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# **SHIRE OF MOORA**

**LOCAL LAWS**

**ACTIVITIES IN THOROUGHFARES AND PUBLIC  
PLACES AND TRADING LOCAL LAW 2016**

**DOGS LOCAL LAW 2016**

**FENCING LOCAL LAW 2016**

**GENERAL AMENDMENT LOCAL LAW 2016**

**HEALTH LOCAL LAW 2016**

**LOCAL GOVERNMENT (COUNCIL MEETINGS)  
LOCAL LAW 2016**

**WASTE LOCAL LAW 2016**



**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF MOORA

**ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES  
AND TRADING LOCAL LAW 2016**

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## LOCAL GOVERNMENT ACT 1995

## SHIRE OF MOORA

ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES  
AND TRADING LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Moora resolved on 7 December 2016 to make the following local law.

## PART 1—PRELIMINARY

## 1.1 Citation

This local law may be cited as the *Shire of Moora Activities in Thoroughfares and Public Places and Trading Local Law 2016*.

## 1.2 Commencement

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

## 1.3 Definitions

In this local law unless the context otherwise requires—

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

**applicant** means a person who applies for a permit;

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

**built-up area** has the meaning given to it in the *Road Traffic Code 2000*;

**bulk rubbish container** means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government's regular domestic rubbish collection service;

**carriageway** has the meaning given to it in the *Road Traffic Code 2000*;

**CEO** means the chief executive officer of the local government;

**commencement day** means the day on which this local law comes into operation;

**Council** means the council of the local government;

**crossing** means a crossing giving access from a public thoroughfare to—

- (a) private land; or
- (b) a private thoroughfare serving private land;

**district** means the district of the local government;

**footpath** has the meaning given to it in the *Road Traffic Code 2000*;

**garden** means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

**intersection** has the meaning given to it in the *Road Traffic Code 2000*;

**kerb** includes the edge of a carriageway;

**lawn** means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

**liquor** has the meaning given to it in section 3 of the *Liquor Control Act 1988*;

**local government** means the Shire of Moora;

**local government property** means anything except a thoroughfare—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

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

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

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

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

**permit** means a permit issued under this local law;

**permit holder** means a person who holds a valid permit;

**person** does not include the local government;

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

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

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

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

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

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

**townsite** means the townsites of Moora, Watheroo, Miling, Bindi Bindi and Coomberdale which have been—

- (a) constituted under section 26(2) of the *Land Administration Act 1997*, or
- (b) referred to in clause 37 of Schedule 9.3 of the Act;

**vehicle** includes—

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes—

- (c) a wheel-chair or any device designed for use by a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device; and
- (e) a shopping trolley

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

#### 1.4 Application

This local law applies throughout the district.

#### 1.5 Repeal

(1) The following local laws are repealed—

The Shire of Moora By-laws Relating to Stalls and Hawkers published in the *Government Gazette* on 19 March 1982 are repealed.

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

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

## PART 2—ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES

### *Division 1—General*

#### 2.1 General prohibitions

A person shall not—

- (a) plant any plant (except grasses or a similar plants) within 6m of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless—
  - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
  - (ii) the person is acting under the authority of a written law;
- (c) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2m of a carriageway;



- (d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare; or
- (g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, skateboard, rollerblades or similar device.

## 2.2 Activities allowed with a permit—general

- (1) A person shall not, without a permit—
- (a) dig or otherwise create a trench through or under a kerb or footpath;
  - (b) subject to Division 3 of this Part, throw, place or deposit anything on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government;
  - (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
  - (d) cause any obstruction to a water channel or a water course in a thoroughfare;
  - (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
  - (f) damage a thoroughfare;
  - (g) light any fire or burn anything on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 5.13;
  - (h) fell any tree onto a thoroughfare;
  - (i) unless installing, or in order to maintain, a permissible verge treatment—
    - (i) lay pipes under or provide taps on any verge; or
    - (ii) place or install anything on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
  - (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
  - (k) on a public place use anything or do anything so as to create a nuisance;
  - (l) place or cause to be placed on a thoroughfare a bulk rubbish container; or
  - (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

## 2.3 No possession and consumption of liquor on thoroughfare

- (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless—
- (a) that is permitted under the *Liquor Control Act 1988* or under another written law; or
  - (b) the person is doing so in accordance with a permit.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

### *Division 2—Vehicle crossing*

#### Subdivision 1—Temporary crossings

## 2.4 Permit required

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where—
- (a) a crossing does not exist; or
  - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The person responsible for the works in subclause (1) is to be taken to be—
- (a) The person named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or
  - (b) the registered proprietor of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.
- (3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

## Subdivision 2—Redundant vehicle crossings

**2.5 Removal of redundant crossing**

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

(2) The local government may give written notice to the owner or occupier of a lot requiring her or him to—

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

*Division 3—Verge treatments*

## Subdivision 1—Preliminary

**2.6 Interpretation**

In this Division, unless the context otherwise requires—

***acceptable material*** means any of the following materials;

- (a) brick, concrete, stone other hard preformed paving materials;
- (b) bitumen;
- (c) cement-based materials, including concrete and poured limestone, and
- (d) synthetic turf.

**2.7 Application**

This Division only applies to a townsite.

## Subdivision 2—Permissible verge treatments

**2.8 Permissible verge treatments**

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

(2) The permissible verge treatments are—

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

**2.9 Only permissible verge treatments to be installed**

(1) A person shall not install or maintain a verge treatment which is not a permissible verge treatment.

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

**2.10 Obligations of owner or occupier**

An owner or occupier who installs or maintains a permissible verge treatment shall—

- (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
- (b) not place any obstruction on or around the verge treatment; and
- (c) not disturb a footpath on the verge.

**2.11 Notice to owner or occupier**

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

## Subdivision 3—Existing verge treatments

**2.12 Transitional provision**

(1) In this clause—

*former provisions* mean the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.

(2) A verge treatment which—

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

## Subdivision 4—Public works

**2.13 Power to carry out public works on verge**

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority—

- (a) is not liable to compensate any person for that disturbance;
- (b) may backfill with sand, if necessary, any garden or lawn; and
- (c) is not liable to replace or restore any—
  - (i) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or
  - (ii) sprinklers, pipes or other reticulation equipment.

*Division 4—Property numbers*

## Subdivision 1—Preliminary

**2.14 Interpretation**

In this Division, unless the context requires otherwise—

*number* means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

## Subdivision 2—Assignment and marking of numbers

**2.15 Assignment of numbers**

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

*Division 5—Fencing***2.16 Public place—Item 4(1) of Division 1, Schedule 3.1 of Act**

The following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act—

- (a) a public place, as that term is defined in clause 1.2; and
- (b) local government property.

*Division 6—Signs erected by the local government***2.17 Signs**

(1) A local government may erect a sign on a public place specifying any conditions of use which apply to that place.

(2) A person shall comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

**2.18 Transitional**

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.17 if—

- (a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and
- (b) the condition of use specified is not inconsistent with any provision of this local law.

*Division 7—Driving on a closed thoroughfare***2.19 No driving on closed thoroughfare**

- (1) A person shall not drive or take a vehicle on a closed thoroughfare unless—
- that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
  - the person has first obtained a permit.
- (2) In this clause—
- closed thoroughfare** means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

**PART 3—ADVERTISING SIGNS ON THOROUGHFARES***Division 1—Preliminary***3.1 Interpretation**

In this Part, unless the context otherwise requires—

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

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

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

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

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

*Division 2—Permit***3.2 Advertising signs and portable direction signs**

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

**3.3 Matters to be considered in determining application for permit**

In determining an application for a permit for the purpose of clause 3.2(1), the local government is to have regard to—

- any other written law regulating the erection or placement of signs within the district;
- the dimensions of the sign;
- other advertising signs already approved or erected in the vicinity of the proposed location of the sign;
- whether or not the sign will create a hazard to persons using a thoroughfare; and
- the amount of the public liability insurance cover, if any, to be obtained by the applicant.

*Division 3—Conditions on permit***3.4 Conditions on portable sign**

If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions—

- the portable sign shall—
  - not exceed 1m in height;
  - not exceed an area of 1m<sup>2</sup> on any side;
  - relate only to the business activity described on the permit;
  - contain letters not less than 200mm in height;

- (v) not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
  - (vi) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
  - (vii) be secured in position in accordance with any requirements of the local government;
  - (viii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
  - (ix) be maintained in good condition; and
- (b) no more than one portable sign shall be erected in relation to the one building or business.

### 3.5 Conditions on election sign

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

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

## PART 4—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

### *Division 1—Animals and vehicles*

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

- (1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorised to do so under a written law.
- (2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

#### 4.2 Prohibitions relating to animals

- (1) In subclause (2), owner in relation to an animal includes—
- (a) an owner of it;
  - (b) a person in possession of it;
  - (c) a person who has control of it; and
  - (d) a person who ordinarily occupies the premises where the animal is permitted to stay.
- (2) An owner of an animal shall not—
- (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
  - (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
  - (c) train or race the animal on a thoroughfare.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

### *Division 2—Shopping trolleys*

#### 4.3 Interpretation

In this Division—

**retailer** means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop; and

**shopping trolley** means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

#### 4.4 Shopping trolley to be marked

A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

#### 4.5 Person not to leave trolley in public place

A person shall not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys.

#### 4.6 Retailer to remove abandoned trolley

(1) If a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, the local government may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.

(2) A retailer shall remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer—

- (a) requests the local government to collect and deliver the shopping trolley to the retailer; and
- (b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the local government.

#### 4.7 Retailer taken to own trolley

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

### PART 5—ROADSIDE CONSERVATION

#### *Division 1—Preliminary*

##### 5.1 Interpretation

In this Part—

**MRWA** means Main Roads Western Australia;

**protected flora** has the meaning given to it in section 6(1) of the *Wildlife Conservation Act 1950*;

**rare flora** has the meaning given to it in section 23F of the *Wildlife Conservation Act 1950*;

**Roadside Conservation Committee** means the Roadside Conservation Committee appointed by the Minister for Environment;

**special environmental area** means an area designated as such under clause 5.7.

##### 5.2 Application

This Part does not apply to a townsite.

#### *Division 2—Flora roads*

##### 5.3 Declaration of flora road

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

##### 5.4 Construction works on flora roads

Construction and maintenance work carried out by the local government on a flora road is to be in accordance with the 'Handbook of Environmental Practice for Road Construction and Road Maintenance Works' prepared by the Roadside Conservation Committee.

##### 5.5 Signposting of flora roads

The local government may signpost flora roads with the standard MRWA 'flora road' sign.

##### 5.6 Driving only on carriageway of flora roads

(1) A person driving or riding a vehicle on a flora road shall only drive or ride the vehicle on the carriageway.

(2) Subclause (1) does not apply where—

- (a) conditions on the thoroughfare do not reasonably permit a vehicle to remain on the carriageway;
- (b) there is no carriageway; or
- (c) an exemption from the application of subclause (1) has been obtained from the local government.

#### *Division 3—Special environmental areas*

##### 5.7 Designation of special environmental areas

The local government may designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which—

- (a) has protected flora or rare flora; or
- (b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

**5.8 Marking of special environmental areas**

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

*Division 4—Planting in thoroughfares***5.9 Permit to plant**

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

**5.10 Relevant considerations in determining application**

In determining an application for a permit for the purpose of clause 5.9, the local government is to have regard to—

- (a) existing vegetation within that part of the thoroughfare in which the planting is to take place; and
- (b) the diversity of species and the prevalence of the species which are to be planted or sown.

*Division 5—Clearance of vegetation***5.11 Permit to clear**

A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1m of that person's land without first obtaining a permit and any other approvals which may be required under any written law.

**5.12 Application for permit**

In addition to the requirements of clause 7.1(2), a person making an application for a permit for the purpose of clause 5.11 shall submit a sketch plan clearly showing the boundary of the person's land and the portions of the thoroughfare joining that person's land which are to be cleared.

*Division 6—Fire management***5.13 Permit to burn thoroughfare**

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

**5.14 Application for permit**

In addition to the requirements of clause 7.1(2), an application for a permit for the purposes of clause 5.13 shall—

- (a) include a sketch plan showing the portions of a thoroughfare which are proposed to be burned; and
- (b) advise of the estimated fire intensity and the measures to be taken to protect upper storey vegetation from the burn.

**5.15 When application for permit can be approved**

The local government may approve an application for a permit for the purpose of clause 5.13 only if the burning of the particular part of the thoroughfare will—

- (a) reduce a fire hazard and alternative means of reducing that hazard, such as slashing or the use of herbicides, are considered by the local government to be not feasible or more detrimental to native flora and fauna than burning; or
- (b) in the opinion of the local government, be beneficial for the preservation and conservation of native flora and fauna.

**5.16 Prohibitions on burning**

Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 5.13 is not to be approved by the local government—

- (a) for burning between 31 August and 1 May of the following year where the intensity of the burn could damage native flora and fauna; or
- (b) in any year to any person for any part of a thoroughfare which is on the opposite side of the carriageway to that portion of the thoroughfare for which a permit to burn has been approved in the same year.

*Division 7—Firebreaks***5.17 Permit for firebreaks on thoroughfares**

A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

**5.18 When application for permit cannot be approved**

(1) The local government is not to approve an application for a permit for the purpose of clause 5.17 where the thoroughfare is less than 20m wide.

(2) Subclause (1) does not apply where the firebreak is, in the opinion of the local government, desirable for the protection of roadside vegetation.

*Division 8—Commercial wildflower harvesting on thoroughfares***5.19 General prohibition on commercial wildflower harvesting**

Subject to clause 5.20, a person shall not commercially harvest native flora on a thoroughfare.

**5.20 Permit for revegetation projects**

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

**PART 6—TRADING IN THOROUGHFARES AND PUBLIC PLACES***Division 1—Stallholders and traders*

## Subdivision 1—Preliminary

**6.1 Interpretation**

In this Division, unless the context otherwise requires—

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

**public place** includes—

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
- (b) local government property;

but does not include premises on private property from which trading is lawfully conducted under a written law.

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

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

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

**trader** means a person who carries on trading;

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

**trading** includes—

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



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

#### Subdivision 2—Permits

##### **6.2 Stallholder's permit**

- (1) A person shall not conduct a stall on a public place unless that person is—
  - (a) the holder of a valid stallholder's permit; or
  - (b) an assistant specified in a valid stallholder's permit.
- (2) Every application for a stallholder's permit shall—
  - (a) state the full name and address of the applicant;
  - (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
  - (c) specify the proposed location of the stall;
  - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
  - (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
  - (f) be accompanied by an accurate plan and description of the proposed stall.

##### **6.3 Trader's permit**

- (1) A person shall not carry on trading unless that person is—
  - (a) the holder of a valid trader's permit; or
  - (b) an assistant specified in a valid trader's permit.
- (2) Every application for a trader's permit shall—
  - (a) state the full name and address of the applicant;
  - (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
  - (c) specify the location or locations in which the applicant proposes to trade;
  - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
  - (e) specify the proposed goods or services which will be traded; and
  - (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.

##### **6.4 No permit required to sell newspaper**

Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper only is not required to obtain a permit.

##### **6.5 Relevant considerations in determining application for permit**

- (1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to—
  - (a) any relevant policies of the local government;
  - (b) the desirability of the proposed activity;
  - (c) the location of the proposed activity;
  - (d) the principles set out in the Competition Principles Agreement; and
  - (e) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds—
  - (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
  - (b) that the applicant is not a desirable or suitable person to hold a permit; or
  - (c) that—
    - (i) the applicant is an un-discharged bankrupt or is in liquidation;
    - (ii) the applicant has entered into any composition or arrangement with creditors; or
    - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property.

### 6.6 Conditions of permit

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

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

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

### 6.7 Exemptions from requirement to pay fee or to obtain a permit

(1) In this clause—

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

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

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

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

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

#### Subdivision 3—Conduct of stallholders and traders

### 6.8 Conduct of stallholders and traders

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

- (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
- (b) not display a permit unless it is a valid permit; and
- (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *National Measurements Act 1960* (Commonwealth).

(2) A stallholder or trader shall not—

- (a) deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;

- (b) act in an offensive manner;
- (c) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or
- (d) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

*Division 2—Street entertainers*

Subdivision 1—Preliminary

**6.9 Interpretation**

In this Division, unless the context otherwise requires—

**perform** includes to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, but does not include public speaking;

**permit** means a permit issued for the purpose of clause 6.10;

**permitted area** means the area or areas, specified in a permit, in which the permit holder may perform; and

**permitted time** means the time or times, specified in a permit, during which the permit holder may perform.

Subdivision 2—Permits

**6.10 Permit required to perform**

A person shall not perform in a public place without a permit.

**6.11 Variation of permitted area and permitted time**

(1) The local government may by notice in writing to a permit holder vary—

- (a) the permitted area;
- (b) the permitted time; or
- (c) both the permitted area and the permitted time, shown on a permit.

(2) The local government may direct a permit holder to move from one permitted area to another permitted area, if more than one area is specified in a permit.

**6.12 Duration of permit**

A permit is valid for a period of 3 months after the date on which it is issued unless it is sooner cancelled under this local law.

**6.13 Cancellation of permit**

The CEO may cancel a permit if in her or his opinion the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place, or if, in her or his opinion, or in the opinion of an authorised person, the performance otherwise constitutes a nuisance.

**6.14 Obligations of permit holder**

A permit holder shall not in a public place—

- (a) perform wearing dirty, torn or ragged clothing;
- (b) act in an offensive manner; or
- (c) place, install, erect, play or use any musical instrument or any device which emits music, including a loud speaker or an amplifier—
  - (i) other than in the permitted area; and
  - (ii) unless the musical instrument or device is specified in the permit.

*Division 3—Outdoor eating facilities on public places*

**6.15 Interpretation**

In this Division—

**facility** means an outdoor eating facility or establishment on any part of a public place, but does not include such a facility or establishment on private land;

**permit holder** means the person to whom a permit has been issued for the purpose of clause 6.16; and

**public place** has the meaning given to it in clause 6.1.

**6.16 Permit required to conduct facility**

A person shall not establish or conduct a facility without a permit.

### 6.17 Matters to be considered in determining application

In determining an application for a permit for the purpose of clause 6.16, the local government may consider in addition to any other matter it considers relevant, whether or not—

- (a) the facility is conducted in conjunction with and as an extension of a food business which abut on the facility, and whether the applicant is the person conducting such food business;
- (b) any abutting food business is registered in accordance with the *Food Act 2008* and whether the use of the business is permitted under the local planning scheme;
- (c) users of the facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- (d) the facility would—
  - (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
  - (ii) impede pedestrian access; and
- (e) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

### 6.18 Obligations of permit holder

(1) The permit holder for a facility shall—

- (a) ensure that the facility is conducted at all times in accordance with the provisions of this local law;
- (b) ensure that the eating area is kept in a clean and tidy condition at all times;
- (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times; and
- (d) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the facility.

(2) Whenever, in the opinion of the local government, any work is required to be carried out to a facility, the local government may give a notice to the permit holder for the facility to carry out that work within the time limited by the notice.

(3) In subclause (2), work includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a facility.

### 6.19 Removal of facility unlawfully conducted

Where a facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorised person and impounded in accordance with the Act.

### 6.20 Use of Facility by public

(1) A person shall not occupy a chair or otherwise use the equipment in a facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the facility.

(2) A person shall leave a facility when requested to do so by the permit holder.

### 6.21 Temporary removal of Facility may be requested

(1) The permit holder for a facility is to temporarily remove the facility when requested to do so on reasonable grounds by an authorised person or a member of the Police Service or an emergency service.

(2) The permit holder may replace the facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

## PART 7—PERMITS

### *Division 1—Applying for a permit*

#### 7.1 Application for permit

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

(2) An application for a permit under this local law shall—

- (a) be in the form determined by the local government;
- (b) be signed by the applicant;
- (c) provide the information required by the form; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

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

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

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

## 7.2 Decision on application for permit

- (1) The local government may—
  - (a) approve an application for a permit unconditionally or subject to any conditions; or
  - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

### *Division 2—Conditions*

## 7.3 Conditions which may be imposed on a permit

The local government may approve an application for a permit subject to conditions relating to—

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

## 7.4 Imposing conditions under a policy

- (1) In this clause—

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

- (2) Under clause 7.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 7.2(2).
- (4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

## 7.5 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

### *Division 3—General*

## 7.6 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 7.10.

## 7.7 Renewal of permit

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

- (2) The provisions of—
- (a) this Part; and
  - (b) any other provision of this local law relevant to the permit which is to be renewed,
- shall apply to an application for the renewal of a permit with all the necessary changes as required.

### **7.8 Transfer of permit**

- (1) An application for the transfer of a valid permit is to—
- (a) be made in writing;
  - (b) be signed by the permit holder and the proposed transferee of the permit;
  - (c) provide such information as the local government may require to enable the application to be determined; and
  - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—
- (a) an endorsement on the permit signed by the CEO; or
  - (b) issuing to the transferee a permit in the form determined by the local government.
- (4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

### **7.9 Production of permit**

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

### **7.10 Cancellation of permit**

- (1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a—
- (a) condition of the permit; or
  - (b) provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder—
- (a) shall return the permit as soon as practicable to the local government; and
  - (b) is to be taken to have forfeited any fees paid in respect of the permit.

## **PART 8—OBJECTIONS AND APPEALS**

### **8.1 Application of Part 9 Division 1 of Act**

When the local government makes a decision—

- (a) under clause 7.2(1); or
- (b) as to whether it will renew, vary, or cancel a permit,

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

## **PART 9—MISCELLANEOUS NOTICES**

### **9.1 Notice to redirect or repair sprinkler**

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

### **9.2 Hazardous plants**

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

### **9.3 Notice to repair damage to thoroughfare**

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

### **9.4 Notice to remove thing unlawfully placed on thoroughfare**

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

**PART 10—ENFORCEMENT***Division 1—Notices given under this local law***10.1 Offence to fail to comply with notice**

Whenever the local government gives a notice under this local law requiring a person to do anything, if the person fails to comply with the notice, the person commits an offence.

**10.2 Local government may undertake requirements of notice**

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

*Division 2—Offences and penalties*

## Subdivision 1—General

**10.3 Offences**

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

(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

## Subdivision 2—Infringement notices and modified penalties

**10.4 Prescribed offences**

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

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

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

**10.5 Forms**

Unless otherwise specified, for the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

**Schedule 1—Prescribed offences and modified penalties**

<b>Clause</b>	<b>Description</b>	<b>Modified penalty \$</b>
2.1(a)	Planting a plant within 6 metres of an intersection	125
2.1(b)	Damaging lawn or garden	125
2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	125
2.1(d)	Placing hazardous substance on footpath	125
2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	350
2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	125
2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	125
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	125
2.2(1)(b)	Throwing or placing anything on a verge without a permit	125
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	125
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250

<b>Clause</b>	<b>Description</b>	<b>Modified penalty \$</b>
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
2.2(1)(h)	Felling tree onto thoroughfare without a permit	125
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	125
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	125
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	125
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	125
2.3(1)	Consumption or possession of liquor on thoroughfare	125
2.4(1)	Failure to obtain permit for temporary crossing	250
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	350
2.9(1)	Installation of verge treatment other than permissible verge treatment	250
2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	125
2.11	Failure to comply with notice to rectify verge treatment	125
2.17(2)	Failure to comply with sign on public place	125
2.19(1)	Driving or taking a vehicle on a closed thoroughfare	350
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	125
3.2(3)	Erecting or placing of advertising sign in a prohibited area	125
4.1(1)	Animal or vehicle obstructing a public place or local government property	125
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125
4.2(2)(b)	Animal on public place with infectious disease	125
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	125
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	125
4.5	Person leaving shopping trolley in public place other than trolley bay	125
4.6(2)	Failure to remove shopping trolley upon being advised of location	125
5.6(1)	Driving a vehicle on other than the carriageway of a flora road	250
5.9	Planting in thoroughfare without a permit	250
5.11	Failure to obtain permit to clear a thoroughfare	500
5.13	Burning of thoroughfare without a permit	500
5.17	Construction of firebreak on thoroughfare without a permit	500
5.19	Commercial harvesting of native flora on thoroughfare	500
5.20(1)	Collecting seed from native flora on thoroughfare without a permit	350
6.2(1)	Conducting of stall in public place without a permit	350
6.3(1)	Trading without a permit	350
6.8(1)(a)	Failure of stallholder or trader to display or carry permit	125
6.8(1)(b)	Stallholder or trader not displaying valid permit	125
6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	125
6.8(2)	Stallholder or trader engaged in prohibited conduct	125
6.10	Performing in a public place without a permit	125
6.11(2)	Failure of performer to move onto another area when directed	125
6.14	Failure of performer to comply with obligations	125
6.16	Establishment or conduct of outdoor eating facility without a permit	350
6.18	Failure of permit holder of outdoor eating facility to comply with obligations	125



<b>Clause</b>	<b>Description</b>	<b>Modified penalty \$</b>
6.20(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	60
6.20(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	60
7.5	Failure to comply with a condition of a permit	125
7.9	Failure to produce permit on request of authorised person	125
10.1	Failure to comply with notice given under local law	125

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The Common Seal of the Shire of Moora was affixed in the presence of—

K. M. SEYMOUR, Shire President.  
A. J. LEESON, Chief Executive Officer.

Dated: 1 March 2017.

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**DOG ACT 1976  
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MOORA

**DOGS LOCAL LAW 2016**

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**DOG ACT 1976**  
**LOCAL GOVERNMENT ACT 1995**

SHIRE OF MOORA

**DOGS LOCAL LAW 2016**

Under the powers conferred by the *Local Government Act 1995*, the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Moora resolved on 7 December 2016 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Moora Dogs Local Law 2016*.

**1.2 Commencement**

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

**1.3 Repeal**

The Shire of Moora Dogs Local Law published in the *Government Gazette* on 29 November 1999 is repealed.

**1.4 Definitions**

In this local law unless the context otherwise requires—

**Act** means the *Dog Act 1976*;

**authorised person** means a person authorised by the local government to perform all or any of the functions conferred on an authorised person under this local law;

**CEO** means the Chief Executive Officer of the local government;

**dangerous dog** is given its meaning in the Act;

**district** means the district of the local government;

**local government** means the Shire of Moora;

**pound** means any facility, or any replacement facility, established as a pound by the local government under section 11(1) of the Act;

**pound keeper** means a person authorised by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;

**Regulations** means the *Dog Regulations 2013*;

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

**townsite** means the townsites of Moora, Watheroo, Miling, Bindi Bindi and Coomberdale which have been—

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

(b) referred to in clause 37 of Schedule 9.3 of the *Local Government Act 1995*;

**thoroughfare** has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

**local planning scheme** means a local planning scheme made by the local government under the *Planning and Development Act 2005*.

**1.5 Application**

This local law applies throughout the district.

**PART 2—IMPOUNDING OF DOGS**

**2.1 Charges and costs**

The following are to be imposed and determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*—

(a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;

- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

### 2.2 Attendance of pound keeper at pound

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the CEO.

### 2.3 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the CEO.
- (2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence—
  - (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
  - (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

## PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

### 3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
  - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
  - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
  - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
  - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
  - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

**Penalty:** Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

### 3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
  - (a) licensed under Part 4 of the local law as an approved kennel establishment; or
  - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—
  - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
  - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

## PART 4—APPROVED KENNEL ESTABLISHMENTS

### 4.1 Interpretation

In this Part and in Schedule 2—

**licence** means a licence to keep an approved kennel establishment on premises;

**licensee** means the holder of a licence;

**premises**, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

**transferee** means a person who applies for the transfer of a licence to her or him under clause 4.14.

### 4.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with—

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.3;
- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;

- (d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (e) the fee for the application for a licence referred to in clause 4.10(1).

#### **4.3 Notice of proposed use**

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—

- (a) once in a newspaper circulating in the district; and
- (b) to the owners and occupiers of any premises adjoining the premises.
  - (2) The notices in subclause (1) must specify that—
    - (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
    - (b) the application and plans and specifications may be inspected at the offices of the local government.

(3) Where—

- (a) the notices given under subclause (1) do not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

#### **4.4 Exemption from notice requirements**

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a local planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

#### **4.5 When application can be determined**

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

#### **4.6 Determination of application**

In determining an application for a licence, the local government is to have regard to;

- (a) the matters referred to in clause 4.7;
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

#### **4.7 Where application cannot be approved**

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

#### **4.8 Conditions of approval**

(1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.

(2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

**4.9 Fees**

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) If a licensee wishes to renew a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16-6.19 of the *Local Government Act 1995*.

**4.10 Form of licence**

The licence is to be in the form determined by the local government and is to be issued to the licensee.

**4.11 Period of licence**

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 4.10(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

**4.12 Variation or cancellation of licence**

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence—
  - (a) on the request of the licensee; or,
  - (b) following a breach of the Act, the Regulations or this local law.
- (3) The date a licence is cancelled is to be, in the case of—
  - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
  - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

**4.13 Transfer**

- (1) An application for the transfer of a valid licence from the licensee to another person must be—
  - (a) made in the form determined by the local government;
  - (b) made by the transferee;
  - (c) made with the written consent of the licensee; and
  - (d) lodged with the local government together with—
    - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
    - (ii) the fee for the application for the transfer of a licence referred to in clause 4.10(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

**4.14 Notification**

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act.

**4.15 Inspection of kennel**

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.



**PART 5—ENFORCEMENT****5.1 Interpretation**

In this Part—

*infringement notice* means the notice referred to in clause 5.3; and

*notice of withdrawal* means the notice referred to in clause 5.6(1).

**5.2 Modified penalties**

(1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the third column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if—

(a) the dog is not a dangerous dog; or

(b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.

(3) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

**5.3 Issue of infringement notice**

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form determined by the local government from time to time.

**5.4 Failure to pay modified penalty**

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

**5.5 Payment of modified penalty**

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

**5.6 Withdrawal of infringement notice**

(1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form determined by the local government from time to time.

(2) A person authorised to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal in relation to an infringement issued by him or her.

**5.7 Service**

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

**Schedule 1**

(clause 4.2)

Local Laws Relating to dogs

**Application for a licence for an approved kennel establishment**

I/we (full name) .....

of (postal address) .....

.....

(telephone number) .....

(facsimile number) .....

(E-mail address) .....

Apply for a licence for an approved kennel establishment at (address of premises) .....

.....

For (number and breed of dogs) .....

\* (insert name of person) .....

will be residing at the premises on and from (insert date) .....

\* (insert name of person) .....

will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at .....

..... (insert address of residence)

on and from ..... (insert date).

Attached are—

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside—
  - (i) at the premises; or
  - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as .....,  
 ..... in the keeping of dogs at the proposed kennel establishment.

Signature of applicant .....

Date .....

\* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months—section 27(5) of the *Dog Act 1976*.

OFFICE USE ONLY

Application fee paid on [*insert date*] .....

**Schedule 2**

(clause 4.8(1))

**Conditions of a licence for an approved kennel establishment**

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
  - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
  - (ii) 10m from any dwelling; and
  - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
  - (i) at least 100mm above the surface of the surrounding ground;
  - (ii) smooth so as to facilitate cleaning;
  - (iii) rigid;
  - (iv) durable;
  - (v) slip resistant;
  - (vi) resistant to corrosion;
  - (vii) non-toxic;
  - (viii) impervious;
  - (ix) free from cracks, crevices and other defects; and
  - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable up-stand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;

- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
  - (i) 2m; or
  - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
  - (i) at the premises; or
  - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

### Schedule 3

(clause 7.2)

#### Offences in respect of which modified penalties apply

Offence	Nature of offence	Modified penalty \$	Dangerous dog modified penalty \$
3.1	Failing to provide means for effectively confining a dog	50	200
4.9	Failing to comply with the conditions of a licence	100	200
5.1(2)	Dog in place from which prohibited absolutely	200	400

The Common Seal of the Shire of Moora was affixed in the presence of—

K. M. SEYMOUR, Shire President.  
A. J. LEESON, Chief Executive Officer.

Dated: 1 March 2017.



**DIVIDING FENCES ACT 1961  
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MOORA

**FENCING LOCAL LAW 2016**

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**DIVIDING FENCES ACT 1961  
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MOORA

**FENCING LOCAL LAW 2016**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Moora resolved on 7 December 2016 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Moora Fencing Local Law 2016*.

**1.2 Commencement**

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

**1.3 Repeal**

The Municipality of the Shire of Moora By-laws—Fencing, published in the *Government Gazette* 12 October 1967 are repealed.

**1.4 Application**

This local law applies throughout the district.

**1.5 Interpretation**

In this local law, unless the context requires otherwise—

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

*applicant* means a person who makes an application for approval under this local law;

*AS2870-1996 Residential slabs and footings—Construction* means the standard of that title published by Standards Australia, as amended from time to time;

*AS/NZS3016:2002 Electrical installations—Electric security fences* means the standard of that title published by Standards Australia, as amended from time to time;

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

*boundary fence* means a fence constructed on the boundary of a lot which abuts a thoroughfare;

*Building Surveyor* means a Building Surveyor of the local government;

*CEO* means the Chief Executive Officer of the local government;

*Council* means the Council of the local government;

*dangerous* in relation to any fence means—

- (a) an electrified fence other than a fence approved by the local government under this local law;
- (b) a fence containing barbed wire other than a fence erected and maintained in accordance with this local law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

*district* means the district of the local government;

*dividing fence* has the meaning given in the *Dividing Fences Act 1961*;

*electrified fence* means a fence carrying or designed to carry an electric charge;

*estate entry statement* means a fence, or wall constructed of masonry or other materials to identify the entrance of an estate and may include but not be limited to a sign indicating the estate name and locality, sculptures, flagpoles and flags;

**estate boundary fence** means the fence erected around the external boundary of a subdivision of land to indicate the extent of that subdivision and includes any special works or construction that identifies the entrance to that land;

**fence** means any structure used or functioning as a barrier, irrespective of where it is located and includes any gate;

**front boundary** means the boundary line between a lot and the thoroughfare upon which that lot abuts, or in the case of a lot abutting on more than one thoroughfare the boundary line between the lot and the primary thoroughfare;

**front fence** means a fence erected on the front boundary of a lot or on a line adjacent to the front boundary;

**front setback area** means the area between the building line of a lot and the front boundary of that lot;

**general agriculture lot** means a lot where a rural use—

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

**height** in relation to a fence means the vertical distance between—

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

**industrial lot** means a lot where an industrial use is or may be permitted under the local planning scheme and is or will be the predominant use of the lot;

**licence** means an electrified fence licence or a razor wire fence licence;

**light industrial** has the same meaning as industrial lot;

**local government** means the Shire of Moora;

**local government property** means anything—

- (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” under section 3.53 of the Act;

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

**lot** has the meaning given to it in and for the purposes of the *Planning and Development Act 2005*;

**notice of breach** means a notice referred to in clause 5.1;

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

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

**rear setback area** means the area between the building line of a lot and the rear boundary of that lot;

**residential lot** means a lot where a residential use—

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

**retaining wall** means any structure which prevents the movement of soil or retains soil or structures in order to allow ground levels of different elevations to exist adjacent to one another;

**rural residential lot** means a lot where a rural residential use—

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

**rural smallholding lot** means a lot where a rural smallholding use—

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

**rural townsite lot** means a lot where a rural townsite use—

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

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

**special mix residential** means a lot where a special mix residential use—

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

**sufficient fence** means a fence that satisfies clause 2.1 and includes a fence of the description and quality agreed upon by the owners of adjoining lots;

**thoroughfare** has the meaning given to it in the Act; and



**town centre lot** means a lot where a town centre use—

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot;

### 1.6 Fees and charges

All fees and charges applicable under this local law shall be determined by the local government from time to time under and in accordance with sections 6.16 to 6.19 of the Act.

## PART 2—FENCES

### *Division 1—Sufficient fences*

#### 2.1 Sufficient Fences

- (1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.
- (2) Pursuant to section 24 of the *Dividing Fences Act 1961* and subject to subclauses (3), (4) and (5) of this local law, a sufficient fence—
  - (a) on a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 2;
  - (b) on a town centre lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3;
  - (c) on an industrial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3A;
  - (d) on a light industrial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3A;
  - (e) on a general agriculture lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4;
  - (f) on a rural smallholding lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4A;
  - (g) on a special mix residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4A;
  - (h) on a rural townsite lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4A; and
  - (i) on a rural residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4A.
- (3) Where a fence is erected on or near the boundary between a residential lot and a town centre lot, industrial lot, general agriculture lot or a rural residential lot a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 2.
- (4) Unless an authorised person determines otherwise, a sufficient fence on a boundary between lots other than those specified in subclauses (2) and (3) is a dividing fence constructed in accordance with the specifications and requirements of Schedule 2.
- (5) Notwithstanding any other provisions in this local law, a dividing fence or boundary fence constructed of masonry, stone or concrete shall be a sufficient fence only if it is designed by a suitably qualified structural engineer and constructed in accordance with that design where—
  - (a) it is greater than 1800 millimetres in height; or
  - (b) the Building Surveyor so requires.
- (6) Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1800 millimetres in height unless the approval of the local government has been obtained to such a fence.

### *Division 2—General*

#### 2.2 Fences within front or rear setback areas

- (1) Notwithstanding the provisions of clause 2.1, a person shall not erect a fence within the front or rear setback areas, including along the side boundaries, unless the fence complies with the provisions of the local planning scheme or the Residential Design Codes.
- (2) Where there is inconsistency between the Standards and requirements of the local planning scheme and those specified in the Residential Design Codes, the Standards and requirements of the local planning scheme shall prevail to the extent of the inconsistency.

#### 2.3 Gates in fences

A person shall not erect a gate in a fence, which does not—

- (a) open into the lot; or
- (b) open by sliding parallel and on the inside of the fence, which it forms part of, when closed.

#### 2.4 Depositing fencing material on public place

A person shall not deposit or permit the deposit of any materials whatsoever used in the construction or maintenance of any fence, on any thoroughfare, public place or local government property unless the approval of the local government has been obtained.

### **2.5 Alteration of ground levels**

- (1) A fence constructed of corrugated fibre-reinforced pressed cement shall not have more than 150 millimetres difference in the ground levels on each side of the fence.
- (2) Where land has been filled or retained to a height of more than 500 millimetres above natural ground level at or within 1000 millimetres of a boundary of a lot, a person shall only erect a dividing fence that is a sufficient fence on the said filled land or retaining wall if the person produces to the local government the written agreement of the owners of the adjoining lot.
- (3) A person shall not alter the natural ground level of land on or within 1000 millimetres of the boundary of a lot, whether by removing soil or bringing onto the land any fill of any kind, by more than 500 millimetres without the approval of the local government.

### **2.6 Maintenance of fences**

An owner of a lot on which a fence is erected shall maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated or unsightly to the amenity of the locality.

### **2.7 Fences and sight lines**

- (1) Where a front fence or a boundary fence is adjacent to a vehicle access point or a thoroughfare, the front fence or boundary fence is to have a sight line truncation or a reduction in height shall be provided at the property line to ensure adequate visibility, as follows—
  - (a) at an intersection of a driveway with a road or right-of-way a minimum sight line truncation of 1.5 metres x 1.5 metres, where achievable, or as a minimum a sight line truncation of 1 metre x 1 metre for low and medium peak vehicle movements, and a sight line truncation of 3 metres x 3 metres where achievable, for high peak vehicle movements;
  - (b) at an intersection of two roads a minimum sight line truncation of 3 metres x 3 metres. A sight line truncation is not required on the entry side of a driveway where it is clearly defined as “ENTRY ONLY” or where a driveway is not less than 6 metres wide, and where appropriate signage and line marking is provided.
- (2) Subclause (1) does not apply to a fence of open construction that does not obscure the lines of vision of a motorist using a vehicle access point or thoroughfare.
- (3) A person shall not erect or maintain a fence without the sight line or height reduction required under subclause (1).

### **2.8 Fences across rights-of-way, public access ways or thoroughfares**

A person must not, without the approval of the local government, erect or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed.

### **2.9 General discretion of the local government**

- (1) Notwithstanding the provisions of clause 2.1, the local government may approve the erection or repair of a dividing fence, which is not a sufficient fence where all of the owners of the lots to be separated by the dividing fence make an application for approval for that purpose.
- (2) In determining whether to grant its approval under subclause (1), the local government may consider whether the erection or repair of the fence would have an adverse effect on—
  - (a) the safe or convenient use of any land;
  - (b) the safety or convenience of any person; or
  - (c) the visual amenity of the locality.

## *Division 3—Fencing materials*

### **2.10 Pre-used fencing materials**

- (1) Notwithstanding clause 2.1, a person shall not construct a fence on a residential lot, a town centre lot or an industrial lot from pre-used materials without the approval of the local government.
- (2) Where the local government approves the use of pre-used materials in the construction of a fence under subclause (1) that approval shall be conditional on the applicant painting or treating the pre-used material as stated in or attached to the form of approval issued by the local government under clause 3.2.

### **2.11 Barbed wire fences and spiked or jagged materials**

- (1) An owner or occupier of a residential lot, a town centre lot or an industrial lot shall not erect, affix to or allow to remain on any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the approval of the local government has been obtained.
- (2) Where an approval has been obtained in accordance with subclause (1), the owner or occupier shall not erect, affix or allow to remain on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections unless such wire or materials are carried on posts set at an angle of 45 degrees into the lot, and unless the bottom row of wire or other materials is setback 150 millimetres from the face of the fence, is at least 2000 millimetres above ground level and the total height shall not exceed 2400 millimetres.

**2.12 Electrified and razor wire fences**

- (1) An owner or occupier of a lot, shall not—
- (a) except on a rural lot, construct or use an electrified fence on that lot without obtaining the approval of the local government; or
  - (b) construct a fence wholly or partly of razor wire on that lot without obtaining the approval of the local government; and
  - (c) construct an electrified fence unless the fence complies with “AS/NZS 3016:2002 Electrical installations—Electric security fences”; and
- (2) The local government shall not approve an application for the purpose of subclause (1)(a)—
- (a) in respect of a lot which is or which abuts a residential lot;
  - (b) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected.
- (3) The local government shall not approve an application for the purpose of subclause (1)(b)—
- (a) if the fence is within 3 000 millimetres of the boundary of the lot; or
  - (b) where any razor wire used in the construction of the fence is less than 2 000 millimetres or more than 2 400 millimetres above the ground level.
- (4) An application for approval for the purpose of subclauses (1) shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.
- (5) Where the local government approves an application made under this clause, it shall provide a licence to the applicant in the form of—
- (a) Schedule 5, where an application is made under subclause (1)(a);
  - or
  - (b) Schedule 6, where an application is made under subclause (2)(b).

**2.13 Prohibited fencing materials**

A person shall not affix or use broken glass in the construction of any fence.

*Division 4—Tennis court fencing***2.14 Tennis court fencing**

- (1) A person shall not erect a fence around or partly around a tennis court on a lot unless—
- (a) the fence is not more than 3600 millimetres in height;
  - (b) the whole of the fence is at least 900 millimetres from the boundary between the lot on which the tennis court is located and the adjoining lot; and
  - (c) the fence is fabricated from 2.5 millimetre poly-vinyl chloride coated or galvanised wire 50 millimetre link mesh, erected in accordance with the manufacturer’s specifications.
- (2) Subclause (1) does not apply to a fence erected with the approval of the local government.
- (3) In determining any application for approval for the purpose of subclause (2), where the fence will be less than 900 millimetres from the boundary between the lot on which the tennis court is located and the adjoining lot, the local government shall invite the owner of the adjoining lot to make submissions on the proposal, and the local government shall have regard to any such submissions in making its decision under clause 3.2.

*Division 5—Estate fencing***2.15 Estate fencing**

- (1) A person shall not construct or erect an estate entry statement or estate boundary fence without the approval of the local government.
- (2) Where an estate entry statement or estate boundary fence is constructed and contains an estate name, the entry statement or estate boundary fence shall also depict the locality name in at least equal prominence.
- (3) An owner or occupier of a lot adjacent to an estate boundary fence shall, where that fence is damaged, dilapidated or in need of repair, cause it to be repaired or replaced with the same or similar materials with which it was first constructed, so as far as practicable the repaired or replaced section shall be the same as the original fence.

**PART 3—APPROVALS****3.1 Application for approval**

- (1) Where a person is required to obtain the approval of the local government under this local law, that person shall apply for approval in accordance with subclause (2).
- (2) An application for approval under this local law shall—
- (a) be in the form determined by the local government;
  - (b) be signed by the applicant and the owner of the lot;
  - (c) provide the information required by the form; and
  - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under sections 6.16 to 6.19 of the Act.

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

(4) The local government may refuse to consider an application for approval which is not in accordance with subclauses (2) and (3).

### **3.2 Decision on application for approval**

(1) The local government may—

- (a) approve an application for approval unconditionally or subject to any conditions; or
- (b) refuse to approve an application for approval.

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

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

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

### **3.3 Compliance with approval**

Where an application for approval has been approved, the applicant and the owner and occupier of the lot to which the approval relates, shall comply with the terms and any conditions of that approval.

### **3.4 Duration of approval**

Unless otherwise stated in the form of approval, an approval granted under this local law runs with the lot to which it relates and may be relied upon by any subsequent occupier or owner of the lot and may be enforced against them, by the local government.

## **PART 4—MISCELLANEOUS**

### **4.1 False or misleading statement**

A person shall not make a false or misleading statement in connection with any application, requirement or request under this local law.

## **PART 5—NOTICES OF BREACH**

### **5.1 Notices of breach**

(1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the local government may give a notice of breach in writing to the owner of that lot.

(2) A notice of breach shall—

- (a) specify the provision(s) of this local law which has been breached;
- (b) specify the particulars of the breach; and
- (c) state that the owner is required to remedy the breach within the time specified in the notice.

(3) An owner given a notice of breach shall comply with the terms of the notice and remedy the breach within the time specified in the notice.

(4) Should an owner fail to comply with a notice of breach, the local government may by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of so doing from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction.

(5) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the Act and any entry on to land will be in accordance with Part 3, Division 3 of the Act.

## **PART 6—OFFENCES**

### **6.1 Offences and penalties**

(1) A person who fails to comply with a notice of breach commits an offence and is liable upon conviction to a penalty of not less than \$250 and not exceeding \$5,000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

(2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable on conviction to a penalty of not less than \$250 and not exceeding \$5,000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

### **6.2 Modified penalties**

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount appearing in the final column of Schedule 1 directly opposite a prescribed offence in that Schedule is the modified penalty for that prescribed offence.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

**6.3 Form of notices**

For the purposes of this local law—

- (a) the form of the infringement notice referred to in sections 9.16 and 9.17 of the Act is to be in or substantially in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the withdrawal of infringement notice referred to in section 9.20 of the Act is to be in or substantially in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

**PART 7—OBJECTIONS AND REVIEW****7.1 Objections and review**

When the local government makes a decision under clause 3.2, the provision of Part 9 Division 1 of the Act and Regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

**Schedule 1****Prescribed offences**

[clause 6.2(1)]

## Offences and modified penalties

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of offence</b>	<b>Modified penalties \$</b>
1	2.1(1)	Erect a fence which is not a sufficient fence	250
2	2.2 (1)	Erect a fence within the front or rear setback areas which does not comply with the local planning scheme	200
3	2.3(a)	Erect a gate in a fence not opening into the lot	200
4	2.3(b)	Erect a gate in a fence not sliding parallel and inside of fence	200
5	2.6(1)	Failure to maintain a fence in good condition to prevent fence becoming dangerous, dilapidated or unsightly	250
6	2.7(3)	Erect a fence without the required sight line truncation or height reduction	250
7	2.8	Erect or maintain a fence or obstruction of temporary or permanent nature across a right-of way, public access way or thoroughfare without written approval	250
8	2.10(1)	Construct a dividing fence on a residential, town centre or industrial lot from pre-used materials without written approval	250
9	2.11(1)	Erect a fence using barbed wire or material with spiked or jagged projections in fence construction without written approval	250
10	2.11(2)	Erect a fence using barbed wire or material with spiked or jagged projections in fence construction other than in accordance with this local law	250
11	2.12(1)	Construct, erect or use razor wire in a fence or electrify a fence without written approval	250
12	2.13	Affix, or use, any broken glass in a fence	250
13	2.14(1)(a)	Erect a tennis court fence higher than 3600 millimetres without written approval	200
14	2.14(1)(b)	Erect tennis court fence less than 900 millimetres from boundary of adjoining lot without written approval	200
15	2.14(1)(c)	Erect a link mesh fence higher than 3600 millimetres or not in accordance with manufacturer's specification without written approval	200
16	2.15 (1)	Construct or erect an estate entry statement or estate boundary fence without the written approval of the local government	250
17	2.15(2)	Construction of an estate entry statement or estate boundary fence without depicting the locality name in at least equal prominence as the estate name.	250
18	2.15(3)	Repair or replacement by an owner or occupier of a lot adjacent to an estate boundary fence without same or similar materials to which it was first constructed	250
19	3.3	Failure to comply with terms or conditions of approval	250
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**Schedule 2**  
**Residential lot**

[clause 2.1(2)(a)]

Specifications for a sufficient fence on a residential lot

1. Each of the identified categories in this Schedule, with minimum and maximum specifications where stated, is a sufficient fence on a residential lot.

2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

Height: 1800 millimetres except with respect to the front or rear setbacks; Minimum height: subject to requirements and standards of local planning scheme;

(A) Timber fence

A fully enclosed timber fence is to be built to manufacturer's specifications or in accordance with established construction techniques.

(B) Corrugated fence

A fence constructed of corrugated fibre-reinforced pressed cement or steel-sheeting constructed to manufacturer's specifications or which otherwise satisfies the following specifications—

- (a) length: minimum in-ground length of 25 percent of the total length of the sheet; depth: minimum in-ground depth of 600 millimetres;
- (b) total height and depth of fence to consist of a single continuous fibre-reinforced cement of steel sheet;
- (c) corrugated sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturer's written instructions; and
- (d) height: 1800 millimetres except with respect to the front setback; minimum height: subject to requirements and standards of local planning schemes.

(C) Brick, stone or concrete fence

A fence constructed of brick, stone or concrete which satisfies the following requirements and specifications—

- (a) a site classification is to be provided by a professional engineer in accordance with AS2870-1996 Residential slabs and footings—Construction;
- (b) the footing is to be designed in accordance with AS2870-1996 Residential slabs and footings—Construction;
- (c) fences to be offset at a minimum of 200 millimetres and at maximum 3000 millimetres centres; or 225 millimetres x 100 millimetres engaged piers to be provided at: maximum 3000 millimetres centres;
- (d) expansion joints in accordance with the manufacturer's written instructions; and
- (e) height of the fence to be 1800 millimetres, except with respect to front, side and rear setback areas for which there is no minimum height but subject to requirements and standards of local planning scheme.

(D) Composite fence

A composite fence, which satisfies the following specifications for the brick construction—

- (a) a site classification is to be provided by a professional engineer in accordance with AS2870-1996 Residential slabs and footings—Construction;
- (b) the footing is to be designed in accordance with AS2870-1996 Residential slabs and footings—Construction;
- (c) height: maximum overall height of 1800 millimetres, except with respect to front, side and rear setback areas for which there is no minimum height but subject to requirements and standards of local planning scheme;
- (d) brick fence of height not exceeding 1200 millimetres shall have brick piers of minimum of 230 millimetres x 230 millimetres x 1800 millimetres centres; bonded to a maximum height base wall of 514 millimetres; or, brick fence of height exceeding 1200 millimetres shall have brick piers of minimum of 230 millimetres x 230 millimetres x 1800 millimetres centres; bonded to a maximum height base wall of 514 millimetres;
- (e) each pier shall be reinforced with, one R10 galvanised starting rod for 230 millimetres x 230 millimetres piers; and, two R10 galvanised starting rods for 345 millimetres x 345 millimetres piers, each rod being 1 500 millimetres high with a 250 millimetres horizontal leg bedded into the concrete footing; set 65 millimetres above the base of the footing and the top of the footing shall be one course (85 millimetres) below ground level;
- (f) cavity to brick piers to be filled with 20 MPa concrete;
- (g) minimum ultimate strength of brickwork shall be 20 MPa, mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
- (h) the ground under the footings is to be compacted to 7 blows per 300 millimetres and checked with a standard falling weight penetrometer; and
- (i) control joints in brick work shall be provided at piers at a maximum of 6-metre centres.

## (E) Brick fence with base wall

A brick fence which satisfies the following specifications for the brick construction—

- (a) height not exceeding 1200 millimetres having brick piers of—minimum of 230 millimetres x 230 millimetres x 2700 millimetres centres bonded to the base wall; and each pier shall be reinforced with one R10 galvanised starting rod as previously specified; or
- (b) height exceeding 1200 millimetres having brick piers of— minimum 345 millimetres x 345 millimetres x 2700 millimetres centres bonded to base wall; and each pier shall be reinforced with two R10 galvanised starting rods as previously specified.

## (F) Brick fence with no base wall

A brick fence, which satisfies the following specifications for the brick construction—

- (a) height not exceeding 1200 millimetres having brick piers minimum 230 millimetres x 230 millimetres x 2700 millimetres centres with no brick base wall; and, each pier shall be reinforced with one R10 galvanised starting rod as previously specified; or
- (b) height exceeding 1200 millimetres having brick piers minimum 345 millimetres x 345 millimetres x 2700 millimetres centres with no brick base wall; and, each pier shall be reinforced with two R10 galvanised starting rods as previously specified.

### Schedule 3

#### Town centre lot

[clause 2.1(2)(b)]

Specifications for a sufficient fence on a town centre lot

1. Each of the identified categories in this Schedule or Schedule 2, with minimum and maximum specifications where stated, is a sufficient fence on a town centre lot.
2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

## (A) Galvanised or PVC fence and gate

A fence constructed of galvanised or PVC coated non-rail link mesh, chain mesh or steel mesh, which satisfies the following specifications—

- (a) corner posts to be minimum 50 millimetres nominal bore x 3.5 millimetres, footings of a 225 millimetres diameter x 900 millimetres;
- (b) intermediate posts to be minimum 37 millimetres nominal bore x 3.15 millimetres; maximum 3500 millimetres centres; and footings of 225 millimetres diameter x 600 millimetres;
- (c) struts to be minimum 30 millimetres nominal bore x 3.15 millimetres fitted at each gate; 2 at each corner post; and footings 225 millimetres x 600 millimetres;
- (d) cables to be affixed to the top centre and bottom of all posts; and consists of 2 or more 3.15 millimetres wires twisted together; or single 4 millimetres wire;
- (e) non-rail link, chain or steel mesh is to be a height of 2000 millimetres on top; and 3 strands of barbed wire carrying the fence to a height of 2400 millimetres in accordance with requirements and standards of local planning scheme;
- (f) galvanised link mesh wire to be 2000 millimetres in height; constructed of 50 millimetres mesh, 2.5 millimetres galvanised iron wire; and to be strained, neatly secured and laced to the posts and affixed to cables;
- (g) vehicle entry gates shall provide an opening not less than 3600 millimetres constructed of 25 millimetres tubular framework; one horizontal and one vertical stay constructed of 20 millimetres piping; and shall be covered with 50 millimetres x 2.5 millimetres galvanised link mesh strained to framework.

## (B) Gates shall be fixed with a drop bolt and locking attachment—

- (a) a fence of cement sheet or steel-sheeting construction to the minimum specifications referred to in Schedule 2 and no greater than 2000 millimetres in height; or
- (b) a fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and no greater than 2000 millimetres in height; or
- (c) a fence of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 2 and no greater than 2000 millimetres in height.

### Schedule 3A

#### Industrial and light industrial lot

[clause 2.1(2)(c) and 2.1(2)(d)]

Specifications for a sufficient fence on an industrial or light industrial lot

1. Each of the identified categories in this Schedule, with minimum and maximum specifications where stated, is a sufficient fence on an industrial lot.

2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

(A) Galvanised or PVC fence and gate

A fence constructed of galvanised or PVC coated non-rail link mesh, chain mesh or steel mesh, which satisfies the following specifications—

- (a) maximum height 2400 millimetres;
- (b) corner posts to be minimum 50 millimetres nominal bore x 3.5 millimetres footings of a 225 millimetres diameter x 900 millimetres;
- (c) intermediate posts to be minimum 37 millimetres nominal bore x 3.15 millimetres; maximum 3 500 millimetres centres; and footings of 225 millimetres diameter x 600 millimetres;
- (d) struts to be minimum 30 millimetres nominal bore x 3.15 millimetres fitted at each gate; 2 at each corner post; and footings 225 millimetres x 600 millimetres;
- (e) cables to be affixed to the top centre and bottom of all posts; and consists of two or more 3.15 millimetre wires twisted together; or single 4 millimetre wire;
- (f) non-rail link, chain or steel mesh is to be a height of 2000 millimetres on top; and 3 strands of barbed wire carrying the fence to a height of 2400 millimetres in accordance with requirements and standards of local planning scheme;
- (g) galvanised link mesh wire to be 2000 millimetres in height; constructed of 50 millimetre mesh 2.5 millimetre galvanised iron wire; and to be strained, neatly secured and laced to the posts and affixed to cables;
- (h) vehicle entry gates shall provide an opening not less than 3600 millimetres constructed of 25 millimetre tubular framework;
- (i) one horizontal and one vertical stay constructed of 20 millimetre piping; and shall be covered with 50 millimetres x 2.5 millimetres galvanised link mesh strained to framework.

(B) Gates shall be fixed with a drop bolt and locking attachment—

- (a) a fence of cement sheet or steel-sheeting construction to the minimum specifications referred in Schedule 2, of a minimum height of 1800 millimetres but no greater than 2400 millimetres;
- (b) a fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800 millimetres but no greater than 2 400 millimetres; or
- (c) a fence of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 2 of a minimum height of 1800 millimetres but no greater than 2400 millimetres.

**Schedule 4**  
**General agriculture lot**

[Clause 2.1(2)(e)]

Specifications for a sufficient fence on a rural lot

1. Each of the identified categories in this Schedule, with minimum and maximum specifications where stated is a sufficient fence on a general agriculture lot.

2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

(A) Non-electrified fence

A fence that is a fence of posts and wire construction and satisfies the following specifications—

- (a) wire is to be high-tensile wire and not less than 2.5 millimetres;
- (b) minimum of 5 wires are to be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases; or
- (c) minimum 5 line ring lock type fencing fixed to the manufacturer's specifications;
- (d) posts are to be of indigenous timber or other suitable material including—
  - (i) timber impregnated with a termite and fungicidal preservative;
  - (ii) standard iron star pickets; or
  - (iii) concrete;
- (e) posts are to be placed at not more than 5000 millimetre intervals, set minimum 600 millimetres in the ground and 1200 millimetres above the ground;
- (f) if timber posts are used, posts are to be cut not less than 1800 millimetres long x 50 millimetres diameter at small end if round, or 125 millimetres x 60 millimetres if split or sawn;



- (g) if strainer posts are used, posts are not to be less than 2250 millimetres long and 150 millimetres diameter at the small end (tubular steel to be 50 millimetres in diameter) these strainer posts shall be placed a minimum of 1000 millimetres in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart; and
  - (h) barbed wire may be used to replace a maximum of 2 wires. Where a fence adjoins a thoroughfare barbed wire is to be affixed to the inside of the fence.
- (B) Electrified fence  
 An electrified fence having 4 wires is a sufficient fence that is constructed generally in accordance with a non-electrified fence.

**Schedule 4A**

**Rural residential rural smallholding special mix residential or rural townsite lot**

[Clauses 2.1(2)(f), 2.1(2)(g) and 2.1(2)(h) 2.1(2)(i)]

Specifications for a sufficient fence on a rural residential lot, rural smallholding lot special mix residential lot or rural townsite lot

As provided in Schedule 4, except an electric fence is not permitted unless approved by the local government.

**Schedule 5**

**Electrified fence licence**

[clause 2.12(1)(a)]

Licence for approved electrified fence

This is to certify that .....  
of .....  
is licensed, subject to the conditions set out below, to have and use an electrified fence on .....  
.....  
(address)

from ..... 20..... and until this licence is transferred or cancelled.

Dated: ..... 20.....

Chief Executive Officer,  
Shire of Moora.

**Conditions of licence**

The holder of the licence must—

- (a) display the licence in a prominent position on the land or premises on which the electrified fence has been constructed;
- (b) upon the request of an authorised person produce to him or her this licence;
- (c) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the licence has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes;
- (d) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the electrified fence;
- (e) comply with AS/NZS 3016:2002 Electrical installations—Electric security fences; and
- (f) following construction of the fence, lodge a certificate of installation from a qualified electrician and comply with any requirements of the Department of Commerce regarding the construction of the fence.

**Transfer by endorsement**

This licence is transferred to .....  
of .....  
from and including the date of this endorsement.

Dated: ..... 20.....

Chief Executive Officer,  
Shire of Moora.

**Schedule 6**

**Razor wire fence licence**

[clause 2.12(1)(b)]

Licence for approved razor wire fence

This is to certify that ..... of  
.....

is licensed, subject to the conditions set out below, to have a fence constructed wholly or partially of razor wire on .....

(address)

from ..... 20..... and until this licence is transferred or cancelled.

Dated: ..... 20.....

Chief Executive Officer,  
Shire of Moora.

**Conditions of licence**

The holder of the licence must—

- (a) display this licence in a prominent position on the land or premises on which the fence has been constructed;
- (b) on the request of the local government, produce to him or her this licence;
- (c) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the licence has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes; and
- (d) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

**Transfer by endorsement**

This licence is transferred to .....

of .....

from and including the date of this endorsement.

Dated: ..... 20.....

Chief Executive Officer,  
Shire of Moora.

\_\_\_\_\_

The Common Seal of the Shire of Moora was affixed in the presence of—

K. M. SEYMOUR, Shire President.  
A. J. LEESON, Chief Executive Officer.

Dated: 1 March 2017.

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**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF MOORA

**GENERAL AMENDMENT LOCAL LAW 2016**

Under the powers conferred by the *Local Government Act 1995*, the *Cemeteries Act 1986*, and all other powers enabling it, the Council of the Shire of Moora resolved on 7 December 2016 to make the following local law.

**PART 1—PRELIMINARY****1. Citation**

The local law may be cited as the *Shire of Moora General Amendment Local Law 2016*.

**PART 2—LOCAL LAW AMENDED****2. Shire of Moora Cemeteries Local Law Local Law amended**

The Shire of Moora Cemeteries Local Law as published in the *Government Gazette* of 29 November 1999 is amended as follows—

- 2.1 In Clause 1.1 Citation delete “[insert “Local Law” or “By-law” as applicable]” and insert “local law”;
- 2.2 In Clause 1.1 Citation delete “[insert name of Local Law or By-law] [insert year]” and insert “Cemeteries Local Law”
- 2.3 In Clause 1.2 Interpretation in the definition of “authorized officer” delete “authorized” and insert “authorised” and delete “[insert name of Local Government or Board]” and insert “Shire of Moora”;
- 2.4 In Clause 1.2 Interpretation in the definition of “Board” delete “[insert “Local Law” or “By-law” as applicable]” and insert “local law”;
- 2.5 In Clause 5.1(a) delete “[insert “Local Law” or “By-law” as applicable]” and insert “local law”;
- 2.6 In Clause 5.6(f) delete “[insert “Local Law” or “By-law” as applicable]” and insert “local law”;
- 2.7 In Clause 7.11 delete “[insert “Local Law” or “By-law” as applicable]” and insert “local law”;
- 2.8 In Clause 7.16(2) delete “[insert “Local Law” or “By-law” as applicable]” and insert “local law”;
- 2.9 In Clause 7.19 delete “[insert “Local Law” or “By-law” as applicable]” and insert “local law”;
- 2.10 In Clause 7.20(1)(a) delete “[insert “Local Law” or “By-law” as applicable]” and insert “local law”;
- 2.11 In Clause 8.8 delete “[insert “Local Law” or “By-law” as applicable]” in both places where it appears and insert “local law”;
- 2.12 In Clause 9.1 delete “[insert “Local Law” or “By-law” as applicable]” and insert “local law”;
- 2.13 In the First Schedule delete “[insert name of Local Government or Board]” and “[insert name of Local Law or By-law]” and insert “Shire of Moora” and “Cemeteries Local Law 1999” respectively;
- 2.14 In the Second Schedule delete “[insert name of Local Government or Board]” in all four (4) places where it appears and insert “Shire of Moora”;
- 2.15 In the Second Schedule delete “[insert name of Local Law or By-law]” in both places where it appears and insert “Cemeteries Local Law”;
- 2.16 In the Second Schedule delete [insert address of Local Government or Board] in both places where it appears and insert “34 Padbury St, Moora”;
- 2.17 In the Third Schedule delete “[insert name of Local Government or Board]” and “[insert name of Local Law or By-law]” and insert “Shire of Moora” and “Cemeteries Local Law” respectively;

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**PART 3—LOCAL LAWS REPEALED****3. Local Laws Repealed**

The following local laws are repealed—

- (a) Moora Road Board—Parking By-laws as published in the *Government Gazette* of 14 October 1949;
- (b) Adoption of Draft Model By-laws Relating to Removal and Disposal of Obstructing Animals or Vehicles as published in the *Government Gazette* of 16 December 1963;
- (c) The Municipality of the Shire of Moora Adoption of Draft Model By-law Relating to Prevention of Damage to Streets as published in the *Government Gazette* of 19 August 1965; and
- (d) Shire of Moora Local Government Property Local Law as published in the *Government Gazette* of 29 November 1999.

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The Common Seal of the Shire of Moora was affixed in the presence of—

K. M. SEYMOUR, Shire President.  
A. J. LEESON, Chief Executive Officer.

Dated: 1 March 2017.

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**HEALTH ACT 1911  
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MOORA

**HEALTH LOCAL LAW 2016**

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**HEALTH ACT 1911  
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MOORA

**HEALTH LOCAL LAW 2016**

Under the powers conferred by section 342 of the *Health Act 1911* and in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* the Council of the Shire of Moora resolved on 7 December 2016 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This local law may be cited as the Shire of Moora Health Local Law 2016.

**1.2 Commencement**

This local law come into operation on the day that it is published in the *Government Gazette*.

**1.3 Application**

This local law applies throughout the district.

**1.4 Interpretation**

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

*Act* means the *Health Act 1911*;

*adequate supply of water* means a flow of water of not less than 0.076 litres per second;

*approved* means approved by the local government;

*AS* means Australian Standard published by the Standards Association of Australia;

*AS/NZS* means Australian and New Zealand Standard published by the Standards Association of Australia;

*AS/NZS ISO 717.1:2004* means the standard published by the Standards Association of Australia as AS/NZS ISO 717.1:2004 and called “Acoustic—Rating of sound insulation in buildings and of building elements—Airborne sound insulation”, as amended from time to time;

*AS 1530.2:1993* means the standard published by the Standards Association of Australia as AS1530.2:1993 and called Methods for fire tests on building materials, components and structures—Test for flammability of materials, as amended from time to time;

*AS 1530.3:1999* means the standard published by the Standards Association of Australia as AS1530.3:1999 and called Methods for fire tests on building materials, components and structures—Simultaneous determination of ignitability, flame propagation, heat release and smoke release, as amended from time to time;

*AS 1668.2-2002* means the standard published by the Standards Association of Australia as AS1668.2-2002 and called “The use of ventilation and air-conditioning in buildings—Ventilation design for indoor-air contaminant control”, as amended from time to time;

*AS/NZS 3666.2:2002* means the standard published by the Standards Association of Australia as AS/NZS 3666.2:2002 and called Air handling and water systems of buildings—Microbial Control—Operation and maintenance, as amended from time to time;

*Building Code* means the Building Code of Australia which is volumes 1 and 2, as amended from time to time, of the National Construction Code series published by, or on behalf of, the Australian Building Codes Board;

*CEO* means the Chief Executive Officer of the local government and includes in the absence of the Chief Executive Officer, the Deputy or Acting Chief Executive Officer of the local government;

*district* means the district of the local government and includes any area placed under the jurisdiction of the local government pursuant to Section 22 of the Act;

*dwelling house* means a place of residence or house containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

**EHO** means an Environmental Health Officer appointed by the Executive Director Public Health under the Act;

**habitable room** means a room used for normal domestic activities; and

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but
- (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

**hot water** means water at a temperature of at least 50 degrees Celsius;

**house** is defined in the Act;

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

**local government** means the Shire of Moora;

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

**Medical Officer** means the Medical Officer appointed by the local government under the Act and includes an Acting Medical Officer so appointed;

**nuisance** is defined under Section 182 of the Act;

**owner** is defined in the Act;

**occupier** is defined in the Act;

**public place** includes every place to which the public ordinarily have access, whether by payment of a fee or not;

**sanitary convenience** includes urinals, water closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, ash-pits, ash-tubs, or other receptacle for the deposit of ashes, faecal matter, or refuse, and all similar conveniences;

**sewage** means any kind of sewage, nightsoil, faecal matter or urine, and any waste composed wholly or in part of liquid;

**sewer** includes sewers and drains of every description, except drains to which the word “drain” as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of the local government;

**street** includes any highway, any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

**toilet** means a water closet, earth closet, privy or urinal and includes a room or cubicle in which one or more of these is located;

**townsite** means the townsites of Moora, Watheroo, Miling, Bindi Bindi and Coomberdale which have been—

- (a) constituted under section 26(2) of the *Land Administration Act 1997*, or
- (b) referred to in clause 37 of Schedule 9.3 of the *Local Government Act 1995*;

**vector of disease** means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice;

**water** means drinking water within the meaning of the Australian Drinking Water Guidelines as published by the National Health and Medical Research Council in 2011 and as amended from time to time; and

**window** means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.

(2) Where in this local law, a duty or liability is imposed on an “owner or occupier”, the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.

(3) Where under this local law an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

### 1.5 Repeal

The following local laws are repealed—

- (1) The adoption by the Moora Roads Board being the local health authority for the Watheroo Health District of the Model Bylaws Series “A” (1927—1938 version) adopted in its entirety, including modifications relating to nightsoil, on the 9 March 1940, and published in the *Government Gazette* on 3 May 1940 as amended from time to time;
- (2) The adoption by the Moora Roads Board for the Moora Health District of the Health Model By Laws on 11 November 1941 and published in the *Government Gazette* on 16 January 1942 as amended from time to time; and
- (3) The adoption by the Moora Local Board of health being the Local Authority for the Moora (Townsite) Health District of the Model Bylaws Series “A” (1927—1938 version including amendments) in its entirety on the 24 March 1944, and published in the *Government Gazette* on the 14 April 1944;

- (4) The adoption by the Moora Roads Board for the Moora Health District of the Model Bylaws Series "A" (1927—1943 version) in its entirety on the 11 November 1944 and published in the *Government Gazette* on 29 December 1944;
- (5) The adoption by the Moora Roads Board for the Moora Health District of the Model Bylaws Series "A" (4/12/1944 version) in its entirety on the 11 November 1944 and published in the *Government Gazette* on 16 May 1952;
- (6) The adoption by the Moora Roads Board for the Moora Health District of the Model Bylaws Series "A" (1956 version) in its entirety on the 11 November 1944 and published in the *Government Gazette* on 12 December 1956; and,
- (7) The adoption by the Moora Roads Board for the Moora Health District of the Model Bylaws Series "A" (1963 version) in its entirety on the 15 January 1964 and published in the *Government Gazette* on 20 March 1964.

## PART 2—SANITATION

### *Division 1—Sanitary conveniences*

#### 2.1.1 Interpretation

In this Part, unless the context otherwise requires—

**festival** includes a fair, function or event;

**organiser** means a person—

- (a) to whom approval has been granted by the local government to conduct the festival; or
- (b) responsible for the conduct of the festival;

**public sanitary convenience** means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not; and

**temporary sanitary convenience** means a sanitary convenience, temporarily placed for use by—

- (a) patrons in conjunction with a festival; or
- (b) employees at construction sites or the like.

**urinal** may be—

- (a) an individual stall or wall-hung urinal; or
- (b) each 600 millimetres length of a continuous urinal trough; or
- (c) a closet pan used in place of a urinal.

#### 2.1.2 Dwelling house

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has—
  - (a) at least one toilet attached to an approved effluent disposal system;
  - (b) A kitchen;
  - (c) A laundry and bathroom.
- (2) A room in which a toilet is located shall have adequate lighting and ventilation.
- (3) A dwelling house is to conform to the applicable requirements of the Building Code.

#### 2.1.3 Premises other than a dwelling house

- (1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless—
  - (a) the premises have sanitary conveniences in accordance with the Building Code and this Part;
  - (b) the toilets required by this clause are situated within 90 metres and are easily accessible to the persons for whom they are provided; and
  - (c) the premises have hand wash basins—
    - (i) in accordance with the Building Code;
    - (ii) for the use of persons employed or engaged on the premises;
    - (iii) provided with an adequate supply of water supplied by taps located over each basin;
    - (iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and
    - (v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.
- (2) The occupier of premises other than a dwelling house shall ensure that—
  - (a) clean toilet paper is available at all times in each cubicle;
  - (b) a sanitary napkin disposal facility is provided in each toilet provided for the use of females; and
  - (c) each hand wash basin is provided with—
    - (i) an adequate supply of soap or other hand cleaning substances; and
    - (ii) hand drying facilities, situated adjacent to and visible from the hand wash basin.

#### 2.1.4 Outdoor festivals

(1) The organiser of an outdoor festival shall provide sanitary conveniences in accordance with the recommendations contained within the “Guideline for Concerts, Events and Organised Gatherings as published by the Department of Health in December 2009, and as amended from time to time”.

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

(3) An EHO may vary the requirements of subclause (1) upon the written request of the organiser.

#### 2.1.5 Toilets

Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements—

(a) a toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling and of sufficient density to have a Sound Transmission Class of not less than 50 as required by AS/NZS 717.1:2004; and

(b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

#### 2.1.6 Temporary works

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

#### 2.1.7 Maintenance of sanitary conveniences and fittings

(1) The occupier of premises shall—

- (a) keep clean, in good condition and repair; and
- (b) whenever required by an EHO, effectively disinfect and clean,

all sanitary conveniences including sanitary fittings in or on the premises.

(2) The owner of premises shall—

- (a) keep or cause to be kept in good repair; and
- (b) maintain an adequate supply of water to,

all sanitary conveniences including sanitary fittings in or on the premises.

#### 2.1.8 Ventilation of toilet

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

#### 2.1.9 Public sanitary conveniences

(1) A person shall not—

- (a) foul;
- (b) damage or vandalise; or
- (c) write on or otherwise deface, a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.

(2) A person shall not live or sleep in the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

#### 2.1.10 Lighting

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

#### 2.1.11 Installation

Every sanitary convenience shall be installed in accordance with the requirements of the *Country Areas Water Supply Act 1947*, the *Water Services Act 2012* and as applicable the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and shall have an adequate supply of water.

### *Division 2—Bathrooms, laundries and kitchens*

#### 2.2.1 Bathrooms

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—

- (a) is adequately lined with an impervious material and has an adequate ceiling;
- (b) complies with the Health Act (Laundries and Bathrooms) Regulations; and
- (c) is equipped with—
  - (i) a hand wash basin; and
  - (ii) either a shower in a shower recess or a bath.

(2) All baths, showers, hand wash basins and similar fittings shall be provided with an adequate supply of hot and cold water.

**2.2.2 Laundries**

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

**2.2.3 Washing or keeping of clothes in kitchens**

A person shall not in any kitchen or other place where food is kept—

- (a) wash or permit to be washed any clothing or bedding; or
- (b) keep or permit to be kept any soiled clothing or bedding.

**2.2.4 Kitchens**

- (1) In this clause, a “cooking facility” includes a stove, oven, facility or appliance used for or in connection with the cooking of food.
- (2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with—
  - (a) an electric, gas, wood or other fuel burning stove;
  - (b) an oven with a capacity of not less than 0.005 cubic metres per person usually accommodated in the house with a minimum capacity of 0.03 cubic metres; and
  - (c) a sink which shall—
    - (i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
    - (ii) have an adequate supply of hot and cold water.
- (3) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
- (4) A cooking facility shall—
  - (a) be installed in accordance with the requirements of Energy Safety WA and the “Manufacturers’ Specifications”;
  - (b) not be installed or used in any room other than a kitchen.
- (5) Mechanical ventilation that is installed in a kitchen, shall not allow the deposition of fats and oils within the roof space of a dwelling house.
- (6) Mechanical ventilation shall be maintained in good working order and condition.

**PART 3—HOUSING AND GENERAL***Division 1—Maintenance of dwelling houses***3.1.1 Dwelling House Maintenance**

The owner or occupier of a dwelling house shall maintain the dwelling house and any appurtenant buildings, in sound condition and fit for use and, in particular, shall—

- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an EHO to treat the premises for the purpose of destroying any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps, which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even and level in surface and free from cracks and gaps;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting below the ratio of 10 percent of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Country Areas Water Supply Act 1947* and the *Water Services Act 2012* and shall have an adequate supply of water and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of Energy Safety WA.

### 3.1.2 Maintenance of guttering and downpipes and disposal of rainwater

The owner or occupier of a dwelling house shall maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction.

#### *Division 2—Ventilation of houses*

### 3.2.1 Exemption for short term hostels and recreational campsites

This Division shall not apply to short term hostels and recreational campsites referred to in Division 2 of Part 8.

### 3.2.2 Overcrowding

The owner or occupier of a house shall not permit—

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

### 3.2.3 Calculated sufficient space

For the purpose of clause 3.2.2, in calculating the space required for each person—

- (a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and
- (b) a deduction shall be made for the space occupied by furniture, fittings and projections of the walls into a room.

### 3.2.4 Ventilation

- (1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.
- (2) For the purpose of subclause (1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of—
  - (a) natural ventilation; or
  - (b) a mechanical ventilation or air-conditioning system complying with AS 1668.2:2002.
- (3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is—
  - (a) maintained in good working condition and in accordance with AS/NZS 3666.2:2002; and
  - (b) in use at all times the building is occupied if it is a building without approved natural ventilation.
- (4) If, in the opinion of an EHO, a house is not properly ventilated, the local government may by notice require the owner of the house to—
  - (a) provide a different, or additional method of ventilation; or
  - (b) cease using the house until it is properly ventilated.
- (5) The owner shall comply with a notice under subclause (4).

### 3.2.5 Sub-Floor Ventilation

The owner or occupier of a house shall make provision for sub-floor ventilation by ensuring that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.

#### *Division 3—Water supply*

### 3.3.1 Water supply

- (1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of a licensed water service operator or a water supply to the satisfaction of the local government.
- (2) The water supply shall at all times deliver an adequate supply of water to each tap in the house.
- (3) The water supply to toilets, or for garden use may be from an alternative source to that specified in subclause (1).

### 3.3.2 Rain water tanks

The owner or occupier of a house for which part of the water supply is drawn from a rain water tank shall—

- (a) maintain in a clean condition—
  - (i) the roof forming the catchment for the tank; and
  - (ii) the guttering and downpipes appurtenant to the roof;
- (b) ensure that each rain water tank is fitted with a tight fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;

- (c) annually clean any tank the water from which is used for human consumption;
- (d) when directed by an EHO, empty, clean and disinfect any tank upon the premises, the water from which is used for human consumption.

### 3.3.3 Wells

The owner or occupier of any premises shall not use or permit for human consumption the use of the water of any bore or well unless the bore or well is—

- (a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Executive Director, Public Health; and
- (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

### 3.3.4 Pollution

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

## *Division 4—Second-hand furniture, bedding and clothing*

### 3.4.1 Prohibition of sale

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

### 3.4.2 Prohibition of possession

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

## PART 4—WASTE FOOD AND REFUSE

### *Division 1—Liquid refuse*

#### 4.1.1 Interpretation

In this Division, unless the context otherwise requires—

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

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

#### 4.1.2 Deposit of liquid refuse

A person shall not deposit or cause or permit to be deposited liquid refuse or liquid waste—

- (a) on a street;
- (b) in a stormwater disposal system; or
- (c) on any land or place other than a place or depot duly authorised for that purpose.

#### 4.1.3 Disposal of liquid waste

(1) The owner or occupier of premises shall—

- (a) provide, by one of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and
- (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.

(2) Liquid waste shall be disposed of by one of the following methods—

- (a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;
- (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Executive Director, Public Health or the local government; or
- (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the local government.

#### 4.1.4 Approval for septic tank pump-outs and removal of liquid waste

A person shall not—

- (a) without the written approval of the local government; and
- (b) except in accordance with any terms and conditions imposed by the local government or the Executive Director, Public Health in connection with the approval under paragraph (a),

collect, remove or dispose of the contents of a septic tank, the pump-outs from holding tanks or an apparatus for the treatment of sewage and other liquid wastes.

*Division 2—Transport of butchers' waste***4.2.1 Interpretation**

In this Division, unless the context otherwise requires—

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

**4.2.2 Transport of butchers' waste**

- (1) A person shall not transport butchers' waste otherwise than in—
  - (a) a compartment complying with the following specifications—
    - (i) all internal surfaces to be constructed of smooth, impervious material not less than 910 millimetres high;
    - (ii) all joints to be sealed and made watertight;
    - (iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and
    - (iv) the top to be completely covered by a tarpaulin or other impervious material carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or
  - (b) a sealed container fitted with a lid, which can be tightly closed.
- (2) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to—
  - (a) the sight of animal skeletons, bones, offal or waste matter;
  - (b) the odour of putrefaction, offal or waste matter; or
  - (c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

**PART 5—NUISANCES AND GENERAL***Division 1—Nuisances***5.1.1 Interpretation**

In this Division, unless the context otherwise requires—

**fertiliser** includes manure;

**public vehicle** includes bus, tram, taxi or any other public transport.

**5.1.2 Escape of smoke etc.**

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

**5.1.3 Public vehicles to be kept clean**

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

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

**5.1.4 Prohibition against spitting**

A person shall not spit on a footpath, street or public place.

**5.1.5 Transportation, use and storage of offal, blood or other offensive material**

- (1) A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried.
- (2) No person shall remove any offensive matter unless such offensive matter is carried in watertight barrels or tanks securely covered to prevent the escape of any of the contents thereof, or the emission of any offensive odours therefrom.
- (3) Every person using any sealed containers or vehicle in the removal of any offensive matter shall keep such container or vehicle in a thoroughly clean condition and in good repair.

**5.1.6 Use or storage of fertiliser**

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

- (a) pig manure, within 200 metres of townsite boundaries, or within townsites, unless it has been effectively treated to the satisfaction of an EHO;
- (b) human faeces; or
- (c) urine.



### 5.1.7 Storage and dispatch of artificial fertiliser

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

- (a) keep all artificial fertiliser in a building—
  - (i) of which all internal surfaces are constructed of durable and non-absorbent materials finished internally with a smooth surface;
  - (ii) that protects it from the absorption of moisture; and
  - (iii) that is adequately ventilated;
- (b) take adequate measures to prevent the emission of dust or offensive effluvia from the building; and
- (c) ensure that all artificial fertiliser dispatched from the premises is handled and loaded in such a manner as to prevent any nuisance arising during transit.

### 5.1.8 Storage of fertiliser in a house

The owner or occupier of a house where fertiliser or compost is stored or used shall—

- (a) take all reasonable measures to prevent the escape of odours, dust or particles of fertiliser or compost;
- (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and
- (c) store only such amounts of fertiliser or compost—
  - (i) as can be readily used within a reasonable period; or
  - (ii) as may be directed by an EHO.

### 5.1.9 Vehicles used for transporting of animals and birds

No person having the control or management of any vehicle in which large animals or poultry are being or have been transported or confined shall allow such vehicle to stand within a townsite until the vehicle has been thoroughly cleaned.

### 5.1.10 Sewage build up in yard

No person shall allow the build-up of sewage to occur within a house, yard or property either from a septic tank, leach drain or sewer line. The owner is to take the necessary steps to rectify the problem and treat with disinfectant and cover with sand any sewage residue.

## *Division 2—Keeping of animals and birds*

### 5.2.1 Interpretation

In this Division, unless the context otherwise requires—

**animal** includes cats, dogs, rabbits and ferrets or the like;

**bird** includes galahs, parrots, budgerigars, finches, pigeons and doves or the like;

**Catteries** are premises registered for the breeding or caring of cats.

### 5.2.2 Cleanliness

An owner or occupier of premises, in or on which an animal or bird is kept shall—

- (a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;
- (b) when so directed by an EHO, clean and disinfect the premises;
- (c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means;
- (d) ensure the animal or bird kept is not causing a nuisance or is injurious, offensive or dangerous to health.

### 5.2.3 Animal enclosures

(1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained.

(2) The owner or occupier of premises where animals or birds are kept shall, when directed by the local government, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

### 5.2.4 Cats

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

- (a) the occupier shall obtain approval from the local government to establish a cattery;
- (b) upon receiving approval to establish a cattery, the occupier shall apply for registration of the cattery in the form set out in Schedule 1;
- (c) the occupier shall have paid to the local government the annual registration fee as fixed from time to time by the local government under Section 344C of the Act;

- (d) the occupier shall provide for every cat a properly constructed shelter with an enclosure, which shall comply with the following conditions—
    - (i) every shelter shall have a floor area of not less than 0.50 square metres for every cat over the age of 3 months old that may be kept therein; and
    - (ii) the area of the enclosure appurtenant to any shelter or group of shelters forming a cattery shall not be less than 3 times the area of the shelter or group of shelters to which it is appurtenant;
  - (e) every shelter or enclosure shall be at least 10 metres from the boundary of any land not in the same ownership or possession, or at least 10 metres from any dwelling, church, schoolroom, hall, factory, dairy or premises whatsoever wherein food is manufactured, packed or prepared for human consumption; and
  - (f) all enclosures, yards, runs and shelters within which cats are kept shall be maintained at all times in a clean condition and free from vectors of disease and shall at any time be cleaned, disinfected or otherwise dealt with as an EHO may direct.
- (2) A certificate of registration of a cattery issued by the local government shall—
- (a) be in the form set out in Schedule 2; and
  - (b) expire on 30 June next after the date of its issue.

### 5.2.5 Slaughter of animals

- (1) Subject to subclause (2) a person, unless exempted under Regulation 20 of the *Food Regulations 2009*, shall not slaughter any animal within the district.
- (2) Subclause (1) does not apply to—
- (a) euthanasia of animals by veterinarians or other duly authorised persons;
  - (b) slaughter of animals for the purposes of pet meat and game meat operations;
  - (c) slaughter of animals for human consumption in abattoirs approved by the local government; and
  - (d) farming or grazing property occupiers preparing meat for their own consumption.

### 5.2.6 Disposal of dead animals

- (1) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours, shall refrigerate the carcass prior to its removal and disposal at an approved disposal site.
- (2) An owner or occupier of premises, other than a veterinary practice, on which there is a dead animal shall as soon as possible remove the carcass for its disposal at an approved disposal site.
- (3) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall as soon as possible remove the carcass and arrange for its disposal at an approved disposal site.
- (4) Dead farm animals must be buried in a sufficiently large hole after covering with lime then being covered with sand or top soil.

## *Division 3—Keeping of large animals*

### 5.3.1 Interpretation

In this Division, unless the context otherwise requires—

**approved animal** includes a horse, cow or other large animal the subject of an approval by the local government under clause 5.3.2;

**cow** includes an ox, calf, or bull;

**horse** includes an ass, mule, donkey or pony.

### 5.3.2 Conditions for keeping of an animal

- (1) An owner or occupier of premises, within a townsite shall not keep a horse, cow, pig, sheep or goat or other large animal, on those premises unless—
- (a) they have the approval of the local government;
  - (b) the zoning for the area allows for the keeping of the large animal; and
  - (c) the owner can show that there is sufficient feed on the premises to sustain the large animal.
- (2) An owner or occupier of premises within a townsite shall not keep an approved large animal or specified number of sheep or goats unless—
- (a) the premises have an area of not less than 10 hectares of alienated land for a horse or cow; 1 hectare for a sheep or goat; and
  - (b) the approved animal does not approach within 30 metres of a dwelling or place where food is stored, manufactured, processed, served or exposed for sale.
- (3) The owner or occupier wanting to keep a number of animals greater than the number specified under subclause (2), on a block of land 1 hectare or larger and within a town site, can do so only by obtaining the written approval of the local government.
- (4) An approval under (3) shall stipulate the maximum number of animals that may be kept, where the number of animals is calculated using the following maximum rates—Four large animals and 2 of their offspring up to the age of 12 months per 10 hectares or part thereof, or 12 sheep or 12 goats per 10 hectares or part thereof, or a combination of these numbers.

### 5.3.3 Stables

(1) The owner or occupier of premises within a townsite where zoning permits and in an approved area, who has an approved animal shall provide for its use a stable, which shall—

- (a) not be situated within 30 metres of a house or other premises;
- (b) have a proper separate stall—
  - (i) for each horse or cow; and
  - (ii) with walls measuring not less than 3 metres, both horizontally and vertically, unless it has a sand floor provided in accordance with subclause (2);
  - (iii) with a floor area of not less than 11 square metres, unless it has a sand floor provided in accordance with subclause (2);
- (c) have each wall and roof constructed of an approved impervious material;
- (d) unless it has a sand floor provided in accordance with subclause (2) have a roof that covers the entire floor area of the stall;
- (e) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;
- (f) subject to subclause (2), have a floor, the upper surface of which shall—
  - (i) be at least 75 millimetre above the surface of the ground;
  - (ii) be constructed of cement, concrete or other similar impervious materials;
  - (iii) have a fall of 1 in 100 to a drain, which shall empty, into a trapped gully situated outside the stable and shall discharge in a manner approved by the local government.

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

- (a) the site must be well drained with the highest known water table at least 1.5 metres below the sand floor level, which may be achieved artificially;
- (b) a 300 millimetres thick bed of aggregate approved by an EHO shall be laid under the sand of the stable;
- (c) sand, whether natural or imported, must be clean, coarse and free from dust;
- (d) footings to each stable shall be a minimum of 450 millimetres below ground level;
- (e) the stable design must allow for the access of small earth moving machinery, such as a skid steer loader, into each individual stall, to maintain the correct floor height;
- (f) the minimum floor area of each stall shall be not less than 28 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally;
- (g) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall.

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

- (a) maintain the stable in a clean condition daily and when so directed by an EHO, clean, wash and disinfect it;
- (b) keep all parts of the stable so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
- (c) when so ordered by an EHO, spray the stable or such parts as may be directed, with a residual insecticide.

### 5.3.4 Manure receptacles

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

- (a) provide in a position convenient to the stable a receptacle for manure, which is constructed of smooth, impervious, durable, easily cleanable materials and, provided with a tight-fitting cover, and with no part of the receptacle base being lower than the surface of the adjoining ground;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;
- (d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
- (e) cause all manure produced on the premises to be collected daily and placed in the receptacle or comply with such other arrangements as approved by an EHO.

## *Division 4—Keeping of poultry and pigeons*

### 5.4.1 Interpretation

In this Division, unless the context otherwise requires—

**poultry** includes bantams, ducks and other domestic fowls;

### 5.4.2 Limitation on numbers of poultry and pigeons

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

#### 5.4.3 Conditions for keeping poultry in limited numbers

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

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

#### 5.4.4 Roosters, geese, turkeys, peafowls and game birds

(1) An occupier of premises within a townsite, shall not without the written approval of the local government, keep or permit to be kept on those premises, any of the following fowl—

- (a) a rooster;
- (b) a goose or gander;
- (c) a turkey;
- (d) a peacock or peahen;
- (e) a game bird (includes emus and ostriches).

(2) The local government may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in subclause (1).

(3) A person who has been granted approval under this clause to keep a bird may keep the bird on the premises only while he is the occupier thereof.

(4) The local government may revoke an approval granted under this clause if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

#### 5.4.5 Pigeons or doves

A person who keeps, or permits to be kept, pigeons or doves shall ensure that—

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

#### 5.4.6 Removal of non-conforming structure or enclosure

(1) If a structure or enclosure is used for the keeping of poultry or pigeons or doves contrary to the provisions of clauses 5.4.3 and 5.4.5, the local government may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the local government made under this clause.

#### 5.4.7 Restrictions on pigeon nesting or perching

(1) A local government may order an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.

(2) An owner or occupier shall comply with a local government order made under this clause.

### *Division 5—Feedlots*

#### 5.5.1 Interpretation

For the purpose of this Division—

**feedlot** means a confined area with watering and feeding facilities where animals or birds are held and fed for the purpose of weight gain;

**animal** includes sheep, lambs, goats, deer, cattle and buffalo;

**birds** include roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches.

#### 5.5.2 Premises to be approved

(1) No premises shall be used as a feedlot unless approved by the local government and registered by the Department of Environment Regulation.

(2) Subject to subclause (3), no premises shall be approved as a feedlot by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Schedule 3.

(3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government if the local government is satisfied that approving the feedlot will not give rise to a health nuisance.

### 5.5.3 Site conditions

(1) The owner or occupier of the approved feedlot shall ensure the premises—

- (a) is sited on gently sloping land, no greater than 1:20 but not less than 1:100;
- (b) is sited on soils with sufficient filtration to avoid surface ponding and run-off;
- (c) has a minimum groundwater clearance of 2 metres;
- (d) drainage diverts all uncontaminated stormwater from the general waste stream;
- (e) has solid and liquid waste disposal arrangements that are not offensive or injurious to health.

(2) The owner or occupier of the approved feedlot shall take effective measures to prevent the discharge of dust which may involve—

- (a) reducing the stocking rate immediately to a level that does not cause the discharge of dust; or
- (b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
- (c) provision of adequate windbreaks to effectively prevent the discharge of dust.

## PART 6—PEST CONTROL

### *Division 1—Flies*

#### 6.1.1 Interpretation

In this Division, unless the context otherwise requires—

*flies* mean any of the two-winged insects constituting the order Diptera commonly known as flies.

#### 6.1.2 Fly breeding matter not to be left on premises unless covered or treated

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

#### 6.1.3 Measures to be taken by an occupier

An owner or occupier of premises shall ensure that—

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

#### 6.1.4 EHO may give notice directing measures to be taken

Where in the opinion of an EHO, flies are prevalent or are breeding on any premises, the EHO may give to the owner or occupier of the premises notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the EHO are necessary to—

- (a) control the prevalence;
- (b) effect the eradication; or
- (c) effectively prevent the breeding;

of flies.

#### 6.1.5 The local government may execute work and recover costs

(1) Where—

- (a) a person is required under this Division or directed by a notice given under clause 6.1.4, to execute any work; and
- (b) that person fails or neglects to comply with the requirement, the local government may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under this local law.

(2) The costs and expenses incurred by the local government in the execution of a power under subclause (1) may be recovered in a court of competent jurisdiction from the person referred to in subclause (1).

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

#### *Division 2—Mosquitoes*

##### **6.2.1 Interpretation**

In this Division, unless the context otherwise requires—

**mosquitoes** means any of the two-winged insects constituting the family Diptera Culicidae commonly known as mosquitoes.

##### **6.2.2 Measures to be taken to prevent mosquitoes breeding**

(1) An owner or occupier of premises shall ensure that the premises are kept free from possible mosquito breeding sites and shall—

- (a) follow any direction of an EHO for the purpose of—
  - (i) controlling the prevalence of mosquitoes;
  - (ii) eradication of mosquitoes; or
  - (iii) effectively preventing the breeding of mosquitoes.
- (b) assist an EHO to locate any possible mosquito breeding sites that may be present in or about the premises.

(2) An owner or occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall—

- (a) frequently change the water; and
- (b) keep the water clean and free from vegetable matter and slime.

(3) An owner or occupier of premises where a septic tank is installed shall ensure the fixture is in sound condition at all times, and mesh having openings no larger than 1.2 millimetres covers any educt vent to the system.

(4) An owner or occupier of land shall cause all drains and channels in or on the land to be kept in good working order and free from obstruction.

##### **6.2.3 Local government may execute work and recover costs**

(1) Where—

- (a) a person is required under this division or directed by a notice given under clause 6.2.2 to execute any work; and
- (b) that person fails or neglects to comply with the requirement,

the local government may execute the work and recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable.

(2) The costs and expenses incurred by the local government in the execution of a power under subclause (1) may be recovered in a court of competent jurisdiction from that person.

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

#### *Division 3—Rodents*

##### **6.3.1 Interpretation**

In this Division, unless the context otherwise requires—

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

##### **6.3.2 Measures to be taken to eradicate rodents**

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

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

(3) An owner or occupier shall within the time specified comply with any direction given by an EHO under this clause.

##### **6.3.3 Food and wastes to be kept in rodent proof receptacles**

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

### 6.3.4 Restrictions on the keeping of rodents

A person or body who keeps rodents shall—

- (a) at all times ensure that all live rodents are kept in the effective control of a person or in locked cages; and
- (b) if a rodent escapes, forthwith comply with the requirements of clause 6.3.2 and ensure that all reasonable steps are taken to destroy or recapture the rodent.

#### *Division 4—Cockroaches*

### 6.4.1 Interpretation

In this Division, unless the context otherwise requires—

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

### 6.4.2 Measures to be taken to eradicate cockroaches

- (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
- (2) An EHO may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the EHO, is necessary or desirable to prevent or deter the presence of cockroaches in or on the premises.
- (3) An owner or occupier shall within the time specified comply with any direction given by an EHO under this clause.

#### *Division 5—Argentine ants*

### 6.5.1 Interpretation

In this Division, unless the context otherwise requires—

**argentine ant** means an ant belonging to the species *Limepithema humile*.

### 6.5.2 Measures to be taken to keep premises free from argentine ants

An owner or occupier of premises shall ensure that the premises are kept free from argentine ant colonies and shall—

- (a) take all steps to locate any nests, if argentine ants are noticed in, on or about the premises;
- (b) properly treat all nests of argentine ants with an approved residual based insecticide; and
- (c) whenever required by an EHO—
  - (i) treat any area or infestation with an insecticide referred to in paragraph (b); and
  - (ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from the EHO.

#### *Division 6—European wasps*

### 6.6.1 Interpretation

In this Division, unless the context otherwise requires—

**European wasp** means a wasp *Vespula germanica*.

### 6.6.2 Measures to be taken to keep premises free from European wasp nests

An owner or occupier of premises shall ensure that the premises are kept free from European wasp nests and shall—

- (a) follow any direction of an EHO for the purpose of destroying the wasps and their nest; and
- (b) assist an EHO to trace any nest that may be present in, on or about the premises.

#### *Division 7—Bee keeping*

### 6.7.1 Interpretation

In this Division, unless the context otherwise requires—

**bees** mean an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee;

**bee hive** means a moveable or fixed structure, container or object in which a colony of bees is kept.

### 6.7.2 Restrictions on keeping of bees in hives

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

*Division 8—Arthropod vectors of disease***6.8.1 Interpretation**

In this Division, unless the context otherwise requires—

**arthropod vectors of disease** include—

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularius*);
- (c) crab lice (*Phthirus pubis*);
- (d) body lice (*Pediculus humanus var. corporis*); and
- (e) head lice (*Pediculus humanus var. capitis*).

**6.8.2 Responsibility of the owner or occupier**

The owner or occupier of premises shall—

- (a) keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and
- (b) comply with the direction of an EHO to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

**PART 7—INFECTIOUS DISEASES***Division 1—General provisions***7.1.1 Requirements for an owner or occupier to clean, disinfect and disinfest**

(1) The local government or an EHO may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest—

- (a) the premises; or
- (b) such things in or on the premises as are specified in the notice,

or both, to the satisfaction of an EHO.

(2) An owner or occupier shall comply with a notice given under subclause (1).

**7.1.2 EHO may disinfect or disinfest premises**

(1) Where the local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government or the Medical Officer may direct an EHO, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.

(2) An owner or occupier of premises shall permit, and provide access to enable, an EHO, other local government officer or other person to carry out the direction given under subclause (1).

(3) The local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this clause from the owner or occupier of the premises in or on which the work was carried out.

(4) The local government is not liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government or any of its staff under this clause, other than compensation or damages for loss or damage suffered because the local government or any of its staff acted negligently or in breach of duty.

**7.1.3 Insanitary houses, premises and things**

(1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.

(2) Where an EHO considers that a house is insanitary, the officer may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.

(3) Where an EHO considers that—

- (a) a house or premises is not being maintained in a sanitary condition; or
- (b) anything is insanitary,

the officer may, by notice in writing, direct, as the case may be—

- (i) the owner or occupier of the house or premises to amend any insanitary condition; or
- (ii) the owner or occupier of the insanitary thing to destroy or amend it,

within the time and in the manner specified in the notice.

(4) A person to whom a notice has been given under subclauses (2) or (3) shall comply with the terms of the notice.

**7.1.4 Persons in contact with an infectious disease sufferer**

If a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house—

- (a) shall obey such instructions or directions as the local government or the Medical Officer may issue;
- (b) may be removed, at the direction of the local government or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading; and if so removed, shall remain in that place until the Medical Officer otherwise directs.



**7.1.5 Declaration of infected house or premises**

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

**7.1.6 Destruction of infected animals**

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

**7.1.7 Disposal of a body**

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

**7.1.8 Local government may carry out work and recover costs**

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

*Division 2—Disposal of used condoms and needles***7.2.1 Disposal of used condoms**

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

**7.2.2 Disposal of used needles**

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

**PART 8—LODGING HOUSES***Division 1—Registration***8.1.1 Interpretation**

- (1) In this Part, unless the context otherwise requires—

**bed** means a single sleeping berth only;

**bunk** means a sleeping berth comprising 1 of 2 arranged vertically;

**dormitory** means a building or room utilised for sleeping purposes at a short term hostel or recreational campsite;

**Food Standards Code** means the *Australian New Zealand Food Standards Code* as defined in the *Commonwealth Food Standards Australia New Zealand Act 1991*;

**keeper** means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;

**lodger** means a person who obtains, for hire or reward, board or lodging in a lodging house;

**lodging house** includes a recreational campsite, a serviced apartment and a short term hostel;

**manager** means a person duly appointed by the keeper in accordance with this Division to reside in, and have the care and management of, a lodging house;

**recreational campsite** means a lodging house—

- (a) situated on a campsite principally used for—
  - (i) recreational, sporting, religious, ethnic or educational pursuits; or
  - (ii) conferences or conventions; and
- (b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools but does not include a camping ground or a caravan park within the meaning of the *Caravan Parks and Camping Grounds Act 1995*;

**register of lodgers** means the register kept in accordance with Section 157 of the Act and this Part;

**resident** means a person, other than a lodger, who resides in a lodging house;

**serviced apartment** means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities; and

**short term hostel** means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and shall include youth hostels and backpacker hostels.

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

### 8.1.2 Lodging house not to be kept unless registered

A person shall not keep or cause, suffer or permit to be kept a lodging house unless—

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the local government under clause 8.1.4;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) when required by the local government either—
  - (i) the keeper; or
  - (ii) a manager who, with the written approval of an EHO, has been appointed by the keeper to have the care and management of the lodging house, resides or intends to reside continuously in the lodging house whenever there is one or more lodgers in the lodging house.

### 8.1.3 Application for registration

An application for registration of a lodging house shall be—

- (a) in the form prescribed in Schedule 4;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
  - (i) the fee as fixed from time to time by the local government under Section 344C of the Act; and
  - (ii) detailed plans and specifications of the lodging house.

### 8.1.4 Approval of application

The local government may approve, with or without conditions, an application under clause 8.1.3 by issuing to the applicant a certificate in the form of Schedule 5.

### 8.1.5 Renewal of registration

A person who keeps a lodging house, which is registered under this Part, shall—

- (a) during the month of June in each year apply to the local government for the renewal of the registration of the lodging house; and
- (b) pay the fee as fixed from time to time by the local government under Section 344C of the Act, at the time of making each application for renewal.

### 8.1.6 Notification upon sale or transfer

If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the local government written notice in the form prescribed in Schedule 6 of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

### 8.1.7 Revocation of registration

(1) Subject to subclause (3), the local government may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the local government, justifies the revocation.

(2) Without limiting the generality of subclause (1), the local government may revoke a registration upon any one or more of the following grounds—

- (a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;

- (b) that the keeper has—
    - (i) been convicted of an offence against this local law in respect of the lodging house;
    - (ii) not complied with a requirement of this Part; or
    - (iii) not complied with a condition of registration;
  - (c) that the local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
  - (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the EHO, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this local law, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.
- (4) Whenever the local government revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

#### *Division 2—Construction and use requirements*

##### **8.2.1 General construction requirements**

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

##### **8.2.2 Kitchen**

A keeper of a lodging house shall provide in that lodging house a kitchen which—

- (a) has adequate—
  - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
  - (ii) refrigerator space for storage of perishable goods;
- (b) if the premises of a food business, as defined in the *Food Act 2008*, complies with any of the requirements of Standard 3.2.3 of the Food Standards Code called Food Premises and Equipment, as amended from time to time.

##### **8.2.3 Dining Room**

The keeper of a lodging house shall provide in that lodging house a dining room—

- (a) located in close proximity to, or combined with, the kitchen;
- (b) the floor area of which shall be 0.5 square metres per person or not less than 10 square metres whichever is the greater; and
- (c) which shall be—
  - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
  - (ii) provided with a suitable floor covering.

##### **8.2.4 Lounge Room**

The keeper of a lodging house shall provide in that lodging house a lounge room—

- (a) with a floor area—
  - (i) where the lounge room is not combined with a dining room not less than 0.6 square metres per person;
  - (ii) where the lounge room is combined with a dining room not less than 1.2 square metres per person.

But in either case having a minimum of 13 square metres; and

- (b) which shall be—
  - (i) adequately furnished to accommodate at any one time, half of the number of lodgers; and
  - (ii) provided with a suitable floor covering.

##### **8.2.5 Sanitary Conveniences**

(1) A keeper shall maintain in good working order and condition and in convenient positions on the premises—

- (a) toilets; and
- (b) bathrooms, each fitted with a hand wash basin and either a shower or a bath,

in accordance with the requirements of the Building Code.

(2) A bathroom or toilet, which is used as a private bathroom or toilet to the exclusion of other lodgers or residents, shall not be counted for the purposes of subclause (1).

(3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.

(4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.

- (5) Each toilet and bathroom shall—
- (a) be situated, separated and screened as to ensure privacy;
  - (b) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
  - (c) be provided with adequate electric lighting.
- (6) Subclauses 5(a) and 5(b) do not apply to a serviced apartment.

### 8.2.6 Laundry

- (1) A keeper shall—
- (a) subject to subclause (2)—
    - (i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and
    - (ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;
  - (b) at all times maintain each laundry in a proper sanitary condition and in good repair;
  - (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
  - (d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.
- (2) An EHO may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

- (3) In this clause—

laundry unit means a group of facilities consisting of—

- (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
- (b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and
- (c) either an electric drying cabinet or not less than 30 metres of clothesline, and
- (d) a hot water system that—
  - (i) is capable of delivering 136 litres of water per hour at a temperature of at least 50°C for each washing machine provided with the communal facilities; and
  - (ii) has a delivery rate of not less than 18 litres per minute to each washing machine.

### 8.2.7 Fire prevention and control

- (1) A keeper shall—
- (a) in each passage in the lodging house provide an emergency light—
    - (i) in such a position and of such a pattern, as shall be approved by an EHO; and
    - (ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;
  - (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
  - (c) ensure that each exit sign and fire-fighting appliance is clearly visible, accessible and maintained in good working order at all times; and
  - (d) ensure all firefighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.
- (2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code.

### 8.2.8 Obstruction of passages and stairways

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

- (a) a stairway, stair landing, fire-escape, window or common passageway; or
- (b) part of the lodging house in common use or intended or adapted for common use,

in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.

### 8.2.9 Fitting of locks

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

### 8.2.10 Restriction on use of rooms for sleeping

- (1) Subject to subclause (3) and clause 8.3.10, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—
- (a) which contains food;
  - (b) which contains or is fitted with a cooking appliance or kitchen sink;
  - (c) which is used as a kitchen, scullery, store room, dining room, general sitting room, lounge room or for the preparation or storage of food;
  - (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;

- (e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
  - (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1 square metre of floor area;
  - (g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;
  - (h) in which the lighting or ventilation referred to in subclauses (f) and (g) is obstructed or is not in good and efficient order;
  - (i) which is not free from internal dampness;
  - (j) of which any part of the floor is below the level of the adjoining ground; or
  - (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an EHO.
- (2) For the purposes of this clause, 2 children under the age of 10 years shall be counted as one lodger.
- (3) Paragraphs (a), (b) and (c) of subclause (1) shall not apply to a serviced apartment.

### 8.2.11 Sleeping accommodation, short term hostels and recreational campsites

- (1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than—
- (a) 4 square metres per person in each dormitory utilising beds;
  - (b) 2.5 square metres per person in dormitories utilising bunks.
- (2) The calculation of floor space in subclause (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.
- (3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds, and 2.7 metres in any dormitory utilising bunks.
- (4) The minimum floor area requirements in subclause (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.
- (5) The keeper of any short term hostel or recreational campsite shall provide—
- (a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable;
  - (b) mechanical ventilation in lieu of fixed ventilation, subject to the local government's approval.
- (6) The keeper of any short term hostel or recreational campsite shall provide—
- (a) beds with a minimum size of—
    - (i) in short term hostels—800 millimetres x 1.9 metres; and
    - (ii) in recreational campsites—750 millimetres x 1.85 metres.
  - (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.
- (7) The keeper of any short term hostel or recreational campsite shall—
- (a) maintain at all times a minimum distance of 750 millimetres between beds and a minimum distance of 900 millimetres between bunks;
  - (b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and passageway of at least 2 metres between each row of bunks, and shall ensure that the passageway is kept clear of obstruction at all times; and
  - (c) ensure all doors, windows and ventilators are kept free of obstruction.
- (8) The keeper of a short term hostel or recreational campsite shall ensure that—
- (a) materials used in dormitory areas comply with AS 1530.2 -1993 and AS 1530.3-1999 as follows—
    - (i) Drapes, curtains, blinds and bed covers—a maximum Flammability Index of 6;
    - (ii) Upholstery and bedding—a maximum Spread of Flame Index of 6 and a maximum Smoke Developed Index of 5;
    - (iii) Floor coverings—a maximum Spread of Flame Index of 7 and a maximum Smoke Developed Index of 5;
  - (b) fire retardant coatings used to make a material comply with Spread of Flame or Smoke Developed indices must be—
    - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices; and
    - (ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-2005: Methods of test for textiles—Dimensional change—Domestic washing and drying procedures for textile testing, as amended from time to time; and
    - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;
  - (c) emergency lighting is provided in accordance with the Building Code;

- (d) a lodger or other person does not smoke in any dormitory, kitchen, dining room, or other enclosed public place, within a short term hostel or recreational campsite; and
- (e) all mattresses in a short term hostel or recreational campsite are fitted with a mattress protector.

#### **8.2.12 Furnishing etc. of sleeping apartments**

- (1) A keeper shall—
  - (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
  - (b) ensure that each bed—
    - (i) has a bed head, mattress and pillow; and
    - (ii) is provided with a pillow case, mattress cover, 2 sheets, 2 blankets or equivalent; and
  - (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.
- (2) The keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.
- (3) The sheets and blankets required to be provided by subclause (1)(b)(ii), shall be deemed to have been provided by the keeper where the keeper offers them for hire to the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper.
- (4) In a short term hostel or recreational campsite, the storage facilities required by subclause (1)(c) may be located in a separate secure storage room or locker room.

#### **8.2.13 Ventilation**

- (1) If, in the opinion of an EHO, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.
- (2) The keeper shall comply with any direction given under subclause (1) within such time as directed.

#### **8.2.14 Numbers to be placed on doors**

- (1) A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that—
  - (a) the number “1” is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and
  - (b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.
- (2) The numbers to be placed on the doors under subclause (1) shall be—
  - (a) not less than 40 millimetres in height;
  - (b) 1.5 metres from the floor; and
  - (c) permanently fixed either by being painted on the doors or shown by other legible means.

### *Division 3—Management and care*

#### **8.3.1 Duties of keeper**

No keeper of a lodging house shall absent himself or herself from such house, unless he or she leaves some reputable person in charge thereof.

#### **8.3.2 Register of lodgers**

- (1) A keeper shall keep a register of lodgers in the form of Schedule 7.
- (2) The register of lodgers shall be—
  - (a) kept in the lodging house; and
  - (b) open to inspection at any time on demand by any member of the Police Service or by an EHO.

#### **8.3.3 Keeper report**

A keeper shall, whenever required by the local government, report to the local government, in the form prescribed in Schedule 8, the name of each lodger who lodged in the lodging house during the preceding day or night.

#### **8.3.4 Certificate in respect of sleeping accommodation**

- (1) An EHO may issue to a keeper a certificate, in respect of each room, which shall be in the form prescribed in Schedule 9.
- (2) The certificate issued under subclause (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
- (3) When required by an EHO, a keeper shall exhibit the certificate issued under this clause in a conspicuous place.
- (4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

### 8.3.5 Duplicate keys and inspection

Each keeper and manager of a lodging house shall—

- (a) retain possession of a duplicate key to the door of each room; and
- (b) when required by an EHO, open the door of any room for the purposes of inspection by the EHO.

### 8.3.6 Room occupancy

(1) A keeper shall not—

- (a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;
- (b) cause, suffer or permit to be placed or kept in any sleeping apartments—
  - (i) a larger number of beds; or
  - (ii) a larger quantity of bedding, than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
- (c) use or cause, suffer or permit to be used for sleeping purposes a room that—
  - (i) has not been certified for that purpose; and
  - (ii) the local government or the Medical Officer has forbidden to be used as a sleeping apartment.

(2) For the purpose of this clause, two children under 10 years of age shall be counted as 1 lodger.

### 8.3.7 Maintenance of a room by a lodger or resident

(1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.

(2) Where permission is given or a contract entered into under subclause (1), the keeper shall—

- (a) inspect each room the subject of the permission or agreement at least once a week; and
- (b) ensure that each room is being maintained in a clean and sanitary condition.

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean and sanitary condition.

### 8.3.8 Cleaning and maintenance requirements

(1) In this clause—

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

(2) A keeper of a lodging house shall—

- (a) maintain in a clean, sound and undamaged condition—
  - (i) the floor, walls, ceilings, woodwork and painted surfaces;
  - (ii) the floor coverings and window treatments; and
  - (iii) the toilet seats.
- (b) maintain in a clean condition and in good working order—
  - (i) all fixtures and fittings; and
  - (ii) windows, doors and door furniture;
- (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;
- (d) whenever there is one or more lodgers in a lodging house, ensure that the laundry floor is cleaned daily;
- (e) ensure that—
  - (i) all bed linen, towels and house linen in use is washed at least once a week;
  - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
  - (iii) a person does not occupy a bed, which has been used by another person, unless the bed has been provided with clean bed linen;
  - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
  - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
  - (vi) a room, which is not free from vectors of disease, is not used as a sleeping apartment;
- (f) when so directed by an EHO, ensure that—
  - (i) a room, together with its contents and any other part of the lodging house, is cleaned and disinfected; and
  - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;

- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by an EHO.

### 8.3.9 Responsibilities of lodgers and residents

A lodger or resident shall not—

- (a) use any room available to lodgers—
  - (i) as a shop, store or factory; or
  - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials which are inflammable or offensive;
- (c) use a bath or hand wash basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept—
  - (i) wash or permit the washing of clothing or bedding; or
  - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to clause 8.3.10—
  - (i) keep, store, prepare or cook food in any sleeping apartment; or
  - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
  - (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture that is infested with vectors of disease;
- (j) store or keep items other than personal effects—
  - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
  - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

### 8.3.10 Approval for storage of food

(1) An EHO may—

- (a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
- (b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.

(2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

## PART 9—OFFENSIVE TRADES

### *Division 1—General*

#### 9.1.1 Interpretation

In this Part, unless the context otherwise requires—

**occupier** in relation to premises includes the person registered as the occupier of the premises specified in the Certificate of Registration;

**offensive trade** means any trades as defined by Section 186 of the Act; and

**premises** include dwelling house.

#### 9.1.2 Consent to establish an offensive trade

A person seeking the consent of the local government under Section 187 of the Act to establish an offensive trade shall make application in the form prescribed in Schedule 10 and in accordance with the local government's Local Planning Scheme.

#### 9.1.3 False statement

A person who makes a false statement in an application under clause 9.1.2 commits an offence.

#### 9.1.4 Registration of premises

An application for the registration of premises pursuant to Section 191 of the Act shall be—

- (a) in the form of Schedule 11.



- (b) accompanied by the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976* as amended from time to time; and
- (c) lodged with the CEO.

#### **9.1.5 Certificate of registration**

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form of Schedule 12.

#### **9.1.6 Change of occupier**

Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the CEO in writing of such change.

### *Division 2—General Duties of an Occupier*

#### **9.2.1 Interpretation**

In this Division, unless the context otherwise requires—

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

**the premises** mean those premises in or upon which an offensive trade is carried on.

#### **9.2.2 Cleanliness**

The occupier shall—

- (a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
- (b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
- (c) keep the premises free from any unwholesome or offensive odour arising from the premises;
- (d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and
- (e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

#### **9.2.3 Rats and other vectors of disease**

The occupier shall—

- (a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and
- (b) provide in and on the premises all effective means and methods for the eradication and prevention of rodents, cockroaches, flies and other vectors of disease.

#### **9.2.4 Sanitary conveniences and hand wash basins**

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

#### **9.2.5 Painting of walls etc.**

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

#### **9.2.6 Effluvia, vapours, gases or dust**

The occupier shall—

- (a) provide, use and maintain in a state of good repair and working order, appliances and preventive measures capable of effectively destroying or of rendering harmless all offensive effluvia, vapours, dust or gases arising in any process of his or her business or from any material, residue or other substance which may be kept or stored upon the premises; and
- (b) manage and operate the premises such that odours emanating from the premises do not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person.

#### **9.2.7 Offensive material**

The occupier shall—

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

### 9.2.8 Storage of materials

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

### 9.2.9 Directions

(1) An EHO may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

(2) The occupier shall comply with any directions given under this clause.

### 9.2.10 Other duties of occupier

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

## *Division 3—Fish premises*

### 9.3.1 Interpretation

In this Division, unless the context otherwise requires—

**fish premises** may include a fish-processing establishment, fish curing establishment and a shellfish and crustacean-processing establishment.

### 9.3.2 Duties of an occupier

The occupier of a fish premises shall—

- (a) not suffer or permit any decomposing fish to be kept on the premises where his trade is carried on for a longer period than is reasonably necessary to dispose of them;
- (b) cause all decomposing fish, to be immediately deposited in an impervious receptacle furnished with an airtight cover; and
- (c) cause the brine of pickle to be removed as often as is necessary to prevent it from becoming offensive.

### 9.3.3 Disposal of waste

The occupier of a fish premises shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be—

- (a) placed in the receptacles referred to in clause 9.2.7 and disposed of in accordance with that clause; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

### 9.3.4 Fish containers

The occupier of a fish premises shall not allow any container used for the transport of fish to—

- (a) remain on the premises longer than is necessary for it to be emptied; or
- (b) be kept so as to cause a nuisance or to attract flies.

## *Division 4—Laundries, dry cleaning establishments and dye works*

### 9.4.1 Interpretation

In this Division, unless the context otherwise requires—

**dry cleaning establishment**—

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

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

**exempt Laundromat** means a premises in which—

- (a) laundering is carried out by members of the public using, machines or equipment provided by the owners or occupiers of those establishments;
- (b) laundering is not carried out by those owners or occupiers for or on behalf of other persons;
- (c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

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

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

**9.4.2 Receiving depot**

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

**9.4.3 Reception room**

(1) The occupier of a laundry, dry cleaning establishment or dye works shall—

- (a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and
- (b) cause such articles as may be directed by an EHO to be thoroughly disinfected to the satisfaction of the EHO.

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

**9.4.4 Walls and Floors**

The occupier of a laundry, dry cleaning establishment or dye works shall cause—

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

**9.4.5 Laundry floor**

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

**9.4.6 Escape of dust**

The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

**9.4.7 Precautions against combustion**

The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an EHO for that purpose.

**9.4.8 Trolleys**

The occupier of a dry cleaning establishment shall—

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

**9.4.9 Sleeping on premises**

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

**PART 10—OFFENCES AND PENALTIES***Division 1—General***10.1.1 Penalties**

(1) A person who contravenes a provision of this local law commits an offence.

(2) A person who commits an offence under subclause (1) is liable to—

- (a) a penalty which is not more than \$2,500 and not less than—
  - (i) in the case of a first such offence, \$250;
  - (ii) in the case of a second such offence, \$500; and
  - (iii) in the case of a third and subsequent such offence, \$1250; and
- (b) if the offence is a continuing offence, a daily penalty, which is not more than \$250 and not less than \$125 for each day during which, the offence continues.

**PART 11—SCHEDULES OF FORMS****Schedule 1****Application for registration of a cattery**

[cl 5.2.4(7)(b)]

*Shire of Moora*

Health Local Laws 2016

To: Chief Executive Officer  
Shire of MooraI/We, .....  
(Full name of Applicant/s)of .....  
(Residential Address of Applicant/s)apply for registration, for the year ended .....  
of .....  
(Location of Premises)being premises in or upon which there is (or is to be) a Cattery, namely .....  
(Description of Cattery)under the business name of .....  
..... (Signature of Applicant/s)  
..... (Date)

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

**Schedule 2****Certificate of registration of a cattery**

[cl 5.2.4(8)(a)]

*Shire of Moora*

Health Local Laws 2016

This is to certify that the premises situated at .....  
.....  
of which ..... is the occupier;  
are registered as a Cattery.

Trade Name .....

This registration expires on .....

Dated this ..... day of ..... (year)  
..... (Environmental Health Officer)**Schedule 3**

[cl 5.5.2(2)]

**Required buffer distances for feedlots**

<b>Buffer distances—location</b>	<b>Distance</b>
Townsite boundaries	5,000m
Isolated rural dwellings, dairies and industries	1,000m
Public roads and recreation areas	100m
Neighbouring rural property boundaries	50m
Major water course and water impoundments	300m
Bores, wells or soaks used for drinking, stock or irrigation	300m
Minor water courses	100m

Schedule 4
Application for registration of a lodging house

[cl 8.1.3(a)]

Shire of Moora
Health Local Laws 2016

To: Chief Executive Officer
Shire of Moora

I/We, (Full name of Applicant/s)

of (Residential Address of Applicant/s)

apply for the registration of premises situated (or to be situated) at

as a lodging house to be classified as—

- a lodging house;
a short term hostel;
recreational campsite; or
serviced apartments

(Specify which is to apply)

and for my name to be entered in the Register as the keeper of the lodging house.

Description of Lodging House

Details Number Area

Number of Storeys

Rooms for private use

- Laundries/toilets/bathrooms
Bedrooms
Dining Rooms
Kitchens
Sitting Rooms
Other Rooms (specify)

Rooms for lodgers

- Bedrooms
Dining Rooms
Kitchens
Sitting Rooms
Other (specify)

Details Number

Sanitary Conveniences for male lodgers

- Toilets
Urinals
Baths
Showers
Hand wash basins

Sanitary Conveniences for female lodgers

- Toilets
Baths
Showers
Hand wash basins

Laundry Facilities

- Washtroughs
Washing machines
Drying cabinets or clothes lines

Additional Details—

- (a) Lodgers' meals will/will not be provided by the manager/keeper/lodgers.
(b) The keeper will/will not reside continuously on the premises.
(c) Name and occupation of proposed manager if keeper resides elsewhere—

(d) There will be family members residing on the premises with the keeper/manager.

Application fee of \$ is attached.

(Signature of Applicant/s)

(Date)

**Schedule 5  
Certificate of registration of a lodging house**

[cl 8.1.4]

*Shire of Moora*  
Health Local Laws 2016

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

are registered as a Lodging House and classified as—

- a lodging house;
- a short term hostel;
- recreational campsite; or
- serviced apartments

(Specify which is to apply)

until 30 June ....., on the following conditions—

- (1) That ....., whose name is entered on the register of keepers of the Shire of Moora, continues to be the keeper of the lodging house;
- (2) That ..... appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
- (3) That the Certificate of Registration is not cancelled or revoked;
- (4) That the maximum number of rooms to be used as sleeping apartments for lodgers is ..... ; and
- (5) That the maximum number of lodgers accommodated on the premises shall not exceed .....

This certificate of registration is issued subject to the Health Act and the *Shire of Moora Health Local Laws 2016* and is not transferable.

Fee received: \$.....

Dated .....

..... (Environmental Health Officer)

**Schedule 6  
Notice of change of owner of a lodging house**

[cl 8.1.6]

*Shire of Moora*  
Health Local Laws 2016

To: Chief Executive Officer  
Shire of Moora

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

of .....  
(Residential Address of Applicant/s)

am/are the new owner/s of premises situated at .....

which are registered in the name of ..... for the carrying on of the lodging house business.

..... (Signature of Applicant/s)

..... (Date)

**Schedule 7  
Register of lodgers**

[cl 8.3.2(1)]

*Shire of Moora*  
Health Local Laws 2016

Location of Lodging House .....

Date of Arrival	Name	Previous Address	Signature	Room No.	Date of Departure
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

**Schedule 8  
List of lodgers**

[cl 8.3.3]

*Shire of Moora*  
Health Local Laws 2016

To: Chief Executive Officer  
Shire of Moora

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

**Schedule 9  
Certificate of sleeping accommodation for a lodging house**

[cl 8.3.4(1)]

*Shire of Moora*  
Health Local Laws 2016

To: .....  
(Full name of Keeper)  
of .....  
(Residential Address of Keeper)

For the registered lodging house situated at .....

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

Room Number	Maximum Occupancy
.....	.....
.....	.....

Dated .....  
..... (Environmental Health Officer)

**Schedule 10  
Application for consent to establish an offensive trade**

[cl 9.1.2]

*Shire of Moora*  
Health Local Laws 2016

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

apply for consent to establish an offensive trade being .....  
(Description of Offensive Trade)

in or upon .....  
(Location of the House or Premises)

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

..... (Signature of Applicant/s)  
..... (Date)

**Schedule 11  
Application for registration of premises for offensive trade**

[cl 9.1.4(a)]

*Shire of Moora*  
Health Local Laws 2016

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

apply for registration, for the year ended .....  
of .....  
(Location of Premises)  
being premises in or upon which there is (or is to be) carried on an offensive trade, namely—  
.....  
(Description of Offensive Trade)  
under the business name of .....  
.....  
..... (Signature of Applicant/s)  
..... (Date)  
The prescribed registration fee of \$..... is attached.

**Schedule 12**  
**Certificate of registration of premises for offensive trade**

[cl 9.1.5]

*Shire of Moora*  
Health Local Laws 2016

This is to certify that the premises situated at .....  
.....  
of which ..... is the occupier;  
are registered for the carrying on of the trade of .....  
.....  
Trade Name  
This registration expires on .....  
Dated this ..... day of .....(year)  
..... (Environmental Health Officer)

The Common Seal of the Shire of Moora was affixed in the presence of—

K. M. SEYMOUR, Shire President.  
A. J. LEESON, Chief Executive Officer.

Dated: 16 December 2016.

Consented to—

Dr ANDREW ROBERTSON, Executive Director Public Health.

Dated: 11 January 2017.

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**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF MOORA

**LOCAL GOVERNMENT (COUNCIL MEETINGS)  
LOCAL LAW 2016**

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## LOCAL GOVERNMENT ACT 1995

## SHIRE OF MOORA

LOCAL GOVERNMENT (COUNCIL MEETINGS)  
LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Shire of Moora resolved on 7 December 2016 to make the following local law.

## PART 1—PRELIMINARY

## 1.1 Citation

This local law may be cited as the *Shire of Moora Local Government (Council Meetings) Local Law 2016*.

## 1.2 Commencement

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

## 1.3 Application and intent

- (1) These Local Laws provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and these Local Laws.
- (3) These Local Laws are intended to result in—
  - (a) better decision-making by the Council and committees;
  - (b) the orderly conduct of meetings dealing with Council business;
  - (c) better understanding of the process of conducting meetings; and
  - (d) more efficient and effective use of time at meetings.

## 1.4 Interpretation

- (1) In these Local Laws 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 Shire of Moora;
  - Local Government** means the Shire of Moora;
  - meeting** means a meeting of the Council or a committee, as the context requires;
  - Member** has the meaning given to it in the Act;
  - officer** means an employee as defined in the Act or another person engaged by the Local Government in a contractual relationship;
  - 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 these Local Laws, the terms and expressions used in these Local Laws are to have the meaning given to them in the Act and Regulations.

### **1.5 Repeal**

This local law repeals the Shire of Moora Local Laws Relating to Standing Orders as published in the *Government Gazette* on 4 July 1997.

## **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) These Local Laws are 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 (Item 9) at that ordinary meeting.

**5.2 Order of business**

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

1. Declaration of Opening/Announcement of Visitors
2. Announcements from the Presiding Member

3. Attendance
  - 3.1 Apologies
  - 3.2 Approved leave of absence
4. Declaration of interest
5. Public Question Time
  - 5.1 Response to previous public questions taken on notice
  - 5.2 Public question time
6. Confirmation of minutes
7. Presentations
  - 7.1 Petitions
  - 7.2 Presentations
  - 7.3 Deputations
  - 7.4 Delegates' reports
8. Method of dealing with agenda business
9. Reports
10. Applications for leave of absence
11. Motions of which previous notice has been given
12. Questions from Members without notice
13. New business of an urgent nature introduced by decision of the meeting
14. Meeting closed to public
  - 14.1 Matters for which the meeting may be closed
  - 14.2 Public reading of resolutions that may be made public
15. Closure

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

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

### **5.3 Motions of which previous notice has been given**

(1) Unless the Act, Regulations or these Local Laws 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 7 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 these Local Laws 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 and the Council shall not make resolutions at a meeting held 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 Shire of Moora offices at 34 Padbury Street Moora and on the Local Government's website.

#### **6.15 Confidentiality of information withheld**

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

(a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";

(b) marked "Confidential" in the agenda; and

(c) kept confidential by officers and Members until the Council resolves otherwise.

(2) A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.

(3) Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

#### **6.16 Recording of proceedings**

(1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member;

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

#### **6.17 Prevention of disturbance**

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

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

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

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

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

#### **PART 7—QUESTIONS BY MEMBERS**

(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 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.

##### **8.2 Titles to be used**

A speaker, when referring to the President, Deputy President or Presiding Member, or a Member or officer, is to use the title of that person's office.

##### **8.3 Advice of entry or departure**

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

##### **8.4 Members to indicate their intention to speak**

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

##### **8.5 Priority of speaking**

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

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

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

##### **8.6 Presiding Member may take part in debates**

The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with these Local Laws.

##### **8.7 Relevance**

(1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

(2) The Presiding Member, at any time, may—

(a) call the attention of the meeting to—

(i) any irrelevant, repetitious, offensive or insulting language by a Member; or

(ii) any breach of order by a Member; and

(b) direct that Member, if speaking, to discontinue his or her speech.

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

##### **8.8 Speaking twice**

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

(a) as the mover of a substantive motion, to exercise a right of reply;

(b) to raise a point of order; or

(c) to make a personal explanation.

**8.9 Duration of speeches**

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

**8.10 No speaking after conclusion of debate**

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

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

**8.11 No interruption**

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

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

**8.12 Personal explanations**

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

**8.13 No reopening of discussion**

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed (see Part 16).

**8.14 Adverse reflection**

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

**8.15 Withdrawal of offensive language**

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

**PART 9—PRESERVING ORDER****9.1 Presiding Member to preserve order**

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

**9.2 Point of order**

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

**9.3 Procedures on a point of order**

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

**9.4 Calling attention to breach**

A Member may, at any time, draw the attention of the Presiding Member to any breach of these Local Laws.

**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 Unopposed business**

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

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

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

#### **10.4 Only one substantive motion at a time**

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

#### **10.5 Order of call in debate**

The Presiding Member is to call speakers to a substantive motion in the following order—

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

#### **10.6 Limit of debate**

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

#### **10.7 Member may require question to be read**

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

#### **10.8 Consent of seconder required for alteration**

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

#### **10.9 Order of amendments**

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

#### **10.10 Form of an amendment**

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

#### **10.11 Amendment must not negate original motion**

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

#### **10.12 Relevance of amendments**

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

#### **10.13 Mover of motion may speak on amendment**

Any Member may speak during debate on an amendment.

#### **10.14 Effect of an amendment**

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

#### **10.15 Withdrawal of motion or amendment**

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

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

#### **10.16 Right of reply**

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

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

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

- (a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or
- (b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.

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

- (a) no other Member is to speak on the question;
- (b) there is to be no further discussion on, or any further amendment to, the motion.

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

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

## PART 11—PROCEDURAL MOTIONS

### 11.1 Permissible procedural motions

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

- (a) that the meeting proceed to the next item of business;
- (b) that the 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; or
- (g) that the meeting be closed to the public (see clause 6.2).

### 11.2 No debate

(1) The mover of a motion specified in paragraph (a), (b), (c), (f) 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 (see clause 5.5).

(3) A motion “that the meeting now adjourn”—

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

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

### 11.8 Question to be put

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

(2) If the motion “that the question be now put” is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.

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



**11.9 Member to be no longer heard**

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

**11.10 Ruling of the Presiding Member to be disagreed with**

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

**PART 12—DISCLOSURE OF INTERESTS****12.1 Disclosure of interests**

Disclosure of interests is dealt with in the Act.

**PART 13—VOTING****13.1 Question—when put**

(1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member—

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

(2) A Member is not to leave the meeting when the Presiding Member is putting any question.

**13.2 Voting**

Voting is dealt with in the Act and the Regulations.

**13.3 Majorities required for decisions**

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

**13.4 Method of taking vote**

(1) In taking the vote on any motion or amendment the Presiding Member—

- (a) is to put the question, first in the affirmative, and then in the negative;
- (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
- (c) may accept a vote on the voices or may require a show of hands; and,
- (d) is, subject to this clause, to declare the result.

(2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.

(3) If a member of Council or a committee specifically requests that there be recorded—

- (a) his or her vote; or,
- (b) the vote of all members present, on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

(4) If a Member calls for a division—

- (a) those voting in the affirmative are to pass to the right of the Chair; and
- (b) those voting in the negative are to pass to the left of the Chair.

(5) For every division, the CEO is to record—

- (a) the name of each member who voted; and
- (b) whether he or she voted in the affirmative or negative.

**PART 14—MINUTES OF MEETINGS****14.1 Keeping of minutes**

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

**14.2 Content of minutes**

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

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

**14.3 Public inspection of unconfirmed minutes**

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

#### 14.4 Confirmation of minutes

(1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the Local Government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.

(2) At the next ordinary meeting of the Council, the Member who provided the alternative wording shall, at the time for confirmation of minutes—

- (a) state the item or items with which he or she is dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

(3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

### PART 15—ADJOURNMENT OF MEETING

#### 15.1 Meeting may be adjourned

The Council may adjourn any meeting—

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

#### 15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under these Local Laws—

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.8 [speaking twice] apply when the debate is resumed.

### PART 16—REVOKING OR CHANGING DECISIONS

#### 16.1 Requirements to revoke or change decisions

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

#### 16.2 Limitations on powers to revoke or change decisions

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

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

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

#### 16.3 Implementing a decision

(1) In this clause—

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

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

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

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

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

- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation—
- (a) is to take effect only in accordance with this clause; and
  - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

## **PART 17—SUSPENSION OF LOCAL LAWS**

### **17.1 Suspension of Local Laws**

- (1) A Member may at any time move that the operation of one or more of the provisions of these Local Laws be suspended.
- (2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (1) which is—
- (a) seconded; and
  - (b) carried by an absolute majority, is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

### **17.2 Where Local Laws do not apply**

- (1) In situations where—
- (a) one or more provisions of these Local Laws have been suspended; or
  - (b) a matter is not regulated by the Act, the Regulations or this Local Law, the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

### **17.3 Cases not provided for in Local Laws**

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where these Local Laws, the Act or the Regulations are silent and 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 these Local Laws.

### **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 these Local Laws commits an offence.

**Penalty:** \$1,000.00 and a daily penalty of \$100.00.

**19.2 Who can prosecute**

Who can prosecute is dealt with in the Act.

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The Common Seal of the Shire of Moora was affixed in the presence of—

K. M. SEYMOUR, Shire President.  
A. J. LEESON, Chief Executive Officer.

Dated: 1 March 2017.

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**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007  
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MOORA

**WASTE LOCAL LAW 2016**

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WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007  
LOCAL GOVERNMENT ACT 1995

SHIRE OF MOORA

WASTE LOCAL LAW 2016

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other enabling powers, the Council of the Shire of Moora resolved on 7 December 2016 to make the following local law.

PART 1—PRELIMINARY

**1.1 Short title**

This is the *Shire of Moora Waste Local Law 2016*.

**1.2 Commencement**

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

**1.3 Application**

This local law applies throughout the district.

**1.4 Meaning of terms used in this local law**

(1) In this local law—

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

**bicycle path** has the meaning given to it in the *Road Traffic Code 2000*;

**carriageway** has the meaning given to it in the *Road Traffic Code 2000*;

**collectable waste** means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

**collectable waste receptacle** means a receptacle for the deposit and collection of collectable waste that is—

- (a) a recycling waste receptacle;
- (b) a general waste receptacle; or
- (c) an organic waste receptacle;

**collection**, when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

**collection day** means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

**collection time** means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

**costs** of the local government include administrative costs;

**Council** means the council of the local government;

**district** means the district of the local government;

**footpath** has the meaning given to it in the *Road Traffic Code 2000*;

**general waste receptacle** means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

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

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

**local government** means Shire of Moora;

**local government waste** has the same meaning as in the WARR Act;

**non-collectable waste** has the meaning set out in Schedule 1;

**occupier** in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

**organic waste** means waste that decomposes readily, such as garden waste or food waste;

**organic waste receptacle** means a receptacle for the deposit and collection of organic waste;

**owner** has the same meaning as in the LG Act;

**public place** includes a place to which the public ordinarily have access, whether or not by payment of a fee;

**receptacle**, means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

**recycling waste receptacle** means a receptacle for the deposit and collection of recycling waste;

**recycling waste** means—

- (a) paper and cardboard;
- (b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

**specified** means specified by the local government or an authorised person, as the case may be;

**street alignment** means the boundary between the land comprising a street and the land that abuts the street;

**WARR Act** means the *Waste Avoidance and Resource Recovery Act 2007*;

**waste** has the same meaning as in the WARR Act;

**waste facility** means a waste facility, as defined in the WARR Act, that is operated by the local government; and

waste service has the same meaning as in the WARR Act.

(2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

### 1.5 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter—

- (a) local public notice, under section 1.7 of the LG Act, must be given of the matter determined;
- (b) the determination becomes effective only after local public notice has been given;
- (c) the determination remains in force for the period of one year after the date that local public notice has been given under paragraph (a);
- (d) after the period referred to in paragraph (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and
- (e) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

### 1.6 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and section 6.16 and 6.17 of the LG Act.

### 1.7 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

## PART 2—LOCAL GOVERNMENT WASTE

### 2.1 Supply of receptacles

(1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.

(2) The owner of premises to which subclause (1) applies must—

- (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
- (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.



**2.2 Deposit of waste in receptacles**

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.
- (2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

**2.3 General waste receptacles**

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle—
  - (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
  - (b) where the receptacle has any other capacity—more than the weight determined by the local government.
- (2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.
- (3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

**2.4 Recycling waste receptacles**

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle—

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres—more than 70 kilograms of recycling waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

**2.5 Organic waste receptacles**

An owner or occupier of premises must not deposit or permit to be deposited in an organic waste receptacle—

- (a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres—more than 70 kilograms of organic waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

**2.6 Direction to place or remove a receptacle**

- (1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises—
  - (a) to place a receptacle in respect of those premises for collection; or
  - (b) to remove a receptacle in respect of those premises after collection.
- (2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- (3) An owner or occupier of premises must comply with a direction given under this clause.

**2.7 Duties of owner or occupier**

An owner or occupier of premises must—

- (a) except for a reasonable period before and after placing the receptacle on the verge adjoining the premises for collection, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is—
  - (i) within 1 metre of the carriageway;
  - (ii) not unduly obstructing any footpath, bicycle path, right-of-way or carriageway; and
  - (iii) facing squarely to the edge of and opening towards the carriageway,or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that the premises are provided with an adequate number of receptacles; and
- (d) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

**2.8 Exemption**

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).

- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause must state—
- (a) the premises to which the exemption applies;
  - (b) the period during which the exemption applies; and
  - (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply—
- (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
  - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.8(4)(a).

### **2.9 Damaging or removing receptacles**

A person, other than the local government or its contractor, must not—

- (a) damage or destroy a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

### **2.10 Verge collections**

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste collection) a person, unless with and in accordance with the approval of the local government or an authorised person—
- (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
  - (b) must otherwise comply with those terms and conditions.
- (2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 2.10(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

## **PART 3—GENERAL DUTIES**

### **3.1 Duties of an owner or occupier**

An owner or occupier of premises must—

- (a) take reasonable steps to ensure that a sufficient number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) take all reasonable steps to ensure that each receptacle is kept in good condition and repair;
- (c) take all reasonable steps to—
  - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
  - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
  - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle.

### **3.2 Removal of waste from premises**

- (1) A person must not remove any waste from premises unless that person is—
- (a) the owner or occupier of the premises;
  - (b) authorised to do so by the owner or occupier of the premises; or
  - (c) authorised in writing to do so by the local government or an authorised person.
- (2) A person must not remove any waste from a receptacle without the approval of—
- (a) the local government or an authorised person; or
  - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

### **3.3 Receptacles and containers for public use**

A person must not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,

a receptacle provided for the use of the general public in a public place.

**PART 4—OPERATION OF WASTE FACILITIES****4.1 Operation of this Part**

This Part applies to a person who enters a waste facility.

**4.2 Hours of operation**

The local government may from time to time determine the hours of operation of a waste facility.

**4.3 Signs and directions**

- (1) The local government or an authorised person may regulate the use of a waste facility—
  - (a) by means of a sign; or
  - (b) by giving a direction to a person within a waste facility.
- (2) A person within a waste facility must comply with a sign or direction under subclause (1).
- (3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.
- (4) A person must comply with a direction under subclause (3).

**4.4 Fees and charges**

- (1) Unless subclause (3) applies, a person must, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.
- (2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.
- (3) Subclause (1) does not apply—
  - (a) to a person who disposes of waste in accordance with the terms of—
    - (i) a credit arrangement with the local government; or
    - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
  - (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

**4.5 Depositing waste**

- (1) A person must not deposit waste at a waste facility other than—
  - (a) at a location determined by a sign and in accordance with the sign; and
  - (b) in accordance with the direction of an authorised person.
- (2) The local government may determine the classification of any waste that may be deposited at a waste facility.

**4.6 Prohibited activities**

- (1) Unless authorised by the local government, a person must not—
  - (a) remove any waste or any other thing from a waste facility;
  - (b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;
  - (c) light a fire in a waste facility;
  - (d) remove, damage or otherwise interfere with any flora in a waste facility;
  - (e) remove, injure or otherwise interfere with any fauna in a waste facility; or
  - (f) damage, deface or destroy any building, equipment, plant or property within a waste facility.
- (2) A person must not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility.

**PART 5—ENFORCEMENT****5.1 Offences and general penalty**

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

**5.2 Other costs and expenses**

- (1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.1, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—
  - (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
  - (b) making good any damage caused to a waste facility.
- (2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

### 5.3 Prescribed offences

(1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

### 5.4 Form of notices

(1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations;

(2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations; and

(3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

### Schedule 1—Meaning of ‘non-collectable waste’

*non-collectable waste* means—

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) ‘controlled waste’ for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government to be non-collectable waste.

### Schedule 2—Prescribed offences

[Clause 5.3]

Item No.	Clause No.	Description	Modified Penalty
1	2.1(2)(a)	Failing to pay fee or charge	\$350
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	\$350
3	2.2(1)	Depositing non-collectable waste in a receptacle	\$350
4	2.2(2)	Depositing waste in another receptacle without consent	\$350
5	2.3(1)	Exceeding weight capacity of a general waste receptacle	\$350
6	2.3(2) and (3)	Depositing unauthorised waste in a general waste receptacle	\$350
7	2.4(a)	Depositing unauthorised waste in a recycling waste receptacle	\$350
8	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	\$250
9	2.5(a)	Depositing unauthorised waste in an organic waste receptacle	\$350
10	2.5(b) and (c)	Exceeding weight capacity of an organic waste receptacle	\$350
11	2.6(3)	Failing to comply with a direction concerning placement or removal of a receptacle	\$250
12	2.7(a)	Failing to keep a receptacle in the required location	\$250
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	\$250
14	2.7(c)	Failing to provide a sufficient number of receptacles	\$250
15	2.7(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	\$50

<b>Item No.</b>	<b>Clause No.</b>	<b>Description</b>	<b>Modified Penalty</b>
16	2.9(a)	Damaging, destroying or interfering with a receptacle	\$400
17	2.9(b)	Removing a receptacle from premises	\$400
18	2.10(1)	Failing to comply with a term or condition of verge waste collection	\$400
19	2.10(2)	Removing waste for commercial purposes	\$350
20	2.10(3)	Disassembling or tampering with waste deposited for collection	\$250
21	3.1(a)	Failing to provide a sufficient number of receptacles	\$250
22	3.1(b)	Failing to keep a receptacle clean and in a good condition and repair	\$250
23	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	\$350
24	3.1(c)(ii)	Failing to prevent the emission of offensive odours from a receptacle	\$350
25	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	\$350
26	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	\$300
27	3.2(1)	Unauthorised removal of waste from premises	\$250
28	3.2(2)	Removing waste from a receptacle without approval	\$250
29	4.3(2)	Failing to comply with a sign or direction	\$500
30	4.3(4)	Failing to comply with a direction to leave	\$500
31	4.4(1)	Disposing waste without payment of fee or charge	\$500
32	4.5(1)	Depositing waste contrary to sign or direction	\$500
33	4.6(1)(a)	Removing waste without authority	\$250
34	4.6(1)(b)	Depositing toxic, poisonous or hazardous waste	\$500
35	4.6(1)(c)	Lighting a fire	\$300
36	4.6(1)(d)	Removing or interfering with any flora	\$300
37	4.6(1)(e)	Interfering with any fauna without approval	\$300
38	4.6(1)(f)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility	\$500
39	4.6(2)	Acting in an abusive or threatening manner	\$300

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The Common Seal of the Shire of Moora was affixed in the presence of—

K. M. SEYMOUR, Shire President.  
A. J. LEESON, Chief Executive Officer.

Dated: 12 December 2016.

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Consented to—

JASON BANKS, Chief Executive Officer,  
Department of Environment Regulation.

Dated: 5 December 2016.

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