



WESTERN
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SHIRE OF WILLIAMS

LOCAL GOVERNMENT ACT 1995

LOCAL LAWS

STANDING ORDERS

FENCING

CEMETERIES ACT 1986

WILLIAMS AND BORANING PUBLIC CEMETERIES

DOG ACT 1976

LOCAL LAWS RELATING TO DOGS

BUSH FIRES ACT 1954

LOCAL LAW RELATING TO FIREBREAKS

LOCAL GOVERNMENT ACT 1995**SHIRE OF WILLIAMS****LOCAL LAWS**

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 Williams hereby records having resolved on the 20th day of August, 1997, to make the following local laws.

PART I—REVOCATION AND CITATION AND APPLICATION OF LOCAL LAWS**1.1 Revocation**

The following local laws are hereby revoked—

- Building Line By—Law No. 1, published in the *Government Gazette* on 24 May, 1961;
- By-laws for Regulating the Construction, Establishment, Operation and Maintenance of Motels, published in the *Government Gazette* on 27 October, 1960;
- Building Line By-law No. 2, published in the *Government Gazette* of 24 May, 1961;
- Local Government Model By-laws (Caravan Parks and Camping Grounds) No. 2, published in the *Government Gazette* on 16 December, 1965;
- Local Government Model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No. 7, published in the *Government Gazette* on 17 August, 1966;
- Local Government Model By-laws (Petrol Pumps) No. 10, published in the *Government Gazette* on 7 September, 1966;
- Local Government Model By-laws (Signs, Hoardings and Billposting) No. 13, published in the *Government Gazette* on 8 December, 1966;
- By-laws Relating to Depositing and Removal of Refuse, Rubbish, Litter and Disused Materials, published in the *Government Gazette* on 20 December, 1967;
- By-laws Relating to Verandahs and Balconies, published in the *Government Gazette* on 27 November, 1969;
- General By-laws, published in the *Government Gazette* on 24 November, 1972;
- By-laws Relating to Sick leave, published in the *Government Gazette* on 23 September, 1974;
- By-laws Relating to Nuisances, published in the *Government Gazette* on 9 December 1977;
- Swimming Pool By-laws, published in the *Government Gazette* on 6 January, 1978.

1.2 Citation

These local laws may be cited as “Shire of Williams (Local Government Act) Local Laws” or as “Shire of Williams (LGA) Local Laws.”

1.3 General Application

These local laws shall apply to the whole of the district of the Shire of Williams, unless otherwise stated.

1.4 Read as a whole

These local laws shall be read as a whole and the treatment of a subject matter in one part does not exclude the treatment of the same subject matter in another part.

PART II—GENERAL DEFINITIONS

2.1 In these local laws, unless the context otherwise requires—

2.1.1 “Act” means the Local Government Act 1995;

“Authorised Person” means in respect of a particular function to be performed under these local laws an employee of the Shire of Williams authorised by the Council to perform that function;

“camp” when used as a noun includes any portable shed or hut, tent, tent fly, awning, blind or other thing used as, or capable of being used as, a habitation or for dwelling or sleeping purposes; and the verb “to camp” shall be construed accordingly;

“caravan” means a vehicle designed or fitted or being capable of use, as a habitation or for dwelling or sleeping purposes;

“CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being, of the Shire of Williams;

“Council” means the council of the Shire of Williams;

“district” means the district of the Shire of Williams;

“licence” means a licence issued pursuant to these local laws;

“member of the police force” means a member of the police force of Western Australia;

“person” and words applying to any person or individual include a body corporate and in the plural a group of persons and a club, association or other body of persons;

“Shire” means the Shire of Williams;

“vehicle” includes—

(a) every conveyance, not being a train, boat, aircraft or wheelchair and every object capable of being propelled or drawn on wheels or tracks by any means;

(b) where the context permits, an animal driven or ridden;

2.1.2 Unless otherwise defined herein the terms and expressions used in these local laws shall have the meaning given to them in the Act.

PART III—SWIMMING POOL (MANAGEMENT AND CONTROL)

DIVISION 1—PRELIMINARY

Definitions

3.1 In this part, unless the context otherwise requires—

“Pool Manager” means the Manager or other person appointed for the time being by the Council to have control and management of the Pool premises and such term shall include the Assistant Manager;

“Attendant” means an employee of the Council or a person authorised by Council performing any duties on or in connection with the Pool premises;

“Spectator” means any person admitted to the Pool premises for the sole purpose of viewing the swimming or other activities conducted therein;

“Swimming Coach” means any person licensed by the Council to enter the Pool premises for the purpose of teaching swimming;

“Pool Premises” means the Williams Swimming Pool and includes all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of such swimming pool or used in connection therewith.

DIVISION 2—TERMS OF ADMISSION

3.2 The Pool premises shall be open for use of the public during such hours and periods as the Council may from time to time by resolution appoint; the Council reserving to itself the right to refuse admission to any person at any time. Any child not qualified at Level 6 (Junior Certificate) or above shall not be permitted to enter or remain at the Pool premises unless that child is and continues to be under the care and control of an adult.

3.3 The Pool Manager may temporarily suspend admittance or clear the Pool premises or any part thereof of any person or persons if in his opinion such action is necessary or desirable.

3.4 Every person using the Pool premises shall obey all reasonable directions of the Pool Manager with regard to such use.

3.5 It shall be the duty of the Pool Manager (who is hereby so empowered and directed) to refuse admission to or remove or cause to be removed from the Pool premises any person who, in the opinion of the Pool Manager, is guilty of a breach of any of the provisions to these local laws who, by that person's past or present conduct, is deemed undesirable and any such person shall, upon the request of the Pool Manager to withdraw from the Pool premises quietly and peaceably do so as soon as possible.

3.6 Any person who has been refused admission to the Pool premises or who feels aggrieved by action of the Pool Manager may object to the Council by letter addressed to the CEO against such action and the Council may give such direction in the matter as is thought fit provided that such right of objection shall not imply any right of action for damages or other remedy against the Pool Manager or Council arising out of such refusal of admission.

3.7 A person shall not except with the consent of the Pool Manager or the Attendant, enter any portion of the Pool premises set apart exclusively for the opposite sex except a person under the age of six years.

3.8 The Pool Manager may prohibit any person approaching or entering or remaining in a pool who in the Pool Manager's opinion is dirty or unfit to use such pool and the Pool Manager may require such person to thoroughly cleanse and wash himself or herself in one of the showers.

DIVISION 3—CARNIVALS

3.9 (a) No person, club or association or organisation shall conduct a carnival at the Pool Premises unless with the prior consent of the Council.

(b) The Council may grant such consent subject to such conditions it thinks fit and may at any time withdraw such consent.

(c) A person, club, association or organisation conducting any carnival held at the Pool premises shall be responsible for the conduct of the competitors and spectators during the carnival and shall prevent overcrowding and ensure that no damage is done to buildings or fencing or any other portion of the Pool premises and that these local laws are observed by all competitors, officials and spectators attending the carnival.

- (d) The person, club, association or organisation conducting any carnival held at the Pool premises shall pay to the Council such charges as shall from time to time be determined by Council.

DIVISION 4—COACHING

- 3.10 (a) No person shall for profit teach, coach or train any other person in the pool unless with the prior written permission of the Council.
- (b) The Council may grant such permission subject to such conditions as it thinks fit and may at any time, in accordance with the Act, withdraw such permission without being liable to pay compensation.

DIVISION 5—LOST PROPERTY

3.11 Any person who finds any article or money which has been left in the Pool premises and not the property of that person shall forthwith deliver it to the Pool Manager or an Attendant.

3.12 Neither the Council nor the Pool Manager or Attendant or Officer or Employee of the Council shall be in any way responsible for any article or money lost or stolen from any person whilst in the Pool premises or for any article damaged or destroyed whilst in or about the Pool premises.

DIVISION 6—ADMISSION CHARGES

3.13 Charges for admission to the Pool premises shall be determined by the Council from time to time.

3.14 Season tickets shall be offered for inspection to the attendant when used to obtain admission to the pool. Season tickets are not transferable and such tickets may be used only by the person in whose name the same is issued. The attendant shall refuse admission to a person seeking the same and using any such ticket if the attendant reasonably believes that the person so seeking admission is not the person to whom such ticket was issued.

DIVISION 7—PROHIBITIONS

3.15 No person shall—

- (a) not being an officer, attendant or employee of the Council in the course of his or her duties enter the Pool premises without having first paid to the Pool Manager or an Attendant the proper charge for admission;
- (b) obstruct the Pool Manager or an Attendant in the carrying out of his or her duties;
- (c) enter or depart from any part of the Pool premises except by means of the respective entrances or exits set apart for that purpose;
- (d) enter or attempt to enter any bathroom or dressing enclosure that is already occupied without the consent of the occupier;
- (e) dress or undress or remove any part of his or her costume or bathing costume except in a dressing enclosure provided for the purpose;
- (f) appear in public unless properly attired in a costume of such nature as to preserve public decency and to cover the body so as to prevent indecent exposure of the person;
- (g) enter or be in the Pool premises whilst in an intoxicated condition;
- (h) take into the Pool premises or have in his or her possession therein any intoxicating liquor or drugs;
- (i) enter or remain in the Pool premises if he or she is affected by or suffering from any infectious or offensive disease or skin complaint;
- (j) deposit any filth or rubbish in any part of the Pool premises except in places set aside for that purpose;
- (k) eat in or take into any part of the Pool premises other than areas set aside for the purpose, any food, drinks or confectionery of any kind whatsoever;
- (l) smoke any tobacco or other substance in any portion of the Pool premises where smoking is prohibited by Notices displayed therein;
- (m) damage or disfigure or write upon any part of the Pool premises;
- (n) interfere with or improperly use any portion of the Pool premises;
- (o) break, injure, damage or destroy any life saving equipment or any property of Council;
- (p) behave in an unseemly, improper, disorderly or riotous manner or push or throw any person into the pool or run around the concourse or surrounds of the pool;
- (q) swear or use any indecent, obscene or abusive language on any part of the Pool premises;
- (r) gamble on the Pool premises;
- (s) climb upon any fence, wall, partition or roof of the Pool premises;
- (t) waste or wastefully use water or leave any water tap dripping or running;
- (u) expectorate or commit a nuisance in any part of the Pool premises;
- (v) annoy or interfere with any person in the Pool premises;
- (w) bring any animal into the Pool premises or being the person in control of such animal permit such animal to remain in any part of the Pool premises;
- (x) approach or enter any swimming pool until he or she has thoroughly cleansed and washed himself or herself in one of the showers provided in the Pool premises;
- (y) use any soap in any part of the Pool premises other than in the showerbaths or toilet facilities;

- (z) use any oil, detergent or any substance or preparation whereby the water in the pool may be or become discoloured, contaminated or rendered turbid;
- (za) foul or pollute water in the pool or shower;
- (zb) throw any sticks or stones or other objects in the pool or anywhere in the Pool premises;
- (zc) soil or defile or damage any towel or bathing costume.

PART IV—MANAGEMENT AND USE OF RESERVES

- 4.1 No person shall drive any vehicle in or through any reserve except on such portions as are reserved or set apart for such a purpose, and then at a speed not exceeding 16 kilometres per hour.
- 4.2 No person except the Officers or servants of the Council acting in the discharge of their duty, shall light any fire within a reserve without the written consent of the Council, except in such places as are provided on the reserves for such a purpose.

PART V—PREVENTION OF DAMAGE BY IMPLEMENTS

- 5.1 No person shall drive, draw, impel, or cause to be driven, drawn or impelled on or across any thoroughfare within the Shire of Williams, any agricultural implement or machinery, in such a manner that any part other than the wheels (if not of a flanged type), shall touch the ground.
- 5.2 In addition to any penalty payable under clause 11.10 of these local laws, the owner of any agricultural implement or machinery driven, drawn or impelled on or across any thoroughfare, and also the driver or person having the control of such agricultural implement or machinery, shall be liable to pay to the Council the cost of repairing any damage caused to any thoroughfare by the use of such implements or machinery.

PART VI—HALL AND SPORTS PAVILION CONTROL AND MANAGEMENT

DIVISION 1—PRELIMINARY

Definitions

- 6.1 In this Part, unless the context otherwise requires—
- “Buildings” means and includes all parts of the Williams Memorial hall situated on Lot 49, Williams Townsite, Agricultural Hall, situated on Lot 9 Williams Townsite, and Sports Pavilion and minor buildings situated on Location 13311 Williams;
- “Building grounds” means Town Lots 49, 9, and Williams Location 13311;
- “Caretaker” means the caretaker of buildings duly appointed by the Council.

DIVISION 2—APPLICATIONS FOR HIRE

- 6.2 Application for the hire of buildings or any part thereof shall be made to the Council not less than 48 hours before the actual time required, except in such circumstances as are set out in clause 6.3. The application shall state the time and purpose for which the buildings are required. The person making such application shall be the official hirer, and as such shall be responsible for the requirements of these local laws.
- 6.3 The Council may, from time to time, let such of the buildings as it considers appropriate to any local organisation on a season term basis and the secretary of the local organisation for the time being shall be deemed to be the hirer for the purposes of these local laws.

DIVISION 3—FEES AND CHARGES

- 6.4 The fees and hire charges for the buildings and for the consumption of alcoholic liquor therein shall be as determined by the Council from time to time.
- 6.5 In the case of persons not resident in the district hire fees shall be paid on application for the booking.
- 6.6 The Council may at any time demand that the hirer shall, prior to the term of engagement, pay the required fees, and this amount shall be forfeited to the Council if the booking is cancelled.
- 6.7 If in the opinion of the Council exceptional cleaning is involved after the hiring of any of the buildings, the Council may require the hirer to pay the costs incurred by such cleaning.
- 6.8 The Council may from time to time cancel any arrangement for hiring of the buildings or any portion thereof, in which case any charge or deposit received shall be returned forthwith.

DIVISION 4—RESPONSIBILITIES OF HIRER & USERS

- 6.9 The hirer of the buildings or any part thereof shall maintain and keep good order and decent behaviour within the buildings and grounds, and shall be responsible for any damage done to the buildings, fixtures, fittings, furniture, crockery, etc., and shall pay for any damages which may occur during the term of hiring as may be assessed by the Council.
- 6.10 No person shall in the buildings or grounds be guilty of any misbehaviour.
- 6.11 The hirer shall use only that portion of the building or building ground which has been hired and shall not use or allow to be used any other part thereof.
- 6.12 The Council may from time to time direct the erection of regulatory signposting for the parking of vehicles on the building grounds, and no person shall park any vehicle in an area not designated for parking.
- 6.13 The hirer or persons using the buildings or building grounds shall obey any reasonable request made by the CEO or Caretaker for proper use and control of the buildings or building grounds.

PART VII—CAMPING ON ANY LAND

7.1 Subject to this local law a person shall not park a caravan or erect a camp on any land that is not a caravan park except—

- (a) during the hours of daylight;
- (b) where the caravan is not used as a dwelling or for sleeping purposes; or
- (c) on land outside a townsite where it is not specifically forbidden to camp by any Act, local law or regulation, and on land within townsites as may be designated by the Council for use for that purpose.

7.2 With the consent of the Council a person may use a caravan—

- (a) as a temporary dwelling, during the period of construction of a dwelling on the same land; or
- (b) where it is parked on the same land as a dwelling occupied by the owner of the caravan in conjunction with the dwelling itself for residence by one or more members of the family of the occupier of that dwelling.

7.3 The Council shall not consent to the use of a caravan under this local law as a temporary dwelling or in conjunction with a dwelling for a period of more than six months at any one time but the Council may give its consent more than once, and may permit more than one caravan to be so used by an owner if that permission is authorised by an absolute majority of the Council.

PART VIII—NUISANCES

8.1 No person having the control or management of a vehicle, which contains livestock, shall park such a vehicle in the townsite of Williams for a period in excess of one half an hour where such livestock causes smell or noise as to amount to a nuisance to the inhabitants.

PART IX—REMOVAL AND DISPOSAL OF OBSTRUCTING VEHICLES OR ANIMALS**DIVISION 1—PRELIMINARY****9.1 Definitions**

In this Part, unless the context otherwise requires—

“public place” includes a thoroughfare and place which the public are allowed to use, whether the thoroughfare or place is or is not on private property;

An animal that is secured in any portion of a public place wherein animals may lawfully be secured and a vehicle that is parked in any portion of a public place wherein vehicles may lawfully be parked is not obstructing, for the purposes of these local laws unless, in the case of an animal, it is so secured for any period exceeding eight hours and, in the case of a vehicle, it is so parked for any period exceeding twenty four hours, without the consent in writing of the CEO.

DIVISION 2—REMOVAL OF VEHICLES OR ANIMALS

9.2 A person shall not leave a vehicle or animal in a public place so as to obstruct any portion of that place.

9.3 A person who leaves a vehicle or animal in a public place, contrary to the provisions of clause 9.2 of these local laws commits an offence.

9.4 Where an Authorised Person or a member of the police force finds a vehicle or animal left in a public place, contrary to the provisions of clause 9.2 of these local laws, that person may remove the vehicle or animal therefrom and shall thereupon—

- (a) in the case of a vehicle, place it in a place appointed by the CEO for that purpose;
- (b) in the case of an animal, place it in a public pound and deal with it according to law.

PART X—OBJECTIONS AND APPEALS

10.1 When the Council makes a decision under these local laws as to whether it will—

- (a) grant a person an authorisation; or
- (b) renew, vary, or cancel an authorisation that a person has under these local laws;

the provisions of Part 9 Division 1 of the Act shall apply.

PART XI—ENFORCEMENT OF LOCAL LAWS**DIVISION 1—AUTHORISED PERSONS**

11.1 The Council may appoint a person as an Authorised Person for the purposes of performing particular functions under these local laws and a person shall not hinder or interfere with an Authorised Person in the course of that person's duties.

11.2 An Authorised Person shall on demand show an identification of that person as such.

DIVISION 2—IMPOUNDING

11.3 Where an Authorised Person places a vehicle or animal in a municipal depot, public pound or other place set aside for that purpose, details of the time and date, a description of the vehicle or animal, and of the place from which it was removed, shall be entered in a register provided by the Council for that purpose, and the CEO shall be notified.

11.4 The procedural provisions of Part 3, Division 3, Subdivision 4 of the Act shall apply generally when a vehicle or animal is impounded.

11.5 The CEO shall exhibit on the notice board of the Council notification that a vehicle or animal therein described has been taken into custody and shall, unless the vehicle or animal is sooner recovered, keep that notification exhibited for a period of not less than 7 days.

11.6 Every person who removes a vehicle or animal from an appointed place without the authority of the CEO commits an offence.

DIVISION 3—INFRINGEMENT NOTICES

11.7 An infringement notice in respect of an offence prescribed in these local laws-

- (a) may be given under section 9.13 of the Act and shall be in or to the effect of Form 1 of Schedule 1;
(b) may be given under section 9.16 of the Act and shall be in or to the effect of Form 2 of Schedule 1.

11.8 A notice sent under section 9.20 withdrawing an infringement notice shall be in or to the effect of Form 3 of Schedule 1.

DIVISION 4—GENERAL OFFENCE AND PENALTY PROVISIONS

11.9 Any person failing to do any act directed to be done, or doing any act forbidden to be done by these local laws, or any notice or order under these local laws commits an offence.

11.10 Any person who commits an offence against these local laws shall be liable to a penalty not exceeding a fine of \$5,000.00, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

11.11 The offences and modified penalties prescribed, with respect to offences against these local laws, shall be as specified in Schedule 2.

SCHEDULE 1—FORMS

Form 1

LOCAL GOVERNMENT ACT 1995

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date/...../.....

Shire of Williams

To: (1)

of (2)

It is alleged that on/...../..... at (3)

at (4) your vehicle (5)

was involved in the commission of the following offence—

.....

.....

contrary to local law of the (6)

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

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

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

or

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

Name and title of authorised person giving the notice

.....

Signature

- (1) Name of owner or "owner of (vehicle identification)"
(2) Address of owner (not required if owner not named)
(3) Time at which offence allegedly committed
(4) Place at which offence allegedly committed
(5) Vehicle identification
(6) Name of the regulations

Form 2

LOCAL GOVERNMENT ACT 1995
INFRINGEMENT NOTICE

Serial No.
Date

Shire of Williams

To: (1)

of: (2)

It is alleged that on/...../..... at (3)
at (4)

You committed the following offence—

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

contrary to local law of the (5)

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid to an authorised person at

(6) within a period of 28 days after the giving of this notice.

Signature

- (1) Name of alleged offender ["owner of (vehicle identification)" suffices if notice given with a notice under section 9.13 of the Act]
(2) Address of alleged offender (not required if notice given with a notice under section 9.13 of the Act)
(3) Time at which offence allegedly committed
(4) Place at which offence allegedly committed
(5) Name of the regulations
(6) Place where modified penalty may be paid

Form 3

LOCAL GOVERNMENT ACT 1995
NOTICE OF WITHDRAWAL
OF INFRINGEMENT NOTICE

Serial No.
Date

Shire of Williams

To: (1)

of: (2)

Infringement Notice No. dated/...../..... for the alleged offence of

has been withdrawn.

The modified penalty of \$

- has been paid and a refund is enclosed.
has not been paid and should not be paid.
delete as appropriate

Name and title of authorised person giving this notice

Signature

- (1) Name of alleged offender to whom infringement notice was given.
(2) Address of alleged offender.

SCHEDULE 2

Item No.	Local Law	Offence	Modified Penalty \$
1	3.15 (j)	Deposit filth or rubbish	20.00
2	3.15 (p)	Unseemly behaviour, pushing, throwing, running	20.00
3	3.15 (v)	Annoy or interfere with any person	50.00
4	4.2	Lighting unauthorised fire	100.00
5	6.12	Unauthorised parking	50.00
6	7.1	Unauthorised parking of a caravan or erection of a camp	100.00
7	8.1	Creating nuisance	100.00
8	9.2	Obstruction of a public place	75.00
9		All other offences not specified	50.00

Dated this 20th day of August 1997.

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

G. J. WARREN, President.
V. EPIRO, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995**SHIRE OF WILLIAMS****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 Williams hereby records having resolved on the 20th day of August, 1997, to make the following local laws.

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 these local laws, 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, regulations, 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 Williams;

"President" includes the Deputy President, in the absence of the President, and any councillor chosen to preside at any meeting of the 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;

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

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

2. MEETINGS—NOTICE AND BUSINESS**2.1 Notice of Meetings—Members to Receive Notice**

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

2.2 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.

2.3 Motion to Lapse

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

2.4 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 Any member may move dissent from such a declaration made from the Chair. 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. MEETINGS—QUORUM

3.1 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 offices (whether vacant or not) of members of the council.

3.2 Count-out/Adjournment

At any time during any meeting of the council any councillor or the Chief Executive Officer may call the attention of the President to the fact that a quorum is not present. The President shall immediately suspend the proceedings of the meeting for a period of five minutes. If a quorum is not present at the end of this period, the meeting shall be deemed to have been counted out, and the President shall adjourn it to a later hour of the same day or to any other time, not more than seven days from the date of adjournment.

3.3 Absence of Quorum—Record in Minute Book

At all meetings of the council when the council is counted out, and an absence of quorum noted, the circumstances, together with the names of the members present, shall be recorded in the minutes.

4. RECORDING AND CONFIRMATION OF MINUTES

4.1 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.

5. ORDINARY MEETING—WHEN HELD AND ORDER OF BUSINESS

5.1 Ordinary Meetings—When Held

The Council shall resolve at the first meeting held after each ordinary elections day, the days and times each month when ordinary meetings of the council shall be held.

5.2 Ordinary Meeting—Order of Business

The order of business of an ordinary meeting of the council shall be as decided by the President and Chief Executive Officer, unless the council resolves what the order of business shall be.

5.3 Late Items

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

6. MEETINGS—PUBLIC CONDUCT

6.1 Admission and Removal of the Public

6.1.1 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.

6.1.2 Any person, not being a member of the council, who interrupts the orderly conduct of the 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.

7. ROLE OF PRESIDENT

7.1.1 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.

7.1.2 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.

7.2 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.

7.3 Precedence of President

When the President rises 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 7.2, but should be used to preserve order.

7.4 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.

8. CONDUCT OF MEMBERS**8.1 Members to Address The President**

Any member moving a motion or amendment or taking part in the discussion thereof shall, except when prevented by sickness or physical disability, rise and address the President.

8.2 Official Titles to be Used

Members shall speak of 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.

8.3 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.

8.4 Demand for Withdrawal

If a member commits a breach of clause 8.3, 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.

9. CONDUCT OF MEMBERS DURING DEBATE**9.1 Relevance**

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

9.2 Limitation of Number of Speeches

No member shall address the council more than once on any motion or amendment before the council except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

9.3 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.

9.4 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 a quorum.

10. PROCEDURES FOR DEBATE OF MOTIONS**10.1 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.

10.2 Only One Substantive Motion Considered

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

10.3 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.

10.4 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.

11. PROCEDURAL MOTIONS

11.1 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 council proceed to the next business
- (b) that the debate be adjourned;
- (c) that the council do adjourn;
- (d) that the question be now put;
- (e) that the ruling of the President be disagreed with;
- (f) that the motion lie on the table;
- (g) that the council meet behind closed doors;
- (h) that a committee recommendation be referred back to the originating committee or any other committee.

11.2 Reason for Closure to be Stated

A member who moves a procedural motion under Clause 11.1(g) shall state the reason for moving the motion and this must relate to a matter contained in Section 5.23(2) of the Act.

11.3 Procedural Motions Not Required in Writing

Procedural motions are not required to be presented in writing.

11.4 Procedural Motions—Recording in Minutes

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

11.5 Procedural Motions—Majority Required

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

11.6 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.

11.7 Procedural Motions—Right of Reply

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

11.8 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.

12. EFFECT OF PROCEDURAL MOTIONS

12.1 That the Council Proceed to the Next Business—Effect of Motion

This motion, having been carried, will cause the debate to cease immediately and for the council to move to the next item on the Agenda of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be placed on any future notice paper.

12.2 That the Debate be Adjourned—Effect of Motion

This motion, having been carried, will cause all debate on the substantive motion or amendment to cease but to continue when the discussion is reconvened. A record shall be taken of all those who have spoken on the question under debate and they shall not be permitted to speak on any resumption of the debate, but this clause does not deprive the mover of the right of reply.

12.3 That the Council do Adjourn—Effect of Motion

This motion, having been carried, will cause the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned unless the President or the majority of councillors upon vote, determine otherwise. A record shall be taken of all those who have spoken on a question under consideration at the time of the adjournment and they shall not be permitted to speak on any subsequent consideration of the same question, but this clause does not deprive a mover of the right of reply.

12.4 That the Question be Now Put—Effect of Motion

12.4.1 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.

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

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

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

12.5.1 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.

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

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

12.6.1 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.

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

12.6.3 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 re-introduce the matter after which debate shall continue according to these standing orders.

12.7 That the Council Meet Behind Closed Doors—Effect of Motion

12.7.1 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 room.

12.7.2 While a resolution made under this clause is in force the operation of clause 9.2, limiting the number of speeches a member may make, shall be suspended, unless the council resolves otherwise.

12.7.3 Upon the public again being admitted to the meeting the CEO shall, unless the council resolves otherwise, read out the motions passed by the council whilst it was proceeding behind closed doors including the vote of a member or members to be recorded in the minutes under Section 5.21 of the Act.

12.7.4 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 other information recorded in the minutes.

12.8 That a Committee Recommendation be Referred Back to the Originating Committee or any other Committee

This motion having been moved and seconded during discussion of a committee recommendation, will cause the President to offer the right of reply to any substantive motion before the meeting and then immediately put the question without further debate.

13. DECISION MAKING PROCEDURES**13.1 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 in the Act, regulations, or the standing orders.

13.2 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.

13.3 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.

13.4 Nature of Amendments

An amendment to a substantive motion shall take one or more of the following forms—

- (a) that certain words be omitted therefrom;
- (b) that certain words be omitted and others substituted;
- (c) that words be added.

13.5 Substantive Motion

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

13.6 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.

13.7 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.

13.8 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.

13.9 Authority for 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.

13.10 Right of Reply

13.10.1 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.

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

13.11 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.

13.12 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.

13.13 Mover of 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.

13.14 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.

13.15 Method of Taking Vote

13.15.1 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.

13.15.2 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.

14. POINTS OF ORDER**14.1 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.

14.2 Points of Order—Definitions

A difference of opinion or a contradiction of a speaker shall not be recognised as a point 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.

14.3 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.

14.4 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.

14.5 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.

14.6 Points of Order Take Precedence

Notwithstanding anything contained in these 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.

15. ADJOURNMENT OF MEETING**15.1 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.

15.2 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.

15.3 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.

15.4 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.

15.5 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.

15.6 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.

16. PERSONAL EXPLANATION**16.1 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, no endeavour to strengthen the former position by introducing new argument or matter, nor reply to other members of the council.

16.2 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.

16.3 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.

17. COMMITTEES OF COUNCIL**17.1 Appointment of Committees**

A committee shall not be appointed except on a motion setting out—

- (a) the powers and duties proposed to be entrusted to such committee, and
- (b) the names of the council members, employees and other persons to constitute the committee; or
- (c) the number of members intended to constitute the committee and a provision that they be appointed by a separate motion.

17.2 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.

17.3 Absence from Committee Meetings

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

17.4 Items to be Numbered

The minutes of every committee shall be divided into items which shall be numbered consecutively.

17.5 Reports of Committees to be Taken as Read

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

17.5.2 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.

17.6 Procedure of Report of Committees

17.6.1 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 recommendations, in their numerical order, unless the council shall otherwise determine.

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

17.6.3 A recommendation made by or contained in the minutes of a committee may be adopted by the council without amendment or modification, failing which, it may be—

- (a) rejected by the council and replaced by an alternative resolution; or
- (b) amended or modified and adopted with such amendments or modifications; or
- (c) referred back to the committee for further consideration.

17.7 Withdrawal, Correction and Amendments of Committees

17.7.1 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.

17.7.2 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.

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

17.8 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.

17.9 Procedure on Amendments on Reports of the Committees

When an amendment is proposed with reference 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.

17.10 Non-Related Motions on Reports of Committees

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

17.11 Recommendations of Committees—Inspection 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 the inspection of members of the council at the meeting at which the matter is being considered.

17.12 Committee Procedure

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

17.13 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.

17.14 Standing Orders to Apply to Committees

17.14.1 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 2.1, 7.2, 8.1, 9.2, 13.13, 15.2, 17.1 and 17.5 to 17.11 inclusive.

17.14.2 In the case of clauses not excluded by subclause 17.14.1 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.

18. ADMINISTRATIVE MATTERS**18.1 Suspension of Standing Orders**

(a) The mover of a motion to suspend any Standing Order 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 business of the council or a committee must be seconded, but the motion need not be presented in writing.

18.2 Cases Not Provided for in Standing Orders

The President shall decide all questions of order, procedure, debate or otherwise in respect of which no provisions of insufficient provision is made in these local laws. The decisions of the President in all such cases shall be final in each particular case unless a majority of the members then present shall on motion made forthwith without discussion dissent therefrom.

18.3 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.

18.4 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.

Dated this 20th day of August 1997.

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

G. J. WARREN, President.
V. EPIRO, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995**SHIRE OF WILLIAMS****LOCAL LAWS RELATING TO FENCING**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 20th day of August, 1997 to make the following Local laws.

1. In these Local laws unless the context otherwise requires—

“Council” means the Council of the Shire of Williams.

“District” means the municipal district of the Shire of Williams.

“Dangerous Fence” means a fence declared by a Building Surveyor to be in a dangerous condition by reason of any one or more of the following, namely; faulty design, location, construction, deterioration of materials, damage by termites, decay, damage by collision, changes in ground levels, or any other cause or causes.

“Fence” means a fence abutting a road way or street or a fence on or near the boundary line of a lot includes any free standing wall and any retaining wall.

“Industrial and Commercial Zone” means any portion of the District that is classified or zoned industrial or commercial by a Town Planning Scheme or Local law for the time being in force.

“Residential Zone” means any portion of the District that is classified or zoned Residential by a Town Planning Scheme or Local law for the time being in force.

“Building Surveyor” means a building surveyor appointed by the Shire of Williams.

“Dividing Fence” means a fence that separates the land of different owners whether the fence is on the common boundary of the adjoining land or on a line other than the common boundary.

“Town Planning Scheme” means the Town Planning Scheme of the Shire of Williams for the time being in force under the provisions of the Town Planning and Development Act 1982 (as amended).

2. Subject to Local law 3—

(a) A fence within a Residential Zone constructed in accordance with the specifications set out in the First Schedule hereto is hereby prescribed as a “sufficient fence” for the purpose of the Dividing Fences Act 1961 (as amended).

(b) A fence within an Industrial and Commercial Zone constructed in accordance with the specifications set out in the Second Schedule hereto is hereby prescribed as a “sufficient fence” for the purpose of the Dividing Fences Act 1961 (as amended).

3. (a) Where a fence is erected on the boundary between land in a Residential zone and land in some other zone then a “sufficient fence” for the purposes of the Dividing Fences Act 1961 (as amended) shall be prescribed as a “sufficient fence” for a Residential Zone.

(b) Where a fence is erected on a boundary line between land in differing zones neither of which is a Residential Zone the Council shall determine which schedule shall apply for the purposes of prescribing a “sufficient fence” for the purposes of the Dividing Act 1961 (as amended).

4. (a) No person shall construct a fence of second hand material within the townsite of Williams under any circumstances, and in any other case without the written consent of the Council which consent the Council in its absolute discretion may refuse to grant or may grant upon such terms and conditions as it deems fit.

(b) No fence shall be constructed of sheet metal unless the fence to be erected is adequately capped.

5. (a) Within a Residential Zone, subject to Local law 7 a front boundary fence not exceeding 1200mm in height may be constructed along the full width of the frontage of a lot.

(b) A fence within a Residential Zone in excess of 1200mm and not exceeding 1800mm in height may be constructed along the front boundary of a lot subject to—

(i) approval by Council; and

(ii) Local law 7 being complied with.

(c) A fence within a Residential Zone shall not, within 7.5 metres of the front boundary of the lot, exceed 1200mm in height, without to express approval of Council.

(d) The Council at its discretion may upon written application approve a fence other than those permitted by these Local laws.

6. No person shall erect any structure in front of the building line in an Industrial, Commercial or residential Zone other than a fence permitted by these Local laws without having first made written application to and obtained the written approval of the Council.
7. No person shall erect or permit to be erected on any land owned or occupied by him any wall, fence, hedge, tree, shrub or other obstruction of a greater height than 750mm measured from the level of the footpath, road or right-of-way immediately adjoining the same within the area enclosed by the boundaries of the streets, roads, or right-of-way and a line joining the points located at a distance of 6 metres measured horizontally along each street, or road or right-of-way boundary from the point of intersection of the streets, roads or right-of-way or from the point of intersection of a prolongation of the said boundaries except that this Local law shall not apply to intersections or junctions having the standard truncation of 8.5 metres or more.
8. No person shall erect a dividing fence greater than 1800mm in height in a Residential Zone without having first made application to and obtained the written approval of the Council.
9. (a) No person shall commence to erect or proceed with the erection of a retaining wall which is on a boundary line unless and until he has lodged with the Council two (2) copies of a plan and specifications thereof and in the case of a retaining wall exceeding 1000mm in height when required by the Council, engineering calculations in respect thereof and the Council has approved a copy of the plan and specifications and (where applicable) the calculations.
- (b) No person shall erect or permit a dividing fence to act as a retaining wall without first having obtained Council permission.
10. A fence wholly or partly of barbed wire complying with these Local laws may only be erected—
- (i) In any area that is used for rural purposes;
- (ii) In an Industrial and Commercial Zone if no barbed wire is used below a height of 1800mm from the ground; or
- (iii) In any other part of the Shire of Williams with the written approval of the Council.
11. (a) No person shall erect or maintain a dangerous fence in the Williams Shire without the written approval of Council.
- (b) No person shall erect an electric fence in the Williams townsite without the written approval of Council.
12. The use of metal spikes, broken glass or any other potentially dangerous material in or on any fence in the district is prohibited.
13. The owner or the occupier of land on which a fence is erected shall maintain the fence in good condition and in such a manner as to prevent it from becoming dilapidated, unsightly or prejudicial to property in or to the inhabitants of the neighbourhood.
14. The Council may give notice in writing to the owner or occupier of any land upon which there is a dangerous fence or a fence which is in the opinion of the Building Surveyor in bad condition or repair, dilapidated, unsightly or prejudicial to property in or to the inhabitants of the neighbourhood or is contrary to the provisions of these Local laws requiring such owner or occupier to repair, paint, or maintain such fence within the time stipulated in the notice or in that time in which to comply. Any person who fails to comply with the terms of any notice served under these Local laws commits an offence.
15. Where the owner or occupier of land fails to comply with a written notice given by the Council in accordance with Local law 14 of these Local laws the Council may enter upon such land and carry out the works specified in the written notice and the costs and expenses incurred by the Council in so doing may be recovered from such owner or occupier in a Court of competent jurisdiction.
16. Any person who commits a breach of these Local laws commits an offence and shall on conviction be liable to—
- (i) a maximum penalty of \$200, and
- (ii) in addition a maximum daily penalty of \$20 for each day during which the offence occurs.

FIRST SCHEDULE

Residential Zone

A sufficient fence shall be—

- (a) A free standing fibro cement or sheet metal fence having specifications as follows—
- (i) A height of 1500mm;
- (ii) An in-ground depth of 25% of the total length of the sheet with a minimum in-ground length of 600mm;
- (iii) The combined height and depth of the fence shall consist of a single continuous fibre reinforced cement or metal sheet.
- (iv) Fibre reinforced cement or metal sheets are to be lapped and capped with extruded “snap-fit” type capping in accordance with the manufacturer’s specifications.

SECOND SCHEDULE

Industrial and Commercial Zone

A sufficient fence shall consist of rail-less link or chain mesh of a height of 1800mm on top of which are three strands of barbed wire carrying the fence to a height of 2100mm supported by galvanised iron posts of a diameter of 50mm spaced at three (3) metre centres and sunk in the ground 600mm and encased in a concrete footing having a dimension of 160mm x 160mm.

Dated this 20th day of August 1997.

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

G. J. WARREN, President.
V. EPIRO, Chief Executive Officer.

CEMETERIES ACT 1986**SHIRE OF WILLIAMS****LOCAL LAWS RELATING TO WILLIAMS AND
BORANING PUBLIC CEMETERIES**

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 Williams hereby records having resolved on the 20th day of August, 1997, to make the following local laws:

PART I—PRELIMINARY**Revocation**

1. The following local laws are hereby revoked—

The Williams Public Cemetery By-laws published in the *Government Gazette* on 26 May, 1922, as amended.

Application

2. Each of the Williams and Boraning Public Cemeteries will be subject to the following Local Laws.

Interpretations

3. In these local laws unless the context otherwise requires—

“Act” means the Cemeteries Act, 1986;

“authorised person” means an employee of the Council authorised by the Council to exercise any power conferred by an Act of Parliament or these local laws;

“CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being, of the Shire of Williams;

“Council” means the Council of the Shire of Williams;

“memorial” includes headstone, plaque, tombstone, monumental work, inscription, kerbing, enclosure and any other fixture or thing commemorating a grave;

“personal representative” includes the administrator and executor of an estate of a deceased person who, by law or practice, has the best right to apply for administration and any person having the lawful custody of a dead body;

“right of burial” means the right to use a specified area of a cemetery for burial;

“set fee” refers to fees and charges set by a resolution of the Council and published in the *Government Gazette* in accordance with section 53 of the Act;

“single funeral permit” means a permit issued by the Council in accordance with clause 23 which entitles the holder to conduct a funeral at the cemetery for the deceased persons named in the permit.

PART II—ADMINISTRATION

4. The CEO, subject to the direction of the Council, shall exercise general supervision and control over all matters concerning the administration of the cemetery and the carrying out and enforcement of these local laws and all directions of the CEO shall be deemed to have been given by order of the Council.

5. A plan of the cemetery showing the distribution of the land, compartments, section, situation and number of grave, and a register of all certificates of rights of burial shall be kept at the office of the Council.

PART III—RIGHTS OF BURIAL

6. Graves within the cemetery shall be either private or public.

7. A private grave is one in respect of which an exclusive right of burial has been granted by Council.

8. A public grave is one for which the land has been granted free of charge by the Council. The Council retains all rights and powers in respect of a public grave as were held by the Council prior to the grant.

9. The Council may, upon the written application of a person and upon payment of the set fee issue that person with a Grant of Exclusive Right of Burial in a specified area of the Cemetery.

10. A Grant of Exclusive Right of Burial shall be for a term of twenty-five (25) years from the date of issue or from the date of burial if the set fee has been pre-paid.

11. A Grant of Exclusive Right of Burial confers upon the grantee an exclusive right—

- (a) to bury the dead bodies of one or more deceased persons in a grave; and
- (b) to carry out memorial works on a grave;

during the term of the grant.

12. A grantee may make application to the Council in the form determined by the Council from time to time to transfer a Grant of Exclusive Right of Burial to another person and this may be approved by the Council subject to payment of the set fee.

13. If application be made for interment in any grave of the remains of any person other than the person to whom the grant was issued, or a registered assignee, the written and verified consent of such grantee or assignee shall be produced together with the Grant of Exclusive Right of Burial, or in the case of an assignee, the assignment of the right of burial in the form issued by the Council.

PART IV—APPLICATIONS FOR FUNERALS

14. Any person desiring to inter any dead body in the cemetery or place ashes in the niche wall shall make an application in the form determined by the Council from time to time and pay the set fee.

15. All applications for interment shall be accompanied by—

- (a) a medical certificate of death; or
- (b) a Coroner's order for burial;

in respect of the body.

16. All applications for interment shall be made at the office of the Council at least twenty four hours prior to the time fixed for burial, otherwise an extra charge shall be made.

PART V—DISPOSAL OF ASHES

17. A personal representative may give directions for the disposal of ashes by lodging an authorisation for disposal at the office of the Council and the Council shall accept such an authorisation as evidence that the person signing the authorisation is in fact entitled to dispose of the ashes, upon payment of the set fee.

PART VI—TIMES FOR FUNERALS

18. The hours for burial shall be as follows—

Monday to Friday	9am to 4pm;
Saturday	8.30am to 11.30am;

and no burial shall be allowed to take place nor any coffin allowed to enter the cemetery, at any other hour except by written permission of the Council.

PART VII—FUNERAL DIRECTORS

19. A person shall not direct a funeral within the cemetery or otherwise make use of the cemetery for any purpose connected with directing a funeral unless that person is—

- (a) a Funeral Director;
- (b) an employee of the Funeral Director; or
- (c) the holder of a single funeral permit issued in accordance with clause 23.

20. The Council may upon receipt of an application in writing by any person and upon payment of the set fee, issue to the applicant a funeral director's licence in the form determined by the Council from time to time authorising the holder to direct funerals within the cemetery at such times and on such days and subject to such conditions as the Council shall specify upon the issue of that licence.

21. A funeral director's licence shall expire on the 30th day of June in each year, but may be renewed on payment of the set fee.

22. The Council may, by notice in writing to the holder of a funeral director's licence, cancel the licence if the holder of the licence or any employee of the holder, has committed a breach of these local laws, the Act, or any of the conditions upon which the licence was issued, or if in the opinion of the Council, has behaved in relation to the direction of a funeral, in a manner which is inappropriate or unbecoming.

Single Funeral Permits

23. The Council may upon receipt of an application in writing by any person, in the form determined by the Council from time to time and upon payment of the set fee issue to the applicant a single funeral permit authorising the holder to direct the funeral of the person named in the permit within the cemetery at such time and subject to such conditions as the Council shall specify upon the issue of that permit.

24. Every application for a single funeral permit made in accordance with clause 23 shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

25. The transporting vehicle shall be large enough to completely contain the coffin.

PART VIII—FUNERALS

26. Every coffin shall have upon the lid an approved metal plate bearing the name of the deceased stamped or otherwise indelibly inscribed in legible characters thereon. Any coffin not complying with this local law will not be admitted to or be interred in the cemetery.
27. The time fixed for any burial shall be the time at which the funeral is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 14 shall pay the set fee for being late.
28. Every funeral shall enter by the principal entrance, and no vehicle, except the hearse, and official mourning coaches, shall be permitted to enter the cemetery, or stand opposite the entrance gates.
29. Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed of 25km per hour.
30. A person committing an offence under clause 29 may be forthwith expelled from the cemetery by the CEO or an authorised person.
31. No bicycle shall be ridden within the cemetery.

PART IX—BURIALS

32. The Council shall cause all graves to be dug or to be re-opened as and when required.
33. Every grave shall be at least two metres deep at the first interment and no interment shall be allowed in any grave with a less depth than one metre from the top of the coffin to the original surface of the surrounding ground.
34. Brick graves, catacombs or vaults may not be constructed within the cemetery.
35. A person shall not disinter a coffin in the cemetery for the exhumation of a dead body unless—
- (a) the exhumation is ordered or authorised pursuant to the Act; or
 - (b) the holder of the Grant of Exclusive Right of Burial has applied in writing to the Council requesting the exhumation and the Council has authorised the exhumation.
36. If for the purpose of re-opening a grave the Council finds it necessary to remove a memorial, edging, tiles, plants, grass, shrubs or other like matter from the grave, then the person ordering the re-opening of that grave shall bear the cost of the removal and any necessary reinstatement.

PART X—MEMORIALS AND OTHER WORK

37. Subject to Clause 38 the Council may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a permit authorising the holder to carry out memorial works upon a particular grave specified in the application at such time and on such days and subject to such conditions as the Council shall specify upon the issue of that permit or in these local laws.
38. All applications referred to in clause 37 shall be accompanied by the written consent of the holder of the Grant of Exclusive Right of Burial.
39. The Council may reject any application referred to in clause 37 where it considers the proposed memorial works are inappropriate or unbecoming.
40. Every memorial shall be placed on proper and substantial foundations.
41. The materials used in every memorial shall be subject to the approval of the CEO or authorised person and any material rejected shall be immediately removed from the cemetery by the person erecting the memorial. All refuse or other rubbish remaining after the work is completed shall be immediately removed from the cemetery by the person causing the same.
42. Should any work by masons or others be not completed before 6pm on any day, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised person.
43. All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery; and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised person shall direct.
44. No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Council.
45. Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Council.
46. No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave.
47. No trees or shrubs shall be planted on any grave except such as shall be approved by the CEO.
48. All workers, whether employed by the Council or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised person and shall obey such directions as the CEO or an authorised person may give.

49. Notwithstanding anything in these local laws to the contrary, the Office of Australian War Graves—
- (a) may place a memorial on a military grave; and
 - (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

PART XI—GENERAL

Animals

50. Subject to clause 51, a person shall not bring an animal into or permit an animal to enter or remain in the cemetery without Council approval.

51. Clause 50 shall not apply to a hearing impaired person or a person who is blind or partially blind and is accompanied by a hearing or guide dog.

Damaging and Removing of Objects

52. Subject to clause 53, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Council without the permission of the Council.

53. A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Council for that purpose.

Littering and Damage

54. A person shall not—

- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery;
- (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

Advertising

55. A person shall not carry on or advertise any trade, business or profession within the cemetery without the prior written approval of the Council which consent may be granted subject to such conditions as the Council thinks fit.

Removal from the Cemetery

56. Any person failing to comply with any provisions of these local laws or behaving in a manner that in the opinion of the Council, the CEO or an authorised person is inappropriate or unbecoming in the Cemetery may in addition to any penalty provided by these local laws be ordered to leave the cemetery by the Council, the CEO or an authorised person.

57. Any person failing to comply with an order to leave the Cemetery made pursuant to clause 56 may be expelled from the Cemetery and shall not re-enter the Cemetery for a period of twenty-four (24) hours.

PART XII—OFFENCES AND MODIFIED PENALTY

Offence

58. A person who commits a breach of any provisions of these local laws commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and if the offence is a continuing one to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence is continued.

Modified Penalties

59. (1) A person who—

- (a) receives an infringement notice pursuant to sub-section (1) of section 63 of the Act; and
- (b) does not contest an allegation that an offence was committed against these local laws, may within the time specified in the notice, pay to the Council the modified penalty payable with respect to that offence.

(2) The offences and modified penalties prescribed, with respect to offences against these local laws shall be as specified in the First Schedule.

(3) The prescribed form of the notice referred to in section 63 of the Act is set out in the Second Schedule.

(4) The production of an acknowledgment from the Council of the payment of a modified penalty is a defence to a charge of the offence in respect of which that penalty was paid.

(5) If it appears to the Council that an alleged offence cannot be adequately punished by the payment of the modified penalty then the Council may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in a Court of Petty Sessions.

(6) A notice sent under section 63(3) of the Act withdrawing an infringement notice served under section 63(1) in respect of an offence alleged to have been committed against one of the provisions of these local laws shall be in or to the effect of the Third Schedule.

FIRST SCHEDULE

Cemeteries Act 1986

Shire of Williams

Local laws relating to the Williams and Boraning Public Cemeteries

Item No.	Clause	Nature of Offence	Modified Penalty
1	29	Excessive speed	\$50.00
2	29	Unauthorised use—driving of vehicles	\$50.00
3	31	Riding of bicycle	\$20.00
4	41	Placing and removal of rubbish and surplus materials	\$50.00
5	42	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
6	50	Animal at large	\$50.00
7	52	Unauthorised damage and removal of property	\$50.00
8	54	Dumping of Rubbish	\$50.00
9	55	unauthorised advertising, and/or trading	\$50.00
10		Any other offence	\$40.00

SECOND SCHEDULE

Cemeteries Act 1986

Shire of Williams

Local laws relating to the Williams and Boraning Public Cemeteries

Infringement Notice

TO:
(Name)

.....
(Address)

It is alleged that at : hours on day of
19 at you committed the offence indicated
hereunder by an (x) in breach of local law number

.....
(Authorised Officer)

Offence

- Animal at large
- Dumping rubbish
- Excessive speed in vehicle
- Leaving uncompleted works in an untidy or unsafe condition
- Non removal of rubbish
- Riding of bicycle
- Unauthorised advertising or trading
- Unauthorised damage and removal of property
- Unauthorised vehicle use

Other offence
\$

You may dispose of this matter:

By payment of the penalty as shown within 21 days of the date of this notice to the Shire of Williams between the hours of 9.00am to 4.00pm Monday to Friday.

If neither the prescribed penalty is paid nor representation is made within the time specified, court proceedings may be instituted against you. Please make cheques payable to Shire of Williams. Payments by mail should be addressed—

The CEO
Shire of Williams
PO Box 96
Williams WA, 6391

THIRD SCHEDULE

Cemeteries Act 1986

Shire of Williams

Local laws relating to the Williams and Boraning Public Cemeteries

Withdrawal of Infringement Notice

No.

Date/...../.....

To ⁽¹⁾

Infringement Notice No. dated/...../..... for the alleged offence

of ⁽²⁾

Penalty ⁽³⁾ \$ is hereby withdrawn.

(Delete whichever does not apply)

- No further action will be taken
- It is proposed to institute court proceedings for the alleged offence

(1) Insert name and address of alleged offender.

(2) Insert short particulars of offence alleged.

(3) Insert amount of penalty prescribed.

Dated this 20th day of August 1997.

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

G. J. WARREN, President.
V. EPIRO, Chief Executive Officer.

DOG ACT 1976**SHIRE OF WILLIAMS****LOCAL LAWS RELATING TO DOGS**

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it, the Council of the Shire of Williams hereby records having resolved on the 20th day of August, 1997, to make the following local laws—

The By-laws Relating to Dogs, and published in the *Government Gazette* on 17 August 1973, are hereby revoked.

Dated this 20th day of August 1997.

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

G. J. WARREN, President.
V. EPIRO, Chief Executive Officer.

BUSH FIRES ACT 1954**SHIRE OF WILLIAMS****LOCAL LAWS RELATING TO FIREBREAKS**

In pursuance of the powers conferred upon it by the above mention Act and of all other powers enabling it, the Council of the Shire of Williams hereby records having resolved on the 20th day of August, of 1997, to make the following local laws:

(1) Definitions: In these local laws—

“townsite land” means all the land within the boundary of the Williams townsite;

“rural land” means all land within the district of the Williams Shire not defined as townsite land;

“firebreak period” means the 5th day of November in any year until the 12th day of April in the year following;

“firebreak” means ground from which inflammable material has been removed and on which no inflammable material is permitted during the firebreak period.

(2) All owners or occupiers of land within the district of the Williams Shire shall have firebreaks during the firebreak period of the dimensions prescribed within these local laws.

(a) Rural Land

1. Firebreaks 2.5 metres wide as follows—

- On holdings not exceeding 800 hectares adjacent to constructed public thoroughfares;
- On holdings exceeding 800 hectares, adjacent to constructed public thoroughfares and so as to subdivide the holding into lots not exceeding 800 hectares;
- Surrounding each building, haystack, fuel dump or ramp.

2. Harvesting/Straw Baling Operations

During the conduct of any harvesting/straw baling operations, the landholder shall provide in the same paddock or within 50 metres of that paddock an operational, independent mobile fire fighting unit containing not less than 700 litres of water.

(b) Townsite Land

- (1) Where the area of land is 2024sq m (1/2 acre) or less, remove all flammable material on the land except living standing trees.
- (2) Where the area of land exceeds 2024sq m (1/2 acre) have all inflammable material likely to be conducive to the outbreak, spread or extension of fire removed, and the grass maintained to a height no greater than 10cms.
- (3) Remove all inflammable material from buildings fuel dumps and liquid fuel containers to a distance of 20 metres.
- (4) If it is considered impracticable or undesirable to provide firebreaks as required by these local laws, the approval of the Council must be obtained for any variation. Approval will only be granted on or before the 15th day of October in any year, and will not be granted unless the prior consent of the appropriate Fire Brigade Officer has been obtained.
- (5) Failure to comply with these local laws will subject the offender to the penalties prescribed in the Bush Fires Act, 1954.

Dated this 20th day of August 1997.

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

G. J. WARREN, President.
V. EPIRO, Chief Executive Officer.

