Under the powers conferred by the Local Government Act 1995, and under all other powers enabling it, the Council of the Shire of Broome resolved on 30 August 2018 to make the following local law.

1. Citation
This local law is the Shire of Broome Local Government Property and Public Places Amendment Local Law 2018.

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

3. Principal local law amended
This local law amends the Shire of Broome Local Government Property and Public Places Local Law 2016 as published in the Government Gazette on 22 June 2017 and as amended on 13 March 2018.

4. Clause 1.5 amended
In clause 1.5 delete the definition for local government property and replace with—

local government property means anything—
(a) which belongs to, is owned by or is under the care, control and management of the local government;
(b) which is an “otherwise unvested facility” within section 3.53 of the Act, but does not include a thoroughfare; or
(c) of which the local government is a management body under the Land Administration Act 1997;
but does not include a thoroughfare.

5. Clause 5.1 amended
In clause 5.1 replace “3.2” with “3.5”.

6. Clause 8.3 amended
Delete clause 8.3(c)(ii) and replace with—
(ii) stone/rock-mulch treatments using—
   A. river-washed rounded stone with an average diameter less than 40 millimetres; or
   B. crushed rock or gravel with an average diameter of between 20 millimetres to 40 millimetres, limited to an area no greater than 20 square metres unless otherwise approved in accordance with a development approval;


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

H. TRACEY, Shire President.
S. MASTROLEMBO, Chief Executive Officer.
LG303

LOCAL GOVERNMENT ACT 1995
Shire of Broome
TRADING, OUTDOOR DINING AND STREET ENTERTAINMENT AMENDMENT
LOCAL LAW 2018

Under the powers conferred by the Local Government Act 1995, and under all other powers enabling it, the Council of the Shire of Broome resolved on 30 August 2018 to make the following local law.

1. Citation
This local law is the Shire of Broome Trading, Outdoor Dining and Street Entertainment Amendment Local Law 2018.

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

3. Principal local law amended
This local law amends the Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2016 as published in the Government Gazette on 16 January 2017 and as amended on 13 March 2018.

4. Clause 1.6 amended
In clause 1.6 delete the definition for local government property and replace with—

local government property means anything—
(a) which belongs to, is owned by or is under the care, control and management of the local government;
(b) which is an “otherwise unvested facility” within section 3.53 of the Act, but does not include a thoroughfare; or
(c) of which the local government is a management body under the Land Administration Act 1997;
but does not include a thoroughfare.


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

H. TRACEY, Shire President.
S. MASTROLEMBO, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

SHIRE OF NORTHAMPTON

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2018
LOCAL GOVERNMENT ACT 1995

SHIRE OF NORTHAMPTON

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2018

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LOCAL GOVERNMENT ACT 1995

SHIRE OF NORTHAMPTON

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2018

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Northampton resolved on 17 August 2018 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation
This local law may be cited as the Shire of Northampton Local Government Property Local Law 2018.

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

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

- **Act** means the Local Government Act 1995;
- **applicant** means a person who applies for a permit under clause 3.2;
- **assistance animal** means an animal who is being used as an assistance animal as defined in the Disability Discrimination Act 1992 (Commonwealth);
- **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;
- **bait** means food, or some substance, used as a lure in fishing;
- **berth** means—
  - (a) to lie alongside the jetties; or
  - (b) to be connected or tied to a vessel lying alongside the jetties;
- **boat** means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;
- **building** means any building which is local government property and includes a—
  - (a) hall or room;
  - (b) corridor, stairway or annexe of any hall or room; and
  - (c) jetty;
- **CEO** means the Chief Executive Officer of the local government;
- **children’s playground** means an area set aside for use by children and noted by the presence of dedicated children’s playground equipment and the presence of either sand or other form of soft fall surface;
- **commencement day** means the day on which this local law comes into operation;
- **Council** means the council of the local government;
- **date of publication** means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;
- **determination** means a determination made under clause 2.1;
- **district** means the district of the local government;
- **fish** has the meaning given to it by section 4 of the Fish Resources Management Act 1994;
- **fishing** has the meaning given to it by section 4 of the Fish Resources Management Act 1994;
- **function** means an event or activity characterised by all or any of the following—
  - (a) formal organisation and preparation;
  - (b) its occurrence is generally advertised or notified in writing to particular persons;
  - (c) organisation by or on behalf of a club;
  - (d) payment of a fee to attend it; and
  - (e) systematic recurrence in relation to the day, time and place;
liquor has the same meaning as is given to it in section 3 of the Liquor Control Act 1988;
local government means the Shire of Northampton;
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 public notice has the same meaning as given in section 1.7 of the Local Government Act 1995;
Manager means the person for the time being employed by the local government to control and manage a facility which is local government property and includes the person's assistant or deputy;
Mooring means something to which a vessel may be moored or fastened and includes an anchor, stake, ringbolts, fastenings, or mooring pile;
Mooring line means any line, rope, cable, chain or similar device used or capable of being used to fasten or secure a vessel to a mooring;
mooring pile means any pile used or capable of being used to secure a vessel;
owner means the person who is the lawful owner or the person entitled to possession of any vessel or vehicle;
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;
prohibited drug is given its meaning under section 4 of the Misuse of Drugs Act 1981;
Regulations mean the Local Government (Functions and General) Regulations 1996;
Schedule means a schedule in this local law;
sign includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;
trading means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of—
(a) offering them for sale or hire;
(b) inviting offers for their sale or hire;
(c) soliciting orders for them; or
(d) carrying out any other transaction in relation to them;
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—
(c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
(d) a pram, a stroller, shopping trolley or a similar device; and
(e) a boat;
vessel means any kind of vessel, whether licensed or unlicensed, used or being capable of being used in navigation by water, however being propelled or moved, and without limiting the generality of the foregoing, includes—
(a) a barge, lighter, floating restaurant, dinghy, commercial vessel, tender vessel or other floating structure;
(b) a jet-ski; and
(c) an air-cushion vehicle, or other similar craft, used wholly or primarily in navigation by water,
but does not include structures used only for the purpose of walkways or storage; and
written law has the same meaning given to it by section 5 of the Interpretation Act 1984 and includes this local law.

1.4 Interpretation
In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

1.5 Application
(1) This local law applies throughout the district.
(2) Notwithstanding anything to the contrary in this local law, the local government may—
(a) hire local government property to any person; or
(b) enter into an agreement with any person regarding the use of any local government property.
(3) Subject to section 3.6 of the Act, this local law applies to the area bounded by the low water mark of the Indian Ocean and extending for a distance 200 metres seawards from the western boundary of the district.

1.6 Repeal
(1) This local law repeals the Shire of Northampton Local Government Property Local Law as published in the Government Gazette on 23 June 2000.
(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.

1.7 Application as to assistance animals
This local law is subject to any written law and any law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section 9(2).

PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1—Determinations

2.1 Determinations as to use of local government property
The local government may make a determination in accordance with clause 2.2—
(a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
(b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
(c) as to the matters in clauses 2.7(2) and 2.8(2); and
(d) as to any matter ancillary or necessary to give effect to a determination.

2.2 Procedure for making a determination
(1) The local government is to give local public notice of its intention to make a determination.
(2) The local public notice referred to in subclause (1) is to state that—
(a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
(b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
(c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
(3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to—
(a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
(b) amend the proposed determination, in which case subclause (5) will apply; or
(c) not continue with the proposed determination.
(4) If submissions are received in accordance with subclause (2)(c) the Council is to—
(a) consider those submissions; and
(b) decide—
(i) whether or not to amend the proposed determination; or
(ii) not to continue with the proposed determination.
(5) If the Council decides to amend the proposed determination, it is to give local public notice—
(a) of the effect of the amendments; and
(b) that the proposed determination has effect as a determination on and from the date of publication.
(6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
(7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
(8) A decision under subclause (3) or (4) is not to be delegated by the Council.

2.3 Discretion to erect sign
The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with
A person shall comply with a determination.
2.5 Register of determinations
(1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
(2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination
(1) The Council may amend or revoke a determination.
(2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
(3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

Division 2—Activities which may be pursued or prohibited under a determination

2.7 Activities which may be pursued on specified local government property
(1) A determination may provide that specified local government property is set aside as an area on which a person may—
   (a) bring, ride or drive an animal;
   (b) take, ride or drive a vehicle, or a particular class of vehicle;
   (c) fly or use a motorised model aircraft;
   (d) use a children’s playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
   (e) launch, beach or leave a boat;
   (f) take or use a boat, or a particular class of boat;
   (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
   (h) play or practice—
      (i) golf or archery;
      (ii) pistol or rifle shooting, but subject to the compliance of that person with the Firearms Act 1973; or
      (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
   (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
   (j) wear no clothing.
(2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular—
   (a) the days and times during which the activity may be pursued;
   (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
   (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
   (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
   (e) may specify that the activity can be pursued by a class of persons or all persons; and
   (f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property
(1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property—
   (a) smoking on premises;
   (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
   (c) taking, riding or driving a vehicle or a particular class of vehicle on the property;
   (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
   (e) taking or using a boat, or a particular class of boat;
   (f) the playing or practice of—
      (i) golf, archery, pistol shooting or rifle shooting; or
      (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
   (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
(h) the traversing of sand dunes or land which in the opinion of the local government has
environmental value warranting such protection, either absolutely or except by paths
provided for that purpose.

(2) A determination may specify the extent to which and the manner in which a person is prohibited
from pursuing an activity referred to in subclause (1) and, in particular—
(a) the days and times during which the activity is prohibited;
(b) that an activity is prohibited on a class of local government property, specified local
government property or all local government property;
(c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or
all vehicles, boats, equipment or things;
(d) that an activity is prohibited in respect of a class of persons or all persons; and
(e) may distinguish between different classes of the activity.

(3) In this clause—
premises means a building, stadium or similar structure which is local government property, but
not an open space such as a park or a playing field.

Division 3—Transitional

2.9 Signs taken to be determinations
(1) Where a sign erected on local government property has been erected under a local law of the local
government repealed by this local law, then it is to be taken to be and have effect as a determination
on and from the commencement day, except to the extent that the sign is inconsistent with any
provision of this local law or any determination made under clause 2.1.

(2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3—PERMITS

Division 1—Preliminary

3.1 Application of Part
This Part does not apply to a person who uses or occupies local government property under a written
agreement with the local government to do so.

Division 2—Applying for a permit

3.2 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).

3.3 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.

Division 3—Conditions

3.4 Conditions which may be imposed on a permit
(1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an
application for a permit subject to conditions relating to—
(a) the payment of a fee;
(b) compliance with a standard or a policy of the local government adopted by the local
government;
(c) the duration and commencement of the permit;
(d) the commencement of the permit being contingent on the happening of an event;
(e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
(f) the approval of another application for a permit which may be required by the local government under any written law;
(g) the area of the district to which the permit applies;
(h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
(i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.

(2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued—

(a) when fees and charges are to be paid;
(b) payment of a bond against possible damage or cleaning expenses or both;
(c) restrictions on the erection of material or external decorations;
(d) rules about the use of furniture, plant and effects;
(e) limitations on the number of persons who may attend any function in or on local government property;
(f) the duration of the hire;
(g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
(h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Control Act 1988*;
(i) whether or not the hire is for the exclusive use of the local government property;
(j) the obtaining of a policy of insurance in the names of both the local government and the hirer, 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 hire of the local government property by the hirer; and
(k) the provision of an indemnity from the hirer, 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 hire of the local government property by the hirer.

### 3.5 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 3.3(1)(a).

(2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government shall 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 3.3(2).

(4) An application for a permit shall be deemed 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 shall be deemed to be information within section 5.94(u)(i) of the Act.

### 3.6 Compliance with and variation of conditions

(1) Where an application for a permit has been approved subject to conditions, 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.

### 3.7 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 3.11.

### 3.8 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 this Part shall apply to an application for the renewal of a permit as though it were an application for a permit.
3.9 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 maybe effected by an endorsement on the permit signed by the CEO.

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

3.10 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.

3.11 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) determination or a 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 CEO; and
   (b) is to be taken to have forfeited any fees paid in respect of the permit.

Division 5—When a permit is required

3.12 Activities needing a permit

(1) A person shall not without a permit—
   (a) subject to subclause (3), hire local government property;
   (b) advertise anything by any means on local government property;
   (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
   (d) teach, coach or train, for profit, any person in an indoor recreation facility which is local government property;
   (e) plant any plant or sow any seeds on local government property;
   (f) carry on any trading on local government property unless the trading is conducted—
      (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
      (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
   (g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose—
      (i) drive or ride or take any vehicle on to local government property; or
      (ii) park or stop any vehicle on local government property;
   (h) conduct a function on local government property;
   (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
   (j) light a fire on local government property except in a facility provided for that purpose;
   (k) parachute, hang glide, abseil or base jump from or on to local government property;
   (l) erect a building or a refuelling site on local government property;
   (m) make any excavation on or erect or remove any fence on local government property;
   (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
   (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property; or
   (p) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly.

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

(3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).
3.13 Permit required to camp outside a facility

(1) In this clause—

facility has the same meaning as is given to it in section 5(1) of the Caravan Parks and Camping Grounds Act 1995.

(2) This clause does not apply to a facility operated by the local government.

(3) A person shall not without a permit—

(a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or

(b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

(4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the Caravan Parks and Camping Grounds Regulations 1997.

3.14 Permit required for possession and consumption of liquor

(1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless—

(a) that is permitted under the Liquor Control Act 1988; and

(b) a permit has been obtained for that purpose.

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

3.15 Responsibilities of permit holder

A holder of a permit shall in respect of local government property to which the permit relates—

(a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;

(b) leave the local government property in a clean and tidy condition after its use;

(c) report any damage or defacement of the local government property to the local government; and

(d) take all reasonable action to prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the Liquor Control Act 1988 for that purpose.

PART 4—BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

4.1 Behaviour which interferes with others

A person shall not in or on any local government property behave in a manner which—

(a) is likely to interfere with the enjoyment of a person who might use the property; or

(b) interferes with the enjoyment of a person using the property.

4.2 Behaviour detrimental to property

(1) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.

(2) In subclause (1)—

detrimental to the property includes—

(a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and

(b) destroying, defacing or damaging any thing on the local government property, such as a plant, or a seat provided for the use of any person or a building.

4.3 Taking or injuring any fauna

(1) A person shall not take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.

(2) In this clause—

animal means any living thing that is not a human being or plant; and

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

(a) any class of animal or individual member;

(b) the eggs or larvae; or

(c) the carcass, skin, plumage or fur.
4.4 Intoxicated persons not to enter local government property
A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.

4.5 No prohibited drugs
A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

Division 2—Signs

4.6 Signs
(1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.
(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—
   (a) not to be inconsistent with any provision of this local law or any determination; and
   (b) to be for the purpose of giving notice of the effect of a provision of this local law.

PART 5—MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1—Beaches

5.1 Powers of surf lifesaving club members
(1) Subject to subclause (2), the local government may authorise under section 9.10 of the Act the members of a surf lifesaving club to perform all or any of the following functions in relation to a beach—
   (a) patrol any beach;
   (b) carry out any activity on any beach;
   (c) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs;
   (d) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf lifesaving club activities; and
   (e) direct persons to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.
(2) Under subclause (1), the local government shall authorise only those members who have been recommended by the surf lifesaving club as competent to perform the functions referred to in that subclause in respect of which they are authorised.
(3) Under subclause (1), the local government may authorise members generally, or in relation to particular times, days or months.

5.2 Authorising other persons
(1) A local government may authorise, under section 9.10 of the Act, a person to perform all or any of the functions referred to in clause 5.1(1) in relation to a beach.
(2) Under subclause (1), the local government shall authorise only those persons who, in the reasonable opinion of the local government, are competent to perform the functions referred to in clause 5.1(1) in respect of which they are authorised.
(3) Under subclause (1), the local government may authorise a person generally, or in relation to particular times, days or months.
(4) Where the local government has authorised members of a surf lifesaving club under clause 5.1(1) and a person under subclause (1) in relation to the same beach, so that they can perform all or any of the functions referred to in clause 5.1(1) contemporaneously, the local government is to specify which authorisation is rendered ineffective when both are exercised.

5.3 Persons to comply with signs and directions
A person shall—
   (a) not act in contravention of any sign erected on a beach under clause 5.1(1)(c);
   (b) not enter an area which has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf lifesaving club activities, unless he or she is a member of the club or has obtained permission to enter from the club; and
   (c) comply with any direction given under clause 5.1(1)(c) or 5.1(1)(e), notwithstanding that the sign or the direction was erected or given, as the case may be, by a person referred to in clause 5.4(1).

Division 2—Fenced or closed property

5.4 No entry to fenced or closed local government property
A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.
**Division 3—Toilet blocks and change rooms**

5.5 **Only specified gender to use entry of toilet block or change room**

(1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by—
   (a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or
   (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.

(2) Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is—
   (a) under the age of 8 years; or
   (b) otherwise permitted by an authorised person to use the relevant entry.

**PART 6—FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY**

6.1 **No unauthorised entry to function**

(1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except—
   (a) through the proper entrance for that purpose; and
   (b) on payment of the fee chargeable for admission at the time.

(2) The local government may exempt a person from compliance with subclause (1)(b).

**PART 7—JETTIES AND BRIDGES**

7.1 **Interpretation**

*Division 1—Preliminary*

(1) This Part only applies to bridges and jetties which are local government property.

(2) In this Part—
   - *jetty* means—
     (a) any jetty, pier, wharf, quay, grid, slip, landing place, stage, platform (other than a platform that is a vessel for the purposes of the Western Australian Marine Act 1982) over any waters, and
     (b) any ramp or supporting structure for the launching, landing or retrieving of a vessel;
   - *bulk cargo* means bulk produce, such as grain, coal, oil or mineral ore, which is not packaged.

*Division 2—Consents and fees*

(1) Where a person is required to obtain the consent of the local government under this Part, the person is to apply for that consent in the manner required by the local government or an authorised person.

(2) The local government or an authorised person, may require an application for consent made under subclause (1) to be accompanied by a fee.

(3) If an application for consent is not made in the manner required by the local government or the fee which is to accompany that application is not paid, the local government or an authorised person, may refuse to consider the application for consent.

(4) The local government or an authorised person, shall give its decision on an application for consent, in writing to the person who applied for that consent.

(5) Where a fee is referred to in this Part, the fee must be imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

*Division 3—Prohibitions on use of jetty*

7.3 **Obstruction of jetties**

(1) A person shall not, without the written consent of the local government or an authorised person—
   (a) cause any obstruction on or under or near a jetty; or
   (b) interfere with the free movement of a vessel approaching, leaving or passing a jetty.

(2) A person shall not obstruct or hinder any local government employee, authorised person or contract or engaged by the local government, who is engaged in the repair, maintenance or construction of a jetty.

7.4 **Animals**

(1) A person shall not, without the written consent of the local government or an authorised person—
   (a) tether an animal to a jetty;
   (b) take an animal onto a jetty; or
   (c) permit an animal to enter or stray upon a jetty.
(2) Subclause (1) does not apply to—
   (a) an assistance animal;
   (b) bait; or
   (c) fish taken from a jetty in accordance with this local law.

7.5 Local government may close a jetty or regulate activities
The local government may—
   (a) close or cause to be closed a jetty or any part thereof;
   (b) exclude or cause to be excluded the public and all persons or so many of the public or so many
       persons as in the discretion of the local government or an authorised person shall be deemed
       necessary from a jetty or the local government property;
   (c) regulate, prohibit or restrict access to a jetty or the local government property or any part
       thereof;
   (d) regulate, prohibit or restrict—
       (i) jumping or diving from a jetty; or
       (ii) swimming in the water within the local government property within the vicinity of a
           jetty;
   (e) direct persons to leave a jetty or the local government property within the vicinity of a jetty or
       any part thereof, for purposes of—
       (i) a function or public convenience at or on a jetty or in or on the water on local
           government property;
       (ii) repair, maintenance or construction of a jetty;
       (iii) public safety; or
       (iv) other operational reasons.

7.6 When use of a jetty is prohibited
A person shall not land at, use or go on any part of a jetty which is—
   (a) under construction or repair; or
   (b) closed,
unless that person has first obtained the consent of the local government or an authorised person.

Division 4—Mooring boats to jetties

7.7 Mooring of vessels
(1) A person shall not moor to or berth a vessel at a jetty or moor or berth a vessel on local
    government property unless the mooring or berthing of the vessel is authorised or permitted by the
    local government or an authorised person either by way of a sign affixed by the local government to a
    jetty or by written consent of the local government or an authorised person.
(2) Subclause (1) does not apply to—
   (a) a person who needs to moor to or berth a vessel at a jetty or on local government property in
       an emergency;
   (b) a vessel in distress such as that repairs are required and then only to effect the minimum
       repairs necessary to enable the vessel to be moved elsewhere;
   (c) a person who uses a jetty under and in accordance with a written agreement with the local
       government; and
   (d) a person who has been exempted from subclause (1) by the local government or an authorised
       person.
(3) A person shall not—
   (a) moor a vessel to a jetty or any part of a jetty except to such moorings or mooring piles as are
       provided; or
   (b) permit a vessel to remain alongside a jetty unless the vessel is so moored or fastened.

Division 5—Vehicles on jetties

7.8 Vehicles on jetties
(1) A person shall not take on to or drive or ride a vehicle on a jetty or allow a vehicle to remain on a
    jetty without the written consent of the local government or an authorised person.
(2) Subclause (1) does not apply when—
   (a) the vehicle is driven by a local government employee, authorised person or contractor
       engaged by the local government who is engaged in providing a service, maintaining or
       making a delivery in connection with a jetty; or
   (b) the person is driving an emergency vehicle in the course of his or her duties.
(3) A person must not drive a vehicle or allow a vehicle to be driven on a jetty at a speed exceeding
    10km per hour or in such a manner to cause danger to a person.
7.9 Local government may order removal of vessel or vehicle or attendance
Notwithstanding anything to the contrary in this local law, a person shall, upon being directed to do so by the local government or an authorised person, immediately remove—
(a) a vessel moored to or berthed at a jetty or moored or berthed on local government property; or
(b) a vehicle from a jetty.

Division 6—Launching of boats

7.10 Restrictions on launching
A person shall not launch a boat from or over any jetty (other than a boat ramp) unless she or he has first obtained the consent of the local government or an authorised person.

Division 7—Cargo or other goods

7.11 Loading and discharging
A person in control of a boat or vessel shall not allow the boat or vessel to come alongside or be moored or made fast to a jetty for the purpose of loading or discharging cargo or other goods—
(a) until the cargo or other goods are ready to be loaded or discharged; or
(b) without the consent of the local government or an authorised person—
(i) between the hours of 6.00pm to 6.00am on the next day; or
(ii) for longer than 2 consecutive hours.

7.12 Outgoing cargo not to be stored on jetty
A person in control of cargo or other goods intended for loading on to a boat or vessel shall—
(a) not allow them to be stored or placed on a jetty unless and until the boat is moored or fastened to or alongside the jetty; and
(b) load them on to the boat or vessel as soon as practicable after the boat is moored or fastened to or alongside the jetty.

7.13 Removal of incoming cargo from jetty
Any person unloading cargo or other goods from a boat on to a jetty shall remove them, or cause them to be removed from the jetty as soon as practicable, but not later than 6.00pm on the day on which they were placed there.

7.14 Handling of bulk cargo
A person shall not without the written consent of the local government—
(a) store or handle or let off explosives on the jetties;
(b) store petroleum on the jetties; or
(c) discharge petroleum from the jetties.

Division 8—Fishing from jetties and bridges

7.16 Limitations on fishing
(1) In this clause—
attend has the meaning given to it by regulation 64B of the Fish Resources Management Regulations 1995.
(2) A person fishing from a jetty or bridge using a fishing line or drop net must attend that line or net.
(3) Subject to subclause (2), a person shall not—
(a) fish from a jetty or bridge so as to obstruct or interfere with the free movement of a vessel approaching, leaving or passing a jetty or bridge;
(b) fish from a jetty or bridge so as to cause a nuisance or danger to a person on or near a jetty or bridge;
(c) hang or spread a fishing net, other than a drop net, on, over, under or from a jetty or bridge;
(d) when fishing from a jetty or bridge, use more than 2 fishing lines or 4 drop nets at a time; or
(e) fish from a jetty or bridge so as to interfere with scheduled vocational swimming classes.

Division 9—General Provisions

7.17 General provisions
(1) A person on local government property must obey any lawful direction of an authorised person and must not in any way obstruct or hinder an authorised person in the execution of their duties.
(2) If the local government or an authorised person considers that a person has behaved in a manner contrary to this local law or where the local government or an authorised person reasonably suspects
that a person has contravened a provision of any written local law, the local government or an authorised person may—

(a) refuse to allow that person to enter local government property or any part thereof; and
(b) if the person is on local government property, direct that person to leave the local government property or any part thereof.

(3) A person who has been refused entry or who has been directed to leave under subclause (1) must immediately leave the local government property; or, if the direction applies to a part of the local government property, that part of the local government property quickly and peaceably.

(4) If a person fails to comply with subclause (2), the local government or an authorised person may remove that person, or arrange for that person to be removed, from the land.

(5) A person shall not charge admission or seek payment for entering or using the jetties without having first obtained the written consent of the local government or an authorised person.

(6) A person shall not enter upon or use the jetties without first having paid—

(a) the fees and charges which may apply to such entry or use, as determined by the local government from time to time; or
(b) admission charged by a person who obtained written consent pursuant to subclause (2).

PART 8—OBJECTIONS AND APPEALS

8.1 Application of Division 1, Part 9 of the Act
When the local government makes a decision as to whether it will—

(a) grant a person a permit or consent under this local law; or
(b) renew, vary, or cancel a permit or consent that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 32A and 33 of the Regulations apply to that decision.

PART 9—MISCELLANEOUS

9.1 Authorised person to be obeyed
A person on local government property shall obey any lawful direction of an authorised person and shall not in any way obstruct or hinder an authorised person in the execution of her or his duties.

9.2 Persons may be directed to leave local government property
An authorised person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

9.3 Disposal of lost property
An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

9.4 Liability for damage to local government property
(1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person to, at the option of the local government, pay the costs of—

(a) reinstating the property to the state it was in prior to the occurrence of the damage; or
(b) replacing that property.

(2) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

PART 10—ENFORCEMENT

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 a person fails to comply with the notice, that 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 the person to whom the notice was given, as a debt, the costs incurred in so doing.

Division 2—Offences and penalties

10.3 Offences and general penalty

Subdivision 1—General

(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.

(3) Before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—
   (a) commission of the prescribed offence is a relatively minor matter; and
   (b) only straight forward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

10.5 Form of notices
(1) 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
   (a) 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.

(2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Division 3—Evidence in legal proceedings

10.6 Evidence of a determination
(1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.

(2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.

(3) Subclause (2) does not make valid a determination that has not been properly made.

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Dated: 17 August 2018.

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

CRAIG SIMKIN, President.
GARRY KEEFFE, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

STANDING ORDERS
LOCAL LAW 2018
LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

STANDING ORDERS LOCAL LAW 2018

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LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

STANDING ORDERS LOCAL LAW 2018

Under the powers conferred by the Local Government Act 1995 and under all other relevant powers, the City of Bayswater resolved on 28 August 2018 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation
This local law may be cited as the City of Bayswater Standing Orders Local Law 2018.

1.2 Commencement
This Local Law comes into operation 14 days after the date of its 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—
   absolute majority has the meaning given to it in the Act;
   75% majority has the meaning given to it in the Act;
   Act means the Local Government Act 1995;
   CEO means the Chief Executive Officer of the Local Government;
   Committee means a Committee of the Council established under section 5.8 of the Act;
   Committee meeting means a meeting of a Committee;
   Committee meeting open to the public means a meeting of a Committee to which section 5.23 of the Act applies.
   Council means the Council of the City of Bayswater;
   Local Government means the City of Bayswater;
   Mayor means the Mayor of the Local Government or other Presiding Member at a Council meeting under section 5.6 of the Act;
   meeting means a meeting of the Council or a Committee, as the context requires;
   Member has the meaning given to it in the Act;
   Officer means a person employed by the Local Government under section 5.36 of the Act;
   Presiding Member means—
      (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
      (b) in respect of a Committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;
   Regulations means the Local Government (Administration) Regulations 1996;
   simple majority means more than 50% of the Members present and voting; and
   substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.
(2) Unless otherwise defined in this local law, the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

1.5 Repeal
This local law repeals the City of Bayswater Standing Orders Local Law 2013 as published in the Government Gazette on 13 June 2013.

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 of the Act, in convening a special meeting of the Council.
(3) Where, in the opinion of the Mayor, the CEO or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.
3.4 **Calling Committee meetings**  
The CEO is to call a meeting of any Committee when requested by the Mayor, the Presiding Member of a Committee or any two Members of that Committee.

3.5 **Public notice of meetings**  
Public notice of meetings is dealt with in the Regulations.

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**PART 4—PRESIDING MEMBER AND QUORUM**

*Division 1—Who presides*

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

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

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

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

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

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

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

*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 30 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.

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**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 Council.

   (2) No business is to be transacted at a Committee meeting open to the public other than that specified in the agenda of the Committee.

   (3) 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.

   (4) Subject to subclause (5), no business is to be transacted at an adjourned meeting of the Council or a Committee meeting open to the public other than that—

      (a) specified in the notice of the meeting which had been adjourned; and
      
      (b) which remains unresolved.
(5) Where a meeting is adjourned to the next ordinary meeting of the Council, 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 then the order of business at any ordinary meeting of the Council is to be as follows—

1. Official Opening
2. Acknowledgment of Country
3. Announcements from the Presiding Member
4. Attendance
   4.1 Apologies
   4.2 Approved leave of absence
   4.3 Applications for leave of absence
5. Declaration of interest
6. Public Question Time
   6.1 Response to previous public questions taken on notice
   6.2 Public question time
7. Confirmation of minutes
8. Presentations
   8.1 Petitions
   8.2 Presentations
   8.3 Deputations
   8.4 Delegates’ reports
9. Method of dealing with agenda business
10. Reports
11. Motions of which previous notice has been given
12. Questions from Members without notice
13. New business of an urgent nature introduced by decision of the meeting
14. Meeting closed to public
   14.1 Matters for which the meeting may be closed
   14.2 Public reading of resolutions that may be made public
15. 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) The CEO—
   (a) may, with the concurrence of the Mayor, 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.

(4) 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.

(5) If a notice of motion is given and lapses under subclause (4), 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.

(6) An amendment, other than a minor amendment, to a motion of which notice has been given is not to be considered at a meeting unless written notice of the amendment is received by the CEO no later than 12:00pm on the last working day proceeding the day of the meeting.

(7) For the purpose of subclause (6) the Presiding Member—
   (a) is to determine whether an amendment is a minor amendment; and
   (b) is to make that determination on the basis that a minor amendment is one which, in his or her opinion, does not alter the basic intent of the primary motion.
5.4 New business of an urgent nature
(1) In cases of extreme urgency or other special circumstances, matters may, on a motion that is raised by a Member and 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 or the CEO, or Member moving a motion referred to in clause 5.4(1) to be of such importance and urgency that such matters 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.
(3) Before debate begins on a matter under this clause the Presiding Member may ask the CEO or the CEO’s nominee to give a verbal report to the meeting.
(4) The minutes of the meeting are to include—
(a) a summary of any verbal report and any recommendations of the CEO or the CEO’s nominee; and
(b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO’s nominee.

5.5 Adoption by exception resolution
(1) In this clause ‘adoption by exception resolution’ means a resolution of the Council or a Committee that has the effect of adopting, for a number of specifically identified reports, the Officer’s recommendation as the Council or Committee resolution.
(2) Subject to subclause (3), the Local Government may pass an adoption by exception resolution.
(3) An adoption by exception resolution may not be used for a matter—
(a) that requires a 75% majority or a special majority;
(b) in which an interest has been disclosed;
(c) that has been the subject of a petition or deputation;
(d) that is a matter on which a Member wishes to make a statement; or
(e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

PART 6—PUBLIC PARTICIPATION

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

6.2 Meetings not open to the public
(1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
(2) The Council or a Committee meeting that is open to the public, may in one or more of the circumstances dealt with in the Act, at any time, by resolution, decide to close the meeting or part of the 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;
(iv) any other person specified in a resolution; 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) A resolution under this clause may be made without notice.
(6) Unless the Council or the Committee resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council or the Committee 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 member of the public who raises a question is to ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except so far as may be necessary to explain the question.

(3) A question may be taken on notice for later response.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) The Council or a Committee meeting open to the public, 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 or a Committee open to the public, 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 or a Committee open to the public 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.

(2) Upon receipt of a request for a deputation the CEO must refer the request to the relevant decision making forum, either Council or a Committee, to decide by simple majority whether or not to receive the deputation.

(3) Deputations in relation to a decision which requires absolute or special majority should be made to Council, in all other circumstances Deputations should be referred to the forum making the final decision on the matter.

(4) Unless Council or the Committee meeting resolves otherwise, a deputation invited to attend the meeting is not to address the meeting for a period exceeding 5 minutes.

(5) Unless given leave by the Presiding Member, only two members of the deputation may address the meeting, although others may respond to specific questions from Members.

(6) For the purposes of this clause, unless Council or the Committee resolves otherwise, a deputation is taken to comprise all those people either in favour of, or opposed to, the matter which is the subject of the deputation.

(7) Unless Council or the Committee resolves otherwise, any matter which is the subject of a deputation to the Council or a Committee open to the public is not to be decided by Council or the Committee until the deputation has completed its presentation.

(8) The Presiding Member may require deputations to leave the meeting while other deputations are being heard in relation to that matter.

6.10 Petitions

(1) A petition is to—
   (a) be addressed to the Mayor or to Council or the Local Government;
   (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 Council meeting or a Committee meeting open to the public, the meeting 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 or Committee 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 both the CEO and the Presiding Member.

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) A Member may attend, as an observer, any meeting of a Committee of which he or she is not a Member or the deputy of a Member.

(4) The Presiding Member of a Committee may allow a person to make an oral submission to the Committee for up to 5 minutes.

(5) 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.

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

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

(8) Subclause (2) does not apply in the case of a deputation to a Committee meeting open to the public received under clause 6.9.

6.13 Council or Committee may meet to hear public submissions
(1) Where an item on the agenda at a Council meeting or a Committee meeting open to the public, is contentious the Council or Committee may resolve to meet at another time to provide a greater opportunity to be heard.

(2) The CEO and the Mayor shall set the time and date of the meeting to provide the opportunity to be heard.

(3) Where the Council or Committee 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 or Committee 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 or Committee 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 5 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member or by resolution or Council or the committee.

(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 or Committee meeting open to the public (whichever is relevant) summarising each submission made at the meeting.

(9) The Council or a Committee meeting open to the public 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 61 Broun Avenue, Morley WA 6062 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 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 grants permission under subclause (1), the Presiding Member is to advise the meeting, before the recording is commenced, that the recording is permitted and the 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 or an Officer.

(2) A person addressing the Council or a Committee meeting shall extend due courtesy and respect to Members and Officers 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 is not switched on or used during any meeting of the Council or a Committee.

(5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.

(6) If after being warned, the person again acts contrary to this clause, or to this local law; or a person refuses or fails to comply with a direction by the Presiding Member the Presiding Member may expel the person from the meeting by ordering him or her to leave the meeting room.

(7) A person who is ordered to leave the meeting room and fails to do so may, by order of the Presiding Member be removed from the meeting room and, if the Presiding Member orders, from the premises.

PART 7—QUESTIONS BY MEMBERS

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

(2) Member requesting general information from an Officer at a Council meeting or a Committee 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; 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 by ward, a position at the Council table to each Member.
(2) Each Member is to occupy his or her allotted position at each Council meeting and at each Committee meeting open to the public.

8.2 Titles to be used
A speaker, when referring to the Mayor, Deputy Mayor 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 or a Committee meeting, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

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

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; 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 or a Committee meeting open to the public 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 or a Committee meeting open to the public, 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.

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 (see Part 16).

8.14 Adverse reflection
(1) A Member is not to reflect adversely on a decision of the Council or a Committee except on a motion that the decision be revoked or changed (see 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.

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 to stop speaking on the applicable item until—

(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,
   (c) 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 (see 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
The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

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

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

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

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

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

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

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

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

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

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

(3) The right of the reply may only be exercised—

(a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or

(b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.

(4) After the mover of the substantive motion has commenced the reply—

(a) no other Member is to speak on the question;

(b) there is to be no further discussion on, or any further amendment to, the motion.

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

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

PART 11—PROCEDURAL MOTIONS

11.1 Permissible procedural motions
In addition to the right to move an amendment to a substantive motion (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 item be referred or 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 item be referred to a Council or a Committee meeting; and

(h) that the meeting be closed to the public (see clause 6.2).

11.2 No debate
(1) The mover of a motion specified in paragraph (a), (b), (c), (f), (g) or (h) 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 Item to be referred or adjourned
(1) A motion “that the item be referred or adjourned” is to state the person or body to which the item is to be referred; and
(2) A motion “that the item be adjourned” 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 (see 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.
(2) If the motion “that the question be now put” is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
(3) This motion, if lost, causes debate to continue.

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

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

PART 12—DISCLOSURE OF INTERESTS

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

PART 13—VOTING

13.1 Question—when put
(1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member—
(a) is to put the question to the Council or Committee; 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 a show of hands or any other way agreed by the Council; 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) For every vote on a substantive motion, the CEO is to cause to be recorded in the minutes—
   (a) the name of each Member who voted; and
   (b) whether he or she voted in the affirmative or negative.
(4) Subclause (3) does not apply in the event that the vote is unanimous and the CEO causes this to be recorded in the minutes.

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 of the Regulations, the minutes of a Council or Committee meeting are to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

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 or a Committee 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 or the Committee.
(2) At the next ordinary meeting of the Council or the Committee, 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 apply when the debate is resumed.

PART 16—REVOKING, CHANGING OR IMPLEMENTING DECISIONS

16.1 Requirements to revoke or change decisions
The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.
16.2 Limitations on powers to revoke or change decisions
(1) Subject to subclause (2), the Council or a Committee is not to consider a motion to revoke or change a decision—
   (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
   (b) where the decision is procedural in its form or effect.
(2) The Council or a Committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

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

PART 17—SUSPENSION OF LOCAL 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 these Standing Orders,
the Presiding Member is to decide questions relating to the conduct of the meeting.
(2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

17.3 Cases not provided for in Local Laws
(1) The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this local law, the Act or the Regulations are silent.
(2) The decision of the Presiding Member under subclause (1) 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: 30 August 2018.
The Common Seal of the City of Bayswater was affixed by the authority of a resolution of Council in the presence of—

DAN BULL, Mayor.
ANDREW BRIEN, Chief Executive Officer.