Western Australian Government Gazette
ISSN 2204-4264 (online)
545
PERTH, THURSDAY, 1 MAY 2025 No. 50 SPECIAL
PUBLISHED BY AUTHORITY GEOFF O. LAWN, GOVERNMENT PRINTER
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SHIRE OF YILGARN

LOCAL GOVERNMENT ACT 1995

PUBLIC PLACES, LOCAL GOVERNMENT PROPERTY AND TRADING LOCAL LAW 2025

LOCAL GOVERNMENT ACT 1995

REMOVAL OF REFUSE, RUBBISH AND DISUSED MATERIALS LOCAL LAW 2025

BUSH FIRES ACT 1954

BUSH FIRE BRIGADES LOCAL LAW 2025

LOCAL GOVERNMENT ACT 1995

SHIRE OF YILGARN

PUBLIC PLACES, LOCAL GOVERNMENT PROPERTY AND TRADING LOCAL LAW 2025

CONTENTS

PART 1—PRELIMINARY 551
1.1 Title 551
1.2 Commencement 551
1.3 Terms used in this local law 551
1.4 Meaning of "public place" 553
1.5 Meaning of "food" 553
PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY 554
2.1 Determinations as to use of local government property 554
2.2 Procedure for making a determination 554
2.3 Discretion to erect sign 554
2.4 Determination to be complied with 554
2.5 Register of determinations 554
2.6 Amendment or revocation of a determination 554
2.7 Activities which may be pursued on specified local government property 555
2.8 Activities which may be prohibited on specified local government property 555
2.9 Sign under repealed local law taken to be determination 556
PART 3—ACTIVITIES ON LOCAL GOVERNMENT PROPERTY REQUIRING A PERMIT 556
3.1 Activities requiring a permit 556
3.2 Permit required to camp outside a facility 556
3.3 Permit required for possession and consumption of liquor 556
PART 4—BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY 557
4.1 Behaviour which interferes with others 557
4.2 Behaviour detrimental to property 557
4.3 Taking or injuring any fauna 557
4.4 Intoxicated persons not to enter local government property 557
4.5 No prohibited drugs 557
4.6 Signs 557
4.7 Authorised person to be obeyed 557
4.8 Persons may be directed to leave local government property 557
4.9 Disposal of lost property 557
4.10 Liability for damage to local government property 557
PART 5—MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY 558
5.1 No entry to fenced or closed local government property 558
5.2 Only specified gender to use entry of toilet block or change room 558
5.3 No unauthorized entry to function 558
PART 6—ACTIVITIES IN STREETS 558
6.1 General prohibitions 558
6.2 Activities allowed with a permit 558
6.3 Temporary crossings 559
6.4 Removal of redundant crossing 559
6.5 Permissible verge treatments 559
6.6 Only permissible verge treatments to be installed 559
6.7 Obligations of owner or occupier 560
6.8 Notice to owner or occupier 560
6.9 Transitional provision 560
6.10 Power to carry out public works on verge 560
6.11 Assignment of numbers 560

6.12 Public place—Item 4(1) of Division 1, Schedule 3.1 of Act 560
6.13 Signs 560
6.14 Transitional 560
6.15 No driving on closed street 560
6.16 Notice to redirect or repair sprinkler 561
6.17 Hazardous plants 561
6.18 Notice to repair damage to street 561
6.19 Notice to remove thing unlawfully placed on street 561
PART 7—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS 561
7.1 Leaving animal or vehicle in public place 561
7.2 Prohibitions relating to animals 561
7.3 Shopping trolley to be marked 561
7.4 Person not to leave trolley in public place 561
7.5 Retailer to remove abandoned trolley 561
7.6 Retailer taken to own trolley 562
PART 8—TRADING IN THOROUGHFARES AND PUBLIC PLACES 562
8.1 Interpretation 562
8.2 Stallholder's permit 562
8.3 Trader's permit 563
8.4 No permit required to sell newspaper 563
8.5 Relevant considerations in determining application for permit 563
8.6 Conditions of permit 563
8.7 Exemptions from requirement to pay fee or to obtain a permit 564
8.8 Conduct of stallholders and traders 564
8.9 Interpretation 564
8.10 Permit required to perform 565
8.11 Variation of permitted area and permitted time 565
8.12 Duration of permit 565
8.13 Cancellation of permit 565
8.14 Obligations of permit holder 565
8.15 Interpretation 565
8.16 Permit required to conduct Facility 565
8.17 Matters to be considered in determining application 565
8.18 Obligations of permit holder 566
8.19 Removal of Facility unlawfully conducted 566
8.20 Use of Facility by public 566
8.21 Temporary removal of Facility may be requested 566
PART 9—PERMITS 566
9.1 Application for permit 566
9.2 Decision on application for permit 566
9.3 Conditions which may be imposed on a permit 567
9.4 Imposing conditions under a policy 567
9.5 Compliance with and variation of conditions 567
9.6 Duration of permit 567
9.7 Renewal of permit 567
9.8 Transfer of permit 567
9.9 Production of permit 568
9.10 Cancellation of permit 568
PART 10—OBJECTIONS AND APPEALS 568
10.1 Application of Part 9 Division 1 of Act 568
PART 11—POLICIES 568
11.1 Making policies 568
11.2 Due regard to be had to policy 568
11.3 Notice 568
11.4 Adoption 568
11.5 Amendment 568
11.6 Revocation 569

PART 12—ENFORCEMENT 569
12.1 Offence to fail to comply with notice 569
12.2 Local government may undertake requirements of notice 569
12.3 Offences 569
12.4 Prescribed offences 569
PART 13—REPEAL AND TRANSITIONAL PROVISIONS 569
13.1 Repeal 569
13.2 Application for permit or renewal of permit 569
13.3 Licences 569
SCHEDULE 1 570
PRESCRIBED OFFENCES 570

LOCAL GOVERNMENT ACT 1995

SHIRE OF YILGARN

PUBLIC PLACES, LOCAL GOVERNMENT PROPERTY AND TRADING LOCAL LAW 2025

PART 1—PRELIMINARY

1.1 Title

This is the *Shire of Yilgarn Public Places, Local Government Property and Trading Local Law 2025.*

1.2 Commencement

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

1.3 Terms used in this local law

In this local law, unless the contrary intention appears—

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

"animal" means any living thing that is not a human being or plant, but excludes a cat;

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

"application" means an application for a permit;

"application fee" means the fee payable upon lodgement of an application for a permit and which relates to the lodgement, assessment and determination of the application but does not include the permit fee;

"authorised person" means a person authorised by the local government under section 9.10 of the Act;

"boat" means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

"building" means any building which is local government property and includes a—

(a) hall or room;

(b) corridor, stairway or annexe of any hall or room; and

(c) jetty;

"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;

"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;

"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;

"determination" means a determination made under clause 2.1;

"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 Health Act;

"eating house" means premises which are registered as an eating house under the Health Act or which are the subject of a hotel licence, a special facility licence or a restaurant licence under the Liquor Act;

"entertain" means conduct any form of theatrical, artistic, musical, audio or visual performance and includes busk;

"food" has the meaning given by clause 1.5;

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

"function" means an event or activity characterised by all or any of the following—

(a) formal organisation and preparation;

(b) its occurrence is generally advertised or notified in writing to particular persons;

(c) organisation by or on behalf of a club;

(d) payment of a fee to attend it; and

(e) systematic recurrence in relation to the day, time and place;

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

"Health Act" means the *Health (Miscellaneous Provisions) Act 1911*;

"hire" includes offer to hire and expose for hire;

"intersection" has the meaning give 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 same meaning as is given to it in section 3 of the *Liquor Licensing Act 1988*;

"Liquor Act" means the *Liquor Control Act 1988* and includes any regulations made under that Act;

"local government" means Shire of Yilgarn;

"local government property" means anything except a street—

(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;

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

"Manager" means the person for the time being employed by the local government to control and manage a facility which is local government property and includes the person's assistant or deputy;

"nuisance" means—

(a) any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well being of another person;

(b) any thing a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another persons or any public place; or

(c) any thing a person does in or on a public place which unreasonably detracts from or interferes with the enjoyment or value of nearby land owned by another person, provided that any thing done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose.

"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 6.5 (2), and includes any reticulation pipes and sprinklers;

"permit" means a permit under this local law;

"permit fee" means the fee payable upon the issue of a permit;

"permit document" means a permit document issued under this local law;

"permit holder" means a person who holds a permit;

"person" does not include the local government;

"place" means anywhere at all, and includes anywhere in or on something that is moving or can move;

"premises" means a building or similar structure, but does not include a carpark or a similar place;

"private property" means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;

"proprietor"—

(a) includes the owner, the occupier and any person having the management or control of any eating house; or

(b) the holder of a licence granted under the Liquor Act where the premises in question is the subject of a hotel licence, a limited hotel licence, special facility licence or a restaurant licence granted under that Act;

"public place" has the meaning given by clause 1.4;

"repealed local law" means the local law repealed under clause 15.1;

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

"sell" includes—

(a) offer or attempt to sell;

(b) display for sale;

(c) send, forward or deliver for sale or on sale;

(d) barter or exchange;

(e) dispose, by lot or chance or by auction;

(f) supply, or offer, agree or attempt to supply—

(i) in circumstances which the supplier derives or would be likely to derive a direct or indirect pecuniary benefit; or

(ii) gratuitously, but with a view to gaining or maintaining custom or other commercial advantage; or

(g) authorise, direct, cause or permit to be done any act referred to in this definition;

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

"sign" includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

"stall" means a movable or temporarily fixed structure, stand or table in, on or from which goods, wares, merchandise, produce or services are sold and includes a vehicle;

"street" means any highway, thoroughfare or land used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the verge and footpath;

"street tree" any tree planted or self sown in the street, of an appropriate species and in an appropriate location, for the purposes of contributing to the streetscape;

"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;

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

"trading" means selling or hiring goods, wares, merchandise or services and includes the setting up of a stall and conducting business at a stall;

"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;

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

1.4 Meaning of "public place"

For the purpose of this local law a public place is—

(a) any street;

(b) any local government property; or

(c) any place to which the public have access.

1.5 Meaning of "food"

(1) In this local law, **"food"** includes—

(a) any substance or thing of kind used, or represented as being used, for human consumption (whether it is live, raw, prepared or partly prepared);

(b) any substance or thing of a kind used, or represented as being for use, as an ingredient or additive in a substance or thing referred to in paragraph (a);

(c) any substance used in preparing a substance or thing referred to in paragraph (a) (other than a substance used in preparing a living thing) if it comes into direct contact with the substance or thing referred to in that paragraph, such as processing aid;

(d) chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum; and

(e) any substance or thing declared to be a food under a declaration in force under the Commonwealth *Food Standards Australia New Zealand Act 1991* section 6,

whether or not the substance, thing or chewing gum is in a condition fit for human consumption.

(2) To avoid doubt, **"food"** may include live plants and animals.

PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

2.1 Determinations as to use of local government property

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

2.2 Procedure for making a determination

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

2.3 Discretion to erect sign

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

2.4 Determination to be complied with

A person shall comply with a determination.

2.5 Register of determinations

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

2.6 Amendment or revocation of a determination

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

2.7 Activities which may be pursued on specified local government property

(1) A determination may provide that specified local government property is set aside as an area on which a person may—

(a) bring, ride or drive an animal;

(b) take, ride or drive a vehicle, or a particular class of vehicle;

(c) fly or use a motorised model aeroplane;

(d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;

(e) launch, beach or leave a boat;

(f) take or use a boat, or a particular class of boat;

(g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;

(h) play or practice—

(i) golf or archery;

(ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 197*3; or

(iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;

(i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and

(j) wear no clothing.

(2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular—

(a) the days and times during which the activity may be pursued;

(b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;

(c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;

(d) may limit the activity to a class of vehicles, equipment or things, or may extend it to all vehicles, equipment or things;

(e) may specify that the activity can be pursued by a class of persons or all persons; and

(f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

(1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property—

(a) smoking on premises;

(b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;

(c) taking, riding or driving a vehicle on the property or a particular class of vehicle;

(d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;

(e) taking or using a boat, or a particular class of boat;

(f) the playing or practice of—

(i) golf, archery, pistol shooting or rifle shooting; or

(ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;

(g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and

(h) the traversing of land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.

(2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular—

(a) the days and times during which the activity is prohibited;

(b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;

(c) that an activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;

(d) that an activity is prohibited in respect of a class of persons or all persons; and

(e) may distinguish between different classes of the activity.

(3) In this clause—

"premises" means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

2.9 Sign under repealed local law taken to be determination

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

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

PART 3—ACTIVITIES ON LOCAL GOVERNMENT PROPERTY REQUIRING A PERMIT

3.1 Activities requiring a permit

(1) A person must not without a permit—

(a) subject to subclause (3) hire local government property;

(b) advertise anything by any means on local government property;

(c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;

(d) teach, coach or train, for profit, any person in any facility which is local government property;

(e) plant any plant or sow any seeds on local government property;

(f) carry on any trading on local government property unless the trading is conducted—

(i) with a permit obtained under Part 8 of this Local Law; or

(ii) by a person who has a licence or permit to carry on trading on local government property under any written law;

(g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose—

(i) drive or ride or take any vehicle on to local government property; or

(ii) park or stop any vehicle on local government property;

(h) conduct a function on local government property;

(i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;

(j) light a fire on local government property except in a facility provided for that purpose;

(k) parachute, hang glide, abseil or base jump from or on to local government property;

(l) erect a building or a refuelling site on local government property;

(m) make any excavation on or erect or remove any fence on local government property;

(n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;

(o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property; or

(p) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly.

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

(3) The CEO may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.2 Permit required to camp outside a facility

(1) In this clause—

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

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

(3) A person must not without a permit—

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

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

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

3.3 Permit required for possession and consumption of liquor

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

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

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

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

PART 4—BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

4.1 Behaviour which interferes with others

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

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

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

4.2 Behaviour detrimental to property

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

(2) In subclause (1)—

"detrimental to the property" includes—

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

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

4.3 Taking or injuring any fauna

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

(2) In this clause—

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

(a) any class of animal or individual member;

(b) the eggs or larvae; or

(c) the carcass, skin, plumage or fur.

4.4 Intoxicated persons not to enter local government property

A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.

4.5 No prohibited drugs

A person must not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

4.6 Signs

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

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

(3) A condition of use specified on a sign erected under subclause (1) is—

(a) not to be inconsistent with any provision of this local law or any determination; and

(b) to be for the purpose of giving notice of the effect of a provision of this local law.

4.7 Authorised person to be obeyed

A person on local government property must obey any lawful direction of an authorized person and must not in any way obstruct or hinder an authorized person in the execution of her or his duties.

4.8 Persons may be directed to leave local government property

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

4.9 Disposal of lost property

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

4.10 Liability for damage to local government property

(1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of—

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

(b) replacing that property.

(2) Unless there is proof to the contrary, a person is to be taken to have damaged local government property within subclause (1) where—

(a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or a boat; or

(b) the damage occurred under a permit, the person is the permit holder in relation to that permit.

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

PART 5—MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

5.1 No entry to fenced or closed local government property

A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorized to do so by the local government.

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

Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by—

(a) females, then a person of the male gender must not use that entry of the toilet block or change room; or

(b) males, then a person of the female gender must not use that entry of the toilet block or change room.

5.3 No unauthorized entry to function

(1) A person must not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorized, except—

(a) through the proper entrance for that purpose; and

(b) on payment of the fee chargeable for admission at the time.

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

PART 6—ACTIVITIES IN STREETS

6.1 General prohibitions

A person must not—

(a) plant any plant which is not maintained at or below 0.50m in height in a street so that the plant does not create a sightline hazard;

(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 street 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) damage a street tree or remove a street tree or part of a street tree irrespective of whether the street tree was planted by the owner or occupier of the lot abutting the street or by the local government, unless—

(i) the removal of the street tree is authorised by the local government in writing; or

(ii) the person is acting under authority of written law;

(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 street 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 street; or

(g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, skateboard, roller-blades or similar device.

6.2 Activities allowed with a permit

(1) A person must not, without a permit—

(a) dig or otherwise create a trench through or under a kerb or footpath;

(b) throw, place or deposit any thing 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 street as a street;

(d) cause any obstruction to a water channel or a water course in a street;

(e) throw, place or drain offensive, noxious or dangerous fluid onto a street;

(f) damage a street;

(g) fell or damage any street tree;

(h) fell any tree onto a street;

(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 any thing 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 street any hoist or other thing for use over the street;

(k) on a street use anything or do anything so as to create a nuisance;

(l) place or cause to be placed on a street a bulk rubbish container; or

(m) interfere with the soil of, or anything in a thoroughfare or take anything from a street.

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

6.3 Temporary crossings

(1) Where it is likely that works on a lot will involve vehicles leaving a street and entering the lot, the person responsible for the works must obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains, footpath, existing materials and street trees, 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 builder named on the building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*, if one has been issued in relation to the works; or

(b) the registered proprietor of the lot, if no building licence has been issued under the *Local Government (Miscellaneous Provisions) Act 1960* in relation to the works.

(3) If the CEO 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 licensee must 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 street.

6.4 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 CEO.

(2) The CEO 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 street, which may be affected by the removal, within the period of time stated in the notice, and the owner or occupier of the lot must comply with that notice.

6.5 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 may 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 street in the vicinity of an intersection or bend in the street or using a driveway on land adjacent to the street for access to or from the street; 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 30 per cent of the area of the verge (excluding any approved footpath and/or 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).

(3) In this clause "acceptable material" means any material specified as acceptable for the purpose of this clause in a policy which has effect under Part 13.

6.6 Only permissible verge treatments to be installed

(1) A person must 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 6.7.

6.7 Obligations of owner or occupier

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

(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.

6.8 Notice to owner or occupier

The CEO 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 Part.

6.9 Transitional provision

(1) In this clause—

"former provisions" means 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.

6.10 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.

6.11 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.

6.12 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 public place, as that term is defined in clause 1.4.

6.13 Signs

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

(2) A person must 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.

6.14 Transitional

Where a sign erected in a street 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 6.13 if—

(a) the sign specifies a condition of use relating to the street 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.

6.15 No driving on closed street

(1) A person must not drive or take a vehicle on a closed street unless—

(a) it is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or

(b) the person has first obtained a permit.

(2) In this clause—

"closed street" means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

6.16 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 street, the CEO 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.

6.17 Hazardous plants

(1) Where a plant in a garden creates or may create a hazard for any person using a street, the CEO 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.

6.18 Notice to repair damage to street

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

6.19 Notice to remove thing unlawfully placed on street

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

PART 7—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

7.1 Leaving animal or vehicle in public place

(1) A person must not leave an animal or a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a permit or is authorized to do so under a written law.

(2) A person does not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.

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

7.2 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 must not—

(a) allow the animal to enter or remain for any time on any public place except for the use of the public place 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 in a public place.

(3) An owner of a horse must not lead, ride or drive a horse on a street, unless that person does so under a permit or under the authority of a written law.

7.3 Shopping trolley to be marked

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

7.4 Person not to leave trolley in public place

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

7.5 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 must 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.

7.6 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 8—TRADING IN THOROUGHFARES AND PUBLIC PLACES

Division 1—Stallholders and traders

Subdivision 1—Preliminary

8.1 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 of 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

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;

(e) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder's permit;

(f) 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;

(g) 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

(h) 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

8.2 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.

8.3 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.

(3) The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.

8.4 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.

8.5 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; or

(b) that—

(i) the applicant is an undischarged 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.

8.6 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.

8.7 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

8.8 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 Measurement Act 1960 (Cth)*.

(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

8.9 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

8.10 Permit required to perform

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

8.11 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.

8.12 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.

8.13 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 authorized person, the performance otherwise constitutes a nuisance.

8.14 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

8.15 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 8.16; and

"public place" has the meaning given to it in clause 1.4.

8.16 Permit required to conduct Facility

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

8.17 Matters to be considered in determining application

In determining an application for a permit for the purpose of clause 8.16, 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 town 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.

8.18 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.

8.19 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 authorized person and impounded in accordance with the Act.

8.20 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.

8.21 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 authorized 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 9—PERMITS

Division 1—Applying for a permit

9.1 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).

9.2 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

9.3 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.

9.4 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 9.2(1)(a).

(2) Under clause 9.2(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 9.2(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.

9.5 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

9.6 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 9.10.

9.7 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.

9.8 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.

9.9 Production of permit

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

9.10 Cancellation of permit

(1) Subject to clause 10.1, a permit may be cancelled by the local government if the permit holder has not complied with a—

(i) condition of the permit; or

(ii) 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 10—OBJECTIONS AND APPEALS

10.1 Application of Part 9 Division 1 of Act

When the local government makes a decision—

(a) under clause 9.2(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 11—POLICIES

11.1 Making policies

The CEO may prepare a policy in respect of any matter related to this local law and so as to apply—

(a) generally or for a particular class or classes of matters; and

(b) throughout the district or in one or more parts of the district,

and may amend or add to or rescind the policy.

11.2 Due regard to be had to policy

A policy does not bind the CEO in respect of any application for a permit, but the CEO is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

11.3 Notice

(1) If CEO resolves to prepare a policy, the CEO—

(a) is to publish a notice of the proposed policy once a week for 2 consecutive weeks in a newspaper circulating in the district, giving details of—

(i) where the draft policy may be inspected;

(ii) the subject and nature of the draft policy; and

(iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made; and

(b) may publish a notice of the proposed policy in any manner and carry out any other consultation that the CEO considers appropriate.

(2) After the expiry of the period within which submissions may be made, the CEO is to—

(a) review the proposed policy in the light of any submissions made; and

(b) resolve to adopt the policy with or without modification, or not to proceed with the policy.

11.4 Adoption

(1) If the CEO decides to adopt the policy the CEO is to publish notice of the policy once in a newspaper circulating in the district.

(2) A policy has effect on publication of a notice under subclause (1).

(3) A copy of each policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

11.5 Amendment

Clauses 11.1 to 11.4 with any necessary changes, apply to the amendment of a policy.

11.6 Revocation

A policy may be revoked by—

(a) the adoption by CEO of a new policy made under clauses 11.1 to 11.4 that is expressed to supersede the existing policy; or

(b) publication of a notice of revocation by the CEO once a week for 2 consecutive weeks in a newspaper circulating in the district.

PART 12—ENFORCEMENT

Division 1—Notices given under this local law

12.1 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.

12.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 12.1, 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

12.3 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

12.4 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.

PART 13—REPEAL AND TRANSITIONAL PROVISIONS

13.1 Repeal

This local law repeals the Shire of Yilgarn By-Laws relating to Trading in Public Places.

13.2 Application for permit or renewal of permit

An application for a permit or the renewal of a permit made under the repealed local law that has not been finally determined immediately before the commencement day is to be dealt with and determined as if it were an application for a permit or a renewal of permit under this local law.

13.3 Licences

A licence under the repealed local law that is in force immediately before the commencement day is to be regarded on and after that day as a permit under this local law and may be dealt with accordingly.

Dated 20th day of February 2025.

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

Cr WAYNE DELLA BOSCA, Shire President.
NIC WARREN, Chief Executive Officer.

SCHEDULE 1

PRESCRIBED OFFENCES

CLAUSE	NATURE OF OFFENCE	MODIFIED PENALTY $
2.4	Failure to comply with a determination	100
3.1	Undertaking activity on local government property without a permit	150
3.2	Camping on local government property or erecting an unauthorised structure	150
3.3	Failure to obtain permit for liquor	100
4.1	Behaviour interfering with others	150
4.2	Behaviour detrimental to local government property	200
4.3	Taking or injuring fauna without authorisation	100
4.4	Under influence of liquor or prohibited drug on local government property	100
4.5	Take onto or consume prohibited drugs on local government property	100
4.6 6.13(2)	Failure to comply with sign	100
4.7	Failure to comply with direction of authorised person	100
5.1	Unauthorised entry to closed or fenced local government property	100
5.3	Unauthorised entry to function on local government property	100
6.1(a)	Planting or allowing plant or verge treatment in street to become a sightline hazard	100
6.1(b)	Damaging a street lawn or garden	100
6.1(c)	Damaging or removing whole or part of a street tree without authorisation	150
6.1(d)	Create hazard on street	100
6.1(e)	Damaging, removing or interfering with street, part of street, sign or structure in a street without authorisation	100
6.1(f)	Playing games in street so as to impede vehicles or persons	100
6.1(g)	Riding of skateboard or similar device on mall, arcade or veranda of shopping centre	100
6.2	Carry on or undertake prohibited activity in street or damage local government property in a street without a permit	150
6.6	Install verge treatment that is not a permissible treatment	100
6.7	Failure to keep permissible verge treatment in good and tidy condition, obstruct a street, footpath, drain, or driveway	100
6.15	Driving on closed street	100
6.16	Failure to ensure sprinklers or reticulation pipes do not protrude above level of verge treatment when not in use, not used at such times as to cause inconvenience to pedestrians, or otherwise present a hazard	100
7.1(1)	Animal or vehicle obstructing public place without authorisation	100
7.2(2)	Animal in public place when not led, ridden or driven	100
7.3	Failure to clearly mark name or trading name on shopping trolley	100
7.4	Person leaving a shopping trolley in a public place other than trolley bay	100
7.5	Failure to remove shopping trolley after being advised of location	100
8.2(1)	Conducting of stall in public place without a permit	250
8.3(1)	Trading without a permit	250
8.8(1)(a)	Failure of stallholder or trader to display or carry permit	100
8.8(1)(b)	Stallholder or trader not displaying valid permit	100
8.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	100
8.8(2)	Stallholder or trader engaged in prohibited conduct	100
8.10	Performing in a public place without a permit	150
8.11(2)	Failure of performer to move onto another area when directed	100
8.14	Failure of performer to comply with obligations	100
8.16	Establishment or conduct of outdoor eating facility without a permit	250

CLAUSE	NATURE OF OFFENCE	MODIFIED PENALTY $
8.18	Failure of permit holder of outdoor eating facility to comply with obligations	100
8.20(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	50
8.20(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	50
9.5	Failure to comply with a condition of a permit	100
9.9	Failure to produce permit on request of authorized person	100
12.1	Failure to comply with notice given under local law	250

LOCAL GOVERNMENT ACT 1995

SHIRE OF YILGARN

REMOVAL OF REFUSE, RUBBISH AND DISUSED MATERIALS LOCAL LAW 2025

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Shire of Yilgarn resolved on 20th February 2025 to make the following local law.

PART 1—PRELIMINARY

1. Citation

This local law may be cited as the *Shire of Yilgarn Removal of Refuse, Rubbish and Disused Materials Local Law 2025*.

2. Commencement

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

3. Interpretation

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

Act means the *Local Government Act 1995;*

district means the district of the Shire of Yilgarn;

local government means the Shire of Yilgarn;

refuse, rubbish or disused material includes—

(a) any material which is abandoned or unwanted by its owner or the person in possession of it;

(b) any material which is not being used for its original intended purpose and which has been deposited or stored upon any property for no current purpose other than the deposit storage;

(c) any motor vehicle, motor vehicle part or machinery which has been deposited or stored upon any property for the purpose of dismantling or breaking up;

(d) any wood, timber, lumber; or cuttings, logs or remnants of trees; or chopped, split or chipped wood, deposited, stored, located or placed on property;

and any material may be refuse, rubbish or disused material notwithstanding that it may have a commercial value to its owner or the person in possession of it or the owner or occupier of any property upon which it is deposited or stored;

served has the same meaning as defined in section 75 and 76 of the *Interpretation Act 1984;*

vacant property means property on which no building exists or on which a building exists but any such building is no longer utilized for any business, commercial or residential purposes.

(2) Where in this local law a duty of liability is imposed on an owner or occupier of land, the duty or liability is imposed jointly and severally on each of the owners or occupiers.

PART 2—NOTICE FOR REMOVAL OF REFUSE, RUBBISH AND DISUSED MATERIALS

4. Clearing of refuse, rubbish or disused material

(1) Where there is—

(a) on any vacant property within the district, any refuse, rubbish or disused material or any overgrown vegetation, trees, scrub or undergrowth; or

(b) on any property within the district other than vacant property any refuse, rubbish or disused material or any overgrown vegetation, trees, scrub or undergrowth which, in the opinion of the local government—

(i) is likely to adversely affect the health, comfort or convenience of the inhabitants of that property or any adjoining property; or

(ii) results in that property having an appearance which does not conform with the general appearance of other property in the locality,

the local government may cause a notice under the hand of the Chief Executive Officer to be served on the owner or occupier of that property requiring that owner or occupier as the case may be to clear the property of the overgrown vegetation, trees, scrub or undergrowth or refuse, rubbish or disused material specified in the notice within the time specified in the notice.

PART 3—OFFENCES

5. Offences and Penalties

Any owner or occupier who is served with a notice under clause 4 of this local law and who fails to comply with the terms of the notice commits an offence.

Penalty—

(a) five thousand dollars ($5,000); and

(b) a daily penalty of five hundred dollars ($500).

6. Modified Penalties

(1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.

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

PART 4—RIGHT OF ENTRY

7. Entry into private property

(1) Where an owner or occupier who is served with a notice under clause 4 of this local law fails to comply with the terms of the notice, the local government is authorised—

(a) to clear or remove from the property the overgrown vegetation, trees, scrub or undergrowth or refuse, rubbish or disused material specified in the Notice, and dispose of the same, without payment of any compensation; and

(b) to recover in a court of competent jurisdiction the amount of the local government's expenses in doing so from the owner or occupier who was served the notice.

(2) Power of entry into private property

This local law is subject to sections 3.25, 3.27 and Schedules 3.1 and 3.2 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

Schedule 1
OFFENCES AND MODIFIED PENALTIES

Item No.	Clause No	Nature of Offence	Modified Penalty $
1	5	Failure to comply with notice of breach	250

Dated 20th day of February 2025.

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

Cr WAYNE DELLA BOSCA, Shire President.
NIC WARREN, Chief Executive Officer.

BUSH FIRES ACT 1954

SHIRE OF YILGARN

BUSH FIRE BRIGADES LOCAL LAW 2025

TABLE OF CONTENTS

PART 1—PRELIMINARY
1.1 CITATION
1.2 COMMENCEMENT
1.3 DEFINITIONS
1.4 REPEAL
1.5 APPLICATION
PART 2—ESTABLISHMENT OF BUSH FIRE BRIGADES
DIVISION 1—ESTABLISHMENT OF A BUSH FIRE BRIGADE
2.1 ESTABLISHMENT OF A BUSH FIRE BRIGADE
2.2 NAME AND OFFICERS OF BUSH FIRE BRIGADE
2.3 DUTIES OF CAPTAIN AND LIEUTENANTS
DIVISION 2—COMMAND AT A FIRE
2.4 RANKS WITHIN THE BUSH FIRE BRIGADE
DIVISION 3—APPLICATION OF RULES TO A BUSH FIRE BRIGADE
2.5 RULES
2.6 VARIATION OF RULES
DIVISION 4—TRANSITIONAL
2.7 EXISTING BUSH FIRE BRIGADES
DIVISION 5—DISSOLUTION OF BUSH FIRE BRIGADE
2.8 DISSOLUTION OF BUSH FIRE BRIGADE
2.9 NEW ARRANGEMENT AFTER DISSOLUTION
PART 3—ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES
DIVISION 1—LOCAL GOVERNMENT RESPONSIBILITY
3.1 LOCAL GOVERNMENT RESPONSIBLE FOR STRUCTURE
3.2 BRIGADES TO BE SUPPLIED WITH ACT
DIVISION 2—CHIEF BUSH FIRE CONTROL OFFICER
3.3 MANAGERIAL ROLE OF CHIEF BUSH FIRE CONTROL OFFICER
3.4 CHIEF BUSH FIRE CONTROL OFFICER MAY ATTEND MEETING
3.5 DUTIES OF CHIEF BUSH FIRE CONTROL OFFICER
DIVISION 3—ANNUAL GENERAL MEETINGS OF BUSH FIRE BRIGADES
3.6 HOLDING OF ANNUAL GENERAL MEETING
3.7 NOMINATION OF BUSH FIRE CONTROL OFFICERS TO BUSH FIRE ADVISORY COMMITTEE
3.8 NOMINATION OF BUSH FIRE CONTROL OFFICER TO THE LOCAL GOVERNMENT
3.9 MINUTES TO BE TABLED BEFORE THE BUSH FIRE ADVISORY COMMITTEE
DIVISION 4—BUSH FIRE ADVISORY COMMITTEE
3.10 FUNCTIONS OF ADVISORY COMMITTEE
3.11 ADVISORY COMMITTEE TO NOMINATE BUSH FIRE CONTROL OFFICERS
3.12 LOCAL GOVERNMENT TO HAVE REGARD TO NOMINEES
3.13 ADVISORY COMMITTEE TO CONSIDER BUSH FIRE BRIGADE MOTIONS
PART 4—TYPES OF BUSH FIRE BRIGADE MEMBERSHIP
4.1 TYPES OF MEMBERSHIP OF BUSH FIRE BRIGADE
4.2 FIRE FIGHTING MEMBERS
4.3 ASSOCIATE MEMBERS
4.4 CADET MEMBERS
4.5 HONORARY LIFE MEMBER
4.6 NOTIFICATION OF MEMBERSHIP

PART 5—APPOINTMENT DISMISSAL AND MANAGEMENT OF MEMBERS
5.1 RULES TO GOVERN
PART 6—EQUIPMENT OF BUSH FIRES BRIGADES
6.1 POLICIES OF LOCAL GOVERNMENT
6.2 EQUIPMENT IN BRIGADE AREA
6.3 FUNDING FROM LOCAL GOVERNMENT BUDGET
6.4 CONSIDERATION IN THE LOCAL GOVERNMENT BUDGET

BUSH FIRES ACT 1954

SHIRE OF YILGARN

BUSH FIRE BRIGADES LOCAL LAW 2025

Under the powers conferred by the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the Shire of Yilgarn resolved on 20 February 2025 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Yilgarn Bush Fire Brigades Local Law 2025*.

1.2 Commencement

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

1.3 Definitions

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

"Act" means the *Bush Fires Act 1954*;

"**Authority"** means the *Department of Fire and Emergency Services*;

"brigade area" is defined in clause 2.2(1)(b);

"brigade member" means a fire fighting member, associate member or a cadet member of a bush fire brigade;

"brigade officer" means a person holding a position referred to in clause 2.2 (1)(c), whether or not he or she was appointed by the local government or elected at an annual general meeting of a bush fire brigade or otherwise appointed to the position;

"bush fire brigade" is defined in section 7 of the Act;

"Bush Fire Operating Procedures" means the Bush Fire Operating Procedures adopted by the local government as amended from time to time;

"CEO" means the chief executive officer of the *Shire of Yilgarn*;

"Council" means the Council of the *Shire of Yilgarn*;

"fire fighting member" is defined in clause 4.2;

"local government" means the *Shire of Yilgarn*;

"normal brigade activities" is defined under Section 35A of the *Bush Fires Act 1954*

"Regulations" means Regulations made under the Act; and

"Rules" means the Rules Governing the Operation of Bush Fire Brigades as adopted by Council and varied from time to time under clause 2.5.

(2) In this local law, unless the context otherwise requires, a reference to—

(a) a Captain;
(b) a First Lieutenant;
(c) a Second Lieutenant;
(d) any additional Lieutenants;
(e) an Equipment Officer;
(f) a Secretary.
(g) a Treasurer; or
(h) a Secretary / Treasurer combined
(i) a Training Officer,

means a person holding that position in a bush fire brigade.

1.4 Repeal

The By-law's of the Yilgarn Road Board relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades for the Road District of Yilgarn, as published in the *Government Gazette* on 3 December 1943 are repealed.

1.5 Application

This local law applies throughout the district.

PART 2—ESTABLISHMENT OF BUSH FIRE BRIGADES

Division 1—Establishment of a bush fire brigade

2.1 Establishment of a bush fire brigade

(1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.

(2) A bush fire brigade is established on the date of the local government's decision under subclause (1).

2.2 Name and officers of bush fire brigade

(1) On establishing a bush fire brigade under clause 2.1(1) the local government is to—

(a) give a name to the bush fire brigade;

(b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities (the "brigade area"); and

(c) appoint—

(i) a Captain;

(ii) a First Lieutenant;

(iii) a Second Lieutenant;

(iv) additional Lieutenants if the local government considers it necessary;

(v) a Secretary; and

(vi) a Treasurer; or

(vii) a Secretary/Treasurer combined

(viii) any other position/s deemed necessary for the effective management of brigade activities.

(2) When considering the appointment of persons to the positions in subclause (1)(c), the local government is to have regard to the qualifications and experience which may be required to fill each position.

(3) A person appointed to a position in subclause (1)(c) is to be taken to be a brigade member.

(4) The appointments referred to in subclause (1)(c) expire at the completion of the first annual general meeting of the bush fire brigade.

(5) If a position referred to in subclause (1)(c) becomes vacant prior to the completion of the first annual general meeting, then the local government is to appoint a person to fill the vacancy in accordance with subclause (2).

2.3 Duties of Captain and Lieutenants

Captain

(1) The Captain is the most senior operational brigade member of the brigade.

(2) Subject to subclause (3) below, the Captain is to preside at all meetings.

(3) In the absence of the Captain, the meeting is to be presided by the next senior operational person.

(4) The Captain is responsible for the efficient administration of the brigade.

Lieutenant

(1) A Lieutenants role is to—

(a) provide support to the Captain and assist with the management of the brigade;

(b) effectively guide, manage and mentor fire fighting members during direct fire fighting incident response activities and normal brigade activities;

(c) maintain a personal incident diary with a record of events that occur during all incidents attended;

(d) in the absence of the Captain or to support the Captain, assist with or conduct brigade briefings and post incident analysis of any incident involving direct fire fighting response activities; and

(e) actively support other appointed Lieutenants.

Division 2—Command at a fire

2.4 Ranks within the bush fire brigade

(1) Where under the Act and Bush Fire Operating Procedures members of the bush fire brigade have command of a fire, unless a bushfire control officer is in attendance at the fire, the Captain has full control over other persons fighting the fire, and is to issue instructions as to the methods to be adopted by the firefighters. In the absence of the Captain, the first Lieutenant, and in the absence of the first, the second Lieutenant and so on, in the order of seniority determined, is to exercise all the powers and duties of the Captain.

(2) Where a bushfire control officer is in attendance at a fire which the members of the bush fire brigade have command of under the Act and the Bush Fire Operating Procedures, the most senior bushfire control officer has full control over other persons fighting the fire and is to issue instructions as to the methods to be adopted by the fire fighters.

Division 3—Application of Rules to a bush fire brigade

2.5 Rules

(1) The Rules govern the operation of a bush fire brigade.

(2) A bush fire brigade and each brigade member is to comply with the Rules.

2.6 Variation of Rules

(1) The local government may vary the Rules in their application to all bush fire brigades or in respect of a particular bush fire brigade.

(2) The Rules, as varied, have effect on and from the date of a decision under subclause (1).

(3) The local government is to notify a bush fire brigade of any variation to the Rules as soon as practicable after making a decision under subclause (1).

Division 4—Transitional

2.7 Existing Bush Fire Brigades

(1) Where a local government has established a bush fire brigade prior to the commencement date, then on and from the commencement day—

(a) the bush fire brigade is to be taken to be a bush fire brigade established under and in accordance with this local law;

(b) the provisions of this local law apply to the bush fire brigade save for clause 2.2; and

(c) any rules governing the operation of the bush fire brigade are to be taken to have been repealed and substituted with the Rules.

(2) In this clause—

"commencement day" means the day on which this local law comes into operation.

Division 5—Dissolution of bush fire brigade

2.8 Dissolution of bush fire brigade

In accordance with section 41(3) of the Act, the local government may cancel the registration of a bush fire brigade if it is of the opinion that the bush fire brigade is not complying with the Act, this local law, any written polices relevant to Bush Fire Brigades or is not achieving the objectives for which it was established.

2.9 New arrangement after dissolution

If a local government cancels the registration of a bush fire brigade, alternative fire control arrangements are to be made in respect of the brigade area.

PART 3—ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES

Division 1—Local government responsibility

3.1 Local government responsible for structure

The Council is to ensure that there is an appropriate structure through which the organisation of bush fire brigades is maintained.

3.2 Officers to be supplied with Act

The local government is to supply each brigade with a copy of the Act, the Regulations, the Bush Fire Operating Procedures, this local law and any other written laws which may be relevant to the performance of the brigade officers' functions, and any amendments which are made thereto from time to time.

Division 2—Chief Bush Fire Control Officer

3.3 Managerial role of Chief Bush Fire Control Officer

Subject to any directions by the local government the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

3.4 Chief Bush Fire Control Officer may attend meetings

The Chief Bush Fire Control Officer or her or his nominee (who is to be a bush fire control officer) may attend as a non-voting representative of the local government at any meeting of a bush fire brigade.

3.5 Duties of Chief Bush Fire Control Officer

The duties of the Chief Bush Fire Control Officer include—

(a) provide leadership to volunteer bush fire brigades;

(b) monitor bush fire brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year to the local government;

(c) liaise with the local government concerning fire prevention / suppression matters generally and directions to be issued by the local government to bush fire control officers (including those who issue permits to burn) bush fire brigades or brigade officers;

(d) ensure that bush fire brigades are registered with the local government and that lists of brigade members are maintained.

Division 3—Annual general meetings of bush fire brigades

3.6 Holding of annual general meeting

A bush fire brigade is to hold its annual general meeting during the month of March/April each year.

3.7 Nomination of bush fire control officers to Bush Fire Advisory Committee

At the annual general meeting of a bush fire brigade, one brigade member is to be nominated to the Bush Fire Advisory Committee to serve as the bush fire control officer for the brigade area until the next general meeting.

3.8 Nomination of bush fire control officer to the local government

If the local government has not established a Bush Fire Advisory Committee, then at the annual general meeting of a bush fire brigade, the bush fire brigade is to nominate one brigade member to the local government to serve as the bush fire control officer for the brigade area until the next annual general meeting.

3.9 Minutes to be tabled before the Bush Fire Advisory Committee

(1) The Secretary is to forward a copy of the minutes of the annual general meeting of a bush fire brigade to the Chief Bush Fire Control Officer within one month after the meeting.

(2) The Chief Bush Fire Control Officer is to table the minutes of a bush fire brigade's annual general meeting at the next meeting of the—

(a) Bush Fire Advisory Committee; or

(b) Council, if there is no Bush Fire Advisory Committee,

following their receipt under subclause (1).

Division 4—Bush Fire Advisory Committee

3.10 Functions of Advisory Committee

The Bush Fire Advisory Committee is to have the functions set out in section 67 of the Act and is to include such number of nominees of the bush fire brigades as is determined by the local government.

3.11 Advisory Committee to nominate bush fire control officers

As soon as practicable after the annual general meeting of each bush fire brigade in the district, the Bush Fire Advisory Committee is to nominate to the local government from the persons nominated by each bush fire brigade a person or persons for the position of a bush fire control officer for the brigade area.

3.12 Local government to have regard to nominees

When considering persons for the position of a bush fire control officer, the local government is to have regard to those persons nominated by the Bush Fire Advisory Committee, but is not bound to appoint the persons nominated.

3.13 Advisory Committee to consider bush fire brigade motions

The Bush Fire Advisory Committee is to make recommendations to the local government on all motions received by the Bush Fire Advisory Committee from bush fire brigades.

PART 4—TYPES OF BUSH FIRE BRIGADE MEMBERSHIP

4.1 Types of membership of bush fire brigade

The membership of a bush fire brigade consists of the following—

(a) fire fighting members;

(b) associate members;

(c) cadet members; and

(d) honorary life members.

4.2 Fire fighting members

Fire fighting members are those persons—

(a) being at least 16 years of age; and

(b) are eligible to join; and

(c) have met the relevant criteria contained within the *Fire Brigades Regulations 1943;* and

(d) who undertake all normal bush fire brigade activities.

4.3 Associate members

Associate members are those persons who are willing to supply free vehicular transport for fire fighting members or fire fighting equipment, or who are prepared to render other assistance required by the bush fire brigade.

4.4 Cadet members

Cadet members are—

(a) to be aged 11 to 15 years;

(b) to be admitted to membership only with the consent of their parent or guardian;

(c) admitted for the purpose of training and are not to attend or be in attendance at an uncontrolled fire or other emergency incident;

(d) to be supervised by a fire fighting member when undertaking normal brigade activities as defined by paragraphs (c), (d), (e), (f) and (g) of section 35A of the Act;

(e) ineligible to vote at bush fire brigade meetings;

(f) not to be assigned ranks under the Authority's rank structure.

4.5 Honorary life member

(1) The bush fire brigade may by a simple majority resolution appoint a person as an honorary life member in recognition of services by that person to the bush fire brigade.

(2) No membership fees are to be payable by an honorary life member.

4.6 Notification of membership

No later than 31 May in each year, the bush fire brigade is to report to the Chief Fire Control Officer the name, contact details and type of membership of each brigade member.

PART 5—APPOINTMENT DISMISSAL AND MANAGEMENT OF MEMBERS

5.1 Rules to govern

The appointment, dismissal and management of brigade members by the bush fire brigade are governed by the Rules.

PART 6—EQUIPMENT OF BUSH FIRES BRIGADES

6.1 Policies of local government

The local government may make policies under which it—

(a) provides funding to bush fire brigades for the purchase of protective clothing, equipment and appliances; and

(b) keeps bush fire brigades informed of opportunities for funding from other bodies.

6.2 Equipment in brigade area

Not later than 31 May in each year, the bush fire brigade is to report to the local government the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the brigade area (or at a station of the bush fire brigade).

6.3 Funding from local government budget

A request to the local government from the bush fire brigade for funding of protective clothing, equipment or appliance needs is to be received by the local government by 31 March in order to be considered in the next following local government budget, and is to be accompanied by the last audited financial statement and a current statement of assets and liabilities of the bush fire brigade.

6.4 Consideration in the local government budget

The local government may approve or refuse an application for funding depending upon the assessment of budget priorities for the year in question.

Dated 20th day of February 2025.

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

Cr WAYNE DELLA BOSCA, Shire President.
NIC WARREN, Chief Executive Officer.