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LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
CAT ACT 2011
CEMETERIES ACT 1986
DOG ACT 1976

SHIRE OF NARROGIN

REPEAL AND AMENDMENT LOCAL LAW 2021

Under the powers conferred by the *Bush Fires Act 1954*, *Cat Act 2011*, *Cemeteries Act 1986*, *Dog Act 1976* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Narrogin resolved on 15 December 2021 to adopt the following local law.

1. Citation

This local law may be cited as the *Shire of Narrogin Repeal and Amendment Local Law 2021*.

2. Commencement

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

3. Bylaws Relating to Signs, Hoards and Bill Posting repealed

The *Municipality of the Town of Narrogin By-laws Relating to Signs, Hoardings and Bill Posting* as published in the *Government Gazette* on 18 July 1986 are repealed.

4. Bush Fire Brigades Local Law 2017 amended

The *Shire of Narrogin Bush Fire Brigades Local Law 2017* published in the *Government Gazette* on 8 September 2017 is amended as follows—

- (a) delete clause 3.6;
- (b) after clause 3.5 insert—

3.6 Training of bush fire control officers

(1) The local government is to supply each bush fire control officer and Captain with information and training materials which may be relevant to the performance of the bush fire brigade officers' functions, and any amendments made from time to time.

(2) Bush fire control officers are required to complete appropriate training as determined by the CEO, and which may include recognised prior learning, within 12 months of appointment, unless a course has been completed within the 4 years prior to appointment as a bush fire control officer.

(3) Bush fire control officers are required to complete appropriate training as determined by the CEO, and which may include recognition of prior learning, at least once every 5 years.

- (c) in clause 4.3(1) replace the words “No later than 30 April in” with the words “At least once”.

5. Cats Local Law 2016 amended

The *Shire of Narrogin Cats Local Law 2016* published in the *Government Gazette* on 8 August 2016 is amended as follows—

- (a) in the Contents after “4.4 Additional conditions for approved cat breeders insert”—
4.4A Variation of permit conditions
- (b) in clause 1.4 in the definition of *central business zone*; replace the word “mean” with the word “means”;
- (c) in clause 3.1(b) delete the second instance of the word “is”;
- (d) in subclauses 3.8(2) and (3) replace the words “the local government” with the words “an authorised person” in each instance;

- (e) after clause 4.4 insert new clause—

4.4A Variation of permit conditions

An authorised person may vary the conditions of a permit by giving not less than 14 days notice.

- (f) In Schedule 3 after item 5 insert –

5A	3.3(b)	Keeping more than 4 cats without a permit	200
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6. Cemetery Local Law 2016 amended

The *Shire of Narrogin Cemetery Local Law 2016* as published in the *Government Gazette* on 8 August 2016 is amended as follows—

- (a) in the Contents delete—
- 2.4 Pre-need certificate
- (b) in clause 1.5—
- (i) in the definition of *natural stone* after “ceramics” insert “, unpolished concrete”;
- (ii) delete the definition of *pre-need certificate*; and
- (iii) in the definition of *standard grave* replace the word “2m” with the word “2.4m”;
- (c) delete clause 2.4;
- (d) in clause 2.5 delete the words “or holder of a pre-need certificate under clause 2.4”;
- (e) in clause 3.5—
- (i) delete subclause (2); and
- (ii) in subclause (3) delete the words “or (2)”;
- (f) in clause 7.2 delete subclauses (1)(c)(iii) and (iv) and insert—
- (iii) the base of the monument measured across the width of the grave shall not exceed 1.2m; and
- (iv) the base of the monument measured along the length of the grave shall not exceed 600mm;
- (g) in clause 7.3 delete subclauses (1)(c)(iv) and (v) and insert—
- (iv) the base of the headstone measured across the width of the grave shall not exceed 1.2m;
- (v) the base of the headstone measured along the length of the grave shall not exceed 300mm; and
- (h) in Schedule 2, under “Payments may be made”—
- (i) delete item (b); and
- (ii) insert—
- (b) by EFT (contact Shire office for details)

7. Dogs Local Law 2016 amended

The *Shire of Narrogin Dogs Local Law 2016* published in the *Government Gazette* on 8 August 2016 is amended as follows—

- (a) the Contents—
- (i) delete—
- 4.15 Objections and appeals
- (ii) insert in order—
- 3.6A Variation of permit conditions
- 6.3 Objections and review
- (b) after clause 3.6 insert new clause—
- 3.6A Variation of permit conditions**
- The local government may vary the conditions of a permit by giving not less than 14 days notice.
- (c) delete clause 4.15; and
- (d) after clause 6.2 insert—
- 6.3 Objections and appeals**
- Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of an authorised person to grant a permit may object to or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

8. Extractive Industries Local Law 2017 amended

The *Shire of Narrogin Extractive Industries Local Law 2017* as published in the *Government Gazette* on 8 September 2017 is amended as follows—

- (a) in clause 1.4 at the end of the definition of *site* replace the full stop with a semicolon;
- (b) in clause 3.1(1)(b)(i) and (2)(b) replace the word “CEO” with the words “local government” in each instance;

- (c) in clause 3.2(2)(j) after the words “Department of” insert the words “Water and”;
- (d) in clause 4.2(4) replace the word “CEO” with the words “local government” in each instance;
- (e) in clause 4.7(2)(c)(iii) insert the word “and” after the semi-colon;
- (f) in clause 5.3(a) after the words “Department of” insert the words “Water and”;
- (g) in clause 6.1(1)(c)(i) delete the word “by”;
- (h) delete clause 8.3 and insert—

8.3 Local government may undertake requirements of notice

If a person fails to comply with a notice referred to in clause 8.1, the local government may—

- (a) do the thing specified in the notice;
 - (b) take whatever remedial action it considers appropriate and which would have been if the breach or failure had not occurred; and
 - (c) recover all costs from the licensee, as a debt.
- (i) after clause 10.3 insert—

10.3A 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 of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

9. Fencing Law 2016 amended

The *Shire of Narrogin Fencing Local Law 2016* as published in the *Government Gazette* on 6 December 2016 is amended as follows—

- (a) in clause 1.5—
 - (i) delete the definitions of central business lot, general agriculture lot, height and residential lot; and
 - (ii) insert in order—
 - central business lot** means a lot zoned as central business under the local planning scheme;
 - general agriculture lot** means a lot zoned as general agriculture under the local planning scheme;
 - height** in relation to a fence means the vertical distance between the top of the fence at any point and—
 - (a) the ground level; or
 - (b) where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;
 - residential lot** means a lot zoned as residential under the local planning scheme;
- (b) in clause 3.5 replace the word “must” with the word “shall”;
- (c) in clause 3.8 replace the words “an authorised person” with the words “the local government in accordance with regulation 9 of the *Local Government (Uniform Local Provisions) Regulations 1996*”;
- (d) in clause 4.1 replace the word “must” with the word “shall”;
- (e) in clause 5.1(4) replace the word “must” with the word “shall”; and
- (f) in clause 5.2(3) replace the word “must” with the word “shall”.

10. Meeting Procedures local Law 2016 amended

The *Shire of Narrogin Meeting Procedures Local Law 2016* as published in the *Government Gazette* on 8 August 2016 is amended as follows—

- (a) in clause 1.5(1)—
 - (i) delete the definition of **member**; and
 - (ii) insert in order—
 - member** has the meaning given to it in section 1.4 of the Act, and where the context permits, a committee member;
- (b) in clause 2.1 after subclause (3) insert—
 - (4) Unless earlier determined by Council, a Committee established by Council ceases to exist immediately prior to the first ordinary meeting of the Council held after the next following ordinary local government election.
 - (5) Council may re-establish the Committee by resolution until the first meeting held after the next following ordinary local government election.
- (c) in clause 3.1(2) delete the words “on a twice monthly basis or otherwise”;
- (d) In clause 6.2(6) replace the words “Unless the Council resolves otherwise, once” with the word “Once”; and
- (e) In clause 18.7(2) replace the word “member” with the word “person”.

11. Parking Local Law 2016 amended

The *Shire of Narrogin Parking Local Law 2016* as published in the *Government Gazette* on 8 August 2016 is amended as follows—

- (a) in the Contents—
 - (i) delete—
 - 7.5 Issue of infringement notice
 - 7.6 Withdrawal of infringement notice
 - Schedule 2—Infringement notice and notice requiring owner of vehicle to identify vehicle
 - (ii) insert in order—
 - 7.5 Form of notices
- (b) delete clause 7.5 and insert—
 - 7.5 Form of notices**
 - For the purposes of this local law—
 - (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
 - (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.
- (c) delete clause 7.6; and
- (d) delete Schedule 2.

12. Public Places and Local Government Property Local Law 2016 amended

The *Shire of Narrogin Public Places and Local Government Property Local Law 2016* published in the *Government Gazette* on 6 December 2016 is amended as follows—

- (a) in clause 1.6(1) in the definition of *licence* delete the words “by the local government”;
- (b) in clause 2.1 replace the words “local government” where first appearing with the word “Council”;
- (c) in clause 2.2—
 - (i) delete subclause (1) and insert—
 - (1) The local government is to give local public notice of the intention to make a determination.
 - (ii) in subclauses (2)(a), (3), (4), (5) and (6) replace the words “local government” with the word “Council” in each instance;
 - (iii) in subclauses (5) and (6) replace the words “it is to give local public notice” with the words “local public notice is to be given” in each instance; and
 - (iv) delete subclause (8);
- (d) in clause 2.6—
 - (i) in subclauses (1) and (3) replace the words “local government” with the word “Council” in each instance; and
 - (ii) in subclause (3) replace the words “it is to give local public notice” with the words “local public notice is to be given”;
- (e) in clause 4.8 replace the words “the local government” with the words “an authorised person”;
- (f) in clause 6.13 in subclauses (1) and (2) replace the word “Council” with the words “the local government” in each instance;
- (g) in clause 7.5(2)(b) replace the words “the local government” with the words “an authorised person”;
- (h) in clause 9.7—
 - (i) in subclause (1) replace the words “The CEO” with the words “An authorised person”; and
 - (ii) in subclause (2) replace the words “CEO’s initiative” with the words “initiative of an authorised person”;
- (i) in clause 9.9(1) replace the word “CEO” with the words “local government”;
- (j) in clause 9.11—
 - (i) in subclause (1) replace the words “The CEO” with the words “An authorised person”;
 - (ii) in subclause (2)(b) replace the word “CEO’s” with the words “authorised person’s”; and
 - (iii) in subclause (2)(d) delete the word “CEO’s”;

- (k) in clause 9.12—
 - (i) in subclause (1) replace the words “the CEO” with the words “an authorised person” and replace the word “CEO” with the words “authorised person”; and
 - (ii) in subclauses (2)(a), (2)(c) and (3) replace the word “CEO” with the words “authorised person” in each instance;
- (l) in clause 9.13—
 - (i) in subclause (1) replace the words “The CEO” with the words “An authorised person” and replace the word “CEO” with the words “authorised person”; and
 - (ii) in subclauses (2) replace the words “The CEO” with the words “An authorised person”;
- (m) in clause 9.15 replace the words “the CEO” with the words “an authorised person”;
- (n) in clause 9.16 replace the word “CEO” with the words “authorised person”; and
- (o) delete clause 9.18 and insert—

9.18 Production of licence document for amendment

If an authorised person amends or renews a licence, the licensee must, if required by an authorised person, produce the licence document to the authorised person for amendment within the period specified by the authorised person.

Dated 20 December 2021

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

L.N. BALLARD, President.
D.R. STEWART, Chief Executive Officer.