means a permit issued for the purpose of clause 6.10;
permitted area means the area or areas, specified in a permit, in which the permit holder may
perform; and
permitted time means the time or times, specified in a permit, during which the permit holder
may perform.

Subdivision 2—Permits

6.10 Permit required to perform
A person shall not perform in a public place without a permit.

6.11 Variation of permitted area and permitted time
(1) The local government may by notice in writing to a permit holder vary—
(a) the permitted area;
(b) the permitted time; or
(c) both the permitted area and the permitted time,
shown on a permit.
(2) The local government may direct a permit holder to move from one permitted area to another
permitted area, if more than one area is specified in a permit.

6.12 Duration of permit
A permit is valid for a period of 3 months after the date on which it is issued unless it is sooner
cancelled under this local law.

6.13 Cancellation of permit
The CEO may cancel a permit if in her or his opinion the volume of sound caused by the permit holder
in connection with the performance adversely affects the enjoyment, convenience or comfort of other
persons in a public place, or if, in her or his opinion, or in the opinion of an authorised person, the
performance otherwise constitutes a nuisance.

6.14 Obligations of a permit holder
A permit holder shall not in a public place—
(a) perform wearing dirty, torn or ragged clothing;
(b) act in an offensive manner; or
(c) place, install, erect, play or use any musical instrument or any device which emits music,
including a loud speaker or an amplifier—
(i) other than in the permitted area; and
(ii) unless the musical instrument or device is specified in the permit.

Division 3—Outdoor eating facilities on public places

6.15 Interpretation
In this Division—
facility means an outdoor eating facility or establishment on any part of a public place, but does
not include such a facility or establishment on private land;
permit holder means the person to whom a permit has been issued for the purpose of clause 6.16;
and
public place has the meaning given to it in clause 6.1.

6.16 Permit required to conduct facility
A person shall not establish or conduct a facility without a permit.
6.17 Matters to be considered in determining application
In determining an application for a permit for the purpose of clause 6.16, the local government may consider in addition to any other matter it considers relevant, whether or not—
(a) the facility is conducted in conjunction with and as an extension of food business which abut on the facility, and whether the applicant is the person conducting such food business;
(b) any abutting food business are registered in accordance with the Food Act 2008 and whether the use of the premises is permitted under the town planning scheme;
(c) the facility will comply with any local law made under the Food Act 2008;
(d) users of the facility will have access to proper and sufficient sanitary and ablutionary conveniences;
(e) the facility would—
   (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
   (ii) impede pedestrian access; and
(f) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

6.18 Obligations of permit holder
(1) The permit holder for a facility shall—
   (a) ensure that the facility is conducted at all times in accordance with the provisions of this local law and any local law made under the Food Act 2008;
   (b) ensure that the eating area is kept in a clean and tidy condition at all times;
   (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times; and
   (d) be solely responsible for all rates and taxes levied upon the land occupied by the facility.
(2) Whenever, in the opinion of the local government, any work is required to be carried out to a facility, the local government may give a notice to the permit holder for the facility to carry out that work within the time limited by the notice.
(3) In subclause (2), “work” includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a facility.

6.19 Removal of facility unlawfully conducted
Where a facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorised person and impounded in accordance with the Act.

6.20 Use of facility by public
(1) A person shall not occupy a chair or otherwise use the equipment in a facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the facility.
(2) A person shall leave a facility when requested to do so by the permit holder.

6.21 Temporary removal of facility may be requested
(1) The permit holder for a facility is to temporarily remove the facility when requested to do so on reasonable grounds by an authorised person or a member of the Police Service or an emergency service in the event of an emergency.
(2) The permit holder may replace the facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

PART 7—PERMITS

Division 1—Applying for a permit

7.1 Application for permit
(1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
(2) An application for a permit under this local law shall—
   (a) be in the form determined by the local government;
   (b) be signed by the applicant;
   (c) provide the information required by the form; and
   (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
(3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
(4) The local government may require an applicant to give local public notice of the application for a permit.
(5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).
7.2 Decision on application for permit
(1) The local government may—
   (a) approve an application for a permit unconditionally or subject to any conditions; or
   (b) refuse to approve an application for a permit.
(2) If the local government approves an application for a permit, it is to issue to the applicant a permit
   in the form determined by the local government.
(3) If the local government refuses to approve an application for a permit, it is to give written notice of
   that refusal to the applicant.
(4) Where a clause of this local law refers to conditions which may be imposed on a permit or which
    are to be taken to be imposed on a permit, the clause does not limit the power of the local government
    to impose other conditions on the permit under subclause (1)(a).
(5) Where a clause of this local law refers to the grounds on which an application for a permit may be
    or is to be refused, the clause does not limit the power of the local government to refuse the
    application for a permit on other grounds under subclause (1)(b).

Division 2—Conditions

7.3 Conditions which may be imposed on a permit
The local government may approve an application for a permit subject to conditions relating to—
   (a) the payment of a fee;
   (b) the duration and commencement of the permit;
   (c) the commencement of the permit being contingent on the happening of an event;
   (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to
      the application;
   (e) the approval of another application for a permit which may be required by the local
      government under any written law;
   (f) the area of the district to which the permit applies;
   (g) where a permit is issued for an activity which will or may cause damage to a public place, the
      payment of a deposit or bond against such damage;
   (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the
      local government; and
   (i) the provision of an indemnity from the permit holder indemnifying the local government in
      respect of any injury to any person or any damage to any property which may occur in
      connection with the use of the public place by the permit holder.

7.4 Imposing conditions under a policy
(1) In this clause, policy means a policy of the local government adopted by the Council containing
   conditions subject to which an application for a permit may be approved under clause 7.2(1)(a).
(2) Under clause 7.2(1)(a) the local government may approve an application subject to conditions by
   reference to a policy.
(3) The local government is to give a copy of the policy, or the part of the policy which is relevant to
   the application for a permit, with the form of permit referred to in clause 7.2(2).
(4) An application for a permit is to be taken not to have been approved subject to the conditions
   contained in a policy until the local government gives the permit holder a copy of the policy or the
   part of the policy which is relevant to the application.
(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken
   to be information within section 5.94(u)(i) of the Act.

7.5 Compliance with and variation of conditions
(1) Where an application for a permit has been approved subject to conditions, or where a permit is to
   be taken to be subject to conditions under this local law, the permit holder shall comply with each of
   those conditions.
(2) The local government may vary the conditions of a permit, and the permit holder shall comply
   with those conditions as varied.

Division 3—General

7.6 Duration of permit
A permit is valid for one year from the date on which it is issued, unless it is—
   (a) otherwise stated in this local law or in the permit; or
   (b) cancelled under clause 7.10.

7.7 Renewal of permit
(1) A permit holder may apply to the local government in writing prior to expiry of a permit for the
   renewal of the permit.
(2) The provisions of—
   (a) this Part; and
   (b) any other provision of this local law relevant to the permit which is to be renewed,
   shall apply to an application for the renewal of a permit with all necessary changes as required.
7.8 Transfer of permit (1) An application for the transfer of a valid permit is to—
(a) be made in writing;
(b) be signed by the permit holder and the proposed transferee of the permit;
(c) provide such information as the local government may require to enable the application to be
determined; and
(d) be forwarded to the CEO together with any fee imposed and determined by the local
government under and in accordance with sections 6.16 to 6.19 of the Act.
(2) The local government may approve an application for the transfer of a permit, refuse to approve it
or approve it subject to any conditions.
(3) Where the local government approves an application for the transfer of a permit, the transfer may
be effected by—
(a) an endorsement on the permit signed by the CEO; or
(b) issuing to the transferee a permit in the form determined by the local government.
(4) Where the local government approves an application for the transfer of a permit, it is not required
to refund any part of any fee paid by the former permit holder.

7.9 Production of permit
A permit holder is to produce to an authorised person her or his permit immediately upon being
required to do so by that authorised person.

7.10 Cancellation of permit
(1) Subject to clause 8.1, a permit may be cancelled by the local government on any one or more of the
following grounds—
(a) the permit holder has not complied with a—
(i) condition of the permit; or
(ii) provision of any written law which may relate to the activity regulated by the permit;
or
(b) if it is relevant to the activity regulated by the permit—
(i) the permit holder has become bankrupt, or gone into liquidation;
(ii) the permit holder has entered into any composition or arrangement with creditors; or
(iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager is
appointed in relation to any part of the permit holder’s undertakings or property.
(2) On the cancellation of a permit the permit holder—
(a) shall return the permit as soon as practicable to the local government; and
(b) is to be taken to have forfeited any fees paid in respect of the permit.

PART 8—OBJECTIONS AND REVIEW

8.1 Application of Division 1 of Part 9 of the Act
When the local government makes a decision—
(a) under clause 7.2(1); or
(b) as to whether it will renew, vary, or cancel a permit,
the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that
decision.

PART 9—MISCELLANEOUS NOTICES

9.1 Notice to redirect or repair sprinkler
Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a
manner which causes or may cause an inconvenience or obstruction to any person using a
thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting
on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of
the sprinkler or other watering equipment.

9.2 Hazardous plants
(1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the
local government may give a notice to the owner or the occupier of the land abutting on the
thoroughfare to remove, cut, move or otherwise deal with that plant so as to remove the hazard.
(2) Subclause (1) does not apply where the plant was planted by the local government.

9.3 Notice to repair damage to thoroughfare
Where any portion of a thoroughfare has been damaged, the local government may by notice to the
person who caused the damage order the person to repair or replace that portion of the
thoroughfare to the satisfaction of the local government.
9.4 Notice to remove thing unlawfully placed on thoroughfare
Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

**PART 10—ENFORCEMENT**

**Division 1—Notices given under this local law**
10.1 Offence to fail to comply with notice
Whenever the local government gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

10.2 Local government may undertake requirements of notice
Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

**Division 2—Offences and penalties**

Subdivision 1—General
10.3 Offences
(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding $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.

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

10.5 Forms
Unless otherwise specified, for the purposes of this local law—
(a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
(b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
(c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

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### SCHEDULE 1—PRESCRIBED OFFENCES AND MODIFIED PENALTIES

<table>
<thead>
<tr>
<th>Item</th>
<th>Clause</th>
<th>Nature of Offence</th>
<th>Modified penalty $</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2.1(a)</td>
<td>Plant any plant within 6m of intersection</td>
<td>100</td>
</tr>
<tr>
<td>2</td>
<td>2.1(b)</td>
<td>Damaging lawn or garden</td>
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</tr>
<tr>
<td>3</td>
<td>2.1(c)</td>
<td>Plant (except grass) on thoroughfare within 2m of carriageway</td>
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<tr>
<td>4</td>
<td>2.1(d)</td>
<td>Placing hazardous substance on footpath</td>
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<td>5</td>
<td>2.1(e)</td>
<td>Damaging or interfering with signpost or structure on thoroughfare</td>
<td>300</td>
</tr>
<tr>
<td>6</td>
<td>2.1(f)</td>
<td>Playing games so as to impede vehicles or persons on thoroughfare</td>
<td>100</td>
</tr>
<tr>
<td>7</td>
<td>2.1(g)</td>
<td>Riding of skateboard or similar device on mall or verandah of shopping centre</td>
<td>100</td>
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<tr>
<td>8</td>
<td>2.2(1)(a)</td>
<td>Digging a trench through a kerb or footpath without a permit</td>
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<tr>
<td>9</td>
<td>2.2(1)(b)</td>
<td>Throwing or placing anything on a verge without a permit</td>
<td>100</td>
</tr>
<tr>
<td>10</td>
<td>2.2(1)(c)</td>
<td>Causing obstruction to vehicle or person on thoroughfare without a permit</td>
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<tr>
<td>11</td>
<td>2.2(1)(d)</td>
<td>Causing obstruction to water channel on thoroughfare without a permit</td>
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<tr>
<td>12</td>
<td>2.2(1)(e)</td>
<td>Placing or draining offensive fluid on thoroughfare without a permit</td>
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<td>13</td>
<td>2.2(1)(g)</td>
<td>Lighting a fire on a thoroughfare without a permit</td>
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<tr>
<td>14</td>
<td>2.2(1)(h)</td>
<td>Felling tree onto thoroughfare without a permit</td>
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<tr>
<td>15</td>
<td>2.2(1)(i)</td>
<td>Installing pipes or stone on thoroughfare without a permit</td>
<td>100</td>
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<tr>
<td>Item</td>
<td>Clause</td>
<td>Nature of Offence</td>
<td>Modified penalty $</td>
</tr>
<tr>
<td>------</td>
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<td>16</td>
<td>2.2(1)(j)</td>
<td>Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit</td>
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<tr>
<td>17</td>
<td>2.2(1)(k)</td>
<td>Creating a nuisance on a thoroughfare without a permit</td>
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<td>18</td>
<td>2.2(1)(l)</td>
<td>Placing a bulk rubbish container on a thoroughfare without a permit</td>
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<td>19</td>
<td>2.2(1)(m)</td>
<td>Interfering with anything on a thoroughfare without a permit</td>
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<tr>
<td>20</td>
<td>2.3(1)</td>
<td>Consumption or possession of liquor on thoroughfare</td>
<td>100</td>
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<tr>
<td>21</td>
<td>2.4(1)</td>
<td>Failure to obtain permit for temporary crossing</td>
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<td>22</td>
<td>2.5(2)</td>
<td>Failure to comply with notice to remove crossing and reinstate kerb</td>
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<tr>
<td>23</td>
<td>2.9(1)</td>
<td>Installation of verge treatment other than permissible verge treatment</td>
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<td>24</td>
<td>2.10</td>
<td>Failure to maintain permissible verge treatment or placement of obstruction on verge</td>
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<tr>
<td>25</td>
<td>2.11</td>
<td>Failure to comply with notice to rectify default</td>
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<tr>
<td>26</td>
<td>2.17(2)</td>
<td>Failure to comply with sign on public place</td>
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<tr>
<td>27</td>
<td>2.19(1)</td>
<td>Driving or taking a vehicle on a closed thoroughfare</td>
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<td>28</td>
<td>3.2(1)</td>
<td>Placing advertising sign or affixing any advertisement on a thoroughfare without a permit</td>
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<tr>
<td>29</td>
<td>3.2(3)</td>
<td>Erecting or placing of advertising sign in a prohibited area</td>
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<td>30</td>
<td>4.1(1)</td>
<td>Animal or vehicle obstructing a public place or local government property</td>
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<tr>
<td>31</td>
<td>4.2(2)(a)</td>
<td>Animal on thoroughfare when not led, ridden or driven</td>
<td>100</td>
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<tr>
<td>32</td>
<td>4.2(2)(b)</td>
<td>Animal on public place with infectious disease</td>
<td>100</td>
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<td>33</td>
<td>4.2(2)(c)</td>
<td>Training or racing animal on thoroughfare in built-up area</td>
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<td>34</td>
<td>4.2(3)</td>
<td>Horse led, ridden or driven on thoroughfare in built-up area</td>
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<tr>
<td>35</td>
<td>4.3</td>
<td>Parking unlawfully on verge</td>
<td>100</td>
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<tr>
<td>36</td>
<td>4.6</td>
<td>Person leaving shopping trolley in public place other than trolley bay</td>
<td>100</td>
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<tr>
<td>37</td>
<td>4.7(2)</td>
<td>Failure to remove shopping trolley upon being advised of location</td>
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<tr>
<td>38</td>
<td>5.6(1)</td>
<td>Driving a vehicle on other than the carriageway of a flora road</td>
<td>200</td>
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<tr>
<td>39</td>
<td>5.9</td>
<td>Planting in thoroughfare without a permit</td>
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<tr>
<td>40</td>
<td>5.11</td>
<td>Failure to obtain permit to clear a thoroughfare</td>
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<tr>
<td>41</td>
<td>5.13</td>
<td>Burning of thoroughfare without a permit</td>
<td>500</td>
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<tr>
<td>42</td>
<td>5.17</td>
<td>Construction of firebreak on thoroughfare without a permit</td>
<td>500</td>
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<tr>
<td>43</td>
<td>5.19</td>
<td>Commercial harvesting of native flora on thoroughfare</td>
<td>500</td>
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<td>44</td>
<td>5.20(1)</td>
<td>Collecting seed from native flora on thoroughfare without a permit</td>
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<tr>
<td>45</td>
<td>6.2(1)</td>
<td>Conducting of stall in public place without a permit</td>
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<tr>
<td>46</td>
<td>6.3(1)</td>
<td>Trading without a permit</td>
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<td>47</td>
<td>6.8(1)(a)</td>
<td>Failure of stallholder or trader to display or carry permit</td>
<td>100</td>
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<tr>
<td>48</td>
<td>6.8(1)(b)</td>
<td>Stallholder or trader not displaying valid permit</td>
<td>100</td>
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<tr>
<td>49</td>
<td>6.8(1)(c)</td>
<td>Stallholder or trader not carrying certified scales when selling goods by weight</td>
<td>100</td>
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<tr>
<td>50</td>
<td>6.8(2)</td>
<td>Stallholder or trader engaged in prohibited conduct</td>
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<tr>
<td>51</td>
<td>6.16</td>
<td>Establishment or conduct of outdoor eating facility without a permit</td>
<td>300</td>
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<tr>
<td>52</td>
<td>6.18</td>
<td>Failure of permit holder of outdoor eating facility to comply with obligations</td>
<td>100</td>
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<tr>
<td>53</td>
<td>6.20(1)</td>
<td>Use of equipment of outdoor eating facility without purchase of food or drink from facility</td>
<td>50</td>
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<tr>
<td>54</td>
<td>6.20(2)</td>
<td>Failure to leave outdoor eating facility when requested to do so by permit holder</td>
<td>50</td>
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<tr>
<td>55</td>
<td>7.5</td>
<td>Failure to comply with a condition of a permit</td>
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<tr>
<td>56</td>
<td>7.9</td>
<td>Failure to produce permit on request of authorised person</td>
<td>100</td>
</tr>
<tr>
<td>57</td>
<td>10.1</td>
<td>Failure to comply with notice given under local law</td>
<td>100</td>
</tr>
</tbody>
</table>

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

LYNN WEBB, Shire Deputy President.
DOUGLAS STEAD, Chief Executive Officer.

Dated on this 20 day of September 2016.
LG301

LOCAL GOVERNMENT ACT 1995

City of Nedlands

REPEALS LOCAL LAW 2016

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Nedlands resolved on 23 August 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation
This local law is the City of Nedlands Repeals Local Law 2016.

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

PART 2—SIGNS LOCAL LAW 2007

2.1 The City of Nedlands Signs Local Law 2007 published in the Government Gazette on 13 February 2008 is repealed.

PART 3—FENCING LOCAL LAW 2007

3.1 The City of Nedlands Fencing Local Law 2007 published in the Government Gazette on 13 February 2008 is repealed.

Dated this 20th day of September 2016.
The Common Seal of the City of Nedlands was affixed by authority of a resolution of the Council in the presence of—

Councillor BILL HASSELL, Deputy Mayor.
GREG TREVASKIS, Chief Executive Officer.