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LOCAL GOVERNMENT ACT 1995

**SHIRE OF YILGARN
LOCAL LAWS**

REPEAL OF LOCAL LAWS

STANDING ORDERS

DOGS

MANAGEMENT OF THE YILGARN
SWIMMING POOL COMPLEX

LOCAL GOVERNMENT ACT 1995

SHIRE OF YILGARN

LOCAL LAWS FOR THE REPEAL OF LOCAL LAWS

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Shire of Yilgarn hereby records having resolved on 20 June 1997 to make a Local Law repealing the following Local Laws—

General By-laws—Published in the *Government Gazette* on 24 February 1928

Building By-laws (and associated amendments)—Published in the *Government Gazette* on 23 November 1928

Dog By-laws—Published in the *Government Gazette* on 13 December 1929

Parking By-laws—Published in the *Government Gazette* on 4 April 1930

Greater Sports Ground By-laws—Published in the *Government Gazette* on 20 April 1934

Discount on Rates By-laws—Published in the *Government Gazette* on 24 July 1936

Illuminated Signs By-laws—Published in the *Government Gazette* on 25 September 1936

Appointment of Employees By-laws—Published in the *Government Gazette* 31 October 1941

Supply of Water By-laws—Published in the *Government Gazette* on 20 April 1945

Long Service Leave By-laws—Published in the *Government Gazette* on 8 February 1952

Brick Area Building By-laws—Published in the *Government Gazette* on 12 August 1977

Dated this 11th day of July 1997.

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

Common Seal

P. R. PATRONI, President.
P. R. CLARKE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995**SHIRE OF YILGARN****LOCAL LAWS RELATING TO STANDING ORDERS**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Yilgarn hereby records having resolved on the 18th day of April 1997 to make the following local law.

1. INTERPRETATIONS AND STANDING ORDERS**1.1 Proceedings Conducted According to Standing Orders**

The proceedings and business of the Council shall be conducted in accordance with the Act, regulations and any other law, and where not specifically prescribed according to this local law, the clauses of which shall be referred to as "the Standing Orders"

1.2 All Meetings Governed by Standing Orders

The proceedings of all council meetings, committee meetings and other meetings of the Council shall be governed by these standing orders unless otherwise provided in the Act, regulation, or any other law.

1.3 Interpretations

The interpretations should be used in these standing orders unless the context otherwise requires—

"Act" means the "Local Government Act, 1995 and amendments and successors";

"Clause" means a clause of these standing orders;

"Committee" means any Committee appointed in accordance with the provisions of the Act;

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

"President" includes the Deputy President, in the absence of the President, and any councillor chosen to preside at any meeting of a council in the manner prescribed in the Act.

"Presiding Member" includes the Deputy Presiding Member, in the absence of the Presiding Member, and any member chosen to preside at any meeting of a committee in the manner prescribed in the Act.

"Meeting" includes any Ordinary or Special meeting of the council or any other meeting held in accordance with the Act and properly convened as the Act requires;

"Member" means the President, or a councillor of the council, or in the case of committees, a member of the committee appointed in accordance with the Act.

"Officer" is an employed member of the staff of the council;

"Chief Executive Officer" means the Chief non-elected officer of the Shire or other officer who, for the time being, is acting in that capacity;

"Absolute Majority" is more than 50% of the total number of places of the Council or a committee whether they are vacant or not regardless of the number actually present;

"Simple Majority" is more than 50% of the members present and voting.

"Special Majority" means—

- if the number of offices of member is more than eleven, 75% or more of the total number of places of the Council or a committee whether they are vacant or not regardless of the number actually present; and
- if the number of offices of member is not more than eleven, an absolute majority.

"Substantive motion" means any motion other than an amendment or a procedural motion.

2. MEETINGS—NOTICE AND BUSINESS**2.1 Quorum at Meetings**

In accordance with the Act, the quorum at all meetings of the Council shall be at least 50% of the total number of places (whether vacant or not) of the Council.

2.2 Notice of Meetings—Members to Receive Notice

Notice of meetings shall be given by the Chief Executive Officer in accordance with the Act.

2.3 Notices of Motion—Ordinary and Extraordinary Business

Members may bring forward business in the form of a written motion, of which notice shall be given in writing to the Chief Executive Officer, either at the meeting previous to the meeting at which it is intended to move the motion, or at any time thereafter up to 24 hours before the close of the business Agenda Paper.

2.4 Motion to Lapse

A motion shall lapse unless the member who gave the notice is present, unless another member is willing to move the motion when it is called.

2.5 Objectionable Business

If the President is of the opinion that any motion or business proposed is of an objectionable nature, the President may, either before or after the matter is brought forward at any meeting, declare that it shall not be considered.

2.5.1 Any member may move dissent from such a declaration made from the Chair via the use of a procedural motion. On the motion being seconded, the motion to dissent shall be put without debate, and in the event of the motion being carried by a majority of the members present, the business referred to shall then be considered immediately, but if the motion is lost, the ruling of the President shall stand.

2.6 Business to be Specified on Notice Paper

No business shall be transacted at any meeting other than that specified in the notice without the approval of the President or the approval of the majority of members present determined by vote.

3. RECORDING AND CONFIRMATION OF MINUTES

3.1 Minutes are to be kept of each meeting's proceedings, confirmed or amended at the next ordinary meeting of the Council and signed and certified by the person presiding.

4. ORDINARY MEETING—ORDER OF BUSINESS

4.1 Ordinary Meeting—Order of Business

After the signing of the minutes, the order of business of an ordinary meeting of the Council shall be as follows, or as near to this as practicable—

- a) apologies and leave of absence;
- b) reception of public statements or questions and limited to a total of fifteen minutes of duration, except by consent of the person presiding. Each speaker will be limited to three minutes duration to speak, except by consent of the person presiding;
- c) declarations of interest;
- d) confirmation of minutes of the previous meeting of Council;
- e) business arising from the minutes of the previous meeting of Council;
- f) reception of petitions;
- g) a report by the Chief Executive Officer relative to business arising out of minutes of any previous meeting, work or business carried out in the period between meetings or requests for instructions as to future business;
- h) announcements by Shire President and Councillors
- i) the reception of minutes or reports or recommendations of committees held since the previous meeting of council;
- j) correspondence;
- k) tabled correspondence
- l) motions of which previous notice has been given;
- m) late items in accordance with 4.2;
- n) general business;
- o) closure.

4.2 Late Items

In cases of extreme urgency or other special circumstances, late items may, with the consent of the President, presiding Members or Committees, or the CEO or at the request of a majority of councillors present, be read and dealt with.

5. MEETINGS—PUBLIC CONDUCT

5.1 Admission of Removal of Public

5.1.1 The public is admitted to Council meetings on the basis that no expression of dissent or approval, conversation or interruption to the proceedings of the council shall take place. In the event of any such interruption, the President may use discretion and without a vote of the council, require those interrupting to withdraw. The person or persons concerned shall immediately withdraw from the meeting.

5.1.2 Any person, not being a member of the council, who interrupts the orderly conduct of council who does not withdraw immediately upon being called by the President to withdraw from the meeting, may, by order of the President, be removed from the meeting.

6. ROLE OF CONSENT

6.1 Directions by the President

6.1.1 At any meeting of the Council the President shall have the right to direct attention to any matter of interest or relevance to the business of the meeting or propose a change to the order of business.

6.1.2 Any member may move that a change in order of business proposed by the President not be accepted and if carried by a majority of members present, the proposed change in order will not take place.

6.2 The President to Take part in Debates

Subject to the provisions of these standing orders, the President may take part in a discussion upon any question before the council, provided that like other councillors in accordance with these standing orders, the President may only speak once and provided that this is done before the right of reply is exercised.

6.3 Precedence of President

When the President speaks during the progress of a debate, any member then speaking or offering to speak, shall immediately cease and every member present shall preserve strict silence so that the President may be heard without interruption. This clause should not be used by the President to exercise the right provided in Clause 6.2, but should be used to preserve order.

6.4 Dissent with the President's Ruling

A member may move a procedural motion to disagree with a ruling given by the President. The President must immediately call for a seconder and put the motion without debate.

7. CONDUCT OF MEMBERS

7.1 Official Titles to be Used

Members shall speak to each other in the council during the transaction of business by their respective titles of President or Councillor. Members, in speaking of or addressing officers, shall designate them by their respective official titles.

7.2 Debate—Maintenance of Order—Imputations—Offensive Expressions

No member may impute motives or use offensive or objectionable expressions in reference to any member, officer of the council, or any other person.

7.3 Demand for Withdrawal

If a member commits a breach of clause 7.2, the President, or the council by resolution, may require that member to withdraw unreservedly any offending comment and to make a satisfactory apology; and if the member declines or neglects to do so, the President may direct such member to cease speaking and may call on the next speaker.

7.4 Member to Occupy Own Seats

7.4.1 At the first ordinary meeting attended by a councillor after election, the Chief Executive Officer shall allot by random draw, a position at the council table to each councillor and the councillor shall, until such times as there is a call by a majority of councillors for a re-allotment of positions, occupy that position when present at meetings of the council.

7.4.2 No councillor shall be deemed to be present unless occupying that member's allotted place within the council chambers.

8. CONDUCT OF MEMBERS DURING DEBATE

8.1 Members Wishing to Speak

Every member of the council wishing to speak during a council meeting shall indicate by show of hands or other method as agreed by Council. When invited by the Shire President to speak the member shall address the Council through the Shire President.

8.2 Priority

In the event of two or more members wishing to speak at the same time, the President shall decide which member is entitled to be heard.

8.3 Relevance

Every member shall restrict remarks to the motion or amendment under discussion, or to an explanation or point of order.

8.4 Limitation of Duration of Speeches

All addresses shall be limited to a maximum of five minutes. Extension of time is permissible only with the agreement of the majority of members present.

8.5 Members Not to Interrupt

No member shall interrupt another member whilst speaking unless:

- (a) To raise a point of order;
- (b) To call attention to the absence of quorum.

9. PROCEDURES FOR DEBATE OF MOTIONS

9.1 To be Seconded

No motion or amendment to a substantive motion shall be in order, or be open to debate until it has been seconded.

9.2 Only One Substantive Motion Considered

When a substantive motion is under debate at any meeting, no further substantive motion shall be accepted.

9.3 Order of Call in Debate

The President will call speakers to a substantive motion in the following order:

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) A speaker against the motion;
- (e) A speaker for the motion;
- (f) Other speakers against and for the motion, alternating in view; if any
- (g) Mover takes right of reply which closes debate.

9.4 Limit of Debate

The President may offer the right of reply and put the motion to the vote if the President believes sufficient discussion has taken place even though all members may not have spoken.

10. PROCEDURAL MOTIONS**10.1 Permissible Procedural Motions**

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions:

- (a) that the question be now put;
- (b) that the ruling of the president be disagreed with;
- (c) that the motion lie on the table;
- (d) that the council or committee meet behind closed doors.

10.2 Reason for Closure to be Stated

A member who moves a procedural motion under Clause 10.1 (d) shall state the reason for moving the motion and this must relate to a matter contained in Section 5.23(2) of the Act.

10.3 Procedural Motions Not Required in Writing

Procedural motions are not required to be presented in writing.

10.4 Procedural Motions—Recording in Minutes

The mover, seconder and result of all procedural motions shall be recorded in the minutes of the meeting.

10.5 Procedural Motions—Majority Required

Any procedural motion shall be carried upon the majority of members present voting in the affirmative.

10.6 Procedural Motions—Closing Debate—Who May Move

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

10.7 Procedural Motions—Right of Reply

There shall be no right of reply on any procedural motion.

10.8 Procedural Motions—Right of Reply on Substantive Motion

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

11. EFFECT OF PROCEDURAL MOTIONS**11.1 That the Question be Now Put—Effect of Motion**

11.1.1 This motion, having been carried during discussion on a substantive motion without amendment, will cause the President to offer the right of reply and then immediately put the question under consideration without further debate.

11.1.2 This motion, having been carried during discussion on an amendment, will cause the President to put the amendment to the vote without further debate.

11.1.3 This motion, having been lost, will allow debate to continue.

11.2 That the Ruling of the President be Disagreed With—Effect of Motion

11.2.1 This motion, having been carried, will cause the ruling of the President about which this motion was moved, to be reversed and for the meeting to proceed accordingly.

11.2.2 Where the President has given a ruling in strict accordance with the Act, this motion may not be moved.

11.3 That the Motion Lie on the Table—Effect of Motion

11.3.1 This motion, having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.

11.3.2 Any member may raise the motion from the table, by giving appropriate notice of motion for any meeting in the future.

11.3.3 When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover, the person moving this procedural motion, is given the opportunity to reintroduce the matter after which debate shall continue according to these standing orders.

11.4 That the Council or Committee Meets Behind Closed Doors—Effect of Motion

11.4.1 In accordance with the Act, the motion, if carried, will cause the general public and any officers or employees the council determines, to leave the Council Chambers.

11.4.2 No person shall in any way publish, or make public, any of the discussion taking place on a matter discussed behind closed doors, but this prohibition shall not extend to the actual resolution or resolutions carried as a result of such discussion and recorded in the minute book.

12. DECISION MAKING PROCEDURES

12.1 Voting and Decisions—Majority to Determine

All acts of the council, and all questions coming before the council, may be decided by a simple majority of the members present and voting, at a properly constituted meeting, unless otherwise provided for in these standing orders or the Act.

12.2 Breaking Down of Complex Questions

The President may order a complex question to be broken down and put in the form of several motions, which shall be put in sequence.

12.3 Order of Amendments

Any number of amendments may be proposed to a motion, but whenever any amendment is made upon a substantive motion, no second or subsequent amendment shall be moved or considered until the first amendment has been disposed of.

12.4 Foreshadowed Motion

During the course of debate on an amendment to a motion, a member may give notice of intention to move a motion or amendment when the question before the meeting is decided.

12.5 Substantive Motion

If an amendment to a substantive motion is carried, the motion as amended shall then be as the substantive motion, and shall become the question before the meeting upon which any members may speak and any further amendment may be moved.

12.6 Reception of Motions

No motion or amendment shall be proposed which is the same as a motion or amendment which has been resolved during the same sitting or during the last 3 months, unless agreed by an absolute majority.

12.7 Consent of Secunder Required to Accept Alteration of Wording

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

12.8 Withdrawal of Motion and Amendments

Council may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment shall not continue.

12.9 Limitation of Withdrawal

Where an amendment has been proposed to a substantive motion, the substantive motion shall not be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

12.10 Authority of Withdrawal

A motion or amendment to a motion shall not be withdrawn in the absence of any member who proposed it, except with that member's written authority.

12.11 Right of Reply

12.11.1 The mover of a substantive motion shall have the right of reply. After the mover of the substantive motion has commenced the reply, no other member shall speak on the question.

12.11.2 The right of reply must be confined to rebutting arguments raised by previous speakers and no new matter may be introduced.

12.12 Right of Reply Provisions

The right of reply shall be governed by the following provisions:

- (a) If there is no amendment to the substantive motion, the mover may reply at the conclusion of the discussion on the motion.
- (b) If there is an amendment, the mover of the substantive motion shall take the right of reply at the conclusion of the vote on any amendments.
- (c) The mover of the amendment does not have a right of reply.
- (d) Once the right of reply has been taken, there can be no further discussion, nor any other amendment and the substantive motion as amended is immediately put to the vote.

12.13 Amendments Must Not Negate Original Motion

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

12.14 Mover of the Motion Not to Speak on Amendment

On an amendment being moved, any member may speak to the amendment, except the person who moved the substantive motion who is only entitled to a right of reply except, that if the person who moved the substantive motion does choose to speak to the amendment, that person's right of reply is forfeited.

12.15 Question—When Put

When the debate upon any question is concluded and the right of reply has been exercised, the President shall immediately put the question and, if so desired by any member, shall again state it.

12.16 All Members to Vote

Save where the Act otherwise provides, at every meeting of the council every member shall vote, and if any member who is entitled to vote fails to vote, the President shall call upon the member to vote.

12.17 Method of Taking Vote

12.17.1 In putting the question to the council, the President shall ask whether there is any objection to the motion, and if not the motion is carried unanimously.

12.17.2 If objection is raised to the motion, the President shall put the question as often as necessary to determine the decision from a show of hands before declaring the decision.

12.17.3 If the votes of members present at a council meeting are equally divided, the person presiding may cast a second vote.

12.18 Votes to be Recorded

If a member at a meeting asks that his or her vote, the vote of all members present, be recorded in the Minutes, this shall be done.

12.19 Revoking Decisions

12.19.1 If a decision has been made at a council meeting, then any motion to revoke or change the decision must be supported:

- (a) in the case where an attempt to revoke or change the decision has been made within the previous 3 months but failed, by an absolute majority; or
- (b) in any other case, by at least one third of the number of offices (whether vacant or not) of members of the council, inclusive of the mover.

12.19.2 If a decision has been made at a council meeting, then any decision to revoke or change the first mentioned decision must be made:

- (a) in the case where the decision to be revoked or changed was required it be made by an absolute majority or by a special majority, by that kind of majority; or
- (b) in any other case, by an absolute majority.

12.19.3 This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

13. POINTS OF ORDER**13.1 Points of Order—When to Raise—Procedure**

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, shall immediately cease while the President listens to the point of order.

13.2 Points of Order—Definitions

A difference of opinion or a contradiction of a speaker shall not be recognised as valid points of order but the following shall be recognised as valid points of order:

- (a) That the discussion is of a question not before the meeting.
- (b) That offensive or insulting language is being used.
- (c) Drawing attention to the violation of any local law or standing order of the council, providing that the member raising the point of order shall state the local law or standing order believed to be breached.

13.3 Points of Order—Ruling

The President shall give a decision on any point of order after the point has been raised by either upholding or rejecting the point of order.

13.4 Points of Order—Ruling Conclusive, Unless Dissent Motion is Moved

The ruling of the President upon any question of order shall be final, unless a majority of the members support a motion of dissent with the ruling.

13.5 Points of Order—Motion Against Ruling Procedure

An objection having been taken to the ruling of the President, the member so objecting may immediately move dissent with the ruling. Should the motion be seconded it shall be put to the vote immediately and the result of the vote, whether in support of the ruling or otherwise, shall determine the action to be taken.

13.6 Points of Order Take Precedence

Notwithstanding anything contained in the standing orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other question.

14. ADJOURNMENT OF MEETING

14.1 Meeting May be Adjourned

The council, may upon a motion moved and seconded, adjourn any meeting to a later hour of the same day, or to any other time not more than seven days from the date of adjournment.

14.2 Notice of Adjourned Meeting

When a meeting is adjourned, if time permits, notice of the adjourned meeting shall be forwarded to each member in accordance with the Act.

14.3 Business at Adjourned Meeting

At an adjourned meeting, no additional business shall be discussed except that which was on the original notice paper for that meeting.

14.4 Limit to Moving Adjournment of Council

No member shall be allowed to move or second more than one motion of adjournment during the same sitting of the council.

14.5 Unopposed Business—Motion for Adjournment of Council

On a motion for the adjournment of the council, the President, before putting the motion, may seek leave of the council to proceed to the transaction of unopposed business.

14.6 Withdrawal of Motion for Adjournment of Council

A motion or an amendment relating to the adjournment of the council may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal the motion must continue to be debated.

15. PERSONAL EXPLANATION

15.1 Personal Explanation

No member shall speak, except upon the question before the meeting, unless it is to make a personal explanation. Any member who is permitted to speak under these circumstances must confine the observations to a succinct statement of what is to be explained in relation to a specific part of the former speech which may have been misunderstood and to the explanation itself. When a member gives an explanation, that member shall make no reference to matters not strictly necessary for that purpose, nor endeavour to strengthen the former position by introducing new argument or matter, nor reply to other members of council.

15.2 Personal Explanation—When Heard

A member wishing to make a personal explanation of matters referred to by any member then speaking shall be entitled to be heard forthwith, if the member then speaking consents at the time, but if the member who is speaking declines to give way, the explanation must be offered at the conclusion of that speech.

15.3 Ruling on Questions of Personal Explanation

The ruling of the President on the admissibility of a personal explanation shall be final unless a motion of dissent with the ruling is moved before any other business proceeds.

16. COMMITTEES OF COUNCIL

16.1 Committees

The council shall at the first meeting held after each ordinary election day, appoint one or more committees in accordance with the Act.

16.2 Power and Duties of Committees

The powers and duties of committees shall be clearly defined and specifically delegated to them by resolution of the council, and shall be recorded in a policy manual.

16.3 Election of Committee Presiding Member and Deputy Presiding Member

At the first meeting of a committee, a Presiding Member and a Deputy Presiding Member shall be elected.

16.4 Absence from Committee Meetings

If any member of a committee, other than the President, is absent from three consecutive committee meetings without having obtained leave of absence from the council or the committee, that member's seat on the committee shall become vacant.

16.5 Reports of Committees to be Taken as Read

16.5.1 The reports and recommendations of every committee shall, when presented to the council, be taken as read.

16.5.2 The adoption of recommendations of the committee shall be moved by—

- (a) The Presiding Member of each committee;
- (b) or if absent, another member of the committee;
- (c) or if no member of the committee is present, a member of the council.

16.6 Procedure of report of Committees

16.6.1 Upon the consideration by the council of any report or recommendations of a committee, the President shall, without further motion, put the paragraphs of the report or recommendation, in their numerical order, unless the council shall otherwise determine.

16.6.2 Each item adopted by the council shall become a resolution of the council and shall be recorded in the minutes.

16.7 Withdrawal, Correction and Amendments of Committees

16.7.1 In moving the adoption of a recommendation of any committee, the mover may not propose an amendment to any recommendation, except for the correction of a verbal or clerical error.

16.7.2 The Presiding member of a committee, may be excused from moving the adoption if the Presiding Member wishes to move an amendment to it. In that case, another member of the committee or in the absence of a member of the committee, another member of the council may move the adoption of the recommendation.

16.7.3 The Presiding Member or other member of a committee bringing up a recommendation may, with the consent of the council, withdraw the recommendation.

16.8 Reports of Committees—Questions

When a recommendation of any committee of the council is submitted for adoption, any member of the council may direct questions directly relating to the recommendation through the President, to the Presiding Member or any member of the committee bringing up the recommendation. No argument or speeches are permitted.

16.9 Procedure on Amendments on Reports of the Committees

When an amendment is proposed with references to the adoption or otherwise of any recommendation of any Committee, the amendment shall be disposed of before the other proceedings of the committee are considered.

16.10 Non-Related Motions on Reports of Committees

A member of the council may not move any motion on any report or recommendation of any committees which does not relate to the recommendations presented by the committee.

16.11 Recommendations of Committees—Inspections of Plans

All plans referred to in the recommendation of the Committee, and that may require the consideration of the council, shall lay on the table of the council chamber for inspection of members of the council at the meeting at which the matter is being considered.

16.12 Committee Procedure

Each committee shall subject to the Act, these standing orders and any policy made by the council, regulate its own procedure.

16.13 Rights and Responsibilities of Councillors who are not Committee Members

Councillors who are not members of a committee may participate in the meeting only at the invitation of the Presiding Member but they are not entitled to vote.

16.14 Standing Orders to Apply to Committees

16.14.1 These standing orders shall apply generally to the proceedings of committees of the council, except that the following clauses shall not apply to meetings of committees—Clauses 2.2, 4.1, 4.2, 6.2, 7.4, 8.5, 12.16 unless the committee is a committee to which a local government power or duty has been delegated, 14.2, 16.1, 16.2 and 16.5 to 16.11 inclusive.

16.14.2 In the case of clauses not excluded by subclause 16.14.1 above, a reference to a council meeting shall be read as a reference to a committee meeting, a reference to the council shall be read as a reference to a committee, and a reference to President shall be read as a reference to Presiding Member.

17. ADMINISTRATIVE MATTERS

17.1 Suspension of Standing Orders

- (a) The mover of a motion to suspend Standing Orders or Orders shall state the Standing Order or Orders to be suspended.
- (b) A motion to suspend temporarily, any one or more of the standing orders regulating the proceedings and businesses of the council or a committee must be seconded, but the motion need not be presented in writing.

17.2 Penalty for Breach of Standing Orders

Any person guilty of any breach of these Standing Orders or any of the provisions hereof, shall be liable to a penalty not exceeding \$1,000.00.

17.3 Duty of Chief Executive Officer

It is the duty of the Chief Executive Officer to draw the attention of the council to any breach or likely breach of these standing orders even if it requires interrupting any person speaking, including the President.

18. STANDING ORDERS BY-LAWS REVOKED

The standing orders of the Shire of Yilgarn published in the *Government Gazette* on 24 February 1928, are hereby revoked.

Dated this 11th day of July 1997.

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

Common Seal

P. R. PATRONI, President.
P. R. CLARKE, Chief Executive Officer.

DOG ACT 1976**SHIRE OF YILGARN****LOCAL LAW RELATING TO DOGS**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Yilgarn hereby records having resolved on the 18 April 1997, to make the following Local Law.

Local Laws Relating to Dogs

Revocation

1. The Local Laws of the Shire of Yilgarn Relating to Dogs published in the *Government Gazette* on 13 December 1929 are hereby revoked.
2. These Local-laws may be cited as the Shire of Yilgarn Local Laws Relating to Dogs.
3. In these Local Laws, unless the context requires otherwise,
 - “Act” means the Dog Act 1976 as amended.
 - “Authorised Person” means a person who is authorised by or under Section 29 of the Dog Act 1976.
 - “Council” means the Council of the Shire of Yilgarn
 - “District” means the district of the Shire of Yilgarn.
 - “Public Building” means a public building defined in Section 173 of the Health Act 1911 as amended.
 - “Public Place” means a public place as defined in Section 3(1) of the Dog Act 1976.
 - “Regulations” means the Dog Act Regulations 1976, as amended.
 - “Townsite” means a public place as defined in Section 3(1) of the Dog Act 1976.

Part II—Impounding Dogs

4. Council may establish and maintain a Pound or Pounds for the impounding of dogs seized pursuant to the provisions of the Act or these Local Laws as it deems necessary.
5. Charges in relation to the seizure and maintenance of a dog in accordance with Section 29 (4) of the Act, and the fees payable in relation to a dog having been destroyed at the request of its owner are specified in the First Schedule to these Local-laws.
6. The Pound or Pounds maintained by Council for the detention of dogs seized shall be attended by an Authorised Person at such times and on such days as determined from time to time by Council.
7. A person liable for the control of a dog, as defined in Section 3(1) of the Act, is not excused from liability under the provisions of the Act, Regulations or these Local Laws by virtue of the payment of fees or charges prescribed therein for the seizure, care and detention or destruction of a dog.
8. Any person applying for the release of a dog seized or impounded shall prove to the satisfaction of an authorised person the ownership of a dog and his authority to take delivery of it. An Authorised Person may accept such proof as he considers satisfactory and no person shall have any right of action against him or Council in respect of delivery of a dog in good faith.

Part III—Exercise Area

9. The land specified in the Fifth Schedule to these are designated as Dog Exercise Areas for the purpose of the Act. The exercising of the dogs in dog exercising area are subject to the provision of the Act.

Part IV—Restricted Areas

10. Except for a dog—
 - (a) being used for guiding a blind person;
 - (b) being trained for the purpose of becoming a guide dog for the blind; or
 - (c) being used in accordance with Section 8(3) of the Act whereby the Minister has authorised a person to be accompanied by a specified dog.a person liable for the control of a dog, as defined in Section 3(1) of the Act, shall prevent that dog from entering or being in any of the following places—
 - (a) any public building, shopping centre or shopping mall;
 - (b) any building construction site; or
 - (c) any shop not being a shop where dogs are sold or treated for illness or injury.

Part V—Keeping of Dogs

11. (1) The owner or occupier of premises within a townsite on which a dog is kept shall cause the premises or portion of the premises to be fenced or enclosed in a manner capable of confining the dog in accordance with the provisions of this Local Law.

(2) A fence used to confine a dog and every part of such fence shall, having regard to the species, age, size and physical condition of the dog, prevent the dog from passing over, under or through the fence.

(3) Every gate or door within a fence shall have a proper latch or other means of fastening and every such fence, gate or door shall be maintained in good order and condition.

12. The owner or occupier of any premises within the district shall not, unless the premises have been granted exemption under section 26(3) of the Act, keep, permit or suffer to remain thereon more than two dogs over the age of three months, unless such premises are licensed as an approved kennel establishment.

13. A kennel referred to in Local Law 12 shall not be erected unless and until plans, specifications and location plan showing the proposed site for such kennel and of the yard appurtenant thereto have been approved by the Council.

14. A person wishing to keep more than two but not greater than six dogs on any premises shall apply for an exemption for those premises under the provision of Section 26(3) of the Dog Act 1976. The council may grant an exemption in respect of those premises but any such exemption—

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;
- (b) shall not operate to authorise the keeping of more than six (6) dogs on those premises; and
- (c) may be revoked or varied at any time.

15. An application for a licence to keep an approved kennel establishment shall be in the form of the Sixth Schedule attached to these Local Laws and shall be accompanied by two copies of a plan showing the details and specifications of all kennels and yards appurtenant thereto and showing the distances from the said kennels to the boundaries of the land the subject of the application and all buildings on the said land together with such other information as the Council may require.

16. Unless the Council directs otherwise a person seeking the issue of a licence to keep an approved kennel establishment shall at least 14 days before the application is made to Council—

- (a) publish in a newspaper circulating in the district a notice of his intention to submit an application for a licence specifying that any interested person may within 14 days after the date of the publication object to or make representations in respect of the application in writing directly to the Council; and
- (b) forward a notice in the form of the Seventh Schedule attached to these Local Laws to the owners and occupiers of all adjoining land and premises.

17. A licence to keep an approved kennel establishment shall be in the form of the Eighth Schedule attached to these Local Laws.

18. The fees payable for the issue of a licence to keep an approved kennel establishment and for the renewal of such licence are as specified in the First Schedule.

19. A licence to keep an approved kennel establishment shall remain valid until the 31st October next following the issue thereof and shall fall due for renewal in accordance with these Local Laws on the first day of November each year.

20. A person seeking the renewal of a licence to keep an approved kennel establishment shall make application to the Council in the form of the Sixth Schedule attached to these Local Laws. The Council may at its discretion require that the person seeking the renewal of the registration give notice of intention as provided for in Local Law 15 of these Local-laws.

21. The occupier of the premises licensed as an approved kennel establishment shall ensure that the dogs in that establishment are kept in kennels and yards appropriate to the breed or kind in question and in accordance with the following requirements—

- (a) each kennel shall have a yard appurtenant thereto which is capable of retaining the dog within its confines;
- (b) each kennel and each yard and every part thereof shall not be at any less distance than 10 metres from the boundaries of the land in occupation of the occupier and the subject of licence.
- (c) each kennel and each yard and every part thereof shall not be at any less distance than 25 metres from any road or street to which the premises has its main frontage. In the case of a corner allotment, no part of any kennel or yard shall be at any less distance than 8 metres from the side boundary to which the premises has its secondary frontage.
- (d) each kennel and each yard and every part thereof shall be at a distance of not less than 10 metres from any dwelling, church, school room, hall, factory, dairy or any premises wherein food is manufactured, prepared, packed or stored for human consumption.
- (e) the walls shall be constructed of concrete, brick, stone, or timber frame lined on both sides with either contoured fibre cement sheeting or galvanised iron.
- (f) the roof of each kennel shall be constructed of impervious material;
- (g) the lowest internal height of the kennel shall be at least 2 metres from the floor;
- (h) all painted external surfaces of the kennel shall be kept in good condition and well painted and be subsequently repainted when directed by an officer of the Council.

- (i) all gates shall be provided and fitted with proper catches or means of securely fastening;
 - (j) each yard shall be securely fenced and kept securely fenced with a fence not less than 2 metres in height constructed of link mesh or netting, galvanised iron or timber, or of any other material approved by the Council.
 - (k) the upper surfaces of a kennel floor shall be at least 10 centimetres above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a surface having a fall of not less than 1 in 100 to a drain which shall be properly laid, ventilated and trapped in accordance with the health requirements of the Council;
 - (l) all floor washings shall pass through the drain and shall be disposed of in accordance with the health requirements of the Council.
 - (m) the floor area of each kennel shall be an area not less than 2.5 square metres for every dog kept therein over the age of three months;
 - (n) the yard of any kennel or group of kennels shall not be less than twice the area of the kennel or group;
 - (o) all kennels and yards and all feeding and drinking vessels shall be maintained in a clean disinfected and sanitary condition and shall be cleansed and disinfected when so ordered by an authorised person or health officer;
 - (p) every approved kennel establishment shall be provided with reticulated water in the form of a supported standpipe and hose for the hosing down of the kennels and yards.
22. The holder of the license to keep an approved kennel establishment shall—
- (a) maintain the establishment in a clean, sanitary and tidy condition;
 - (b) dispose of all refuse, faeces and food waste daily in a manner approved by the Council—
 - (c) take practical measures for the destruction of fleas, flies and other vermin.
23. The occupier of any premises which have been licensed by the Council as an approved kennel establishment shall not allow, permit or suffer any dog to be at large or roam outside the kennel or exercise yard, except for the purpose of reasonable exercise where a competent person is in proximity to the dog.
24. In the event of a person not renewing the kennel registration on the date set out in Local Law 18 of these Local Laws, or the Council refusing to renew the registration if the kennels are not kept to the standard specified, the Council may require that the kennels be demolished to the satisfaction of Council.

Part VI—General

25. Any person liable for the control of a dog as defined in Section 3(1) of the Act, who allows that dog to excrete on any street or public place within the District commits an offence unless the excreta are removed forthwith and disposed of either on private land with the consent of the occupier or in such other manner as the Council may approve.
26. Subject to by 24 of these Local Laws, any person liable for the control of a dog as defined in Section 3(1) of the Act, who allows that dog to excrete on any land within the District without the consent of the occupier of that land commits an offence unless the excreta are removed forthwith and disposed of either on private land with the consent of the occupier or in such manner as the Council may approve.
27. Any person who contravenes or fails to comply with any provision of these Local Laws commits an offence and shall upon conviction be liable to a penalty not exceeding \$200.
28. The offences described in the Second Schedule are prescribed pursuant to Section 45A(2) of the Act as offences in relation to which a modified penalty payable in respect of that offence.
29. (1) Where an authorised person has reason to believe that a person has committed an offence against these Local-laws as prescribed in the Second Schedule, he may serve on that person an infringement notice and the infringement notices issued under these Local Laws shall be in the form depicted in the Third Schedule attached to these Local Laws.
- (2) An infringement notice may be served on an alleged offender personally or by posting it to his address as ascertained from him, at the time of, or immediately following the occurrence giving rise to the allegation of the offence, or as recorded by Council pursuant to the Act.
- (3) Where a person who receives an infringement notice fails to pay the prescribed penalty within the time specified in the notice, or within such further time as may in any particular case be allowed, he is deemed to have declined to have the allegation dealt with by way of a modified penalty.
- (4) An alleged offender on whom an infringement notice has been served may, within the time specified in that notice or such further time as may in any particular case be allowed, send or deliver to the Council the amount of the prescribed penalty with or without a reply as to the circumstances giving rise to the allegation, and the Council may thereupon—
- (a) appropriate that amount in satisfaction of the penalty and issue an acknowledgment; or
 - (b) withdraw the infringement notice and refund the amount so paid.
- (5) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn by the Council by sending a notice in the prescribed form to the alleged offender at the address specified in the notice or his last known place of residence or business.
- (6) The prescribed form of Withdrawal of Infringement Notice issued under these Local Laws shall be in the form depicted in the Fourth Schedule attached to these Local Laws.

First Schedule
Shire of Yilgarn
Fees

For the seizure and/or impoundment of a dog	\$30.00
For the sustenance and maintenance of a dog in a pound (fee per day or part of a day)	\$5.00
For the destruction of a dog	\$20.00
For the issue of or renewal of a License for a Kennel establishment	\$50.00

Second Schedule
Shire of Yilgarn
Modified Penalties

Item	Local-law	Nature of Offence	Modified Penalty
1.	10	Permitting a dog to be in a prohibited place that is not a public place— Contrary to Section 33A of the Dog Act 1976	\$50.00
2.	24 & 25	Permitting a dog to excrete on a street or public place or other land, without the consent of the occupier of that land and failing to remove and dispose of such excreta in an approved manner.	\$50.00
3.	11	Failing to keep land fenced as required by the Local-law	\$50.00

Third Schedule
Western Australia
DOG ACT 1976 (as amended)
Dog Infringement Notice

M No

of

..... Date

It is alleged that at.....am/pm on theday of.....19...

at

you committed the offence indicated hereunder by a cross (x).

Description of dog: Breed or kind Sex

Registration Number (if known)

	General Penalty
Unregistered dog	\$100
Failure to give notice of new owner	\$40
Keeping more than the prescribed number of dogs	\$100
Breach of kennel establishment license	\$200
Dog in a public place without collar or registration tag	\$50
Owners name and address not on collar	\$50
Dog not held on leash in certain public areas	\$100
Control of dog in exercise areas and rural areas	\$100
Greyhound not muzzled.....	\$200
Dog in a place without consent	\$100
Failure to take steps against parasites	\$50
Dog causing a nuisance	\$100
Failure to produce document issued under the Act	\$100
Failure of alleged offender to give name and address	\$100

.....Authorised Person

You may dispose of this matter—

(a) by payment of a penalty of \$..... within twenty-one days of the date of this Notice to.....;or

(b) by having it dealt with by a Court.

If this modified penalty is not paid within the time specified, Court proceedings may be taken against you.

I,

of

agree to it being recorded that I committed the above offence and tender herewith the sum of \$.....by*.....(insert "cash", "cheque", "postal note") being the modified penalty for such offence.

Date Signature

Fourth Schedule
Western Australia
DOG ACT 1976 (as amended)
Withdrawal of Infringement Notice

No.....
Date.....

To: (1)
Infringement Notice No. Dated
from the alleged offence of (2)

Penalty (3) \$..... is hereby withdrawn.

*No further action will be taken.

*It is proposed to institute Court proceedings for the alleged offence.

*Delete which ever does not apply.

..... Authorised Person

- (1) Insert name and address of alleged offender.
- (2) Insert short particulars of the offence alleged.
- (3) Insert amount of penalty prescribed.

Fifth Schedule

Shire of Yilgarn

Dog Exercise Areas

Southern Cross Townsite
Reserve 9895 (east of Southern Cross Netball Courts)

Marvel Loch Townsite
Reserve 12587 Old Marvel Loch Sports Ground

Sixth Schedule

Shire of Yilgarn

Application for Licence/Renewal of License to keep an approved kennel establishment
In conformity with the Dog Act 1976, and the Shire of Yilgarn Local Laws relating to Dogs,
I/We (full names)

of

hereby apply for a licence/the renewal of a licence (strike out whichever is not applicable) to keep an
approved kennel establishment at—

Lot..... Street Locality

Owner (name and address)

Occupier (name and address)

Purpose for which the kennel is to be used

.....

Number of Dogs to be kept

Breed of Dogs

Attached hereto are—

- (i) a plan of the premises showing the location of the kennels and yards and all other buildings, structures and fences;
- (ii) plans and specifications of the kennels;
- (iii) evidence that notice of the proposed use of the land has been given—
 - (a) by advertising at lease once in a newspaper circulating in the district; and
 - (b) in writing to the owners and occupiers of all adjoining land and premises;
- (iv) The fee of \$.....

Dated the day of 19.....

.....

Signature of Applicant

NOTE: Items (i), (ii) and (iii) may be struck out if the application is for the renewal of a license and if no change has been made since the previous application and if the Council does not make an election as provided for in by-law 19 of its By-laws Relating to Dogs

Seventh Schedule

Shire of Yilgarn

Notice of intention by an owner or occupier to make application for kennel licence

To:

Please take note that I/We intend to make application to the Shire of Yilgarn for a kennel license in respect of premises situated at—

.....

Any objections to or representations in respect of this application shall be made in writing addressed to—

The Chief Executive Officer
Shire of Yilgarn
Antares Street
SOUTHERN CROSS WA 6426

within fourteen (14) days of the date hereof.

Other information concerning the proposal

Dated the day of 19.....

Signature of Applicant

Eighth Schedule

Shire of Yilgarn

License to Keep an Approved Kennel Establishment

License No.....

This is to certify that (1)..... is/are the holders of a license to keep an approved kennel establishment at—

.....

This license remains valid until the 31st October next following the date of issue.

Dated the day of 19.....

Chief Executive Officer

(1) Insert name/s of license holder/s.

Ninth Schedule

Shire of Yilgarn

Refusal to Issue a Kennel Establishment License

To:

Surname

Given Names

Address

This is to certify that your application dated..... to establish dog kennels on land being Lot/Location..... Street/Road..... has been refused.

Reasons for refusal are

Dated the day of 19.....

Chief Executive Officer

Tenth Schedule

Shire of Yilgarn

Refusal to Issue a Kennel Establishment License

I (full name)
of (postal address)
hereby apply to keep more than two (2) dogs in accordance with Section 26 of the Dog Act 1976 at
(property address)

for (give details of all dogs proposed to be kept on the afore-mentioned premises)—

Breed	Sex	Colour	Name	Age
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____

It is necessary for me to keep more than two (2) dogs because

Signed

Dated

To (name of applicant)

of (postal address)

Your application to (strike out that which is not applicable)

(a) keep more than 2 (two) dogs

(b) establish a kennel

at (property address of applicant)

has been (strike out that which is not applicable)

(a) approved

(b) rejected

Conditions/Comments

Should you be aggrieved by this decision you are advised of your right of appeal to the Minister of Local Government in accordance with Section 26 (5) of the Dog Act 1976

..... Authorised Officer19.....

Dated this 11th day of July 1997.

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

Common Seal

P. R. PATRONI, President.
P. R. CLARKE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995**SHIRE OF YILGARN****LOCAL LAWS RELATING TO THE MANAGEMENT OF THE
YILGARN SWIMMING POOL COMPLEX**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Yilgarn hereby records having resolved on the 18 April 1997 to make the following Local Law.

1. In these Local Laws, subject to the context—

“Council” means the Shire of Yilgarn.

“Manager” means the Manager of the Shire of Yilgarn Swimming Pool Complex appointed for the time being by the Shire of Yilgarn or other authorised persons having control of the pool and pool premises.

“Pool” means the Yilgarn Swimming Pool Complex and all land, structures and buildings pertaining thereto.

Hours of Admission

2. The pool shall be open for public use for periods and at such times as the Council may in its absolute direction from time to time decide, and such periods and such times shall be clearly indicated upon a notice board at the entrance to the said pool.

Admission

3A. No person shall, without the express permission of the Council or the Manager, enter the pool except through the authorised constructed entrance and upon payment of the appropriate admission charge.

3B. No child under 7 years of age be admitted to the pool unless accompanied and supervised at all times by a responsible person at least 16 years of age.

All children who have not achieved Stage 4 in the Education Department Swimming Program or equivalent are classed as non-swimmers and therefore must not use the main pool unless they are accompanied and supervised at all times by a responsible person whilst in the main pool.

The person deemed to be responsible will be determined by the Manager and shall be at least 16 years of age and capable of providing proper supervision.

4. All persons wishing to obtain a season pass granting admission to the pool for any one stipulated season may obtain such pass on application to the Manager or Council Office and payment of the appropriate fee. The season pass shall be offered for inspection to the Manager when used to obtain admission to the pool. Season passes are not transferable and such a ticket may be used only by the person in whose name the same was issued. A list of all current season pass holders shall be kept at the pool and the Manager shall refuse admission to any person seeking entry by using any such pass if the Manager reasonably believes that the person so seeking admission is not the person to whom such a pass was issued.

Charges for Admission

5. Fees and charges for admission to and use of the pool as provided for in these Local Laws may be fixed from time to time by the Council.

Costume

6. All persons shall appear on the pool premises sufficiently clad to preserve decency and current public health standards.

7. No person shall dress or undress into or from their bathing costume except in the changerooms or enclosures provided.

8. Should any person appear in public in such a condition as to be in the opinion of the Manager, indecently or unsuitably clad for swimming, the Manager shall direct the person to take appropriate measures to be attired in a more suitable bathing costume.

Offences

9. No person shall enter the pool whilst in an intoxicated condition and whether such condition is induced by liquor, drugs or otherwise, and no person shall bring into the pool premises any spirits, drugs or intoxicating liquors.
10. No person shall use any soap in any part of the pool premises other than in the shower recesses/wash basins provided.
11. No person shall in any part of the pool premises behave in an unseemly, improper, disorderly, riotous or indecent manner, swear or use any indecent, obscene, offensive or abusive language or gamble.
12. No person shall climb up to or onto any portion of the roof, fences, walls, partitions or other portion of the pool premises.
13. No person shall in the changerooms or elsewhere in the pool premises, wastefully use the water or leave any taps running.
14. No person shall spit in the pool or on the concourse or any other part of the pool premises or in any way commit any nuisance on or in any part of such premises.
15. No person whilst in the pool shall use any substance or preparation whereby the water thereof may become discoloured or rendered turbid or otherwise unfit for the proper use of bathers.
16. No person shall take foodstuffs or drinks into the changerooms.
17. No person shall foul or pollute the water in any shower, bath or in the pool, or soil, defile, damage, injure, destroy, use improperly, disfigure or write in or upon any changerooms, closet or compartments or other part of the pool premises or any furniture or other item of equipment.
18. No person shall at any time carelessly or negligently injure or improperly use or interfere with any taps, locks, valves, lockers or other fittings or appliances in or about the pool.
19. No person shall deposit litter of any description on or in or about the pool, except in a refuse receptacle.
20. No person being the owner of any dog or animal, excluding persons who are blind or partially blind, or deaf or partially deaf, and trainers accompanied by a genuine 'guide dog' or 'hearing dog', shall cause or allow such dog to enter the pool.
21. No male person shall enter any portion of the pool premises set apart exclusively for females and no females shall enter any portion of the pool premises set apart exclusively for males, nor shall any person enter any changeroom or other compartment which is already occupied without the consent of the occupier.
22. No person shall smoke tobacco products in the pool premises or the pool surrounds.
23. No person upon the pool premises, shall in any way interfere with any other person, nor throw, push nor attempt to throw or push in any person into the pool, or throw any stones, sticks or any other matter or item, to the annoyance of any other person using the pool.
24. No person or group of persons shall play with any hard balls, eg. tennis, golf or play ball games or take any action whatsoever which shall in any way limit the enjoyment of other users of the pool at such time or times as the pool premises shall be in general public use; provided that this section shall not apply to the playing of any games or aquatic sports specially organised and conducted on the pool premises by any club or person at such time or times as shall be approved by the Manager or Council.
- 25A. No person shall whilst suffering from any infectious skin ailment or other infectious or contagious disease, or whilst in an unclean condition, enter or use or attempt to enter or use the pool or the pool premises.
- 25B. No person shall enter the pool whilst in an unclean condition without first using the cleansing shower provided on the premises in which the use of soap is permitted.

Valuables

26. Every person using the pool premises shall obey all reasonable directions of the Manager.
27. No person shall in any way obstruct, interfere or hinder the Manager in the performance of his duties to maintain control of the pool.
28. Persons entering the pool premises are fully responsible for their own valuables but under no circumstances whatever will Council or its employees accept liability should such valuables or any of them be lost, stolen, damaged or otherwise interfered with.

Lost Property

- 29A. Every person finding in the pool any article which may have been left or lost therein shall immediately deliver the same to the Manager who shall thereupon register a description of such article and all particulars relating to the article in a book which shall be kept for that purpose and any person claiming any such article and who satisfies the Pool Manager that he or she is the lawful owner of the lost article shall have such article returned upon signing for same in the lost property book.
- 29B. The Manager shall report to the Chief Executive Officer upon his or her request regarding lost property and produce the said book for inspection by the Chief Executive Officer.

29C. Council shall not under any circumstances incur any liability in respect of articles lost or left in the pool premises or stolen from any person whilst on the pool premises.

29D. All articles left in the pool and not claimed within a period of two months, after the pool season closure, shall be disposed of by the Council in any manner it thinks proper.

Carnivals

30A. Any person, club, association organisation conducting any carnival held at the pool premises shall be responsible for the conduct of those competitors and spectators during such carnival and shall be bound to ensure that there is no overcrowding and that no damage is done to the buildings or fencing or any other portion of the pool or the pool premises, and further that these Local Laws be strictly observed by all competitors, officials and spectators attending such carnival.

30B. At all swimming carnivals held at the pool the competitors shall wear approved bathing costumes.

30C. Every person, club, association or organisation conducting any carnival shall pay to Council in respect to such carnival a sum to be fixed from time to time by Council.

Coaching

31A. No person shall for reward or for profit teach, coach or train any other person in the pool premises except with the consent in writing of Council.

31B. Council may in its absolute discretion give such consent or apply such conditions as it deems fit and Council may at its absolute discretion at any time withdraw such consent or conditions.

Enforcement of Local Laws

32A. Any person offending against any of the provisions contained in these Local Laws shall upon conviction be liable to a penalty of a minimum of \$50 and not exceeding \$200.

32B. A person who infringes any of the provisions of these Local Laws or who commits any breach thereof may be summarily removed from the pool or the pool premises by the Manager or may be arrested by the Manager, and given into the custody of a police officer.

32C. The Manager or other person for the time being in charge of the pool premises may refuse to admit any person who has been convicted of wilfully disobeying, infringing or breaching any of the provisions of these Local Laws until such times as Council may decide that such person shall be admitted.

32D. The Council may issue a written direction to the Manager that any person named in such direction shall not be admitted to the pool or to the pool premises and whilst such direction remains in force the Manager shall not admit such person to the pool or pool premises and such person shall not with the knowledge that such a direction is in force enter or attempt to enter the pool.

Dated this 11th day of July 1997.

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

Common Seal

P. R. PATRONI, President.
P. R. CLARKE, Chief Executive Officer.

