



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

7219



PERTH, FRIDAY, 12 DECEMBER 1997 No. 224 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.00 PM

SHIRE OF GOOMALLING

BUSH FIRES ACT 1954

LOCAL LAWS RELATING TO FIREBREAKS

DOG ACT 1976

LOCAL LAWS RELATING TO DOGS

LOCAL GOVERNMENT ACT 1995

LOCAL LAWS RELATING TO PARKING FACILITIES

STANDING ORDERS

**LOCAL LAWS RELATING TO THE CONDUCT OF
PROCEEDINGS AND THE BUSINESS OF COUNCIL**

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

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 Goomalling hereby records having resolved on the 25th June 1997 to adopt the following Local Laws.

LOCAL LAWS RELATING TO FIREBREAKS**Revocation**

1. The By-laws of the Shire of Goomalling Relating to Firebreaks published in the *Government Gazette* on 18 December 1987 and amended from time to time are hereby revoked.

Definitions

2. In these Local Laws—

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

“Fire Break Period” means the time between 31 October in any year until 31 March in the following year;

“Inflammable material” for the purpose of these Local Laws means bush, timber, boxes, cartons, paper and like inflammable materials, rubbish and also any combustible matter, but does not include green standing trees or growing bushes and plants in gardens and lawns;

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

3. Subject to clause 4 hereof all owners and/or occupiers of land within the Shire of Goomalling shall prior to the commencement of the firebreak period establish and thereafter maintain during the firebreak period, a firebreak of the dimensions prescribed within these Local Laws—

- (1) In respect of the land owned or occupied by you within the townsite of Goomalling you shall remove all inflammable material on the land from the whole of land except land in excess of 4,000 m² in area on which you shall clear of all inflammable material with firebreaks of not less than three metres wide immediately inside the external boundaries of the land.
- (2) In respect of the land owned or occupied by you other than within the townsite of Goomalling which is used for growing crop or pasture, you shall clear of all inflammable material firebreaks of not less than three metres wide immediately inside the external boundaries of the land and adjoining road and railway reserves.
- (3) In respect of the land owned or occupied by you other than within the townsite of Goomalling except land in excess of 4,000 m² in area where a building or buildings are erected on the land, such buildings shall be immediately surrounded by a firebreak cleared of all inflammable material to a width of not less than three metres wide.
- (4) If the owner and/or occupier of land considers it impractical for any reason to clear a firebreak or remove inflammable material from the land as required by these Local Laws the owner and/or occupier may apply to the Council or its duly authorised officer not later than 15 October in any year, for permission to provide firebreaks in alternative positions or to take alternative action to abate fire hazards on the land. If permission is not granted by the Council or its duly authorised officer the requirements of these Local Laws must be complied with.
- (5) If the requirements of these Local Laws are carried out by burning, such burning off must be carried out in accordance with the provisions of the Bush Fires Act.
- (6) On failure of compliance with these Local Laws by any owner or occupier of land within the municipality, the Council may direct its officer or officers to enter upon the land and carry out all works and do all things necessary as would have been required pursuant to these Local Laws by the owner and/or occupier thereof to comply with these Local Laws and to charge to the owner and/or occupier thereof the Council's costs in so doing.
- (7) Failure to comply with these Local Laws shall be an offence and shall subject the offender to the penalties prescribed in the Bush Fires Act 1954.

Dated this 29th day of August 1997.

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

RAY KING, President.
CLEM KERP, Chief Executive Officer.

DOG ACT 1976

SHIRE OF GOOMALLING

LOCAL LAWS 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 Local Government of the Shire of Goomalling hereby records having resolved on the 25th June 1997 to adopt the following Local Laws.

LOCAL LAWS RELATING TO DOGS

Revocation

1. The By-laws of the Shire of Goomalling Relating to Dogs published in the *Government Gazette* on 19 July 1974 and amended from time to time are hereby revoked.

Citation

2. These Local Laws may be cited as the Shire of Goomalling Local Laws Relating to Dogs.

PART I—INTERPRETATION

3. In these Local Laws unless the context otherwise requires—
 - “Act” means the Dog Act as amended;
 - “Authorised Person” means a Ranger or any person who is authorised by Council to administer and enforce the provisions of these Local Laws;
 - “CEO” means the Chief Executive Officer of the Shire of Goomalling or the person acting for the time being in that capacity;
 - “Council” means the Council for Local Government of the Shire of Goomalling;
 - “District” means the district of the Local Government of the Shire of Goomalling;
 - “Person liable for the control of a dog” means each of the following—
 - a) the registered owner of the dog;
 - b) the owner of the dog;
 - c) the occupier of any premises where the dog is ordinarily kept or ordinarily permitted to live;
 - d) a person who has the dog in his possession or under his control;
 - “Premises” shall, for the purpose of determining who is the occupier, be taken to refer to any land or building, or part of any land or building, that is or is intended to be occupied as a separate residence from any adjacent tenement;
 - “Public place” means any place to which the public have access;
 - “Public buildings” means each of the following—
 - a) churches;
 - b) community centres;
 - c) hotel entertainment areas;
 - d) licensed premises;
 - e) public swimming pools;
 - f) schools;
 - “Regulations” means the Dog Act Regulations 1976;
 - “Townsite” means that portion of land delineated and gazetted as a townsite under the Land Act 1933 by the Department of Lands and Survey for each respective townsite within the Local Government of the Shire of Goomalling.

All other words and expressions have the same meaning as they have in the Act.

PART II—DELEGATED AUTHORITY

4. Council may by resolution passed by an absolute majority, delegate to the “CEO” as defined in this Local Law, the performance of any function of the Council in relation to this Local Law.

In this Local Law a reference to the Council having powers to do something in its discretion or a reference to the Council forming an opinion prior to the doing of anything shall be deemed to include a reference to any employee of the Local Government to whom the “CEO” has delegated the exercise of any of the “CEO’s” powers or the discharge of any of the “CEO’s” duties in relation to this Local Law.

PART III—IMPOUNDING OF DOGS

5. The Council may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act 1976 as amended.
6. Where a dog has been seized or placed in a pound the keeper of the pound or any other employee authorised by the Council shall if the owner or person usually in charge of the dog is known, forthwith notify such person that the dog has been impounded.
7. The pound keeper or other employee authorised by the Council shall be in attendance at the pound for the release of dogs at such times and on such days of the week as shall from time to time be determined by the pound keeper or other employee authorised by the Council.
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 the dog and his authority to take delivery of it. An authorised person may accept such proof as he/she considers satisfactory and no person shall have any right of action against him/her or Council in respect of delivery of a dog in good faith.
9. If the owner or person apparently acting on behalf of the owner of a dog seized or impounded claims such dog then the dog shall be released to that person upon payment of the fees specified in the First Schedule hereto together with any veterinary fees which may have been incurred by Council in relation to treatment of the dog.
10. If a dog shall not be claimed and said fees paid within 72 hours of its being impounded, or if a dog having a collar around its neck with a registration tag affixed thereto shall not be claimed and the said fees paid within 72 hours of the service of a notice upon the owner the pound keeper or other employee authorised by the Council may sell, destroy or otherwise dispose of the dog.
11. Upon the sale of a dog the proceeds of sale shall be the property of the Council and may be disposed of in such manner as the Council thinks fit. The owner of a dog sold pursuant to these Local Laws shall have no claim against the Council in respect of the proceeds thereof.
12. Notwithstanding anything herein contained but subject to the provisions of sub-section (12) section 29 of the Dog Act 1976 as amended, any dog seized or impounded may at any time be destroyed upon the written authority of a registered veterinary surgeon, medical practitioner, or environmental health officer.
13. If the Council destroys or causes the destruction of a dog whether at the request of its owner or not and whether the dog shall have been seized or detained or not the owner shall pay, when so required, to the Council the fees specified in the First Schedule hereto.
14. No person shall—
 - a) unless a pound keeper or other employee of the Council duly authorised in that regard release or attempt to release a dog from a pound;
 - b) destroy, break into, damage or in any way interfere with or render not dog proof any pound;
 - c) destroy, break into, or in any way interfere with any vehicle, trailer, cage or any container used for the purpose of catching, holding, or conveying dogs which have been seized.
15. The payment of fees in respect of the seizure, care, detention or destruction of a dog shall not relieve the owner of liability to a penalty under any of the provisions of the Dog Act 1976 or this Local Law.

Keeping of Dogs

16. The owner or occupier of premises within the Local Government District shall not unless the premises are licensed as an approved kennel establishment or have been granted an exemption in accordance with Section 26(3) of the Dog Act 1976, keep or permit to be kept upon those premises more than two (2) dogs over the age of three (3) months.
17. 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.
18. The occupier of premises on which a dog is kept shall—
 - a) cause the premises or portion thereof on which a dog is kept to be fenced in a manner capable of confining the dog;
 - b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which have regard to the breed, age, size and physical condition of the dog, shall be capable of preventing the dog at all times from passing over, under or through it;
 - c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises, but nothing in this Local Law prevents a person from opening the gate in order to enter or leave the premises;
 - d) ensure that every gate or door in the fence is fitted with—
 - i) an efficient self closing mechanism;
 - ii) an efficient self latching mechanism attached to the inside of the gate;
 - iii) a mechanism which enables the gate or door to be permanently locked.
 - e) in this Local Law the term "fence" includes a wall;
 - f) maintain the fence and all gates and doors in good order and condition;

- g) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exists on the premises for effectively confining the dog within the building on the premises.

19. Where the owner or occupier of any premises wishes to keep more than two dogs on the premises at any one time and has not been granted an exemption pursuant to Section 26(3) of the Dog Act and this Local Law, that person may apply to the Council in the form of the Third Schedule for a licence to establish an approved kennel establishment on such premises.

PART IV—REGULATIONS OF DOG KENNELS

20. (1) A licence to keep an approved kennel establishment may not be granted by the Council until—

- a) 14 days notice of intention to establish a kennel on the premises has been given by the applicant in a newspaper circulating in the district;

- b) the Council has considered any written submissions and objections to the establishment or maintenance of a kennel on the premises;

- c) the Council has sought and considered submissions from the owners of properties, which in its opinion, are most likely to be affected by the proposal to establish an approved kennel establishment.

21. The advertisement required in Section 20(a) shall specify that any submissions to Council regarding the application for the establishment of a kennel are to be lodged with the Council within fourteen (14) days from the date of the advertisement.

22. The Council may grant or refuse a licence for an approved kennel establishment and if a licence is granted the Council may impose such conditions as it thinks fit. The licence shall be in the form of the Fourth Schedule.

23. The registration of a kennel establishment shall remain valid until the 31st October next following the issue thereof, unless it shall have been previously revoked, and shall be subject to annual review before renewal.

24. All applications for the renewal of the registration of dog kennels shall be made in the Form of the Fifth Schedule to the Council during the month of October in each year.

25. A person who commits a breach of any of the terms or conditions of the licence for an approved kennel establishment commits an offence.

26. Any person who has been granted a kennel licence or who has made application for such a licence shall ensure that the kennel establishment complies with the following conditions—

- a) each kennel shall have a yard attached thereto;

- b) each kennel and each yard and every part thereof shall not be erected closer to the boundary of a lot than the following distance—

from frontage to roads thirty (30) metres;

from all other boundaries twenty (20) metres;

- c) each kennel and each yard and every part thereof shall be at a distance not less than ten (10) metres from any dwelling;

- d) each kennel and each yard and every part thereof shall be a distance of not less than fifty (50) metres from any church, school room hall, factory, dairy or premises whatsoever wherein food is manufactured, prepared, packed or stored for human consumption;

- e) notwithstanding the provisions of this Section paragraphs (b), (c), and (d) the Council may permit a reduction of a kennel set-back if it is shown to the satisfaction of Council that for reasons of topography or lot configuration the prescribed set-back cannot be adhered to or would be unnecessarily disadvantageous;

- f) each yard for any kennel shall be kept securely fenced with a fence constructed of link mesh or netting or other material approved by Council, and shall be of a height capable of retaining the dog within its confines;

- g) external gates and doors for each yard or kennel shall be fitted with an efficient self closing and latching mechanism;

- h) the minimum floor area for each kennel shall be 2.5 square metres for every dog kept therein over the age of three (3) months;

- i) the minimum size of any yard shall not be less than twice the area of the kennel or group of kennels;

- j) where a yard is to be floored, the floor shall be constructed in the same manner as the floor of any kennel;

- k) the upper surface of a kennel floor shall be at least 10 cm 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 to 100 to a drain which shall be properly laid, ventilated and trapped in accordance with the health requirements of the Council;

- l) the walls of each kennel shall be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting;

- m) the lowest internal height of any kennel shall be two (2) metres from the floor;

- n) the roof of each kennel shall be constructed of approved impervious material;

- o) all external surfaces of each kennel shall be kept in good condition and shall if directed by an Authorised Officer of Council be painted or re-painted with good quality paint;

- p) all kennels yards and drinking vessels shall be maintained in a clean condition and shall be cleaned and disinfected when so requested by an Authorised Officer of Council.
 - q) every approved kennel establishment shall be provided with a reticulated water supply in the form of a supported standpipe and hose for the hosing down of the kennels and yards;
 - r) the holder of a licence to keep an approved kennel establishment shall dispose of or cause the disposal of all refuse, faeces and food waste daily into an approved apparatus for the bacteriolytic treatment of sewage;
 - s) noise, odours, fleas, flies and vermin must be effectively controlled.
27. No kennel shall be erected until plans and specifications together with location plan showing the proposed site for the kennel and yard attached thereto have been approved by the Council.
28. A kennel licence shall not be granted by Council before ensuring that a person in charge of the dogs either resides on the premises where the kennel is established, or within reasonable close proximity so as to enable that person to have effective control over the dogs.
29. The approved kennel establishment is solely registered to the owner or occupier of the land as specified in the approved application for the kennel establishment licence and is deemed null and void in the event of a change in the owner or occupier of the land on which the kennel establishment is located.
30. No kennel establishment shall be permitted on land zoned residential under a Town Planning Scheme operative within the Shire.

PART V—GENERAL

31. The owner or person liable for the control of a dog shall prevent that dog from entering or being in any of the following places—
- a) a public building;
 - b) a food shop or other public business premises;

This Local Law shall not apply to dogs used by the blind or partially blind, deaf or partially deaf people or trainers who are bona fide engaged in the training of guide and hearing dogs.

32. Any person liable for the control of a dog as defined in Section 3(1) of the Act, who permits, or fails to prevent, that dog from excreting on any street or other public place or public reserve or on any other land within the district without the consent of the owner or occupier commits an offence unless the excreta is removed forthwith and disposed of either on private land with the consent of the owner or occupier or in such other manner as the Council may approve.

33. 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 \$5,000.

34. The land specified in the Second Schedule of these Local Laws is designated as a dog exercise area for the purpose of the Dog Act 1976.

35. The offences prescribed in the Seventh Schedule are prescribed pursuant to Section 45A(2) of the Act as offences in relation to which a modified penalty applies and the amount appearing directly opposite each such offence is the prescribed modified penalty payable in respect of that offence.

36. (1) Where an authorised person has reason to believe that a person who has committed an offence against these Local Laws as prescribed in Section 35 he may serve upon that person an Infringement Notice and the Infringement Notice issued under these Local Laws shall be in the Form depicted in Form 7 of the First Schedule of the Regulations.

(2) An Infringement Notice may be served on an alleged offender personally or by posting it to his address as ascertained at the time 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 received an Infringement Notice fails to pay the prescribed penalty within the time specified in the notice, or within such time as may in any particular case be allowed, he is deemed to have declined to have the alleged offence 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 the 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 the offenders 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 Form 8 of the First Schedule of the Regulations.

FIRST SCHEDULE

Fees

| | |
|---|---------|
| Seizure and impounding of a dog | \$50.00 |
| Sustenance and maintenance of a dog per day or part thereof | \$ 8.00 |
| Seizure and return of a dog without impounding it | \$50.00 |

| | |
|--|---------|
| Destruction of a dog | \$25.00 |
| Application fee for registration of a kennel establishment | \$75.00 |
| Kennel Licence fee per year or part thereof | \$50.00 |

SECOND SCHEDULE

Shire of Goomalling
Dog Exercise Area

The following sites are designated as dog exercise areas within the district—

GOOMALLING

| | |
|---------|-------|
| Reserve | 1562 |
| Reserve | 8918 |
| Reserve | 13229 |

THIRD SCHEDULE

Shire of Goomalling
Application for Kennel Establishment Licence

I/we (full name)
of (postal address)
hereby apply for the registration of a kennel establishment at (property address)
.....

Number of dogs to be kept

Breed of dogs

Attached hereto—

- (i) Two (2) copies of a plan showing the details and specifications of all kennels appurtenant thereto and showing the distance from the said kennels and yards to the boundaries of the land the subject of the application and all buildings on the said land;
- (ii) Evidence that notice of the proposed use of the land has been given in writing to the owners and occupiers of all adjoining land and premises;
- (iii) I tender herewith the Fee of \$.....

I hereby declare that all the above details are correct to the best of my knowledge and that I have no objection to an Authorised Person inspecting the premises at a reasonable time to ensure compliance with Councils Local Laws.

Dated this day of 19

Should you be aggrieved by this decision, you are advised of your right to appeal to—

- (a) the Local Court, in the case of an application to establish a kennel (Sect.27(7));
- (b) the Minister for Local Government in the case of an applicant to keep more than two dogs (Sect 26(5)) Dog Act 1976.

(strike out that which is not applicable)

Signature of Authorised Officer

Date

FOURTH SCHEDULE

Shire of Goomalling
Kennel Establishment Licence

Dog kennels situated on the premises at
are hereby registered with the Shire of Goomalling.

Name of occupier

Number of dogs

Breed of dogs

A licence is hereby granted for the abovementioned occupier to operate a Kennel Establishment at the said premises for the said breed and number of dogs.

The conditions of this Licence are as set out hereunder—

This registration and licence shall, unless previously revoked, remain in force until the 31st day of October next. Applications for renewal must be made to the Council during the month of October. Buildings and yards not complying with Councils Local Laws Relating to Dogs are not covered by this Licence.

Dated this day of 19

Signature

Authorised Officer

FIFTH SCHEDULE
Shire of Goomalling
Renewal of Kennel Establishment Licence

I/we (full name)
of (postal address)
hereby apply for the renewal of the registration of a kennel establishment at (property address)
.....
for (breed and number of dogs)
I tender herewith the fee of \$50.00
Dated this day of 19.....
Signature

SIXTH SCHEDULE
Shire of Goomalling
Application to keep more than two dogs

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 aforementioned 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

Date

To (name of applicant)

of (postal address)

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

- (a) keep more than two (2) dogs;
- (b) establish a kennel

at (property address of applicant)

- (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 Officer 19

SEVENTH SCHEDULE
Shire of Goomalling
Modified Penalties

| Item | Section | Nature of Offence | Penalty |
|------|---------|--|----------|
| 1 | 31 | Permitting a dog to enter or be in a prohibited place | \$100.00 |
| 2 | 32 | Permitting a dog to excrete on a street or other public place or public reserve or on other land and failing to remove and dispose of such excreta in an approved manner on private land with the consent of the occupier of the land..... | \$50.00 |

| | | | |
|---|-------|--|---------|
| 3 | 18(a) | Failing to provide means for effectively confining the dog | \$50.00 |
| 4 | 26 | Failing to maintain a kennel establishment in a clean, sanitary and tidy condition | \$50.00 |
| 5 | 26(r) | Failing to dispose of all refuse, faeces, and food waste from a kennel establishment daily in an approved manner | \$50.00 |
| 6 | 26(s) | Failing to take all practical measures for the destruction of fleas, flies and vermin | \$50.00 |
| 7 | 14(a) | Attempting to or causing the unauthorised release of a dog from a pound . | \$50.00 |
| 8 | 14(c) | Interfering with any pound or any vehicle used for the purpose of catching, holding or conveying dogs | \$50.00 |

Dated this 29th August 1997.

The Common Seal of the Shire of Goomalling was affixed hereto in the presence of—

RAY KING, President.
CLEM KERP, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF GOOMALLING

LOCAL LAWS RELATING TO PARKING FACILITIES

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 Goomalling hereby records having resolved on the 25th June 1997 to adopt the following Local Laws:

LOCAL LAWS RELATING TO PARKING FACILITIES
ARRANGEMENT

- Part 1—Preliminary
- Part 2—Parking on Roads
- Part 3—Standing and Parking Generally
- Part 4—Miscellaneous
- Schedules

PART 1—PRELIMINARY

Revocation

1. The By-laws of the Shire of Goomalling Relating to Parking Facilities published in the *Government Gazette* on 24th April 1953 and amended from time to time are hereby revoked.

Citation

2. This Local Law may be cited as the Shire of Goomalling Parking Facilities Local Law.

Definition

3. In this Local Law unless the context requires otherwise—
 - “Act” means the Local Government Act 1995 as amended.
 - “appointed place” means a place appointed by the Council to which vehicles causing an obstruction may be removed;
 - “AS” means Australian Standard published by the Standards Association of Australia;
 - “authorised person” means a person appointed by Council to administer the Local Law;
 - “authorised vehicle” means a vehicle authorised by the Council or an authorised person to stand or park on a road, which is designated by signs to be used for parking by authorised vehicles only;
 - “carriageway” means a portion of the road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas including embayments at the side or centre of the carriageway, used for the standing or parking of vehicles. Where a road has two or more of those portions divided by a median strip, the expression means each of those portions separately;
 - “CEO” means the Chief Executive Officer of the Shire of Goomalling;
 - “Council” means the Shire of Goomalling;
 - “driver” means any person driving or in control of, a vehicle or animal;
 - “footpath” includes a path used by, or set aside or intended for use by, pedestrians or both pedestrians and cyclists;
 - “median strip” means—
 - (a) any physical provision, dividing a road to separate vehicular traffic proceedings in opposite directions;
 - (b) any physical provision, including a traffic island designed to separate parked vehicles from vehicular movement areas;
 - “member of the Police Force” means a member of the Police Force of Western Australia;
 - “Minister” means the Minister for Local Government;
 - “Notice” means a notice in the form of Form 1, Form 2 or Form 3 issued pursuant to clauses 24-26 inclusive of this Local Law;
 - “owner” of a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or the person who is entitled to the possession of the vehicle;

“park” means to permit a vehicle, whether attended or not, to remain stationary except for the purpose of avoiding conflict with other traffic, or complying with the provisions of any law;

“parking facilities” includes land, buildings, shelters, parking spaces and any other facilities open to the public generally for the parking of vehicles with or without signs used in conjunction with those things;

“Parking Region” means the whole of the Shire of Goomalling excluding the following portions—

- (a) prohibition areas applicable to all bridges and subways;
- (b) any roads which come under the control of the Commissioner of Main Roads;

“parking space” means a section or part of a road reserve which is marked or defined by painted lines or by similar devices for the purpose of indicating where vehicles may stand or park;

“road” means any road, street, land, thoroughfare or similar place within the parking region, and includes all of the land lying between the property lines including street verge and footpath;

“Road Traffic Act” means the Road Traffic Act 1974 as amended;

“sign” means a traffic sign, mark or structure, symbol or device placed, erected on or near a road, or a reserve for the purpose of regulating or guiding parking of vehicles;

“stand” in relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic;

“street” has the same meaning as road;

“symbol” means a letter, figure or other character or mark or combination of letters or such like, without limiting the generality of the foregoing includes any symbol issued or specified by the Australian Standard 1742.11-1989 for use in the regulation of parking;

“vehicle” includes—

- (a) every conveyance, not being a train, vessel or aircraft and every object capable of being drawn propelled, on wheels or tracks, by any means; and
- (b) where the context permits an animal being ridden or driven.

Application of Local Law

4. This Local Law shall apply to all parking facilities in the parking region. However, the provisions of this Local Law shall not apply to any parking facility—

- a) which is not owned, controlled, nor occupied by the Council or;
- b) which although owned by the Council is leased to another person.

Vehicle Classification

5. For the purpose of these Local Laws, vehicles are—

Any conveyance, not being a train, vessel or aircraft and every object capable of being drawn or propelled, on wheels or tracks, by any means; and where the context permits any animal being ridden or driven.

Application of Signs

6. (1) Where the standing or parking of vehicles in a street is regulated by a sign, then the sign shall for the purpose of the Local Law apply to that part of the street which—

- a) lies beyond the sign;
- b) lies between the sign and the next sign, and;
- c) is that side of the carriageway of the street nearest the sign.

(2) For the purpose of this Local Law a sign may prohibit or regulate parking or standing by the use of any symbol or other traffic control device in accordance with AS.1742.11.

PART 2—PARKING ON ROADS

Establishing and Amending the Parking Scheme

7. The Council may by resolution constitute, determine, vary and indicate by signs—

- a) prohibitions;
- b) regulations, and;
- c) restrictions;

on the parking and standing of vehicles in all roads, specified roads or specified parts of roads in the parking region.

Parking Contrary to Signs

8. (1) A person shall not stand a vehicle on a road or part of a road—

- a) upon which the standing of vehicles is prohibited at all times by a sign, or ;
- b) upon which the standing of vehicles is prohibited at that time by a sign;

(2) A person shall not park a vehicle on a road or part of a road—

- a) upon which the parking of vehicles is prohibited at all times by a sign, or;
- b) upon which the parking of vehicles is prohibited at that time by a sign;

(3) A person shall not stand or park a vehicle on any part of a road whether or not that part is marked as a parking space, for more than 24 hours or a time specified by signage.

Occupied Parking Spaces

9. A person shall not stand or park or attempt to stand or park a vehicle in a parking space on which another vehicle is standing or parking.

Median Strip and Traffic Islands

10. A person shall not stand or park a vehicle on any part of a road so that any portion of the vehicle is—

- a) on a median strip
- b) adjacent to a median strip otherwise than in a parking space;

Parking Position on Road

11. (1) A person shall not park or stand a vehicle or permit a vehicle to stand or park on any road otherwise than—

- a) parallel to and as close to the kerb as practical;
- b) headed in the direction of the movement of the traffic on the part of the road on which the vehicle is parked;
- c) wholly within a parking space if the part of the road upon which the vehicle is standing or parked is provided with parking spaces.

(2) A person shall not stand or park a vehicle in a parking space which is not set out parallel to a kerb otherwise than wholly within that parking space.

Traffic Obstructions

12. A person shall not stand or park a vehicle so that any portion of the vehicle is—

- a) in front of a right of way, passage or private driveway or so close as to deny vehicles reasonable access, or egress from said right of way, passage or private driveway;
- b) upon an intersection except adjacent to a carriageway boundary that is broken by an intersection carriageway;
- c) on or over a footpath or place of refuge for pedestrians.

Double Park

13. A person shall not stand or park a vehicle on a road so that portion of the vehicle is between any vehicle parked or standing on a carriageway of that road and the centre of that road.

Verge Parking

14. A person shall not stand or park a vehicle on a street verge where signs prohibit the standing or parking of vehicles on that verge.

Direction to Move Vehicle

15. A person shall not permit a vehicle to stand or park in any part of a street, if any authorised person or member of the Police Force directs the driver of such vehicle to move it.

Repairs to Vehicles

16. A person shall not park on any portion of a street—

- a) for the purpose of effecting repairs to it, other than the minimum repairs required to enable the vehicle to be moved to a place other than a road;
- b) if the vehicle is exposed for sale.

PART 3—STANDING AND PARKING GENERALLY**Cycle Parking**

17. A person shall not park or stand a cycle in a parking space.

Private Property

18. A person shall not stand or park or permit to park or stand on land which is not part of a road or parking facility without consent of the owner or person in occupation of such land.

Overlength Vehicle Parking

19. A person shall not stand or park a vehicle or any combination of vehicles that, together with anything in or on that vehicle is more than 8 metres in length on a carriageway for any period exceeding 24 hours.

Parking on Reserves

20. A person shall not stand or park a vehicle on a public reserve, other than within a parking facility on that reserve, without the permission of the Council.

Camping

21. A person shall not cause a vehicle to be parked in such a manner as to be used in whole or part as a camping facility on reserves under control of the Shire of Goomalling other than in those areas designated for use as camping areas, without the permission of Council.

Affixing Signs and Notices

22. A person shall not without permission of the Council affix any board, sign, placard, notice or other thing to or paint or write on any part of a parking sign or parking facility.

Appointment of Authorised Person

23. The Council may appoint a person as an authorised person for the purpose of this Local Law.

Impersonation of Authorised Person

24. A person who is not an authorised person shall not in any way assume the duties of an authorised person.

Obstruction of Authorised Person

25. A person shall not in any way obstruct or hinder an authorised person in the execution of any duty under this Local Law.

Form 1—Original Notice

26. An infringement notice served under sub section 4 of section 9.13 of the Act in respect of an offence against this Local Law shall be in or to the effect of Form 1 of schedule 2 of this Local Law.

Form 2—Notice to Identify Driver

27. A notice served under subsection 3 of section 9.13 of the Act in respect of an offence alleged to have been committed against this Local Law shall be in or to the effect of Form 2 of schedule 2 of this Local Law.

Form 3—Withdrawal Notice

28. A notice sent under section 9.20 of the Act withdrawing an Infringement Notice served under that section in respect of an offence alleged to have been committed against this Local Law shall be in or to the effect of Form 3 of schedule 2 of this Local Law.

Removal of Notice

29. A person other than the driver or owner of a vehicle shall not remove from that vehicle any notice affixed to or on it by an authorised person or a member of the Police Force.

Offence

30. Any person who contravenes or fails to comply with the provisions of the Local Law commits an offence and is liable upon conviction to a penalty not exceeding \$1,000.00.

Modified Penalties

31. The amount appearing in column 4 of schedule 3 is the modified penalty for an offence if the offence is dealt with under section 9.21 of the Act.

Recovery of Penalties

32. A penalty, other than a modified penalty, for an offence against this Local Law, may be recovered from the alleged offender by use of either the Fines Enforcement Registry, or the Council in proceedings in a Court of Petty Sessions.

SCHEDULE 2

Form 1

Shire of Goomalling Parking Facilities Local Law
INFRINGEMENT NOTICE UNDER SECTION 9.16
 INFRINGEMENT NUMBER

To the Owner/Driver of Vehicle Registration No. Make
 Model You are hereby notified that it is alleged that on 19 at about
 you did commit a breach of the Shire of Goomalling Parking Facility
 Local Law as indicated by a cross or crosses in a box or boxes below—

| Nature of Offence | Modified Penalty |
|---|------------------|
| • * Standing in a No Standing Area (Section 7(1)(a)) | \$50.00 |
| • *Parking in a No Parking Area (Section 7(2)(a)) | \$50.00 |
| • *Parking across a Right of Way or Private Driveway (Section 11(a)) | \$50.00 |
| • *Parking on or over a Footpath (Section 11(c)) | \$50.00 |
| • *Parking on a Public Reserve (Section 19) | \$50.00 |
| • *Other | \$50.00 |

If you do not wish to have a complaint of the above offence heard and determined by a court, you may pay the modified penalty within 28 days after the day of service of this notice.

Payment may be made either by posting this form together with the amount of \$..... to the Shire of Goomalling, Cnr Hoddy and Quinlan Street, Goomalling WA 6460, or in person by delivering this form and paying the above amount to the Shire Offices between the hours of 8.30 am and 4.00 pm Monday to Thursday, and 8.30 am and 4.30 pm Fridays.

Unless within 28 days after service of this notice—

- (a) the modified penalty is paid;
- (b) you inform the CEO of the Shire of Goomalling to the identity and address of the person who was driving or the person in charge of the above vehicle at the time of the above alleged offence, or;
- (c) apply under (S9.19 of the Local Government Act 1995) for an extension of time, or;
- (d) satisfy the CEO of the Shire of Goomalling that the above vehicle had been stolen or was being unlawfully used at the time of the above alleged offence, you will, in the absence of proof to the contrary, be deemed to have committed the above alleged offence and court proceedings may be instituted against you.

Signature of authorised officer

Form 2

LOCAL GOVERNMENT ACT 1995
Shire of Goomalling Parking Facilities Local Law

TO:

You are hereby notified that it is alleged that the driver or person in charge of the vehicle did in contravention of the Shire of Goomalling Parking Facilities Local Law, commit the offence shown below on the date and time shown.

Infringement Number

Date Time

Offence Clause Code

Plate Number

Vehicle Make Vehicle Model

In accordance with Section 9.13 of the Local Government Act 1995, you will, in the absence of proof to the contrary, be deemed to have committed the offence detailed hereunder and court proceedings may be instituted against you, unless within twenty-eight (28) days after the date of service of this notice you—

- (a) Finalise the Infringement Notice through the payment of the amount;
- (b) Inform the CEO of the Shire of Goomalling in WRITING as to the identity of the person who was the person or driver in charge of the above vehicle at the time of the alleged offence;
- (c) Apply to the CEO of the Shire of Goomalling for an extension of time under S9.19 of the Local Government Act 1995;
- (d) Satisfy the CEO of the Shire of Goomalling in WRITING that the above vehicle had been stolen or was being unlawfully used at the time of the alleged offence.

Infringement details—

Offence description

Place, Street

Penalty \$

Amount Due \$

Date Due

Signature of Authorised Officer

Form 3

LOCAL GOVERNMENT ACT 1995
Shire of Goomalling Parking Facilities Local Law
Notice of Withdrawal

TO:

Dear Sir/Madam
Notice of Withdrawal of proceedings under Section 9.20 of the Act.

Infringement No

Date

Time

Code

Plate Number

Vehicle Make

Vehicle Model

Description

Location

Take notice that I, being authorised to do so, hereby withdraw proceedings in relation to the Infringement Notice issued for the above offence.

Authorised Person Date

SCHEDULE 3

Shire of Goomalling Parking Facilities Local Law

MODIFIED PENALTIES

| Item No. | Section | Nature of Offence | Modified Penalty |
|----------|----------|---|------------------|
| 1 | 7(1)(a) | Standing in a No Standing Area | \$50 |
| 2 | 7(2)(a) | Parking in a No Parking Area | \$50 |
| 3 | 8 | Standing or Parking in an occupied space | \$50 |
| 4 | 9 | Standing or Parking on or adjacent to a median strip | \$50 |
| 5 | 10(1)(c) | Parking outside parking space marked on road | \$50 |
| 6 | 11(a) | Parking in front of a driveway | \$50 |
| 7 | 11(b) | Parking on/in an intersection | \$50 |
| 8 | 11(b) | Parking causing a traffic obstruction | \$50 |
| 9 | 11(c) | Parking on a footpath | \$50 |
| 10 | 13 | Standing or Parking on a verge contrary to signs or without consent | \$50 |
| 11 | 14 | Failing to move vehicle after direction | \$50 |
| 12 | 15(a) | Parking a vehicle on a street to repair it | \$50 |
| 13 | 15(b) | Unauthorised parking | \$50 |
| 14 | 17 | Standing or parking on private property without consent | \$50 |
| 15 | 19 | Parking on a Reserve | \$50 |
| 16 | | All other offences not classified in which the use, driving, standing or leaving of a vehicle is an element | \$50 |

Dated this 29th day of August 1997.

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

RAY KING, President.
CLEM KERP, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995**SHIRE OF GOOMALLING****LOCAL LAWS RELATING TO THE CONDUCT OF PROCEEDINGS
AND THE BUSINESS OF COUNCIL**

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 Goomalling hereby records having resolved on the 25th June 1997 to revoke the Standing Orders By-Laws published in the Government Gazette on 21 December 1979 and to make the following Local Law.

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

1.1 The proceedings and business of the Council shall be conducted in accordance with the Act, and where not specifically prescribed, according to this Local Law, the clauses of which shall be referred to as "the Standing Orders".

All Meetings Governed by Standing Orders

1.2 The proceedings of all Council Meetings, Committee Meetings and other Meetings of the Council as described in the Act shall be governed by these Standing Orders except where specific exceptions apply either in the Act or in the Standing Orders.

Interpretation

1.3 The interpretation should be used in these Standing Orders, unless the context otherwise requires—

"Act"—means the Local Government Act 1995, as amended;

"Chairperson"—means any person presiding at any meeting to which the standing orders apply;

"CEO"—means the Chief Executive Officer of the Shire of Goomalling or a person acting in that capacity;

"committee"—means any committee comprising Council members only or Council members and employees;

"Council"—means the Council of the Shire of Goomalling;

"deputation"—means a pre-determined arrangement for a person or persons to address the Council or a committee at a specified time during the meeting other than during public question time.

"elector"—means a person who is eligible to be enrolled to vote at elections for a ward within the Shire of Goomalling;

"employee"—means any person employed by the Shire of Goomalling;

"meeting"—means any ordinary or special meeting of the Council or a committee;

"member"—has the same meaning as defined in section 1.4 of the Act and includes any employees appointed to a committee in accordance with section 5.9(2)(b) of the Act;

"negated"—means lost on a vote of the members of the Council or of a committee;

"officer"—means any employee in attendance at a meeting;

"question"—means a request for information or an enquiry;

1.4 Words used in the standing orders have the same meaning as given to them for the purposes of the Act unless the context requires otherwise.

2.—MEETINGS—NOTICE AND BUSINESS**Kind of Meetings**

2.1 Meetings shall be of two kinds, ordinary or special. Ordinary meetings are those called at such place and at such time as Council, from time to time, appoints for the transaction of the ordinary business of the Council. Special meetings are those called to consider specific business, the nature of which shall be specified in the notice convening the meeting. No business shall be transacted at a special meeting other than that for which the special meeting has been called.

Service of Notices

2.2 A notice of meeting shall be in writing and served on each member—

a) by delivering it to the member personally; or

b) by delivering it to the member's usual place of abode or business; or

- c) by sending it to the member by post or electronic mail at the members usual place of abode or business and a notice sent by post shall be deemed to have been served at the time when in the ordinary course of post it would have reached the address to which it was sent.

Notice of Special Meeting

2.3 Notwithstanding clause 2.2 a notice concerning a special meeting may be given in a person to person telephone call to the Chairperson and each of the members before the holding of the meeting.

Notice of Adjourned Meeting

2.4 When a meeting is adjourned to a day and hour other than the next ordinary meeting, notice of the adjourned meeting shall, if time permits, be sent in the manner provided in clause 2.2 to each member, specifying the nature of the business to be transacted.

Failure to Receive Notice Not to Invalidate Proceedings

2.5 Failure to receive a notice shall not affect the validity of any meeting so long as reasonable steps have been taken to serve such notice.

Business

2.6 No business shall be transacted at any meeting other than that specified in the notice relating thereto except—

- a) matters which the Act permits to be dealt with without notice;
- b) matters which the standing orders permit to be dealt with without notice;

Order of Business

2.7 The order of business at meetings of the Council shall, unless altered by the Chairperson or by Council resolution, be as nearly as practicable as follows—

- i) Question Time—Members of the Public;
- ii) Apologies and Leave of Absence;
- iii) Confirmation of Minutes of previous meeting;
- iv) Matters Arising
- v) Announcements by the President without discussion;
- vi) Motions of which previous notice has been given;
- vii) Declarations of Members and Officers' Interest;
- viii) Petitions and Memorials;
- ix) Correspondence
- x) Late Correspondence in Accordance with 2.8;
- xi) Minutes and Reports of Committees;
- xii) Reports of Officers
- xiii) Notice of Motions for Next Meeting;
- xiv) General Business
- xv) Date and Time of Next Meeting, and;
- xvi) Meeting Closure

Late Correspondence

2.8 In the case of extreme urgency or other special circumstances, late correspondence may, with the consent of the President, Presiding Members of Committees, or the CEO or at the request of a majority of Councillors present, be read and dealt with.

Order of Business at Other Meetings

2.9 The order of business at any other meeting shall be the order in which that business stands in the notice of the meeting unless the Chairperson or members, by resolution, alter the order of business.

Unacceptable Business

2.10 If the Chairperson is of the opinion that any motion, question or business proposed to be made or transacted at a meeting is disrespectful, the Chairperson may declare either before or after the motion, question or business is brought forward, that the motion, question or business shall not be entertained. Any member may move dissent from the declaration made by the Chairperson, and in the event of the dissent motion being carried by a majority of the members present the business referred to shall be entertained, but not otherwise.

Business at Adjourned Meeting

2.11 At an adjourned meeting, no business shall be transacted other than business specified on the notice of the meeting of which it is an adjournment, and which remains undisposed of, except in the case of an adjournment to the next ordinary meeting, when the business undisposed of at the adjourned meeting shall be given precedence at such ordinary meeting.

3.—MEETINGS—QUORUM

Quorum

3.1 Except in cases where the Minister for Local Government may have reduced the number necessary to form a quorum for a Council meeting or the Council may have reduced the number necessary to form a quorum for a committee meeting, the number of members necessary to form a quorum for any meeting—

- a) where the total number of offices of member (whether vacant or not) is an even number, is one half of that total;
- b) where the total number of offices of member (whether vacant or not) is an odd number, is the integer nearest to, but greater than, one half of that total.

Quorum Must be Present

3.2 Business shall not be transacted at a meeting unless a quorum is present.

Absence of Quorum

3.3 If at any meeting a quorum is not present within half an hour after the time appointed for that meeting, the Chairperson or in the absence of a Chairperson the majority of the members present, or any one member, if only one be present, or if no member is present, the CEO or a person authorised by the CEO, may adjourn the meeting to some future date.

Absence of Quorum during Meeting

3.4 (1) If at any time during any meeting a quorum is not present the Chairperson shall thereupon suspend the proceedings of the meeting for a period of five minutes, and if a quorum is not present at the expiration of that period, the meeting shall be deemed to have been counted out, and the Chairperson shall adjourn it to some future date.

(2) Where the debate on any motion, moved and seconded, is interrupted by the meeting being counted out, that debate may, on a motion at a subsequent meeting without notice, be resumed from the point it was so interrupted.

Names Recorded

3.5 At any meeting at which there is not a quorum of members present, or at which the meeting is counted out for want of a quorum the names of the members then present shall be recorded in the minutes.

4.—MEETINGS—MINUTES

Minutes of Council Meetings

4.1 Except as provided for in clause 2.10, the minutes of any preceding meeting of the Council, whether ordinary or special, not previously confirmed shall be submitted and confirmed at ordinary meetings of the Council and no discussion thereon shall be permitted except as to their accuracy as a record of the proceeding, and each page of the minutes shall then, if found to be correct, be signed and dated by the Chairperson.

Minutes of Committee Meetings

4.2 (1) The minutes of any committee meeting containing any recommendation to the Council shall be submitted to the next ordinary meeting of the Council.

(2) Committee minutes containing any recommendation to the Council shall be confirmed by Council, at the Council meeting, prior to consideration by Council. Only members of the committee concerned are to vote upon the matter and no discussion thereon shall be permitted except as to their accuracy as a record of proceedings. Upon confirmation the minutes shall be signed by the Chairperson of the committee meeting to which they relate.

(3) Except as provided for in clause 2.10 the minutes of any preceding meeting of a committee whether ordinary or special, not containing any recommendation to the Council, shall be submitted and confirmed at ordinary meetings of the committee and no discussion thereon shall be permitted except as to their accuracy as a record of the proceedings, and each page of the minutes shall then, if found to be correct, be signed and dated by the Chairperson.

Circulation of Minutes

4.3 A copy of the minutes of all meetings shall, as soon as practicable after the meeting be provided to the President and all Councillors.

5.—MEETINGS—QUESTIONS

Questions and Answers to be Brief

5.1 (1) Every question and answer shall be related to the business of Council, be submitted as briefly and concisely as possible and no discussion shall be allowed.

(2) In asking any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

Questions from Members

5.2 (1) A member may ask a question at a Council meeting regarding general information as to the business or procedure of the Council during time allocated for questions from members without notice. If the answer to the question at the meeting at which it is asked cannot be given, the CEO or officer authorised by the CEO shall arrange for—

- a) the answer to be submitted to the next meeting of the appropriate committee, or;
- b) the answer to the question to be given to the member prior to the next ordinary meeting of the Council with a copy being provided to all other members of the Council who indicate at the time that they also require a copy.

(2) A member may at any time ask a question, through the Chairperson, of any other member or officer. The question shall relate to the matter under consideration and the Chairperson shall have the power to refuse to have any question answered when the Chairperson is of the opinion that the question is irrelevant, repetitious, mischievous or unnecessary.

Public Question Time

5.3 Public Question Time shall be held in accordance with section 5.24 of the Act prior to the discussion of any matter that requires a decision to be made by the meeting.

6.—MEETINGS—NOTICE OF MOTIONS**Notice of Motion**

6.1 (1) Unless otherwise permitted by the Act or the standing orders, a member may only bring forward at a Council meeting business in the form of a motion of which notice has been given, in writing, to the CEO.

(2) Notice of motion shall be given to the CEO either—

- a) at the previous Council meeting, or
- b) at least seven clear days before the Council meeting at which it is to be brought forward.

Motion to be Considered

6.2 Every such motion as is mentioned in clause 6.1 shall be considered by the Council unless—

- a) the member who gave notice thereof, or some other member authorised by the member, in writing, is not present to move the motion when called on, or;
- b) the Council by resolution agrees to defer consideration of the motion to a later stage or date.

7.—DEPUTATIONS**Deputations**

7.1 (1) Persons wishing to make a deputation shall in the first instance make a request to the CEO outlining the subject matter to be raised by the deputation.

On receiving such a request the CEO shall notify the Chairperson of the appropriate meeting who may elect to invite the deputation to attend.

(2) A deputation shall not exceed five in number and no more than two shall address the meeting, except in reply to questions from members.

8.—MEETINGS PROCEDURE**Presiding at Council Meetings**

8.1 The President shall preside at all ordinary meetings of the Council and in the President's absence, or if after being present the President retires or is unable or unwilling to preside, the Deputy President shall preside but if the Deputy President is not present, or after being present retires or is unable or unwilling to preside, then one of the members chosen by majority vote of the members then present shall preside.

Presiding at Committee Meetings

8.2 The presiding member of a committee elected in accordance with the Act shall preside at a meeting of that committee and in the presiding member's absence, or if after being present the presiding member retires or is unable or unwilling to preside, the deputy presiding member shall preside but if the deputy presiding member is not present, or after being present retires or is unable or unwilling to preside, then one of the members chosen by majority vote of the members then present shall preside.

Members to Address the Chairperson

8.3 Except where this clause is suspended under clause 8.11, any member moving a motion or amendment, or taking part in the discussion thereof at a Council meeting, shall, except when prevented by sickness or physical disability raise their hand and address the Chairperson.

Respect to the Chairperson

8.4 After any meeting has been formally constituted and the business thereof commenced, a member shall not enter, leave or withdraw from such meeting without first paying due respect to the Chairperson.

Titles to be used

8.5 A speaker, in referring to any other member or officer present, shall designate that person his/her appropriate title.

Priority of Speaking

8.6 Where two or more members indicate their intention to speak at the same time, the Chairperson shall decide which of them is entitled to priority.

Chairperson to be Heard

8.7 Whenever the Chairperson rises to speak during a debate, any member then speaking or offering to speak shall cease speaking and all other members shall be silent so that the Chairperson may be heard without interruption.

Chairperson to take Part in Debates

8.8 Subject to the provisions of the Act and the standing orders, it shall be competent for the Chairperson to move or second motions as well as to take part in a discussion upon any motion or business before the meeting. Provided that where the Chairperson moves a motion or amendment the Chairperson shall first vacate the chair and the Deputy Chairperson or in the absence of the Deputy Chairperson such other member as may be elected by the meeting shall preside over the meeting during such time as the motion or amendment is being debated and voted upon.

Speaking Twice/Right of Reply

8.9 Except where this clause is suspended under clause 8.11, a member shall not speak twice on the same motion at a Council meeting except—

- a) in reply, upon an original motion of which the member was mover;
- b) in reply, upon an amendment last debated of which the member was the mover, or;
- c) by way of personal explanation, in accordance with part 10.0.

Speaking in Reply

8.10 A member speaking in reply shall not introduce any new matter and shall be confined strictly to responding to and answering previous speakers.

Suspension

8.11 At a Council meeting members may, by resolution moved without notice, suspend the operation of clause 8.9, and thereupon such clause shall be suspended until such time as the members, by similar resolution, otherwise decide.

No Speech After Certain Events

8.12 Subject to clause 11.3 no member shall speak on any motion or amendment—

- a) after the mover has replied, or;
- b) after the question has been put.

Mover and Seconder have Spoken

8.13 A member moving a motion or amendment after obtaining a seconder, shall speak first to the motion or amendment but the seconder may reserve speaking to the motion or amendment to a later stage in the debate provided the seconder so indicates after the mover has spoken to the motion or amendment.

Limit of Speeches

8.14 A member shall not speak on any other motion or amendment or in reply for a longer period than five minutes without the consent of the members, which shall be signified without debate. Only one extension of five minutes may be permitted.

9.—POINTS OF ORDER**Points of Order to be Heard**

9.1 No member shall interrupt another member addressing the meeting except to raise a point of order in which event the speaker shall cease speaking and be seated until the member raising the point of order has been heard and the question of order has been disposed of whereupon the member so interrupted may if permitted, stand and proceed.

Acceptable Points

9.2 (1) A member expressing a difference of opinion with or contradicting a speaker shall not be recognised as raising a point of order. The following shall be recognised as points of order—

- a) discussion on a question not before the meeting.
- b) the use of offensive or insulting language.
- c) the violation of the standing orders or of the Act.

(2) A member raising a point of order shall specify the ground upon which the point of order is raised.

Precedence to Points of Order

9.3 Notwithstanding anything contained in the standing orders to the contrary, all questions of order at any time arising shall, until decided, suspend the consideration and decision of all other business.

Rulings by Chairperson

9.4 The Chairperson, when deciding a point of order shall give a decision which decision shall be final unless a majority of members then present vote in favour of a motion of dissent.

10.—PERSONAL EXPLANATION**Personal Explanation**

10.1 (1) Unless otherwise permitted by standing orders a member shall not speak on any matter, other than the matter before the meeting unless it is to make a personal explanation.

(2) A member making a personal explanation shall confine it to a succinct explanation of a material part of the member's former speech which may have been misunderstood and to the explanation itself and shall not avert to matters not strictly necessary for that purpose or seek to strengthen the member's former argument by any new matter or by replying to other members.

Personal Explanation—Member to be Heard

10.2 A member making 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 the speech.

Ruling of Question of Personal Explanation

10.3 The ruling of the Chairperson on the admissibility for a personal explanation shall be final and conclusive and shall not be open to discussion or dissent.

11.—MOTIONS AND AMENDMENTS**Wording of Motion to be Stated**

11.1 Any member desirous of proposing a motion or amendment shall state the wording of the motion or amendment before the member addresses the meeting on the motion or amendment and if so required by the Chairperson, shall put the motion or amendment in writing.

Motions and Amendments to be Seconded

11.2 A motion or amendment shall not be discussed or put to the vote of the meeting unless seconded.

Member May Require Motion to be Read

11.3 Any member may require the motion under discussion to be read for the member's information at any time during a debate, but not so as to interrupt any other member whilst speaking.

Permissible Motions During Debate

11.4 (1) Subject to clause 11.4(3) when a motion is under debate, no further motion shall be moved except a motion—

- a) that the motion be amended;
- b) that the meeting adjourn;
- c) that the debate be adjourned;
- d) that the motion be now put;
- e) that the meeting proceed behind closed doors;

(2) Any motion referred to in clause 11.4(1) shall not be moved except at the conclusion of the speech of another member.

(3) When a motion or amendment under debate is dealing with a committee recommendation any member who has not spoken on the motion or amendment then before a Council meeting may, at the conclusion of the speech of any other member, move a motion that the matter be referred back to the committee for further consideration.

Division of Motions

11.5 The Chairperson may, or the meeting by resolution may, require a complicated motion to be divided and put in the form of two or more motions.

Withdrawal of Motions

11.6 A motion of amendment may be withdrawn by the mover with the consent of the meeting which shall be signified without debate and it shall not be competent for any member to speak upon the motion or amendment after the mover has asked consent for its withdrawal, unless that consent is refused.

Limitation of Withdrawal

11.7 A motion shall not be withdrawn until any amendment proposed has been withdrawn or negated.

Nature of Amendments

11.8 An amendment to a motion shall not negate the motion.

Amendments to Relate to Motion

11.9 Every amendment to a motion must be relevant to the intention of the motion.

One Amendment at a Time

11.10 Only one amendment shall be discussed at a time but as often as an amendment is lost, another amendment may be moved, before the original motion is put to the vote, except that where an amendment is carried, one further amendment to the original motion as amended, and no more, may be moved.

Amended Motion Treated as Original Motion

11.11 Where an amendment is carried the original motion as amended shall, for the purposes of subsequent debate, and subject only to clause 11.10, be treated as the original motion.

12.—VOTING**All Members to Vote**

12.1 (1) At every meeting of the Council, every member present at the meeting shall vote when a motion is put except—

- a) where the Act otherwise provides, or
- b) in the matter of confirmation of committee minutes in accordance with clause 4.2(2).

(2) Each member of a committee to which a local government power or duty has been delegated, who is present at a meeting of the committee shall vote when a motion is put except where the Act otherwise provides.

(3) If any member who is required to vote at the meeting fails to do so the Chairperson shall call upon the member to vote.

Equality of Votes

12.2 At any meeting where there is any equal division of votes upon any motion the Chairperson may cast a second vote.

Method of Taking the Vote

12.3 The Chairperson shall, in taking the vote on any motion or amendment, put the question first in the affirmative and then in the negative and may do so as often as is necessary to enable the Chairperson to form and declare an opinion as to whether the affirmative or the negative has the majority. Voting shall be by a show of hands except where a member is prevented by a physical disability which precludes compliance.

Recording of Voting

12.4 If a member specifically requests that there be recorded—

- a) his or her vote; or
- b) the vote of all members present;

on a matter voted on at a meeting, the Chairperson is to cause the vote or votes, as the case may be, to be recorded in the minutes.

13.—MOTION—THAT THE MEETING ADJOURN**That the Meeting Do Adjourn**

13.1 A member may, at the conclusion of the speech of any other member or on the conclusion of any business, move without notice that the meeting do now adjourn, and that motion shall state the time and date to which the adjournment is to be made.

Limit to further Motion

13.2 Where a motion for the adjournment of the meeting is negated, no similar motion shall be moved until both the business then under discussion, and the next item on the notice paper, have been disposed of.

Who May Move Motion

13.3 (1) A member who has not spoken on the motion or business then before the meeting may move the adjournment of the meeting.

(2) A member shall not, at the same sitting of the meeting, move or second more than one motion for the adjournment of the meeting.

Resumption of Adjourned Meeting

13.4 On a motion for the adjournment of the meeting being carried, the debated on the motion or business (if any) under debate when the adjournment motion was moved shall be continued immediately upon the meeting resuming after the adjournment.

Names of Speakers Recorded

13.5 On a motion for the adjournment of the meeting being carried, a record shall be taken of all those who have spoken on the subject (if any) under consideration at the time of the adjournment and they shall not be permitted to speak on any subsequent consideration of the same subject but this clause does not deprive a mover of the right of reply.

Date and Time to be Specified

13.6 The Chairperson on a motion for adjournment being carried shall adjourn the meeting to such time and date as the motion specifies.

Motions and Amendments to be Seconded

13.7 A motion or amendment shall not be discussed or put to the vote of Council unless Seconded.

14.—MOTION—THAT DEBATE BE ADJOURNED**Motion for Adjournment of Debate**

14.1 A member may, at the conclusion of a speech of any other member, move without notice that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting.

Who May Move Motion

14.2 (1) A member who has not spoken on the motion or business then before the meeting may move the adjournment of the debate.

(2) A member shall not, at the same meeting, move or second more than one motion for the adjournment of the same debate.

Speaker on Resumption of Adjourned Debate

14.3 On resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first.

Names of Speakers Recorded

14.4 On a motion for the adjournment of a debate being carried, a record shall be taken of all those who have spoken on the subject under debate and they shall not be permitted to speak on any resumption of the debate on that subject, but this clause does not deprive a mover of the right of reply.

15.—MOTION—THAT THE MOTION BE PUT**That the Motion be Put**

15.1 A member may, at the conclusion of the speech of any other member, move without notice that the motion under consideration be put.

Who May Move Motion

15.2 A motion that the motion under consideration be put shall only be moved by a member who has not already spoken on the motion.

Right of Reply

15.3 When it is decided by the meeting that the motion under consideration be put, the mover of the motion under consideration shall, if debate has ensued and if otherwise entitled to do so, be permitted to speak in reply before the motion is put, but subject thereto the motion shall be at once put.

16.—MOTION—THAT THE MEETING PROCEED BEHIND CLOSED DOORS**That the Meeting Proceed Behind Closed Doors**

16.1 All meetings shall be open to the public except when the meeting resolves to proceed behind closed doors to deal with any matter as listed in section 5.23(2) of the Act.

Decision to be Recorded

16.2 A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Business Behind Closed Doors

16.3 (1) After the carrying of a resolution under clause 16.1, the business at that meeting shall not be open to the public but shall proceed behind closed doors, until the meeting by resolution decides that the meeting shall be open to the public.

(2) Upon the carrying of such a resolution, the Chairperson shall direct all members of the public and any officers that the meeting specifies to leave the meeting room and those persons shall forthwith comply with the direction.

(3) Any person failing to comply with a direction under clause 16.3(2) commits an offence and may, with the use of reasonable force if necessary, be removed from the meeting room.

(4) While a resolution made under this clause is inverse, the operation of clause 8.9 shall be suspended, unless the meeting, by resolution, otherwise determines.

(5) All matters and questions considered or discussed by the meeting behind closed doors shall be treated as strictly confidential and shall only be disclosed by a member or officer to another person (whether that other person is a member or officer or not) to the extent that it is necessary for that member or officer to do so in the performance of his or her duties.

17.—DISTURBANCES AND BREACH OF ORDER

No Adverse Reflection on Council

17.1 A member other than stating an objective personal opposition to a Council decision or part of a Council decision, shall not comment adversely upon a resolution of the Council, except on a motion that the resolution be rescinded or amended.

No Adverse Reflection on Member of Employee

17.2 A member, shall not comment adversely upon the character or actions of another member or an employee or be disrespectful in any way to another member or employee.

Record of Words Spoken

17.3 A member who is of the opinion that particular words used by another member are in contravention of clause 17.2 may make a written record immediately upon them being used and require the CEO to enter that record in the minutes of the meeting.

Demands for Withdrawal

17.4 If any member commits a breach of clauses 17.1 or 17.2 the Chairperson may require the member unreservedly to withdraw any offending comment and to make a satisfactory apology, and if the member declines or neglects to do so the Chairperson may direct the member to cease speaking and may call on the next speaker.

Disturbance by Members or Persons of the Public

17.5 (1) A member shall not make any undue noise or disturbance or converse aloud while any other person is addressing the meeting, except—

- a) to raise a point of order, or
- b) to call attention to want of a quorum

(2) A person, not being a member, shall not interrupt the proceedings of any meeting.

(3) Any person interrupting the proceedings of a meeting shall, when so directed by the Chairperson, forthwith leave the meeting room.

(4) Any person, other than members, failing to comply with a direction under clause 17.5(3) commits an offence and may, with the use of reasonable force if necessary, be removed from the meeting room.

Continued Irrelevance

17.6 The Chairperson may call the attention of a meeting to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member and may direct that member, if speaking, to discontinue speaking, and thereupon the member shall cease speaking and be seated.

Respect for Chairperson and Speaker

17.7 When the Chairperson is putting any motion a member shall not walk out of or into the meeting room and shall not, whilst any member is speaking pass between the speaker and the chair.

Chairperson to Preserve Order

17.8 The Chairperson shall preserve order and may call any member to order whenever, in the Chairperson's opinion, there is cause for so doing.

Members may Direct Attention to Breaches of Order

17.9 Every member or officer shall be entitled to direct the attention of the Chairperson to any breach of the Act or the standing orders, or to draw the attention of the Chairperson to any matter of which the Chairperson may take notice under clause 17.6.

Retraction or Apology on any Matter

17.10 Whenever the Chairperson is of the opinion that any motion, or other matter before the meeting is out of order in accordance with the standing orders or the Act the motion or other matter shall be rejected, and whenever anything said or done in the meeting by any member is similarly decided to be out of order in accordance with the standing orders or the Act, that member shall be called upon by the Chairperson to make such explanation, retraction or apology as the case may require.

Continued Breach of Order

17.11 When a member persists in any conduct which the Chairperson decides is out of order in accordance with the standing orders or the Act, or refuses to make any explanation retraction or apology required by the Chairperson under clause 17.4 or 17.10 the Chairperson may direct that member to refrain from taking any further part in the meeting other than complying with the financial interest and voting provisions of the Act.

Serious Disorder

17.12 (1) If at a meeting the Chairperson is of the opinion that, by reason of disorder or otherwise, the business of the meeting cannot effectually be continued, the Chairperson may adjourn the meeting for a period of not more than fifteen minutes.

(2) Where after any adjournment under clause 17.12(1) the Chairperson is again of the opinion that the business of the meeting cannot effectually be continued, the Chairperson may adjourn the meeting to another date and time.

18.—REVOKING OR CHANGING DECISIONS**Revoking or Changing Decisions**

18.1 (1) If a decision has been made at a 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 had been made within the previous 3 months but had failed, by an absolute majority; or
- b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the Council or committee as the case may be inclusive of the mover.

(2) If a decision has been made at a Council or a committee 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 to 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.

(3) Clause 18.1 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.

Negated Motions

18.2 A motion to the same effect as any motion which has been negated except those motions provided for in clause 11.4 or where otherwise provided within the standing orders, shall not again be moved within a period of three months, except with the approval of an absolute majority of the members.

19.—COMMITTEES**Appointment of Deputies**

19.1 (1) The Council may appoint a member or members thereof to be the deputy or deputies, as the case may be, to act on behalf of a member of a committee provided that a committee member is not appointed deputy for another member of the same committee. Where two or more deputies are so appointed they shall have seniority in the order determined by the Council.

(2) In the event of a member not being able to attend a meeting of a committee to which the member has been appointed, the member will endeavour to arrange for the appointed deputy to attend in the member's place.

Attendance by Members as Observers

19.2 In addition to the right to attend meetings of committees to which they are appointed, members have the right to attend other committee meetings as an observer. Members attending as observers may also be permitted by the Chairperson of the committee to speak on any matter under consideration by the committee, but shall not be entitled to vote.

Appointment of Committees

19.3 Any motion to establish a committee shall contain—

- a) the duties and any delegations proposed to be entrusted to the committee;
- b) the number of members intended to constitute the committee;
- c) the term of establishment of the committee;
- d) details of when the committee is to meet and how it shall report to Council.

Calling of Committee Meetings

19.4 The CEO shall call a meeting of any committee when required by Council or when requested to do so by the Chairperson or any two members of that committee.

Recommendations become Resolutions

19.5 If the Council adopts a recommendation or recommendations contained in the minutes of a committee, without amendment or modification, the recommendation or recommendations so adopted shall be deemed to be a resolution of the Council as the case may be.

20.—MISCELLANEOUS**Meetings of Electors**

20.1 (1) The standing orders apply, so far as is practicable, to any meeting of electors but, where there is any inconsistency between the provisions of the standing orders and the provisions of the Act, the latter shall prevail.

(2) A person who is not an elector is not entitled to vote at a meeting of electors, and may not take part in any discussion at that meeting, unless the meeting, by a motion, requests or authorises the person to do so.

Petitions

20.2 (1) A petition to Council may be received, provided that the intention and legibility of the petition is clear.

(2) A petition must contain—

- a) the names, addresses and signatures of the petitioners,
- b) the name and address of the person who lodged the petition with the Council shown on the front of the petition, and
- c) the subject of the petition at the top of each page.

(3) The only question which shall be considered by the Council on the presentation of any petition shall be—

- a) that the petition shall be accepted, or;
- b) that the petition not be accepted, or;
- c) that the petition be accepted and referred to a committee for consideration and report, or;
- d) that the petition be accepted and be dealt with by the full Council.

Recordings of Proceedings Prohibited

20.3 Any person shall not use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the Chairperson to do so.

Production of Documents

20.4 On giving to the CEO not less than four ordinary working hours notice a member is entitled to have tabled at the meeting for the duration of a meeting any document or record of the Council, except any document or record referred to in clause 20.5, and the CEO, on receiving the notice, shall take all reasonable steps to table the document at the commencement of the meeting.

Confidential Documents

20.5 Any document which is to be placed before a meeting and which is in the opinion of the CEO of a confidential nature may at the CEO's discretion be marked as such and shall be treated as strictly confidential and shall only be disclosed by a member or officer to another person (whether that other person is a member or officer or not) to the extent that it is necessary for that member or officer to do so in the performance of his or her duties.

Cases Not Provided for in Standing Orders

20.6 The Chairperson shall decide all questions of order, procedure, debate or otherwise, in respect of which no provision or insufficient provision is made in the standing orders or the Act.

Rulings of the Chairperson

20.7 Except as otherwise provided in the standing orders, a majority of the members present at a meeting may by resolution dissent from the Chairperson's ruling on a matter under the standing orders. In all other cases the Chairperson's ruling shall be final.

Suspension of Standing Orders

20.8 In cases of urgent necessity any of the standing orders may be suspended on a motion carried by an absolute majority of the members.

21.—ENFORCEMENT

Offence

21.1 A person who breaches any clause of the standing orders commits an offence.

Penalty

21.2 A person who commits an offence under the standing orders is liable to a penalty not exceeding \$1,000.

Enforcement

21.3 The Chairperson of any meeting is authorised and empowered to enforce the standing orders and prosecute for any breach of the standing orders in relation to that meeting.

Dated this 29th August 1997.

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

RAY KING, President.
CLEM KERP, Chief Executive Officer.

