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LOCAL GOVERNMENT ACT 1995

**SHIRE OF
AUGUSTA-MARGARET RIVER**

LOCAL LAW RELATING TO STANDING ORDERS

LOCAL LAW RELATING TO DOGS

**LOCAL LAW RELATING TO WALLCLIFFE
(RESERVE 41545)**

LOCAL GOVERNMENT ACT 1995

SHIRE OF AUGUSTA-MARGARET RIVER

LOCAL LAW RELATING TO STANDING ORDERS

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LOCAL GOVERNMENT ACT 1995

SHIRE OF AUGUSTA-MARGARET RIVER

LOCAL LAW 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 abovementioned Local Government hereby records having resolved on the 27 November, 1997 to make the following Local Law.

PART 1—INTERPRETATION 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, and where not specifically prescribed, according to this Local Law, the clauses of which shall be referred to as 'The Standing Orders'.

1.2 Meetings Governed by Standing Orders

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

1.3 Interpretations

The following interpretations 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;

“Clause” means a clause of these Standing Orders;

“CEO” means the Chief Executive Officer of the Council or a person acting in that capacity;

“Committee” means any Committee comprising Council Members only or Council Members and employees and/or other persons;

“Council” means the Council of the Shire of Augusta-Margaret River;

“Deputation” means a predetermined 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 Council;

“Employee” means any person employed by the Council pursuant to S.5.36 of the Act;

“Meeting” means any Ordinary or Special Meeting of the Council or a Committee;

“Member” means the President, Councillor or any Council Officer appointed to a committee;

“Negated” means lost on a vote of the Members of the Council or of a Committee;

“Officer” means any employee of the Council;

“Question” means a request for information or an enquiry.

All other words and expressions have the same meaning as they have in the Act unless the context requires otherwise.

PART 2: NOTICE AND BUSINESS**2.1 Kinds of Meetings**

Meetings shall be of two kinds, Ordinary or Special. Ordinary Meetings are those called at such place and at such times 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. Both Special and Ordinary Meetings may be called by the Shire President, Council or at least one-third of the Councillors or the CEO.

2.2 Service of Notices

A notice of Meeting shall be in writing and served on each member at least 72 hours prior to the Meeting either by:—

- (a) delivering it to the member personally;
- (b) delivering it to the member's usual place of abode or business; or
- (c) by sending it to the Member by post, facsimile or other 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.

2.3 Notice of Special Meeting

Notwithstanding Clause 2.2 a notice concerning a Special Meeting may be given in a person-to-person telephone call or facsimile to the Chairperson and each of the Members at least 24 hours prior to the Meeting.

2.4 Notice of Adjourned Meeting

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.

2.5 Failure to Receive Notice

Failure to receive a notice shall not affect the validity of any Meeting.

2.6 Business

No business shall be transacted at any Meeting other than that specified in the notice relating thereto except;

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

2.7 Order of Business

The order of business at Meetings of the Council shall, unless altered by the Chairperson or by Council resolution, be as nearly as practicable to the following:—

- (a) Apologies, leave of absence and requests for a leave of absence;
- (b) Public question time—limit of fifteen minutes;
- (c) Declarations of Members' and officers' interest;
- (d) Public deputations—limit of three;
- (e) Confirmation of minutes;
- (f) Business arising from the minutes;
- (g) Petitions and memorials;
- (h) Deferred items from the previous Meeting ;
- (i) Notice of Motion of Rescission ;
- (j) Shire President's reports ;
- (k) Officers' reports ;
- (l) Minutes of Special Meetings
- (m) Minutes of Committee Meetings;
- (n) Late reports;
- (o) Advance Notice of Motions ;
- (p) Questions from Members with notice—tabled without debate ;
- (q) Questions from Members without notice, including any business arising from previous Meetings;
- (r) Tabled correspondence with debate
- (s) Confidential items;
- (t) Closure.

2.8 Order of Business at Other Meetings

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.

2.9 Unacceptable Business

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 (in accordance with Clause 20.9) 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.

2.10 Business at Adjourned Meeting

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 unfinished, except in the case of an adjournment to the next Ordinary Meeting, when the business unfinished (Deferred) at the adjourned Meeting shall be given precedence at such Ordinary Meeting.

PART 3: MEETINGS—QUORUM

3.1 Quorum

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 Members (whether vacant or not) is an even number, is one half of that total;

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

3.2 Quorum Must be Present

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

3.3 Absence of Quorum

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 but no later than one (1) calendar month from the date of the adjournment.

3.4 Absence of Quorum during Meeting

(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.

3.5 Recording of Names

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.

PART 4: MEETINGS—MINUTES

4.1 Minutes of Council Meetings

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 the accuracy of the minutes 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. The minutes of Ordinary and Special Meetings shall contain all reports to the Council or Committee and the resolutions but will not contain any commentary or other unrelated material which is superfluous to the effective implementation of resolutions.

4.2 Minutes of Committee Meetings

(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 Committee, 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 the accuracy of those minutes as a record of the proceedings. Upon confirmation the minutes shall be signed by the Chairperson of the Committee Meeting to which they relate. The minutes of Committee Meetings shall contain all reports to the Council or Committee and the resolutions but will not contain any commentary or other unrelated material which is superfluous to the effective implementation of resolutions.

(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 the accuracy of those minutes 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.

4.3 Circulation of Minutes

A copy of the minutes of all Meetings shall be provided to the President and all Councillors in the next appropriate agenda.

PART 5: QUESTIONS

5.1 Questions and Answers to be Brief

(1) Every question and answer related to the business of Council, shall 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.

5.2 Questions from Members

(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 either:—

- (a) the answer to be submitted to the next Meeting of the appropriate Committee;
- (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 be related 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.

(3) If a member wants to ask a question with notice the question must be submitted to the CEO at least seven clear days prior to the Meeting at which the answer is to be tabled.

5.3 Public Question Time

Public question time shall be held prior to the discussion of any matter that requires a decision to be made by the Meeting.

PART 6: MEETINGS—NOTICE OF MOTIONS

6.1 Notice of Motion

(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 at least seven clear days before the Council Meeting at which it is to be brought forward.

6.2 Motion to be Considered

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.

PART 7: PUBLIC DEPUTATIONS

7.1 Public Deputations/Public Forum

(1) Persons wishing to make a deputation or public forum 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. Fifteen minutes shall be allowed for each deputation or public forum. There shall be a limit of three (3) deputations at any meeting

PART 8: MEETING PROCEDURE

8.1 Presiding at Council Meetings

The Shire President, shall preside at all Ordinary and Special 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.

8.2 Presiding at Committee Meetings

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.

8.3 Members to Address the Chairperson

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:

8.3.1 Raise their hand

8.3.2 Stand

to address the Chairperson.

8.4 Respect to the Chairperson

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 and seeking leave.

8.5 Titles to be used

A speaker, in referring to any other member or officer present, shall designate that person by their appropriate title.

8.6 Priority to Speak

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.

8.7 Chairperson to be Heard

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

8.8 Chairperson to take Part in Debates

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.

8.9 Speaking Twice/Right of Reply

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;
- (c) by way of personal explanation, in accordance with Clause 10.1

8.10 Speaking in Reply

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

8.11 Suspension of Clauses

At a Council Meeting Members may, by resolution moved without notice, suspend the operation of Clause 8.3, and thereupon such Clause shall be suspended until such time as the Members, by similar resolution otherwise decide.

8.12 No Further Discussion

Subject to Clause 11.3 no member shall speak on any motion or amendments after the mover has replied or after the question has been put.

8.13 Mover and Seconder have Spoken

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.

8.14 Limit of Speeches

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.

8.15 Member to Occupy Own Seat

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

(2) No councillor shall be deemed to be present unless occupying that member's allotted place within the Council Chambers.

PART 9: POINTS OF ORDER**9.1 Points of Order to be Heard**

No member shall interrupt another member addressing the Meeting except to raise a point of order, in which event the member speaking 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. The member seeking to raise a point of order should stand and declare *'Point of Order; Mister (or Madam) Chairperson.'*

9.2 Acceptable Points

(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; or
- (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 without excessive comment.

9.3 Precedence

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.

9.4 Rulings by Chairperson

The Chairperson, when deciding a point of order shall give a decision and that decision shall be final unless a majority of Members then present vote in favour of a motion of dissent (in accordance with Clause 20.9).

PART 10: PERSONAL EXPLANATION

10.1 Personal Explanation

(1) Unless otherwise permitted by the 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.

10.2 Member to be Heard

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.

10.3 Rulings

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.

PART 11: MOTIONS AND AMENDMENTS

11.1 Wording of Motion to be Stated

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. Where a motion is a recommendation contained in an Officer's report or Committee recommendation then there is no need for it to be read back but any amendment or other motion drafted during the meeting shall be read back to that meeting before being voted on.

11.2 Motions and Amendments to be Seconded

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

11.3 Re-reading of Motions

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.

11.4 Permissible Motions During Debate

(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 in Confidential Committee

(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 debated 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.

11.5 Division of Motions

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.

11.6 Withdrawal of Motions

A motion or 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.

11.7 Limitation of Withdrawal

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

11.8 Nature of Amendments

An amendment to a motion shall not negate the motion.

11.9 Amendments to Relate to Motion.

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

11.10 One Amendment at Time

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.

11.11 Amended Motion Treated as Original Motion

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.

PART 12: VOTING**12.1 All Members to Vote**

(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.

12.2 Tied Vote

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

12.3 Method of voting

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.

12.4 Recording Votes

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.

PART 13: ADJOURNMENT OF MEETING**13.1 Motion to Adjourn**

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.

13.2 Limit to Further Motion

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.

13.3 Who May Move Motion

(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.

13.4 Resumption of Meeting

On a motion for the adjournment of the Meeting being carried, the debate 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.

13.5 Recording of Speakers

On a motion for the adjournment of the Meeting being carried, a record shall be taken of all those who have spoken (if any) on the subject 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.

13.6 Date and Time to be Specified

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

13.7 Motions and Amendments to be Seconded

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

PART 14: ADJOURNMENT OF DEBATE**14.1 Motion for Adjournment of Debate**

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.

14.2 Who May Move Motion

(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.

14.3 Speaker on Resumption

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

14.4 Record of Speakers

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.

PART 15: MOTION TO BE PUT

15.1 That the Motion be Put

A member may, at the conclusion of the speech of any other member and after at least four Members have spoken, move without notice that the motion under consideration be put.

15.2 Who May Move Motion

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

15.3 Right of Reply

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.

PART 16: MOTION—CONFIDENTIAL COMMITTEE

16.1 That the Meeting Proceed Behind Closed Doors

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.

16.2 Recording of Decision

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.

16.3 Business Procedure

(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 CEO or 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 invoked, 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 properly minuted *but such minutes are to be confidential and restricted to Councillors and Employees or members of the relevant committees 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.*

PART 17: DISTURBANCES AND BREACHES OF ORDER

17.1 Adverse Reflection on Council

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.

17.2 Adverse Reflection on Employees

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.

17.3 Verbatim Record

A member or officer who is of the opinion that particular words used by another member are in contravention of Clause 17.2 may make a request that the words be recorded in the minutes of the Meeting.

17.4 Demand for Withdrawal.

If any member commits a breach of Clause 17.1 or Clause 17.2 the Chairperson may require the member unreservedly to withdraw any offending comment and to make a satisfactory apology for that comment or disruptive behaviour, and if the member declines or neglects to do so after three requests, the Chairperson may direct the member to cease speaking and withdraw from the Meeting.

17.5 Refusal to Leave Meeting

If the member refuses to leave the Meeting, the Chairperson is to adjourn the Meeting in accordance with Clause 17.15. At the re-commencement of the Meeting the Chairperson will again require the member unreservedly to withdraw the offending comment and to make a satisfactory apology.

17.6 Withdrawal and Apology

If the member withdraws the offending comment and apologises in a satisfactory manner the Chairperson will call on the next speaker to continue the debate.

17.7 Continued Breach of Order

If the member continues to decline or neglect the Chairperson's request the Chairperson may exercise the provisions of Clause 17.14 (Continued Breach of Order) or Clause 17.15(2) (Serious Disorder) or place the matter before the Meeting and the Meeting must resolve one or more of the following options:—

- (a) Allow the debate to continue with a new speaker:
- (b) Adjourn the Meeting to a new time and date to be fixed: or
- (c) Close the Meeting and refer all unfinished business to the next Ordinary or Special Meeting
- (d) Where a member refuses to make an explanation, retraction or apology required by the Presiding person under 17.4 the Presiding person may direct that member to refrain from taking any further part in the meeting other than by recording his or her vote.
- (e) Initiate action against the member for a breach of the standing orders in accordance with Clause 21

All Members may participate during the debate of the matter.

17.8 Members or Public Disturbance

(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 17.8 (3) commits an offence and may, with the use of reasonable force if necessary, be removed from the Meeting room.

17.9 Continued Irrelevance

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.

17.10 Respect for Chairperson and Speaker

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

17.11 Chairperson to Maintain Order

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

17.12 Attention to Breaches of Order

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 17.8.

17.13 Retraction or Apology

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.

17.14 Continued Breach of Order

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 Clause 17.13 the Chairperson may direct that member to refrain from taking any further part in the Meeting other than *by recording his or her vote*.

17.15 Serious Disorder

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

(2) Where after any adjournment under Clause 17.15 (1) the Chairperson is again of the opinion that the business of the Meeting cannot effectively be continued, the Chairperson may adjourn the Meeting to another date and time.

PART 18: REVOKING OR CHANGE OF DECISIONS

18.1 Revoking or Changing Decisions

(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.

(4) Council resolutions will be implemented as soon as practicable after the close of the Meeting. The only way to place a hold on the implementation of a resolution is for a notice of motion to rescind a motion to be lodged in writing, signed by at least three Councillors before 10 am on the morning of the next working day following the Meeting that passes the resolution which is the subject of the rescission motion. The CEO may accept a notice of motion to rescind a motion after the deadline time if the motion has not been acted upon at the time of receipt.

18.2 Negated Motions

A motion to the same effect as any notice of rescission 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.

PART 19: COMMITTEES

19.1 Appointment of Proxies

(1) The Council may appoint a member or Members thereof to be the proxy or proxies, as the case may be, to act on behalf of a member of a Committee provided that a Committee member is not appointed proxy for another member of the same Committee. Where two or more proxies 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 proxy to attend in the member's place.

19.2 Attendance by Members as Observers

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.

19.3 Appointment of Committees

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.

19.4 Convening of Meetings

The CEO shall call a Meeting of any Committee when required or as requested by Council, the Chairperson or any two Members of that Committee.

19.5 Recommendations/Resolutions

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 or resolutions of the Council as the case may be.

PART 20: MISCELLANEOUS**20.1 Meetings of Electors**

(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.

20.2 Petitions

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

(2) A petition must not be considered unless the following information is contained therein:—

- (a) the names (printed), addresses (printed) 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 the subject or plea 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.

20.3 Recordings of Proceedings

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.

20.4 Production of Documents

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.

20.5 Confidential Documents

Any document or report which is to be placed before a Meeting and which is in the opinion of the CEO of a confidential nature may at the discretion of the CEO 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. The Council may by resolution lift the confidentiality of the document or report being tabled.

20.6 Cases Not Provided for

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.

20.7 Rulings of the Chairperson

Except as otherwise provided in the standing orders, a majority of the Members present at a Meeting may by resolution dissent (in accordance with Clause 20.9) from the Chairperson's ruling on a matter under the standing orders. In all other cases the Chairperson's ruling shall be final.

20.8 Suspension of Standing Orders

In cases of urgent necessity any of the standing orders may be suspended on a motion carried by a majority of the Members present or an unchallenged ruling from the Chairperson. Only those parts of the Standing Orders specifically defined by the resolution or ruling are suspended by this clause. The Chairperson may resume the Standing Orders at anytime if required to restore order to the meeting. *The suspension only applies to allow a particular matter to occur.*

20.9 Motion of Dissent From the Chairperson's Ruling

(1) A motion of dissent may be moved by any member *immediately* following a ruling by the Chairperson of the Meeting. The Chairperson may only accept motions of dissent (subject to Clause 21.0 (4)) relating to Clause 2.9(Unacceptable Business), Clause 9.4 (Rulings by Chairperson) and Clause 20.7 (Rulings of the Chairperson) but not Clause 10.3 (Ruling of Question of Personal Explanation).

(2) The motion does not require a Secunder (subject to Clause 20.9 (4)) and must be put without debate in the following, positive form '*That the Chairperson's ruling be upheld*'. In the event of an equality of votes for and against the motion, the motion is carried without any casting vote required.

(3) If the vote is negated the Chairperson must revise his ruling in line with the majority view of the Meeting.

(4) If the Chairperson rules that a motion of dissent is vexatious, repetitious, irrelevant or time-wasting, the motion of dissent must be Seconded before being accepted and put to the vote without debate in the following, positive form '*That the Chairperson's ruling be upheld*'.

21.0: ENFORCEMENT**21.1 Offence**

A person who breaches any Clause of the Standing Orders commits an offence.

21.2 Penalty

A person who commits an offence under the standing orders is liable to a penalty as listed below;

First offence, \$250

Second offence, \$500

Third and any subsequent offences, \$1000.

21.3 Enforcement

The Council by resolution, Chairperson of any Meeting or the CEO is authorised and empowered to enforce the standing orders and prosecute for any breach of the standing orders in relation to that Meeting.

Maximum penalty: \$5,000.

Dated the 27th day of November 1997.

The Common Seal of the Shire of Augusta-Margaret River was hereto affixed by the Authority of the Council in the presence of—

B. F. GODLEY, Shire President.
M. T. EASTCOTT, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF AUGUSTA-MARGARET RIVER

LOCAL LAW RELATING TO DOGS

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LOCAL GOVERNMENT ACT 1995

SHIRE OF AUGUSTA-MARGARET RIVER

LOCAL LAW RELATING TO DOGS

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Local Government of the Shire of Augusta-Margaret River hereby records having resolved on the 13 November, 1997 to make the following Local Law relating to Dogs and to repeal the former By-laws relating to the same.

PART I—PRELIMINARY**Citation**

1. This Local Law shall be cited as the Shire of Augusta-Margaret River Local Law relating to dogs.

Arrangement and Definitions

2. This Local Law is divided into parts as follows—

PART I	PRELIMINARY
PART II	DELEGATED AUTHORITY
PART III	IMPOUNDING OF DOGS
PART IV	KEEPING OF DOGS
PART V	REGULATION OF DOG KENNELS
PART VI	GENERAL SCHEDULES

3. In these Local Laws unless the context otherwise requires—

“Act” means the Dog Act 1976 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 Augusta-Margaret River;

“Council” means the Council of the Shire of Augusta-Margaret River;

“District” means the district of the Shire of Augusta-Margaret River;

“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) cinemas;
- (c) community centres;
- (d) hotel entertainment areas;
- (e) licensed premises;
- (f) public swimming pools;
- (g) 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 Shire of Augusta-Margaret River;

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 at 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" powers or the discharge of any of the "CEO"s duties in relation to this Local Law.

PART III—IMPOUNDING OF DOGS

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. The pounds to be used by the Shire of Augusta-Margaret River are established on:—

- (a) Reserve 27301, A4447, Bussell Highway, Margaret River;
- (b) Reserve 29698, A4462, Hillview Road, Augusta.

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 their 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 this Local law 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) of 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 to the Council when so required, 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

PART IV—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, and the progeny of those dogs under that age.

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 having 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 V—REGULATION 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—
 - (i) from frontage to roads thirty(30) metres;
 - (ii) 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:—
 - (i) Dogs up to 30cm at the shoulders—1.5sq.m
 - (ii) Dogs over 30cm at the shoulders—2.5sq.m
 - (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 prefinished colour coated steel sheeting or new fibrous cement sheeting;
 - (m) The lowest internal height of any kennel shall be two(2) meters 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 VI—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;
 - (c) Any part of a reserve enclosed as a childrens playground;
 - (d) An operational building, construction or demolition site;
 - (e) Memorial Park, Margaret River, being reserve number A5605;
 - (f) All beaches except those designated as dog exercise areas as described in the Second Schedule of this Local Law.

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 \$5000.00.

34. The land specified in the Second Schedule of this Local Law 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 has committed an offence against this Local Law 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 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 this Local Law shall be in the form depicted in Form 8 of the First Schedule of the Regulations.

FIRST SCHEDULE

Shire of Augusta-Margaret River

Fees

Release of impounded dog during designated hours	\$ 50.00
Release of impounded dog outside of designated hours	\$ 75.00
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	\$100.00
Kennel Licence fee per year or part thereof	\$ 50.00

SECOND SCHEDULE

Shire of Augusta-Margaret River

Dog Exercise Areas

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

MARGARET RIVER

Gloucester Park, the area North of the hockey changerooms. Bounded by access roads on the east and west sides.

McKeown Place, sub-division, Reserve 35475. Bounded by Georgette Drive and McKeown Place.

Bussell Highway North, Reserve A18720. Bounded by private properties the Margaret River and Bussell Hwy.

COWARAMUP

*Recreation Ground**, Reserve 19416. Bounded by Bussell Highway, Waverley Street and the Primary School site.

PREVELLY/GNARABUP

Rifle Butts, Reserve 26228. South to prolongation from P.A.W. Papadakis Avenue, but excluding the childrens playground area.

Gnarabup Beach, Reserve 8431. From Narda Avenue entrance approximately 300 metres South West.

Gnarabup P.O.S. Part location 815, between Reidle Avenue and Point Marmaduke Road.

AUGUSTA

*Civic Park**, Reserve 20761. Hillview Road North to Civic Centre.

Leeuwin Road Park, Reserve 39156. Bounded by Leeuwin Road, Osnaburg Street and York Street.

Flinders Bay, From the surfers lookout Albany Terrace, South to the point where Albany Terrace turns West.

GRACETOWN

Cowaramup Bay Road, Reserve 27618. From Cowaramup Brook SW to the prolongation of Salter Street.

*Recreation Hall Reserve**, Reserve 37456. Whole of reserve west of recreation hall.

EAST AUGUSTA

Pericles Street, Reserve 39434. Bounded by Davies Street and Pericles Street.

WITCHCLIFFE

Mammoth Street, Reserve 35113. West of Mammoth Street bounded to the south by Redgate Road, west by the Railway Reserve and North to the prolongation of May Street.

MOWEN

*Rosa Brook Road**, Reserve 19568

*These exercise areas can be used at all times except where the public place is used for a function, sports training or recreational activity approved by the Council.

THIRD SCHEDULE

Shire of Augusta-Margaret River

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(s) 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 Council's 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 Augusta-Margaret River

Kennel Establishment Licence

Dog kennels situated on the premises at
are hereby registered with the Shire of Augusta-Margaret River.
Name of occupier
Number of dogs
Breed(s) of dogs

A licence is hereby granted to the abovementioned occupier to operate a Kennel Establishment at the said premises for the said breeds 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 Council Local laws relating to Dogs are not covered by this Licence

Dated thisday of 19.....

Signature of Authorised Officer.....

FIFTH SCHEDULE

Shire of Augusta-Margaret River

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(s) and number of dogs)

I tender herewith the fee of \$

Dated this.....day of..... 19

Signature.....

SIXTH SCHEDULE
Shire of Augusta-Margaret River
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.....

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)
has been (*strike out that which is not applicable)
(a) *approved
(b) *rejected
Conditions/Comments:
.....
.....

Should you be aggrieved by this decision you are advised of your right of appeal to the Minister of Local Government in accordance with Section 26 (5) of the Dog Act 1976
Dated this.....day of.....19.....
Signature of Authorised Officer.....

SEVENTH SCHEDULE
Shire of Augusta-Margaret River
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(5)	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 ...	\$100.00
8	14(c)	Interfering with any pound or any vehicle used for the purpose of catching, holding or conveying dogs.....	\$100.00

Dated the 13th day of November, 1997.

The Common Seal of the Shire of Augusta-Margaret River was hereto affixed by the Authority of the Council in the presence of:—

B. F. GODLEY, Shire President.
M. T. EASTCOTT, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF AUGUSTA-MARGARET RIVER

**LOCAL LAW RELATING TO WALLCLIFFE RESERVE
(RESERVE 41545)**

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PART 2—DELEGATED AUTHORITY

PART 3—OFFENCES

PART 4—ENFORCEMENT

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LOCAL GOVERNMENT ACT 1995

SHIRE OF AUGUSTA-MARGARET RIVER

**LOCAL LAW—RELATING TO WALLCLIFFE RESERVE
(RESERVE 41545)**

In pursuance of the powers conferred upon it by the Abovementioned Act, and of all other powers enabling it, the council of the abovementioned Local Government hereby records, having resolved on the 13 November, 1997 to make the following Local Law.

PART 1—PRELIMINARY**Citation**

1. This Local Law may be cited as the Wallcliffe Reserve (Reserve 41545) Local Law.

Arrangement and Definitions

2. This Local Law is divided into parts as follows—

PART 1 PRELIMINARY

PART 2 DELEGATED AUTHORITY

PART 3 OFFENCES

PART 4 ENFORCEMENT

PART 5 SCHEDULES

3. In this Local Law, unless the context requires otherwise

“Act” means the Local Government Act 1995 and includes any amendments to that Act;

“authorised person” means a person exercising authority under the Act and includes a police officer;

“cliff face” includes the sides, top and caves located in the cliff being the area defined in the survey maps shown in the First Schedule;

“climbing” includes any manner of manoeuvring over the cliff face with or without assistance;

“CEO” means the Chief Executive Officer of the Shire of Augusta-Margaret River;

“defacing” includes any manner of spoiling or damaging the cliff face with or without implements;

“reserve” means reserve 41545;

“Schedule” means the Schedule to this Local Law;

“Shire” means the Local Government of the Shire Augusta-Margaret River.

PART 2—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 3—OFFENCES

5. Any person who climbs on a cliff face commits an offence.
6. Any person who defaces a cliff face commits an offence.
7. An authorised person may request any person whom the authorised person may honestly believe has breached any provision of this local law, to give their name and place of residence to the authorised person who so requests it.
8. A person who fails to give their name and place of residence to an authorised person forthwith after being so requested by the authorised person commits an offence.
9. Any person who enters upon the area defined in the survey maps shown in the First Schedule Form 2 without authority commits an offence.
10. Any person who climbs on a cliff face or defaces a cliff face or both, may be requested to leave the reserve by an authorised person. Any person who fails to leave the reserve forthwith after being so requested by an authorised person commits an offence.
11. An authorised person may impound any climbing equipment found in the possession of a person whom the authorised person honestly believes has committed an offence under clause 5 or 6.

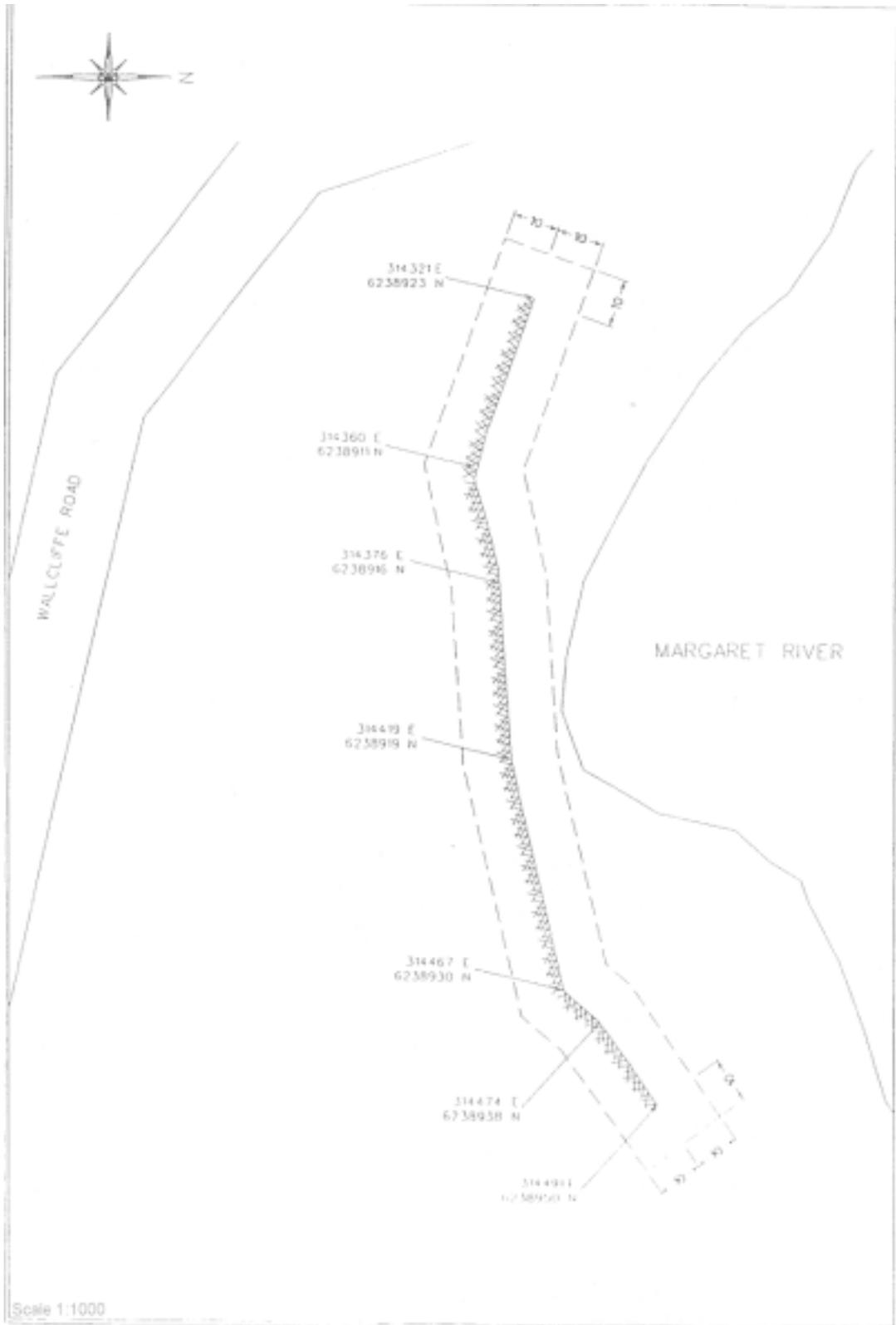
PART 4—ENFORCEMENT

12. Any person found to have committed an offence under clauses 5, 6, 8, 9 and 10 may be served with an Infringement Notice in the manner of Form 1 of the Second Schedule.
 13. Where an Infringement Notice is withdrawn, a notice in the manner of Form 2 of the Second Schedule will be sent to the alleged offender.
 14. Where an alleged offender is convicted, a court may, in addition to imposing any other penalty, order that the climbing equipment removed and impounded under clause 10 be confiscated.
 15. Where climbing equipment has been impounded and the alleged offender is not convicted or if convicted, the court does not order that the goods be confiscated, the Local government will issue a notice to the alleged offender that the goods may be collected at a time and place to be specified.
 16. With respect to the disposal of confiscated and uncollected goods, the provisions of Part 3, Division 3, Subdivision 4 of the Act apply.
 17. Where applicable Part 9, Division 1 (Objections and Appeals), Division 2 (Enforcement and Legal Proceedings) and Division 3 (Documents) of the Act, apply to this Local Law.
 18. A person who commits a breach of any provision of this Local Law commits an offence and shall, on conviction, be liable to a penalty not exceeding \$5000.00, or if dealt with by means of an Infringement Notice under Section 9.17 of the Act the modified penalty shall be as indicated in the Second Schedule.
-

FIRST SCHEDULE
FORM 1



FIRST SCHEDULE
FORM 2



SECOND SCHEDULE

FORM 1

Local Government Act 1995

SHIRE OF AUGUSTA-MARGARET RIVER

Local Law Relating to Wallcliffe Reserve (Reserve 41545)

INFRINGEMENT NOTICE

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

To:(i)
....of(ii)

It is alleged that at(iii).....am/pm, on the.....day of.....19.....
you committed the following offence—

(iv)

contrary to Section (v).....of the Shire of Augusta-Margaret River Local Law Relating to
Wallcliffe Reserve (Reserve 41545).

The modified penalty for this offence is(vi)\$.....

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 may be paid to an authorised person at the Shire of Augusta-Margaret
River within a period of twenty eight (28) days after the issue of this notice.

Payment may be made by posting this form together with the amount indicated to the Chief Executive
Officer, Shire of Augusta-Margaret River, PO Box 61, Margaret River, WA 6285, or by paying the amount
indicated to the cashier at the Shire Offices, Town View Tce., Margaret River between the hours of 8am
to 4.30pm Mon to Fri.

Signature.....

Authorised Officer

- (i) Name of the alleged offender ["owner of (vehicle identification)" suffices if notice given with a
notice under Section 9.13 of the Act].
(ii) Address of alleged offender (not required if notice given with a notice under Section 9.13 of the
Act).
(iii) Time and date when offence allegedly committed.
(iv) Details of the alleged offence.
(v) Section of the Local Law.
(vi) Amount of Modified Penalty.

SECOND SCHEDULE

FORM 2

Local Government Act 1995

SHIRE OF AUGUSTA-MARGARET RIVER

Local Law Relating to Wallcliffe Reserve (Reserve 41545)

WITHDRAWAL OF INFRINGEMENT NOTICE

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

To:(i)
....of(ii)

Infringement Notice number.....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

Signature.....

Authorised Officer

- (i) Name of alleged offender to whom infringement was issued
(ii) Address of alleged offender

SECOND SCHEDULE

*Local Government Act 1995*SHIRE OF AUGUSTA-MARGARET RIVER

Local Law Relating to Wallcliffe Reserve (Reserve 41545)

MODIFIED PENALTIES

Item No.	Clause	Nature of Offence	Modified Penalty \$
1	5	Climbing a cliff face	500.00
2	6	Defacing a cliff face	500.00
3	8	Failing to provide name and address when requested by Authorised Officer.	100.00
3	9	Entering the defined area without authority.	100.00
3	10	Refusing to leave Reserve 41545 when requested by Authorised Officer.	100.00

Dated the 13th day of November, 1997.

The common seal of the Shire of Augusta-Margaret River was hereto affixed by Authority of the Council
in the presence of:—

B. F. GODLEY, Shire President.
M. T. EASTCOTT, Chief Executive Officer.

