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LOCAL GOVERNMENT ACT 1995

SHIRE OF EXMOUTH

**MEETING PROCEDURES
LOCAL LAW 2015**

PARKING LOCAL LAW 2015

LOCAL GOVERNMENT ACT 1995

SHIRE OF EXMOUTH

MEETING PROCEDURES LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Exmouth resolved on 19 February 2015 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Exmouth Meeting Procedures Local Law 2015*.

1.2 Commencement

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

1.3 Interpretation

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

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

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

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer of the local government;

committee means a committee of the Council established under section 5.8 of the Act;

committee meeting means a meeting of a committee;

Council means the Council of the local government;

local government means the Shire of Exmouth;

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

member has the meaning given to it in the Act;

Minister means the Minister for Local Government;

President means the President of the local government or other presiding member at a Council meeting under section 5.6 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.

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 President or at least one-third of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

The CEO is to call a meeting of any committee when requested by the President, the presiding member of a committee or any two members of that committee.

3.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

PART 4—PRESIDING MEMBER AND QUORUM

Division 1: Who presides

4.1 Who presides

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

4.2 When the Deputy President can act

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

4.3 Who acts if no President

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

4.4 Election of presiding members of committees

The election of presiding members of committees and their deputies is dealt with in the Act.

4.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

4.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

4.7 Who acts if no presiding member

Who acts if no presiding member is dealt with in the Act.

*Division 2—Quorum***4.8 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

4.9 Reduction of quorum for Council meetings

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

4.10 Reduction of quorum for committee meetings

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

4.11 Procedure where no quorum to begin a meeting

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

4.12 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present, the presiding member is—

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the presiding member is to adjourn the meeting to some future time or date.

4.13 Names to be recorded

At any meeting—

- (a) at which there is not a quorum present; or
- (b) which is adjourned for want of a quorum,

the names of the members then present are to be recorded in the minutes.

PART 5—BUSINESS OF A MEETING**5.1 Business to be specified**

(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding member or the Council.

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that—

- (a) specified in the notice of the meeting which had been adjourned; and
- (b) which remains unresolved.

(4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports under Items 11 and 12 at that ordinary meeting.

5.2 Order of business

(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—

1. Declaration of opening and announcement of visitors
2. Record of attendance, apologies and approved leave of absence
3. Response to previous public questions taken on notice
4. Public questions time
5. Declarations of interest
6. Applications for leave of absence
7. Confirmation of minutes of previous meetings
8. Announcements by presiding person
9. Petitions, deputations, presentations and submissions
10. Method of dealing with agenda business
11. Reports of Elected Members
 - 11.1. Shire Presidents Report
 - 11.2. Elected members
12. Reports
 - 12.1. Reports of committees
 - 12.2. Reports of Officers

13. Elected Members motions of which previous notice has been given
 14. New business of an urgent nature introduced by decision of meeting
 15. Meeting closed to the public
 - 15.1. Matters to be considered behind closed doors
 - 15.2. Public reading of resolutions that may be made public
 16. Closure of meeting
- (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 8 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.
- (4) The CEO—
- (a) may, with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;
 - (b) will inform members on each occasion that a notice has been excluded and the reasons for that exclusion;
 - (c) may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
 - (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless—
- (a) the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

5.4 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the presiding member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), *cases of extreme urgency or other special circumstances* means matters that have arisen after the preparation of the agenda that are considered by the presiding member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting.

5.5 Adoption by exception resolution

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

PART 6—PUBLIC PARTICIPATION

6.1 Meetings generally open to the public

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

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.

- (3) If a resolution under subclause (2) is carried—
- (a) the presiding member is to direct everyone to leave the meeting except—
 - (i) the members;
 - (ii) the CEO; and
 - (iii) any officer specified by the presiding member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the presiding member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a member to be included in the minutes.

6.3 Question time for the public

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

6.4 Question time for the public at certain meetings

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

6.5 Minimum question time for the public

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

6.6 Procedures for question time for the public

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

6.7 Other procedures for question time for the public

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

6.8 Distinguished visitors

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

6.9 Deputations

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

- (2) The CEO may either—
- (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting—
- (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from members;
 - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,
 - (c) additional members of the deputation may be allowed to speak with the leave of the presiding member.
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.10 Petitions

- (1) A petition is to—
- (a) be addressed to the President;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the local government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
- (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

6.11 Presentations

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

6.12 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who—
- (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) Without the consent of the presiding member, no person is to address a committee meeting.
- (3) The presiding member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (4) A person addressing the committee with the consent of the presiding member is to cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) The CEO and the President shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the presiding member shall—
- (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
 - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
 - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.

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

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

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

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

(8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.

(9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

6.14 Public inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the offices of the local government.

6.15 Confidentiality of information withheld

(1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be—

(a) identified in the agenda of a Council meeting under clause 5.2 'Matters to be considered behind closed doors';

(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 written permission of the presiding member.

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

6.17 Prevention of disturbance

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

(2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the presiding member.

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

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

PART 7—QUESTIONS BY MEMBERS

7.1 Questions by members

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

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

(3) Where possible the officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the officer may ask that—

(a) the question be placed on notice for the next meeting of Council; and

(b) the answer to the question be given to the member who asked it within 14 days.

(4) Every question and answer—

(a) is to be brief and concise; and

(b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.

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

PART 8—CONDUCT OF MEMBERS**8.1 Members to be in their proper places**

- (1) At the first meeting held after each election day, the CEO is to allot, alphabetically a position at the Council table to each member.
- (2) Each member is to occupy his or her allotted position at each Council meeting.

8.2 Respect to the presiding member

After the business of a Council has been commenced, a member is not to enter or leave the meeting without first paying due respect to the presiding member.

8.3 Titles to be used

A speaker, when referring to the president, deputy president or presiding member, or a member or officer, is to use the title of that person's office.

8.4 Advice of entry or departure

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

8.5 Members to indicate their intention to speak

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

8.6 Priority of speaking

- (1) Where 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.

8.7 Presiding member may take part in debates

The presiding member may take part in a discussion of any matter before the Council, subject to compliance with this local law.

8.8 Relevance

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

8.9 Speaking twice

A member is not to address the Council more than once on any motion or amendment except—

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

8.10 Duration of speeches

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

8.11 No speaking after conclusion of debate

A member is not to speak on any motion or amendment—

- (a) after the mover has replied; or
- (b) after the question has been put.

8.12 No interruption

A member is not to interrupt another member who is speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.13; or
- (d) to move a procedural motion that the member be no longer heard under clause 11(1)(e).

8.13 Personal explanations

(1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking is to indicate to the presiding member his or her intention to make a personal explanation.

(2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech 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.

8.14 No reopening of discussion

A member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed.

8.15 Adverse reflection

(1) A member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed.

(2) A member is not—

(a) to reflect adversely on the character or actions of another member or officer; or

(b) to impute any motive to a member or officer,

unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.

(3) A member is not to use offensive or objectionable expressions in reference to any member, officer or other person.

(4) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes—

(a) the presiding member is to cause the words used to be taken down and read to the meeting for verification; and

(b) the Council may, by resolution, decide to record those words in the minutes.

8.16 Withdrawal of offensive language

(1) A member who, in the opinion of the presiding member, uses an expression which—

(a) in the absence of a resolution under clause 8.15—

(i) reflects adversely on the character or actions of another member or 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 to preserve strict silence so that the presiding member may be heard without interruption.

(3) Subclause (2) is not to be used by the presiding member to exercise the right provided in clause 8.7, but to preserve order.

9.2 Point of order

(1) A member may object, by way of a point of order, only to a breach of—

(a) any of this local law; or

(b) any other written law.

(2) Despite anything in this local law to the contrary, a point of order—

(a) takes precedence over any discussion; and

(b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order

(1) A member who is addressing the presiding member is not to be interrupted except on a point of order.

(2) A member interrupted on a point of order is to remain silent until—

(a) the member raising the point of order has been heard; and

(b) the presiding member has ruled on the point of order,

and, if permitted, the member who has been interrupted may then proceed.

9.4 Calling attention to breach

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

9.5 Ruling by the presiding member

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

9.6 Continued breach of order

If a member—

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the presiding member under clause 9.5(3),

the presiding member may direct the member to refrain from taking any further part in the debate of that item, 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 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.

10.4 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.

10.5 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.

10.6 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.

10.7 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.

10.8 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.

10.9 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.10 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.11 Relevance of amendments

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

10.12 Mover of motion may speak on amendment

Any member may speak during debate on an amendment.

10.13 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.

10.14 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.

10.15 Right of reply

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

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

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

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

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

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

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

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

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

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

PART 11—PROCEDURAL MOTIONS**11.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion under Part 10, a member may move the following procedural motions—

(a) that the meeting proceed to the next item of business;

(b) that the debate be adjourned;

(c) that the meeting now adjourn;

(d) that the question be now put;

(e) that the member be no longer heard;

(f) that the ruling of the presiding member be disagreed with;

(g) that the meeting be closed to the public under clause 6.2.

11.2 No debate

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

(2) The mover of a motion specified in paragraph (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Who may move

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

11.4 Procedural motions—right of reply on substantive motion

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

11.5 Meeting to proceed to the next business

The motion that the meeting proceed to the next business, if carried, has the effect that—

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

11.6 Debate to be adjourned

A motion that the debate be adjourned—

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

11.7 Meeting now adjourn

(1) A member is not to move or second more than one motion of adjournment during the same sitting of the Council.

(2) Before putting the motion for the adjournment of the Council, the presiding member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution under clause 5.5.

(3) A motion that the meeting now adjourn—

- (a) is to state the time and date to which the meeting is to be adjourned; and
- (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.

(4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the presiding member or the Council determines otherwise.

11.8 Question to be put

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

(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; and
- (b) if requested by any member, is to again state the terms of the question.

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

13.2 Voting

Voting is dealt with in the Act and the Regulations.

13.3 Majorities required for decisions

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

13.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the presiding member—
 - (a) is to put the question, first in the affirmative, and then in the negative;
 - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and,
 - (d) is, subject to this clause, to declare the result.
- (2) If a member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member of council or a committee specifically requests that there be recorded—
 - (a) his or her vote; or,
 - (b) the vote of all members present,

on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

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

14.3 Public inspection of unconfirmed minutes

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

14.4 Confirmation of minutes

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

PART 15—ADJOURNMENT OF MEETING**15.1 Meeting may be adjourned**

The Council may adjourn any meeting—

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law—

- (a) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.9 in relation to speaking twice apply when the debate is resumed.

PART 16—REVOKING OR CHANGING DECISIONS**16.1 Requirements to revoke or change decisions**

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

16.2 Limitations on powers to revoke or change decisions

(1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision—

- (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
- (b) where the decision is procedural in its form or effect.

(2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

16.3 Implementing a decision

(1) In this clause—

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

(2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.

(3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.

(4) A decision made at a meeting is not to be implemented by the CEO or any other person—

- (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
- (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.

(5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation—

- (a) is to take effect only in accordance with this clause; and
- (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

PART 17—SUSPENSION OF LOCAL LAW**17.1 Suspension of local law**

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

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

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

- (a) seconded; and
- (b) carried by an absolute majority,

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

17.2 Where local law does not apply

(1) In situations where—

- (a) one or more provisions of this local law have been suspended; or
- (b) a matter is not regulated by the Act, the Regulations or this local law,

the presiding member is to decide questions relating to the conduct of the meeting.

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

17.3 Cases not provided for in local law

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

PART 18—MEETINGS OF ELECTORS**18.1 Electors' general meetings**

Electors' general meetings are dealt with in the Act.

18.2 Matters for discussion at electors' general meetings

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

18.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

18.4 Requests for electors' special meetings

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

18.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

18.6 Who presides at electors' meetings

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

18.7 Procedure for electors' meetings

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

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

18.8 Participation of non-electors

A person who is not an elector of the local government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person 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 \$500.00.

19.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Dated: 19 February 2015.

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

Cr C. SHALES, President.
A. W. PRICE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF EXMOUTH

PARKING LOCAL LAW 2015

Under the powers conferred on it by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Exmouth resolved on 19 February 2015 to make this local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Exmouth Parking Local Law 2015*.

1.2 Commencement

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

1.3 Repeal

The Shire of Exmouth Local Law Relating to Parking and Parking Facilities published in the *Government Gazette* on 23 October 1998 is repealed.

1.4 Application

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

1.5 Definitions

In this local law—

Act means the *Local Government Act 1995*;

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

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

bay includes 'stall' and 'space';

bicycle has the meaning given to it in the Code;

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

bus has the meaning given to it in the Code;

bus embayment has the meaning given to it in the Code;

bus stop has the meaning given to it in the Code;

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

caravan has the meaning given to it in the *Caravan Parks and Camping Grounds Act 1995*, as amended;

carriageway means—

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

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

- (a) for a two-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or

- (b) in the absence of any such lines, marks or other indications—the middle of the main, travelled portion of the carriageway;

children's crossing has the meaning given to it in the Code;

CEO means the Chief Executive Officer of the local government;

Code means the *Road Traffic Code 2000*;

commercial vehicle—

- (a) means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers; and
- (b) includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

disability parking permit has the meaning given to it by the *Local Government (Parking for People with Disabilities) Regulations 2014*;

district means the district of the local government;

driver means any person driving or in control of a vehicle;

edge line for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;

emergency vehicle has the meaning given to it in the Code;

footpath has the meaning given to it in the Code;

GVM (which stands for 'gross vehicle mass') has the meaning given to it in the Code;

loading zone means a parking bay which is set aside for use by commercial vehicles if there is a sign referable to that bay marked 'loading zone';

local government means the Shire of Exmouth;

mail zone has the meaning given to it in the Code;

median strip has the meaning given to it in the Code;

motor cycle has the meaning given to it in the Code;

motor vehicle—

- (a) means a self-propelled vehicle that is not operated on rails; and
- (b) includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

nature strip has the meaning given to it in the Code;

no parking area has the meaning given to it in the Code;

no parking sign means a sign with—

- (a) the words 'no parking' in red letters on a white background; or
- (b) the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given to it in the Code;

no stopping sign means a sign with—

- (a) the words 'no stopping' or 'no standing' in red letters on a white background;
- (b) the words 'no stopping' or 'no standing' in white letters on a red background; or
- (c) the letter 'S' within a red annulus and a red diagonal line across it on a white background.

occupier has the meaning given to it in the Act;

owner—

- (a) where used in relation to a vehicle licensed under the *Road Traffic Act 1974*, means the person in whose name the vehicle has been registered under that Act;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

park has the meaning given to it in the Code;

parking area has the meaning given to it in the Code;

parking facilities includes—

- (a) land, buildings, shelters, parking stations, parking bays and other facilities open to the public generally for the parking of vehicles with or without charge; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

parking region means the area described in Schedule 1;

parking bay means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

parking station means any land, or structure provided for the purpose of accommodating vehicles with or without charge;

path has the same meaning given to it in the Code;

pedestrian crossing has the meaning given to it in the Code;

public bus has the meaning given to it in the Code;

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

reserve means any land—

- (a) which belongs to the local government;
- (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;

right of way means a portion of land that is—

- (a) shown and marked ‘Right of Way’ or ‘R.O.W’, or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a right of way and vested in the Crown under section 152 of the *Planning and Development Act 2005*; or
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*,

but does not include—

- (i) a private driveway; or
- (ii) a right of way created by easement between two parties;

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

Schedule means a Schedule to this local law;

shared zone has the meaning given to it in the Code;

sign includes a traffic sign, inscription, road marking, mark, structure or device on which may be shown words, numbers, expressions or symbols, that is—

- (a) approved by the local government; and
- (b) placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

special purpose vehicle has the meaning given to it in the Code;

stop has the meaning given to it in the Code;

symbol includes any symbol specified by Australian Standard 1742.11-1999 (Manual of uniform control devices, Part 11: Parking controls) and any symbol specified from time to time by Standards Australia for use in the regulation of parking, and any reference to the wording of any sign in this local law includes a reference to the corresponding symbol;

taxi means a taxi within the meaning of the *Taxi Act 1994*;

taxi zone has the meaning given to it in the Code;

thoroughfare has the meaning given to it by the Act;

traffic island has the meaning given to it in the Code;

trailer has the meaning given to it in the Code;

vehicle has the meaning given to it in the Road Traffic Act; and

verge has the same meaning as **nature strip**.

1.6 Application of particular definitions

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

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

1.7 Pre-existing signs

(1) A sign that—

- (i) was erected by the local government or the Commissioner of Main Roads before the commencement of this local law; and
- (ii) relates to the parking of vehicles within the parking region,

is to be deemed to have been erected by the local government under this local law.

(2) An inscription, word, number, expression or symbol on a sign referred to in subclause (1) operates and has effect according to its tenor.

(3) Where an inscription, word, number, expression or symbol on a sign referred to in subclause (1) relates to the stopping of vehicles, it is to be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.

1.8 Classes of vehicles

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

- (i) buses;
- (ii) commercial vehicles;
- (iii) motorcycles and bicycles;
- (iv) taxis; and
- (v) all other vehicles.

1.9 Part of thoroughfare to which sign applies

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

- (i) is beyond the sign;
- (ii) is between that sign and the next sign; and
- (iii) is on that side of the thoroughfare nearest to the sign.

1.10 Powers of the local government

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

PART 2—PARKING BAYS AND PARKING STATIONS

2.1 Determination of parking bays and parking stations

The local government may constitute, determine and indicate by signs—

- (i) parking bays;
- (ii) parking stations;
- (iii) permitted time and conditions of parking in parking bays and parking stations which may vary with the locality;
- (iv) permitted classes of vehicles which may park in parking bays and parking stations;
- (v) permitted classes of persons who may park in specified parking bays or parking stations; and
- (vi) the manner of parking in parking bays and parking stations.

2.2 Vehicles to be within parking bay on thoroughfare

(1) Subject to subclause (2), a person must not park a vehicle in a parking bay in a thoroughfare otherwise than—

- (i) where the parking bay is set out parallel to the kerb—parallel to and as close to the kerb as is practicable;
- (ii) wholly within the bay; and
- (iii) headed in the direction of the movement of traffic on the side of the thoroughfare in which the bay is situated.

(2) If a vehicle is too long or too wide to fit completely within a single parking bay then the person parking the vehicle must do so within the minimum number of parking bays needed to park that vehicle.

(3) A person must not park a vehicle partly within and partly outside a parking area.

2.3 Parking prohibitions and restrictions

(1) A person must not—

- (i) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
- (ii) except with the permission of the local government or an authorised person park a vehicle on any part of a parking station or parking bay contrary to a sign referable to that part;
- (iii) permit a vehicle to park on any part of a parking station or parking bay, if an authorised person directs the driver of the vehicle to move the vehicle; or
- (iv) park or attempt to park a vehicle in a parking bay in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a bay marked 'motorcycles only', if the bicycle is parked in accordance with subclause (2).

(2) A person must not park a bicycle—

- (i) in a parking bay other than in a bay marked 'motorcycles only'; and
- (ii) in such bay other than against the kerb.

(3) Despite subclause (1)(ii), a driver may park a vehicle in a bay that is in a parking area (except where it is in a parking area for people with a disability) for twice the length of time allowed if—

- (i) the driver's vehicle displays a disability parking permit; and
- (ii) a person with a disability to whom that disability parking permit relates is either the driver of, or a passenger in, the vehicle.

PART 3—PARKING GENERALLY**3.1 Restrictions on parking in particular areas**

(1) Subject to subclause (2), a person must not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—

- (i) if by a sign it is set apart for the parking of vehicles of a different class;
- (ii) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
- (iii) during any period when the parking of vehicles is prohibited by a sign.

(2) Subclause (3) applies to a driver if—

- (i) the driver's vehicle displays an disability parking permit; and
- (ii) a disabled person to whom the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.

(3) A driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period indicated on the sign.

(4) A person must not park a vehicle—

- (i) in a no parking area;
- (ii) in a parking area, except in accordance both with the signs relating to the parking area and with this local law;
- (iii) in a bay marked 'motorcycle only', unless the vehicle is a bicycle or a motorcycle without a sidecar or a trailer; or
- (iv) at any time in a right of way.

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

3.2 Event parking

(1) A sign may indicate that all or part of a parking station, road or public place is set aside, during the period indicated in the sign, for the parking of vehicles by persons attending a particular event.

(2) The local government may issue to a person a permit in respect of all or part of a parking station, road or public place for an event referred to in subclause (1).

(3) A person must not park or stop a vehicle, or permit a vehicle to remain parked, in any area that is set aside under subclause (1) unless the permit issued under subclause (2) for the relevant event is displayed inside the vehicle so that it is clearly visible to an authorised person examining the ticket from outside the vehicle.

3.3 Parking vehicle on a carriageway

(1) Unless otherwise permitted by a sign, a person parking a vehicle on a carriageway other than in a parking bay must park it—

- (i) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (ii) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (iii) so that at least 3 metres of the width of the carriageway lies between—
 - (1) the vehicle and the farther boundary of the carriageway, or any continuous dividing line or median strip; or
 - (2) between the vehicle and any part of a vehicle parked on the farther side of the carriageway;
- (iv) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
- (v) so that it does not obstruct any vehicle on the carriageway.

(2) In this clause, 'continuous dividing line' means—

- (i) a single continuous dividing line only;
- (ii) a single continuous dividing line to the left or right of a broken dividing line; or
- (iii) 2 parallel continuous dividing lines.

3.4 When parallel and right-angled parking apply

Where a sign relating to a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign relating to the parking area indicates, that vehicles have to park in a different position, where the parking area is—

- (i) adjacent to the boundary of a carriageway—a person parking a vehicle in the parking area must park it as near as practicable to and parallel with that boundary; and
- (ii) at or near the centre of the carriageway—a person parking a vehicle in that parking area must park it at approximately right angles to the centre of the carriageway.

3.5 When angle parking applies

(1) This clause does not apply to—

- (i) a passenger vehicle of over 3 tonnes;
- (ii) a commercial vehicle with a mass including any load, of over 3 tonnes; or
- (iii) a person parking either a motor cycle without a trailer or a bicycle.

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

3.6 General prohibitions on parking

(1) This clause does not apply to a vehicle parked in a parking bay or to a bicycle in a bicycle rack.

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

(3) Unless a sign indicates otherwise, a person must not park a vehicle so that any portion of the vehicle is—

- (i) between any other stationary vehicle and the centre of the carriageway;
- (ii) on or adjacent to a median strip;
- (iii) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
- (iv) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (v) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
- (vi) on any footpath or pedestrian crossing;
- (vii) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines;
- (viii) between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
- (ix) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (x) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
- (xi) within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is parked; or

(4) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of the approach site, or within 10 metres of the departure side, of—

- (i) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
- (ii) a children's crossing or pedestrian crossing.

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

3.7 Authorised person may order vehicle on thoroughfare to be moved

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

3.8 Authorised person may mark tyres

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

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

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

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

- (i) for the purpose of exposing it for sale;
- (ii) if that vehicle is not licensed under the Road Traffic Act;
- (iii) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (iv) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than the thoroughfare.

3.10 Parking on private land

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

- (i) which belongs to the local government;

- (ii) of which the local government is the management body under the *Land Administration Act 1997*;
 - (iii) which is an 'otherwise unvested facility' within section 3.53 of the Act;
 - (iv) which is the subject of an agreement referred to in clause 1.4(2).
- (2) A person must not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person must not park a vehicle on the land otherwise than in accordance with the consent.

3.11 Parking on reserves

Other than an employee of the local government in the course of his or her duties or a person authorised by the local government, a person must not drive or park a vehicle on or over any portion of a reserve other than upon an area specifically set aside for that purpose.

PART 4—STOPPING GENERALLY

4.1 No stopping

- (1) A driver must not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.
- (2) A driver must not stop at the side of a carriageway marked with a continuous yellow edge line.

4.2 No parking

- (1) A driver must not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver—
- (i) is dropping off, or picking up, passengers or goods;
 - (ii) does not leave the vehicle unattended; and
 - (iii) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.
- (2) For the purposes of subclause (1)—'unattended', in relation to a vehicle, means that the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle.

PART 5—STOPPING IN ZONES FOR PARTICULAR VEHICLES

5.1 Stopping in a loading zone

A person must not stop a vehicle in a loading zone unless it is—

- (i) a commercial vehicle engaged in the picking up or setting down of goods; or
- (ii) a motor vehicle taking up or setting down passengers,

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

- (iii) for longer than a time indicated on the 'loading zone' sign; or
- (iv) for longer than 30 minutes (if no time is indicated on the 'loading zone' sign).

5.2 Stopping in a taxi zone or a bus zone

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

5.3 Other limitations in zones

A person must not stop a vehicle in a zone to which a sign applies if stopping the vehicle would be contrary to any limitation with respect to the class of persons or vehicles, or the specific activity allowed, as indicated by additional words on the sign.

PART 6—OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 Stopping in a shared zone

A driver must not stop in a shared zone unless—

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

6.2 Double parking

- (1) A driver must not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.

(2) This clause does not apply to—

- (i) a driver stopped in traffic; or
- (ii) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

6.3 Stopping near an obstruction

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

6.4 Stopping on a bridge, etc.

A driver must not stop a vehicle on a bridge, causeway, ramp or similar structure unless—

- (i) the carriageway is at least as wide on the structure as it is on each of the approaches and a sign does not prohibit stopping; or
- (ii) the driver stops at a place on a length of carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place under this local law.

6.5 Stopping on crests, curves, etc.

A driver must not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle from a distance of 50 metres.

6.6 Stopping near a fire hydrant etc.

(1) A driver must not stop a vehicle so that any portion of the vehicle is within one metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless—

- (i) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
- (ii) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.

(2) For the purposes of subclause (1)—‘**unattended**’, in relation to a vehicle, means that the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle.

6.7 Stopping at or near a bus stop

(1) A driver must not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10m of the departure side of a bus stop, unless—

- (i) the vehicle is a public bus stopped to take up or set down passengers; or
- (ii) the driver stops at a place on a length of carriageway, or in an area, where the driver is permitted to stop at that place under this local law, whether by a sign or otherwise.

(2) In this clause, distances are measured in the direction in which the driver is driving.

6.8 Stopping on a path, median strip or traffic island

The driver of a vehicle (other than a bicycle or an animal) must not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver stops in a place where the driver is permitted to stop at that place under this local law, whether by a sign or otherwise.

6.9 Stopping on a verge

(1) A person must not—

- (i) stop a vehicle (other than a bicycle);
- (ii) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
- (iii) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the person if he or she is—

- (i) the owner or occupier of the premises immediately adjacent to that verge; or
- (ii) is authorised by the occupier of those premises to stop the vehicle so that any portion of it is on that verge.

(3) Subclause (1)(b) does not apply to a commercial vehicle if—

- (i) it is being loaded or unloaded with reasonable expedition with goods or merchandise collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked; and
- (ii) no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

6.10 Obstructing access to and from a path, driveway, etc.

(1) A driver must not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless—

- (i) the driver is dropping off, or picking up, passengers; or
- (ii) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law.

(2) A driver must not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless—

- (i) the driver is dropping off, or picking up, passengers; or
- (ii) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law.

6.11 Stopping on a carriageway—heavy and long vehicles

(1) Unless engaged in the picking up or getting down of goods, a person must not park, on a carriageway for any period exceeding one hour, a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 8 metres or more in length or exceeds a GVM of 4.5 tonnes.

(2) Nothing in this clause affects the operation of any other clause in this local law, or any other written law relating to the parking or stopping of vehicles.

6.12 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) must not stop on a length of carriageway to which a 'bicycle parking' sign applies, unless the driver is dropping off, or picking up, passengers.

6.13 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle must not stop on a length of carriageway, or in an area, to which a 'motor cycle parking' sign applies, or an area marked 'motorcycle only' unless—

- (a) the vehicle is a motor cycle; or
- (b) the driver is dropping off, or picking up, passengers.

PART 7—MISCELLANEOUS

7.1 Removal of notices on vehicle

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

7.2 Unauthorised signs and defacing of signs

A person must not without the authority of the local government—

- (i) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (ii) remove, deface or misuse a sign or property, set up or exhibited by the local government under this local law or attempt to do any such act; or
- (iii) affix a board, sign, placard, notice or other thing to or paint or write on any part of a sign set up or exhibited by the local government under this local law.

7.3 Signs must be complied with

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

7.4 General provisions about signs

(1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary, presumed to be a sign marked, erected, set up, established or displayed under the authority of this local law.

(2) The first three letters of any day of the week when used on a sign indicate that day of the week.

7.5 Special purpose and emergency vehicles

Despite anything to the contrary in this local law, the driver of—

- (1) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop or park the vehicle in any place and at any time; and
- (2) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop or park the vehicle at any place and at any time.

7.6 Vehicles not to obstruct a public place

(1) Without the permission of the local government or unless authorised under any written law a person must not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place.

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

PART 8—ENFORCEMENT

8.1 Legal proceedings

Evidentiary provisions relating to offences involving vehicles are contained in Division 2 of Part 9 of the Act.

8.2 Offences and penalties

- (1) A person who breaches a provision of this local law commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who commits an offence under this local law is to be liable, on conviction, to a penalty not less than \$250 and 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.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.3 Form of notices

For the purposes of this local law—

- (i) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 3;
- (ii) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 3;
- (iii) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in Schedule 3; and
- (iv) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 3.

SCHEDULE 1—PARKING REGION

[Clause 1.4]

The parking region is the whole of the district except—

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

SCHEDULE 2—PRESCRIBED OFFENCES

[Clause 8.2(4)]

Item No.	Clause No.	Nature of offence	Modified penalty \$
1	2.2(1)	Failure to park wholly within parking bay	60
2	2.2(3)	Failure to park wholly within parking area	60
3	2.3(1)(i)	Causing obstruction in parking station	80
4	2.3(1)(ii)	Parking contrary to sign in parking station	60
5	2.3(1)(iii)	Parking contrary to directions of authorised person	60
6	2.3(1)(iv)	Parking or attempting to park a vehicle in a parking bay occupied by another vehicle	60
7	3.1(1)(i)	Parking wrong class of vehicle	60
8	3.1(1)(ii)	Parking by persons of a different class	60
9	3.1(1)(iii)	Parking during prohibited period	80
10	3.1(4)(i)	Parking in no parking area	80
11	3.1(4)(ii)	Parking contrary to signs or limitations	60
12	3.1(4)(iii)	Parking vehicle in motor cycle only area	60
13	3.1(4)(iv)	Parking vehicle in a right of way	60
14	3.1(4)(v)	Parking vehicle in excess of maximum time	60
15	3.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	60
16	3.2(3)	Failure to display event parking permit	60
17	3.3(1)(i)	Failure to park on the left of two-way carriageway	80
18	3.3(1)(ii)	Failure to park on boundary of one-way carriageway	60
19	3.3(1)(i) or (ii)	Parking against the flow of traffic	80
20	3.3(1)(iii)	Parking when distance from farther boundary less than 3 metres	60

Item No.	Clause No.	Nature of offence	Modified penalty \$
21	3.3(1)(iv)	Parking closer than 1 metre from another vehicle	60
22	3.3(1)(v)	Causing obstruction	80
23	3.4(i) or (ii)	Failure to park at approximate right angle or parallel to carriageway	60
24	3.5(2)	Failure to park at an appropriate angle	60
25	3.6(3)(i)	Double parking	60
26	3.6(3)(ii)	Parking on or adjacent to a median strip	80
27	3.6(3)(iii)	Denying access to private drive or right of way	80
28	3.6(3)(iv)	Parking beside excavation or obstruction so as to obstruct traffic	80
29	3.6(3)(v)	Parking within 10 metres of traffic island	60
30	3.6(3)(vi)	Parking on footpath/pedestrian crossing	80
31	3.6(3)(vii) and (viii)	Parking contrary to continuous line markings	60
32	3.6(3)(ix)	Parking on intersection	60
33	3.6(3)(x)	Parking within 1 metre of fire hydrant or fire plug	80
34	3.6(3)(xi)	Parking within 10 metres of intersection	60
35	3.6(4)(i) or (ii)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	60
36	3.6(4)(i) or (ii)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	60
37	3.6(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	60
38	3.7	Parking contrary to direction of authorised person	60
39	3.8(2)	Removing mark of authorised person	80
40	3.9(i)	Parking in thoroughfare for purpose of sale	60
41	3.9(ii)	Parking unlicensed vehicle in thoroughfare	60
42	3.9(ii)	Parking a trailer/caravan on a thoroughfare	60
43	3.9(iv)	Parking in thoroughfare for purpose of repairs	80
44	3.10(2)	Parking on land that is not a parking facility without consent	80
45	3.10(3)	Parking on land not in accordance with consent	60
46	3.11	Driving or parking on reserve	60
47	4.1(1)	Stopping contrary to a 'no stopping' sign	80
48	4.1(2)	Stopping within continuous yellow lines	80
49	4.2(1)	Parking contrary to a 'no parking' sign	60
50	5.1	Stopping unlawfully in a loading zone	60
51	5.2	Stopping unlawfully in a taxi zone or bus zone	60
52	5.3	Stopping unlawfully in a mail zone	60
53	5.4	Stopping in a zone contrary to a sign	60
54	6.1	Stopping in a shared zone	60
55	6.3	Stopping near an obstruction	60
56	6.2	Double Parked	60
57	6.4	Stopping on a bridge or tunnel	60
58	6.5	Stopping on crests/curves etc	60
59	6.6	Stopping near fire hydrant	80
60	6.7	Stopping near bus stop	60
61	6.8	Stopping on path, median strip or traffic island	80
62	6.9	Stopping on verge	60
63	6.10	Obstructing path, a driveway etc	80
64	6.11	Stopping heavy or long vehicles on carriageway	60
65	6.12	Stopping in bicycle parking area	60
66	6.13	Stopping in motorcycle parking area	60
67	7.6	Leaving vehicle so as to obstruct a public place	80
		All other offences not specified	80

SCHEDULE 3—INFRINGEMENTS NOTICE FORMS

LOCAL GOVERNMENT ACT 1995

FORM 1

[Clause 8.3(i)]

PARKING LOCAL LAW 2015

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / /

To: (1).....
of: (2).....
It is alleged that on / / at (3).....
at (4)..... your vehicle—

make: ;
model: ;
registration:,

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

contrary to clause of the Parking Local Law.

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

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

- (a) within 28 days after being served with this notice;
(i) you inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
(ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

or

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

(5)

(6)

Insert—

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

SCHEDULE 3

LOCAL GOVERNMENT ACT 1995

FORM 2

[Clause 8.3(ii)]

PARKING LOCAL LAW 2015

INFRINGEMENT NOTICE

Serial No

Date / /

To: (1).....
of: (2).....
It is alleged that on / / at (3).....
at (4).....

in respect of vehicle—
make: ;
model: ;
registration:,

you committed the following offence—

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

contrary to clause of the **Parking Local Law**.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) within a period of 28 days after the giving of this notice.

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

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

(6)

(7)

Insert—

- (1) Name of alleged offender or ‘the owner’
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

SCHEDULE 3
LOCAL GOVERNMENT ACT 1995
FORM 3
 [Clause 8.3(iii)]
PARKING LOCAL LAW 2015
INFRINGEMENT NOTICE

Serial No

Date / /

To: (1).....

of: (2).....

It is alleged that on / / at (3)

at (4)

in respect of vehicle—

make:

model:

registration:

you committed the following offence—

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

contrary to clause of the **Parking Local Law**.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice—

- (a) you pay the modified penalty; or
- (b) you—
 - (i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
 - (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

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

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

- (6)
- (7)

Insert—

- (1) Name of owner or 'the owner'
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

SCHEDULE 3
LOCAL GOVERNMENT ACT 1995
FORM 4
 [Clause 8.3(iv)]
PARKING LOCAL LAW 2015
WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No

Date / /

To: (1)

of: (2)

Infringement Notice No. dated / /

in respect of vehicle—

make: ;

model: ;

registration: ,

for the alleged offence of

.....

.....

has been withdrawn.

The modified penalty of \$
 has been paid and a refund is enclosed.
 has not been paid and should not be paid.
 delete as appropriate.

- (3)
- (4)

Insert—

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

Dated: 19 February 2015.

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

Cr C. SHALES, President.
 A. W. PRICE, Chief Executive Officer.