LG301

LOCAL GOVERNMENT ACT 1995

City of Greater Geraldton

MEETING PROCEDURES AMENDMENT 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 Greater Geraldton resolved on 27 September 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

(1) This local law may be cited as the City of Greater Geraldton Meeting Procedures Amendment Local Law 2016.

1.2 Commencement

This local law comes into operation 14 days after the date on which it is published in the Government Gazette.

1.3 Principal local law amended

The City of Greater Geraldton Meeting Procedures Local Law 2011, as published in the Government Gazette on 16 February 2012, is referred to as the principal local law. The principal local law is amended.

PART 2—AMENDMENTS

2.1 Clause 4.2 amended

Clause 4.2 (1) is amended as follows—

(a) Delete subclause (1) 1 and subclause (1) 2.

(b) Insert subclause 1. “Declaration of Opening”.

(c) Insert subclause 2. “Acknowledgement of Country”.

(d) In subclause 13 after the word “Motions” insert the words “by Members”.

2.2 Clause 4.5 amended

Clause 4.5 is amended as follows—

(a) In the title, insert the words “by Members” after the word “Motions”.

2.3 Clause 5.7 amended

In Clause 5.7 (1)—

(a) Delete subclause (a) to subclause (h) and insert—

(a) be in attendance at the meeting;

(b) first state their name and address;

(c) direct the question to the Presiding Member;

(d) ask the question briefly and concisely;

(e) limit any preamble to matters directly relevant to the question; and

(f) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question;

(g) each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions;

(h) where a member of the public seeks a written response to their questions to be tabled at a meeting, the member of the public must submit their questions to Council by no later than 12 noon on the day prior to the meeting date of which the response is to be tabled;

(b) After subclause (h) insert—

(i) where a member of the public submits their questions after 12 noon on the day prior to the meeting date of which the response is to be tabled, a written response may be provided at the discretion of the presiding member;

(j) where a member of the public submits a written question after 12 noon the day prior to the meeting at which they are to be tabled, a verbal response may be provided at the meeting;

(k) a member of the public may ask questions without notice at a meeting, provided they present a written copy of their questions to Council prior to the commencement of the meeting;

(c) Delete subclauses 5.7 (2) to 5.7 (8) and insert—

(2) 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.

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

(4) 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.

(5) A question may be taken on notice by the Presiding Member for a later response.

(6) 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.

(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) The maximum amount of time to be set aside for public question time is to be 15 minutes.

(d) After subclause 5.7 (8) insert—

(9) The Presiding Member has the discretion to extend public question time to ensure that all members of the public who wish to ask questions are able to do so.

(10) Questions relevant to items on the agenda of the meeting at which they are asked will be given priority over those not relating to items on the agenda.

2.4 Clause 5.17 amended
Clause 5.17 is amended as follows—

(a) Delete subclause (4).

2.5 Part 6—Questions by Members amended
Part 6 is amended as follows—

(a) In subclause (1) delete the word “governance” and replace with the word “government”;
(b) In subclause (2)—
   i. Insert “, but” after the first instance of the word “motion”;
   ii. Insert “that relates to the motion”, after the first instance of the word “question”; and
   iii. Insert “provided they relate to the motion being debated” after “further questions”.
(c) Insert the following after subclause (2)—

(3) A Member may ask a question not the subject of a debate or not relevant to any item on the agenda, provided it relates to the good government of people in the district, at the part of the meeting set aside for questions from Elected Members.

(d) All subsequent subclauses are renumbered.

2.6 Clause 9.5 amended
Clause 9.5 is amended as follows—

(a) Delete subclauses (e)–(h) and replace with the following—

(e) the Presiding Member to call for any questions from Members on the motion;
(f) a speaker against the motion;
(g) a speaker for the motion;
(h) the Presiding Member to continue calling for speakers against and for the motion in alternating order, until there are no more speakers either for, or against:
(i) mover takes right of reply, which closes debate.

Dated: 3 October 2016.
The Common Seal of the City of Greater Geraldton was affixed by the authority of the resolution of Council in the presence of—

SHANE VAN STYN, Mayor.
KENNETH DIEHM, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

Town of Claremont

SITE EROSION AND SAND DRIFT LOCAL LAW 2016

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

PART 1—PRELIMINARY

1.1 Citation
This local law may be cited as the Town of Claremont Site Erosion and Sand Drift 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 Purpose
The purpose of this local law is to provide for the regulation, control and management of site erosion, sand and dust on land within the district so as to protect the amenity of the area.

1.4 Application
This local law applies throughout the district.

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

   Act means the Local Government Act 1995;

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

   builder means—

(a) Any person who holds, or will hold, a building permit issued in respect of building works on a building site, or

(b) Any person who has, or will have, effective control of a building site;

Building Code means the latest edition of the Building Code of Australia published by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published within the code;

building site means any lot of land for which a building permit is current, but does not include a lot upon which there exists a commercial, industrial or residential building and—

(a) the current building permit is issued in respect only of a pergola, patio, shed or other Class 10 building as classified by the Building Code; and

(b) means of collection and removal of rubbish, satisfactory to the local government but other than that specified within these local laws, is in place;

CEO means the chief executive officer of the local government;

construction work means any work involving the placement, fitting together, manufacture or erection of the components of a building or incidental structure, and includes pouring of footings and slabs and placement of stumps or other floor supports;

Council means the council of the local government;

district means the district of the local government;

dust and sand means granules or particles of rock, earth, clay, loam, silt and any other granular, or airborne particle or like material, and includes gravel;

land includes any building or structures on the land;

local government means the Town of Claremont;

occupier means any person who, at the time the notice is served, is in control of any place or part of any place or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to a place to perform any work in relation to any place and includes a builder or contractor;

Schedule means a schedule to this local law.

(2) Any other expression used in this local law and not defined shall have the meaning given to it in the Act.
(3) Where, under this local law a duty, obligation or liability is imposed on an ‘owner or occupier’ the duty shall be deemed to be imposed jointly and severally on each owner and occupier.

(4) Where, under this local law, an act is required to be done or forbidden to be done in relation to any land, an owner or occupier of the land has the duty of causing to be done the act so required to be done, or preventing from being done the act forbidden to be done.

(5) Where under this local law the local government is empowered to carry out actions, undertake or cause to be undertaken works as a consequence of the failure of any person to comply with the terms of a notice or other conduct, the right to enter land is at all times subject to the provisions of Part 3, Division 3 of the Act.

PART 2—SITE EROSION AND DUST

2.1 Prevention of erosion and the escape of sand and dust
An owner or occupier of land must take reasonably practicable measures to—

(a) stabilise sand on the land; and

(b) ensure no sand or dust is released from or escapes from the land, whether by means of wind, water or any other cause.

2.2 Notice may require specified action to prevent erosion and the escape of dust or sand
(1) Where the local government or an authorised person is satisfied that—

(a) an owner or occupier of land has not complied with clause 2.1; or

(b) sand or dust is escaping, being released or being carried, or is likely to escape, be released or be carried, from any land,

the local government or an authorised person may, by notice in writing, direct the owner or occupier to, within a time specified in the notice—

(c) comply with clause 2.1;

(d) clean up and make good any damage resulting from the release or escape of dust or sand from the land; or

(e) take such other actions or comply with such other conditions as the local government or authorised person considers necessary to prevent or stop the escape, release or carriage of sand or dust from the land, as stipulated in the notice.

(2) An owner or occupier of land to whom a notice is issued under subclause (1) shall comply with the requirements of the notice within the time specified in the notice.

PART 3—MISCELLANEOUS PROVISIONS

3.1 Authorised person
(1) A person must not prevent or impede a duly authorised officer or employee of the local government from carrying out his or her duties under this local law.

(2) The local government may delegate any of its powers, functions and duties under this local law to the CEO or an authorised person, not including its powers of delegation.

PART 4—OBJECTIONS AND REVIEW

4.1 Objections and review
When the local government or an authorised person gives a person a notice under clause 2.2(1), the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Local Government (Functions and General) Regulations 1996 shall apply.

PART 5—OFFENCES AND PENALTIES

5.1 Offences
(1) Any person who—

(a) fails to comply with a notice issued under clause 2.2(1);

(b) fails to do anything required or directed to be done under this local law; or

(c) 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 $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 had continued.

5.2 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.
The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

PART 6—INFRINGEMENT NOTICES

6.1 Form of notices

(1) The form of the infringement notice referred to in section 9.17 of the Act is Form 2 in the Schedule 1 of the Local Government (Functions and General) Regulations 1996 and

(2) The form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in the Schedule 1 of the Local Government (Functions and General) Regulations 1996.

SCHEDULE 1—PRESCRIBED OFFENCES

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Clause</th>
<th>Description</th>
<th>Modified Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>5.1(1)(a)</td>
<td>Failure to comply with a notice served by local government or authorised person</td>
<td>$500</td>
</tr>
</tbody>
</table>


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

Ms ELIZABETH JOAN LEDGER, Acting Chief Executive Officer.
Mr JOHN GILBERT BARKER, Mayor.