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## **SHIRE OF CARNARVON**

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### **LOCAL GOVERNMENT ACT 1995**

**LOCAL LAWS RELATING TO STANDING ORDERS**

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**LOCAL LAWS RELATING TO ADVERTISING  
DEVICES**

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**REVOCATION OF LOCAL LAWS RELATING TO  
STALLS AND STALLHOLDERS**

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**LOCAL LAWS RELATING TO LOCAL  
GOVERNMENT ACT LOCAL LAWS**

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### **CEMETERIES ACT 1986**

**LOCAL LAWS RELATING TO THE CARNARVON  
PUBLIC CEMETERY**



**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF CARNARVON

**LOCAL LAWS RELATING TO STANDING ORDERS**

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**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF CARNARVON

**LOCAL LAWS RELATING TO STANDING ORDERS**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Carnarvon hereby records having resolved on the 28th day of January 1998, to revoke the By-Laws of the Shire of Carnarvon referred to as the 'Standing Orders' published in the Government Gazette on 2 May 1986, as amended in the Government Gazette on 31 December 1987, 29 April 1994 and 28 October 1994, and to make the following local laws.

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

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

**1.2 All Meetings Governed by Standing Orders**

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

**1.3 Interpretations**

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

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

"Clause" means a clause of these standing orders;

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

"Council" means the Council of the Shire of Carnarvon;

"President" includes the Deputy President, in the absence of the President, and any Councillor chosen to preside at any meeting of the Council in the manner prescribed in the Act;

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

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

"Member" means the President, or a Councillor of the Council, or in the case of Committees, a member of the Committee appointed in accordance with the Act;

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

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

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

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

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

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

**2.2 Notices of Motion—Ordinary and Extraordinary Business**

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

The CEO may, on his own initiative, make such amendments to the form but not the substance thereof as will bring the notice of motion into due form.

**2.3 Motion to Lapse**

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

**2.4 Objectionable Business**

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

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

**2.5 Business to be Specified on Notice Paper**

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

**3. MEETINGS—QUORUM****3.1 Quorum at Meetings**

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

**3.2 Count-out/Adjournment**

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

**3.3 Absence of Quorum—Record in Minute Book**

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

**4. MEETINGS—MINUTES****4.1 Recording and Confirmation of Minutes**

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

**5. ORDINARY MEETING—WHEN HELD AND ORDER OF BUSINESS****5.1 Ordinary Meetings—When Held**

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

**5.2 Ordinary Meeting—Order of Business**

Unless otherwise decided by the Council, the order of business at any Ordinary Meeting of the Council is to be as follows—

- (a) Oath;
- (b) Apologies and Leave of Absence;
- (c) Public Question Time;
- (d) Questions of Which Due Notice Has Been Given Without Discussion;
- (e) Urgency Questions without Discussion;
- (f) Confirmation of Minutes;
- (g) Business Arising from Minutes Which Does Not Appear Subsequently in the Agenda;
- (h) Disclosure of Members' Financial Interests;
- (i) Petitions & Memorials;
- (j) Announcements by the President Without Discussion;
- (k) Matters for Which Meeting May be Closed;
- (l) Reports of Committees;
- (m) CEO's Report;
- (n) Motions of Which Previous Notice Has Been Given;
- (o) Notice of Motion for Consideration at the Following Meeting without Discussion.;
- (p) Urgent Business Approved by the Presiding Member or By Decision of Council;
- (q) Matters Behind Closed Doors;
- (r) Date of Next Meeting;
- (s) Closure;

**5.3 Late Items**

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

**5.4 Deputations**

(1) A deputation wishing to be received by the Council or a Committee is to apply in writing to the CEO who is to forward the written request to the President or Presiding Member as the case may be.

(2) If the President is of the opinion that the request for a deputation is one which should be brought before the Council and if the Council makes a decision to that effect, the deputation is to be invited to attend.

(3) If the Presiding Member of a Committee is of the opinion that the request for a deputation is one which should be brought before the Committee and a simple majority of members is in agreement, the deputation is to be invited to attend.

(4) A deputation invited to attend a Council or Committee meeting—

- (a) is not to exceed five members, only two of whom may address the Council or Committee, although others may respond to specific questions from the members; and

(b) is not to address the Council or Committee for a period exceeding 15 minutes without the agreement of the Council or the Committee as the case requires;

(5) Any matter which is the subject of a deputation to the Council or a Committee is not to be further considered by the Council or that Committee until the deputation has withdrawn.

## **6. MEETINGS—PUBLIC CONDUCT**

### **6.1 Admission and Removal of the Public**

(1) The public is admitted to Council Meetings on the basis that no expression of dissent or approval, conversation or interruption to the proceedings of the Council shall take place. In the event of any such interruption, the President may use discretion and without a vote of the Council, require those interrupting to withdraw.

The person or persons concerned shall immediately withdraw from the meeting.

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

## **7. ROLE OF PRESIDENT**

**7.1** (1) At any meeting of the Council the President shall have the right to direct attention to any matter of interest or relevance to the business of the meeting or propose a change to the order of business

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

### **7.2 The President to Take Part in Debates**

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

### **7.3 Precedence of President**

When the President rises during the progress of a debate, any member then speaking, or offering to speak, shall immediately cease and every member present shall preserve strict silence so that the President may be heard without interruption. This clause should not be used by the President to exercise the right provided in Clause 7.2, but should be used to preserve order.

### **7.4 Dissent With the President's Ruling**

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

## **8. CONDUCT OF MEMBERS**

### **8.1 Member to Rise When Speaking**

Every member of the Council desiring to speak shall rise in his place and address the President provided that any member of the Council unable to conveniently stand by reason of sickness or infirmity, shall under such circumstances, be permitted to sit while speaking.

It shall not be a requirement for the President to rise to address the Council.

### **8.2 Official Titles to be Used**

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

### **8.3 Debate—Maintenance of Order—Imputations—Offensive Expressions**

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

### **8.4 Demand for Withdrawal**

If a member commits a breach of clause 8.3, the President, or the Council by resolution, may require that member to withdraw unreservedly any offending comment and to make a satisfactory apology; and if the member declines or neglects to do so, the President may direct such member to cease speaking, and may call on the next speaker.

### **8.5 Members to Occupy Own Seats**

(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 time 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, except that the Deputy President shall be seated at top left of the table as viewed from the President's Chair.

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

## **9. CONDUCT OF MEMBERS DURING DEBATE**

### **9.1 Relevance**

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

### **9.2 Limitation of Number of Speeches**

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



**9.3 Limitation of Duration of Speeches**

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

**9.4 Members Not to Interrupt**

No member shall interrupt another member whilst speaking unless—

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

**9.5 Members Not to Speak After Conclusion of Debate**

No member of the Council or a Committee is to speak to any question after it has been put by the person presiding.

**9.6 Re-Opening Discussion on Decisions**

No member of the Council or a Committee is to re-open discussion on any decision of the Council or Committee, except for the purpose of moving that the decision be revoked or changed.

**10. PROCEDURES FOR DEBATE OF MOTIONS****10.1 Unopposed Business**

Upon a motion being moved, the President may ask the meeting if any member opposes it. If no one signifies opposition to the motion or opposition to the motion being treated as unopposed business, the President may declare the motion carried without debate and without taking a vote thereon.

Any motion declared carried under this Clause shall, for all purposes be deemed a resolution of the Council.

If any member signifies opposition to a motion or to a motion being treated as unopposed business, the motion shall be dealt with according to the following clauses.

**10.2 To be Seconded**

Except as provided by Clause 10.1, no motion or amendment to a substantive motion shall be in order, or be open to debate until it has been seconded.

**10.3 Only One Substantive Motion Considered**

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

**10.4 Order of Call in Debate**

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

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

**10.5 Limit of Debate**

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

**11. PROCEDURAL MOTIONS****11.1 Permissible Procedural Motions**

Subject to Clause 17.8, in addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions—

- (a) that the Council proceed to the next business;
- (b) that the debate be adjourned;
- (c) that the meeting adjourn;
- (d) that the motion be now put;
- (e) that the motion lie on the table;
- (f) that the Council meet behind closed doors;
- (g) that the question be referred to a Committee of the Council for consideration and report;
- (h) that the member (Councillor) be no longer heard;
- (i) the meeting be now closed;

**11.2 Reason for Closure to be Stated**

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

**11.3 Procedural Motions Not Required in Writing**

Procedural motions are not required to be presented in writing.

**11.4 Procedural Motions—Recording in Minutes**

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

**11.5 Procedural Motions—Majority Required**

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

**11.6 Procedural Motions—Closing Debate—Who May Move**

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

**11.7 Procedural Motions—Right of Reply on Substantive Motion**

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

**12. EFFECT OF PROCEDURAL MOTIONS****12.1 The Council Proceed to the Next Business**

(1) A member may, at the conclusion of the speech of any other member move, without notice, that the meeting proceed to the next business.

(2) On a motion that the meeting proceed to the next business, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second, and no other debate shall be allowed.

(3) During the course of the same motion, a second motion that the meeting do proceed with the next business shall not be made within one hour after a similar motion has been negated.

(4) When a motion is carried that the meeting proceed to the next business, the motion under discussion shall be considered as lapsed, but if that motion was an amendment to a substantive motion, the substantive motion shall then become the next item of business.

**12.2 The Debate be Adjourned**

(1) A member may, at the conclusion of the speech of another member move without previous notice that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting. The member will be limited to speaking for five minutes.

(2) No discussion shall be allowed upon a motion for the adjournment of a debate.

(3) At the same meeting, a member shall not move or second more than one motion for adjourning of the same debate.

(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 Local Law shall not deprive a mover of the original motion of the right of reply.

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

**12.3 The Meeting Adjourn**

(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 meeting is to adjourn.

(2) On a motion to adjourn the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second and the mover of the motion (if any) which was then under debate may speak for not more than five minutes, but no other debate shall be allowed.

(3) At the same meeting a member may not move or second more than one motion for the adjournment of a meeting.

(4) Upon a motion for the adjournment of a meeting being carried, a record shall be taken of all those who have spoken on the motion then under consideration and they shall not be permitted to speak on any subsequent consideration of the same motion, but this Local Law shall not deprive a mover of the original motion of the right of reply.

(5) Upon a motion to adjourn a meeting being carried, the Chairperson shall adjourn the meeting to such time and date as the motion specifies, or where no time and date is specified, to such time and date as the Chairperson shall then declare.

(6) If on any motion for adjournment of a meeting being put and negated, the motion then under consideration, or the next on the notice paper, or any other that may be allowed precedence, shall be considered and put to the vote before any subsequent motion for adjournment shall be entertained.

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

**12.4 The Motion be Now Put**

(1) A member may, at the conclusion of the speech of any other member move without comment, that the motion under consideration be now put.

(2) No discussion shall be allowed on a motion that the motion be now put.

(3) At the same meeting a member may not move or second more than one motion that the motion be now put in relation to the same motion.

(4) When it is resolved by the Meeting that the motion under consideration be put, the mover of the motion under consideration may speak in reply for not more than five minutes provided that at least one member has spoken in opposition thereto.

(5) A motion that the motion be now put shall relate only to the motion or amendment then before the Meeting, and if carried in respect of an amendment shall not affect the debate on the substantive motion.

(6) When it is decided by the Meeting in regard to a motion that the motion be now put, the motion to be so put includes the motion as well as any amendment thereto already carried by the Meeting.

(7) The Chairperson may refuse to accept a motion that the motion be now put where it would have the effect of unfairly limiting debate before the principal arguments for and against the motion have been presented.

#### **12.5 The Motion Lie on the Table**

(1) A member may, at the conclusion of the speech of any other member, move, without notice, that the motion lie on the table.

(2) On a motion that the motion lie on the table, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second, and no other debate shall be allowed.

(3) A member shall not, at the same meeting, move or second more than one motion for the laying of the motion on the table.

(4) If a motion that the motion lie on the table is carried debate on that motion shall not be resumed until a motion has been passed to take the motion from the table.

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

(6) Any motion that was subject to a resolution that the motion lie on the table and not dealt with subsequently at the same meeting, shall be included in the agenda for the next ordinary meeting.

(7) A member moving the taking of the motion from the table shall be entitled to speak first upon the resumption of the debate thereon.

(8) A motion that the motion lie on the table shall not be moved in respect of the election the President or Deputy President.

#### **12.6 The Council Meet Behind Closed Doors**

(1) A member may move at any time, notwithstanding that another member may be speaking to a question then under debate, that the meeting sit behind closed doors. The reason for sitting behind closed doors must be recorded in the minutes.

(2) On a motion that the meeting sit behind closed doors, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second, and no other debate shall be allowed.

(3) A member shall not, in respect of the same item of business, move or second more than one motion that the meeting sit behind closed doors.

(4) Upon the carrying of a resolution to close a meeting to the public, the Chairperson shall direct all persons, other than members and such employees as the meeting may resolve to permit to remain, to leave the Council Chambers, and every such person shall forthwith comply with such direction.

(5) After the carrying of a resolution to close a meeting to the public, the business at that meeting shall proceed behind closed doors until the Council by resolution decides to proceed with open doors.

(6) Any person who fails to comply with a direction made to leave the Council Chambers commits an offence and may by order of the Chairperson be removed from the Council Chambers.

(7) Upon resuming with open doors the Chairperson shall read out the resolutions passed by the Council whilst it was proceeding behind closed doors, and details of any voting recorded.

#### **12.7 That the Question be Referred to a Committee of the Council**

(1) This motion having been carried will cause the debate to cease immediately and for the substantive motion with any amendment to be referred to the next meeting of the nominated Committee. The meeting will proceed to the next order of business.

(2) The motion being lost will allow debate to continue.

(3) On a motion that the question be referred to a Committee, the mover may speak for not more than 5 minutes, the seconder shall not speak other than formally to second, and the mover of the motion (if any) which was then under debate may speak for no more than 5 minutes, but no other debate shall be allowed.

#### **12.8 That the Member (Councillor) No Longer be Heard**

This motion, having been carried, will cause the person presiding to not allow the speaker against whom the motion has been moved, to speak to the current substantive motion or any amendment relating to it except to exercise the right of reply if the person is the mover of the substantive motion.

No discussion will be allowed on the motion that the member no longer is heard.

#### **12.9 The Meeting be Now Closed**

(1) A member may, after the debate and voting on any motion has been concluded move, without notice, that the meeting be now closed.

(2) The mover, seconder, and any other member wishing to speak on a motion that the meeting be now closed, may so speak for not more than five minutes.

(3) On a motion that the meeting be now closed being carried, the Chairperson shall forthwith close the meeting, and no further business may be transacted. Any business outstanding on the notice paper for that meeting shall be carried forward to the notice paper for the next ordinary meeting of the Council.

### 13. DECISION MAKING PROCEDURES

#### 13.1 Voting and Decisions—Majority to Determine

All acts of the Council, and all questions coming before the Council, may be decided by a simple majority of the members present and voting at a properly constituted meeting, unless otherwise provided in the Act, Regulations, or the Standing Orders.

#### 13.2 Breaking Down of Complex Questions

The President may order a complex question to be broken down and put in the form of several motions, which shall be put in sequence. Amendments may be proposed to a motion, but whenever any amendment is made upon a substantive motion, no second or subsequent amendment shall be moved or considered until the first amendment has been disposed of.

#### 13.3 Order of Amendments

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

#### 13.4 Nature of Amendments

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

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

#### 13.5 Substantive Motion

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

#### 13.6 Consent of Secunder Required to Accept Alteration of Wording

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

#### 13.7 Withdrawal of Motion and Amendments

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

#### 13.8 Limitation of Withdrawal

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

#### 13.9 Authority for Withdrawal

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

#### 13.10 Right of Reply

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

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

#### 13.11 Right of Reply Provisions

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

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

#### 13.12 Amendments Must Not Negate Original Motion

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

#### 13.13 Mover of Motion Not to Speak on Amendment

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

#### 13.14 Question—When Put

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

**13.15 Method of Taking Vote**

(1) In putting the question to the Council, the President shall ask whether there is any objection to the motion, and if not the motion is carried unanimously.

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

(3) If any motion for the approval of any matter is decided in the negative, then the matter is deemed to have been refused. A separate motion may then be moved giving reason for refusal.

(4) If any motion for the refusal of any matter is decided in the negative, then a separate motion for approval is needed to authorise any action to be taken.

**14. POINTS OF ORDER****14.1 Points of Order—When to Raise—Procedure**

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

**14.2 Points of Order—Definitions**

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

- (a) That the discussion is of a question not before the meeting;
- (b) That offensive or insulting language is being used;
- (c) Drawing attention to the violation of any Local Law or Standing Order of the Council, providing that the member raising the point of order shall state the Local Law or Standing Order believed to be breached;

**14.3 Points of Order—Ruling**

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

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

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

**14.5 Points of Order—Motion Against Ruling Procedure**

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

**14.6 Points of Order Take Precedence**

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

**15. ADJOURNMENT OF MEETING****15.1 Meeting May be Adjourned**

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

**15.2 Notice of Adjourned Meeting**

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

**15.3 Business at Adjourned Meeting**

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

**15.4 Unopposed Business—Motion for Adjournment of Council**

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

**15.5 Withdrawal of Motion for Adjournment of Council**

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

**16. PERSONAL EXPLANATION****16.1 Personal Explanation**

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

**16.2 Personal Explanation—When Heard**

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

**16.3 Ruling on Questions of Personal Explanation**

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

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

A Committee shall not be appointed except on a motion setting out

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

**17.2 Election of Committee Presiding Member and Deputy Presiding Member**

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

**17.3 Absence from Committee Meetings**

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

**17.4 Items to be Numbered**

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

**17.5 Reports of Committees to be Taken as Read**

(1) The reports and recommendations of every Committee shall, when presented to the Council, be taken as read.

(2) The adoption of recommendations of the Committee shall be moved by—

- (a) the Presiding Member of each Committee;
- (b) or if absent, another member of the Committee;
- (c) or if no member of the Committee is present, a member of the Council;

**17.6 Procedure of Report of Committees**

(1) Upon the consideration by the Council of any report or recommendations of a Committee, the President shall, without further motion, put the paragraphs of the report or recommendations, in their numerical order, unless the Council shall otherwise determine.

(2) Each item adopted by the Council shall become a resolution of the Council and shall be recorded in the minutes.

**17.7 Withdrawal, Correction and Amendments of Committees**

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

(2) The Presiding Member of a Committee, may be excused from moving the adoption if the Presiding Member wishes to move an amendment to it. In that case, another member of the Committee or in the absence of a member of the Committee, another member of the Council may move the adoption of the recommendation.

(3) The Presiding Member or other member of a Committee bringing up a recommendation may, with the consent of the Council, withdraw the recommendation.

**17.8 Permissible Motions on Recommendations from a Committee**

(1) A recommendation made by or contained in a report of a Committee may be—

- (a) adopted by the Council without amendment or modification;
- (b) rejected by the Council in its entirety;
- (c) subject to Sub Section 13.12 and 17.11, amended or modified and adopted with such amendments or modifications;
- (d) referred back to the Committee for further consideration in accordance with paragraph (2) hereof;

(2) A Member may at the conclusion of the speech of any other Member move without notice that the question or part thereof be referred back to the Committee.

(3) On a motion referred to in paragraph (2)—

- (a) the mover may speak for not more than five minutes;
- (b) the seconder is not to speak other than to formally second the motion;
- (c) no other debate is to be allowed;

(4) Where part of the recommendation is referred back to the Committee, the balance of the recommendation is to be dealt with otherwise in accordance with this sub section.

(5) Where any matter is still under consideration by a Committee, that Committee may report to the Council for information purposes only and not for decision by the Council.

#### **17.9 Reports of Committees—Questions**

When a recommendation of any Committee of the Council is submitted for adoption, any member of the Council may direct questions directly relating to the recommendation through the President, to the Presiding Member or any member of the Committee bringing up the recommendation.

#### **17.10 Procedure on Amendments on Reports of the Committees**

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

#### **17.11 Non-Related Motions on Reports of Committees**

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

#### **17.12 Recommendations of Committees—Inspection of Plans**

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

#### **17.13 Committee Procedure**

Each Committee shall, subject to the Act, Regulations, these Standing Orders and any policy made by the Council, regulate its own procedure.

#### **17.14 Rights and Responsibilities of Councillors who are not Committee Members**

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

#### **17.15 Standing Orders to Apply to Committees**

(1) These Standing Orders shall apply generally to the proceedings of Committees of the Council, except that the following Clauses shall not apply to meetings of Committees—Clauses 2.1, 7.2, 8.1, 8.6, 9.2, 13.13, 15.2, 17.1 and 17.5 to 17.11 inclusive.

(2) In the case of Clauses not excluded by subClause (1) above, a reference to a Council meeting shall be read as a reference to a Committee meeting, a reference to the Council shall be read as a reference to a Committee, and a reference to President shall be read as a reference to Presiding Member.

### **18. DISCLOSURE OF FINANCIAL INTERESTS**

#### **18.1 Members' Interests to be Disclosed**

A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest—

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

#### **18.2 Separation of Committee Recommendations**

Where a member has disclosed an interest in a matter, at a Committee meeting, and the matter is contained in the recommendations of the Committee to an ordinary meeting of Council or to another Committee of the Council, the recommendation concerned is to be separated on the agenda of that ordinary meeting or other Committee meeting, from other recommendations of the Committee, to enable the member concerned to declare the interest and leave the room prior to consideration of that matter only.

#### **18.3 Member with an Interest to Leave**

Subject to 18.4 and 18.5, a member who has disclosed the nature of an interest in a matter is to leave the room when the matter arises for consideration or when invited to do so.

#### **18.4 Member with an Interest May Ask to be Present**

(1) Where a member has disclosed the nature of his or her interest in a matter, immediately before the matter is considered by the meeting, he or she may, without disclosing the extent of the interest, request that he or she be allowed to be present during any discussion or decision making procedure related to the matter.

(2) If such a request is made, the member must leave the room while the request is considered. If the request is allowed by the members, the member may return to the meeting and be present during the discussion or decision making procedure related to that matter, but is not permitted to participate in any way.

#### **18.5 Member with an Interest may ask Permission to Participate**

(1) A member who discloses both the nature and extent of an interest, may request permission and take part in the consideration or discussion of the matter, or to vote on the matter.

(2) If such a request is made, the member must leave the room while the request is considered. If it is decided at a meeting that a member who has disclosed both the nature and extent of an interest in a matter, be permitted to participate in the consideration and discussion of the matter or to vote on the matter, or both, then the member may return to participate to the extent permitted.

#### **18.6 Invitation to Return to Provide Information**

Where a member has disclosed an interest in a matter and has left the room in accordance with the Act, the meeting may resolve to invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter and in such case the member is to withdraw after providing the information.

### 18.7 Declaration of Due Consideration

Any member who is not familiar with the substance of any report or minutes or other information provided for consideration at a meeting is to declare that fact before the meeting considers the matter and in the event that any member makes such a declaration the relevant matter is to be stood down for later consideration at the meeting so as to allow an opportunity for any member making a declaration to become familiar with the relevant report or minutes or other information. If the delay in consideration of the matter has not allowed sufficient time for the member to give due consideration to the matter, the member should leave the room before any question concerning the matter is put to the vote.

### 18.8 Disclosures by Employees

(1) If an employee within the meaning of Section 5.70 of the Act, presents a written report to a meeting, on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.

(2) If such an employee makes a verbal report to a meeting on a matter in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of the interest.

## 19. REVOKING OR CHANGING DECISIONS

### 19.1 Revoking Decisions—When this Can Occur

A decision may be revoked or changed at the same meeting at which it was made if—

- (1) (a) at least one third of the number of offices (whether vacant or not) of members of the Council or Committee support the motion to revoke or change the decision;
- (b) the member who proposes the revocation or change of the decision—
  - (i) clearly identifies the decision to be revoked or changed and;
  - (ii) clearly states the reason for seeking the revocation or change;
- (c) the motion to revoke or change the decision is carried—
  - (i) in the case where the decision to be revoked or changed was required to be carried by an absolute majority or by a special majority, by that kind of majority; or
  - (ii) in any other case by an absolute majority;
- (2) A decision may be revoked or changed at a meeting other than the one at which it was originally made if—
  - (a) The motion to revoke or change the decision is supported—
    - (i) in the case where an attempt to revoke or change the decision has been made within the previous 3 months but had failed, by an absolute majority; or
    - (ii) in any other case, by at least one third of the number of offices (whether vacant or not) of members of the Council or Committee;
  - (b) the member who proposes the revocation or change of the decision—
    - (i) clearly identifies the decision to be revoked or changed; and
    - (ii) clearly states the reason for seeking the revocation or change;
  - (c) the motion to revoke or change the decision is carried—
    - (i) in the case where the decision to be revoked or changed was required to be carried by an absolute majority or by a special majority, by that kind of majority; or
    - (ii) in any other case, by an absolute majority;

### 19.2 Implementation of a Decision

(1) If a notice of motion to revoke or change a decision of the Council or a Committee is received by the CEO before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation has been dealt with.

(2) The Council or a Committee shall not entertain a motion for revocation or change of a decision of the Council or the Committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given—

- (a) action has been taken to implement the decision; or
- (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the Council authorised to do so;

unless there is a statement of impact of the legal and financial consequences of accepting and carrying a motion of revocation or change.

### 19.3 Motion to Change Having Effect of Revocation

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

## 20. Administrative Matters

### 20.1 Suspension of Standing Orders

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



**20.2 Cases Not Provided for in Standing Orders**

The President shall decide all questions of order, procedure, debate or otherwise in respect of which no provisions of insufficient provision is made in these Local Laws.

The decisions of the President in all such cases shall be final in each particular case unless a majority of the members then present shall on motion made forthwith without discussion dissent therefrom.

**20.3 Penalty for Breach of Standing Orders**

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

**20.4 Duty of Chief Executive Officer**

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

**20.5 Confidentiality**

(1) Every matter dealt with by, or brought before a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the President, members or the officers or employees of the Shire (and in the case of officers and employees only so far as may be necessary for the performance of their duties) prior to the discussion of that matter at a meeting of the Council held with open doors. Nothing herein shall prevent the CEO from recording the business conducted at the meeting in the Minute Book.

(2) All documents of the Local Government, whether brought before the Council or a Committee of the Council or not, that are marked 'CONFIDENTIAL' or 'NOT FOR PUBLICATION' at the head thereof, are confidential to the Council, and shall not be published, copied or reproduced, in whole or in part, in any manner whatsoever without the express permission of the Council or the CEO.

(3) A person who contravenes the provisions of the preceding Clause commits an offence.

**20.6 Meetings of Electors**

These Standing Orders Local Laws shall so far as is practicable, apply to all meetings of Electors held pursuant to the Act.

A person who is not an elector may not take any part in any discussion at that meeting, unless the meeting, by a motion so permits, but that person is not entitled to vote.

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Dated this 25th day of February 1998.

The Common Seal of the SHIRE OF CARNARVON was hereunto affixed by a resolution of the Council in the presence of—

D. A. MILLS, Shire President.  
B. G. WALKER, Chief Executive Officer.

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**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF CARNARVON

**LOCAL LAWS RELATING TO ADVERTISING DEVICES**

Under the powers conferred upon it by the Local Government Act 1995 and by all other powers, the Council of the Shire of Carnarvon hereby records having resolved to make the following Local Laws on the 26th day of November 1997.

**PART 1—PRELIMINARY****1.0 Revocation**

The following Local Laws are revoked—

The By-Laws relating to Advertising Devices published in the Government Gazette of 18 March 1994 and as amended in the Government Gazette on 31 December 1996.

**1.1 Citation**

These Local Laws may be cited as the Shire of Carnarvon Local Laws Relating to Advertising Devices.

**1.2 Interpretation**

In these Local Laws, unless the context otherwise requires—

“Act” means the Local Government Act 1995 (as amended)

“Advertising Device” means any object on which words, motifs or numerals are written, placed, affixed or painted for the purpose of advertising any business, function, operation, event or undertaking or any product or thing whatsoever, and includes any vehicle or trailer or other similar stationary object placed or located so as to serve the purpose of advertising any business, function, event, product, or undertaking and includes any sign, hoarding, bills, placards and other devices, structures or things as prescribed in the Act or these Local Laws.

“Animated Sign” means any sign which moves or is capable thereof or contains moving parts or which changes or alters its messages, flashes on and off, chases, scintillates or has a moving flashing or scintillating border or emblem and includes an advertisement light display but does not include a flashing beacon sign.

“Authorised Person” means in respect of a particular function to be performed under these Local Laws an employee of the Shire of Carnarvon authorised by the Council to perform that function.

“Bill Posting” means the sticking or posting of any bill, or painting, stencilling, placing, or affixing of any advertisement on any building, structure, fence, wall, hoarding, signpost, pole, blind, or awning or on any rock or other like place or thing so as to be visible to any person in a thoroughfare, public place, reserve or other land, and bill post has a like meaning.

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

“Development Sign” means a sign or signs erected on an area of land which has been approved for subdivision into a number of smaller lots, advertising the lots for sale but upon which no building development has taken place at the time of approval of the sign(s).

“Direction Sign” means a sign erected in a street or public place to indicate the direction to another place but does not include any such sign erected or affixed by the Council or the Commissioner of Main Roads or a road direction sign erected or affixed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time being administering the Traffic Act.

“Display Home Sign” means a sign erected on a lot on which a display home is erected.

“Election Sign” means a sign erected in a thoroughfare, public place or on private property for a limited period and for the sole purpose of an election of candidates in Commonwealth, State or Local Government elections.

“Fly Posting” without limiting the generality of the provisions in these Local Laws relating to bill posting means advertising by means of more than one poster placed on fences, walls, trees, rocks, and any like places, or things without authority and fly post has a like meaning.

“Hoarding” means a detached or detachable structure other than a pylon sign that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of Section 377 of the Local Government (Miscellaneous Provisions) Act, but shall include a poster panel, wall panel or an illuminated panel.

“Horizontal Sign” means an Advertising Device fixed parallel to the wall of a building to which it is attached with its largest dimension horizontal.

“Illuminated Panel” means a posted or painted advertisement externally illuminated by an artificial source of light.

“Illuminated Sign” means an Advertising Device that is so arranged as to be capable of being lighted either from within or without the Advertising Device by artificial light provided, or mainly provided for that purpose.

- “Information Panel” means a panel used for displaying Government and Local Government notices, functional and dated announcements of a religious, educational, cultural, recreational or similar character, general information for the benefit of the public and travellers and general commercial advertising.
- “Institutional Sign” means a sign erected or placed on any land or building used for or in connection with a surgery, clinic, hospital, rest home, home for the aged, or other institution or place of a similar nature.
- “Licence” means a licence issued by the Local Government in accordance with the requirements of these Local Laws.
- “Other Sign” means any other type of advertisement not specifically defined in these Local Laws.
- “Portable Sign” is an Advertising Device and means an unfixed free standing sign.
- “Projection Sign” means a sign that is made by the projection of light on a wall or similar structure.
- “Pylon Sign” means an Advertising Device supported by one or more piers and not attached to a building and includes a detached sign framework supported on one or more piers to which sign infills may be added.
- “Roof Sign” means an Advertising Device erected on the roof of a building.
- “Rural Producer’s Sign” means a sign erected on land zoned for horticultural purposes and which advertises goods or products produced, grown or lawfully manufactured upon the land within the boundaries of which the sign is located and includes the property owners name.
- “Sale Sign” means a sign indicating that the premises whereon it is affixed are for sale, for letting or to be auctioned.
- “Sandwich Board Sign” means a free standing double sided sign forming an “A” frame shape being of a portable type.
- “Semaphore Sign” means an Advertising Device affixed and supported at, or by one of its ends only.
- “Sign” includes a signboard, portable sign, horizontal sign, illuminated sign, institutional sign, pylon sign, roof sign, sale sign or any other sign or Advertising Device as prescribed in these Local Laws.
- “Sign Infill” means a panel which can be fitted into a pylon sign framework.
- “Tower Sign” means an Advertising Device affixed to or placed on a chimney stack or an open structural mast or tower.
- “Verandah” for the purpose of these Local Laws, includes cantilever awnings, cantilever verandahs and balconies whether over public thoroughfares or over private land.
- “Verandah Sign” means an Advertising Device above, on or under verandahs.
- “Vertical Sign” means an Advertising Device attached to a building in which the vertical dimension exceeds the horizontal dimension exclusive of the back projection.
- “Wall Panel” means a panel used for displaying a posted or painted advertisement; it is affixed to or adjoining the wall of business premises or erected on the forecourt of such business premises.
- “Wall Sign” is an Advertising Device and means a sign painted on or directly affixed to the fabric of a wall.

### **1.3 Application of these Local Laws**

(1) These Local Laws apply to the whole of the district of the Shire of Carnarvon.

(2) All Advertising Devices, unless otherwise exempt under clause 1.4 of these Local Laws, are to be constructed, erected and maintained in accordance with the provisions of these Local Laws.

### **1.4 Exempt Advertising Devices**

These Local Laws do not apply in the case of the following Advertising Devices—

- (a) an Advertising Device erected or maintained pursuant to any Act having operation within the State;
- (b) a ‘for sale’ sign not exceeding 1sq.m. in area for sale of that property upon which the sign is erected;
- (c) a plate not exceeding 1sq.m. in area erected or affixed on or between the street alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
- (d) Advertising Devices for use solely for the direction and/or control of people, animals and/or vehicles or to indicate the name and/or street number of a premises, providing the area of any such sign does not exceed 1sq.m. in area;
- (e) advertisements affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- (f) Advertising Devices within a building unless such signs are deemed to be objectional by Council;
- (g) Advertising Devices not larger than 1sq.m. in area on advertising pillars or panels approved by or with the consent of Council for the purpose of displaying public notices for information;
- (h) building name signs on residential flats or home units not exceeding 1sq.m. in area;
- (i) for businesses selling newspapers, Advertising Devices of the newspaper headline type, provided such Advertising Devices are secured flat against the wall of the premises.

**PART 2—LICENSING***Division 1—Advertising Devices to be Licensed***2.1 Licence—When Required and Format**

(1) Except in the case of an Advertising Device which is exempt under Clause 1.4, no person shall erect, make or maintain an Advertising Device and the owner or occupier of premises shall not suffer or permit an Advertising Device to be erected, or made or remain on those premises so as to be visible from a thoroughfare reserve or other public place, unless the Advertising Device is licensed under these Local Laws.

(2) A licence issued by the Council for an Advertising Device is to be in the form of the Third Schedule.

**2.2 Special Licences—When Allowed and Format**

(1) Notwithstanding Clause 2.1, the Council may, by special licence allow the display of Advertising Devices at churches, theatres and other places of public entertainment, election signs or advertisements of meetings or other matters of public interest upon such terms and for such period as Council may in each case decide.

(2) A special licence is to be in the form of the Fourth Schedule.

**2.3 Licence to be produced**

A licensee shall, on demand by an Authorised Person, produce any licence issued under these Local Laws for inspection.

*Division 2—Term and Renewal of a Licence***2.4 Licences Expire 30th September**

(1) A licence issued under these Local Laws shall be in force until the 30th day of September of the year next following the first approval.

(2) All licenses for Advertising Devices other than those having been first approved shall be renewed annually on or before the 1st day of October of any one year and shall be in force until the 30th day of September of the year next following that date upon payment of the fees as determined by the Council from time to time.

**2.5 Licence—Early Cancellation**

(1) Notwithstanding Clause 2.4, where a person proposes to alter, amend, relocate, or otherwise modify any Advertising Device in respect of which a licence has been issued such person shall make application for a new licence in accordance with the requirements of these Local Laws.

(2) In the event that a person proposes to take down and remove an Advertising Device such person shall notify the Council no later than seven (7) days after the removal of such device in order that the licence may be cancelled.

*Division 3—Application for a Licence***2.10 Licence Application**

(1) An application for a licence under these Local Laws shall—

- (a) be made in duplicate in the form of the Second Schedule hereto;
- (b) be accompanied by the fee as determined by the Council from time to time;
- (c) where being made for the first issue of a licence, be accompanied by a plan and structural details of the Advertising Device drawn to a scale of not less than 1 to 50 showing the size, position, design and inscription to appear thereon, and a block plan of a scale 1:500 showing the location on the property where the Advertising Device is to be erected, the method of construction and fixing of the Advertising Device for which the licence is sought;
- (d) Where being made for the first issue of a licence in respect to a hoarding, pylon sign, roof sign, semaphore, vertical sign or where otherwise required by the Council be accompanied by a certificate from an architect or structural engineer certifying that the building or structure upon which it is proposed to erect the Advertising Device is in all respects of sufficient strength to support the Advertising Device under all conditions, and that the Advertising Device is itself of structurally sound design; and
- (e) where being made for the first issue in respect of an illuminated Advertising Device shall be accompanied by a letter of consent to the erection of the Advertising Device, signed by or on behalf of the person or body having for the time being the management of traffic control lights within the district of the Shire of Carnarvon.

(2) An applicant for a licence shall furnish in writing such further particulars as may be required by the Council.

*Division 4—Grounds for Refusal or Revocation of a Licence***2.11 Licence Refusal**

A licence for an Advertising Device may be refused by the Council if—

- (a) the Advertising Device does not or would not comply with a provision of these Local Laws; or
- (b) the Advertising Device would, in the opinion of the Council, increase the number or variety of signs so as to become too numerous or various to be acceptable in an area or be injurious to the amenity or natural beauty or safety of an area; or
- (c) the Advertising Device advertises goods or services which are not displayed or offered for sale or otherwise available to the public upon or from the land near where the Advertising Device is located.

### 2.12 Licence Revocation

The Council may revoke a licence by notice in writing, without affecting the liability of the licensee to a penalty under these Local Laws, if—

- (a) the conditions of the licence or a provision of these Local Laws are not complied with; or
- (b) the licensee is convicted of an offence against the Local Laws.

### PART 3—RESTRICTIONS ATTACHING TO ALL ADVERTISING DEVICES

3.1 An Advertising Device shall not be erected or maintained—

- (a) so as to obstruct the view, from a thoroughfare or public place, of traffic, in any thoroughfare or public place;
- (b) where it would detract from the aesthetic environment of a public park or pleasure ground;
- (c) on any thoroughfare reserve for other purposes than a direction sign, except as otherwise approved pursuant to these Local Laws;
- (d) on any natural feature, including a rock or tree, or any bridge or the structural approaches to a bridge or viaduct;
- (e) in the instance of an internally illuminated Advertising Device, where the manner of its display would cause glare, or dazzle or otherwise distract the driver of any vehicle, or affect the amenity of the area;
- (f) in the instance of an externally illuminated Advertising Device, where the light would not be directed solely onto the device and its structural surround, and the light source was not so shielded that glare would not occur or extend beyond the Advertising Device and cause the driver of any vehicle to be distracted, or affect the amenity of the area;
- (g) where it would be likely to interfere with, or cause risk or danger to, thoroughfare traffic by virtue of the fact that it:
  - (i) may be mistaken or confused with or obstruct or obscure or otherwise reduce the clarity or effectiveness of any traffic control device;
  - (ii) would invite traffic to turn and would be sited so close to the turning point that there would not be reasonable time for a person to signal and turn safely;
  - (iii) would invite traffic to move contrary to any traffic control device or turn where there is fast moving traffic; and
  - (iv) may obscure the vision of a person driving a vehicle.
- (h) in the case of an illuminated Advertising Device where it—
  - (i) may be confused with or mistaken for the stop or tail lights of a vehicle or vehicles;
  - (ii) includes animation which incorporates more than four changes per minute, or, in the case of chasing globes, more than one globe in four would chase;
  - (iii) includes rotation and the rotation would exceed four equal changes per minute for a two-faced, three equal changes per minute for a three faced, two equal changes per minute for a four faced Advertising Device;
  - (iv) would operate at a time when it might cause a traffic hazard.
- (i) on any building or structure of which the stability is, in the opinion of the Council likely to be affected by the Advertising Device;
- (j) on a light, power of thoroughfare pole without the approval of the relevant authority responsible for the erection of that pole;
- (k) in any position where it obstructs or obscures or may obstruct or obscure a person's view from a dwelling of a river, the sea or any other natural feature of beauty.
- (l) or displayed or exhibited on a vehicle left standing or parked on a thoroughfare reserve primarily for the purpose of displaying or exhibiting such advertisements or for the soliciting of business or sale of goods to which such advertisements refer.
- (m) as a movable or portable sign in a thoroughfare or public place, unaffixed to a building except as otherwise approved by Council pursuant to these Local Laws.

### PART 4—CONDITIONS ATTACHING TO ALL ADVERTISING DEVICES

#### 4.1 Fixing of Advertising Devices

Every Advertising Device shall be securely fixed to the structure by which it is supported, to the satisfaction of the Council and shall be safely maintained.

#### 4.2 Headroom

Every Advertising Device shall be so fixed as to provide a clear headway thereunder of, not less than 2.4m unless otherwise approved by the Council.

#### 4.3 Obstruction to Door, etc.

An Advertising Device shall not be erected so as to obstruct access to or from any door, fire escape or window, other than a widow designed for the display of goods.

#### 4.4 Materials

Glass or readily combustible materials or other materials, likely to be a risk to public safety shall not be used in the construction of Advertising Devices licensed pursuant to these Local Laws.

#### **4.5 Advertising Devices to be Kept Clean**

Every Advertising Device shall be kept clean and free from unsightly matter and shall be maintained by the licensee or owner in good order free of dilapidation.

#### **4.6 Inscription on Advertising Devices**

Except in the case of a hoarding, sandwich board or direction sign, Advertising Devices generally shall only display the following—

- (a) the name of one or more of the occupiers of the premises; and/or
- (b) details of the business carried on in the premises; and/or
- (c) details of the goods sold in the premises to which it is affixed; and/or
- (d) any other matter approved by Council.

### **PART 5—PROVISIONS RELATING TO ADVERTISING DEVICES**

#### **5.1 First Schedule Applies**

An Advertising Device shall comply with the specifications set out in the First Schedule.

#### **5.2 Animated Signs**

(1) An animated sign shall comply with the specifications relating to the particular sign of which it is part thereof or comprises in full.

(2) It shall be located in such position that there is no conflict with any person or vehicle and may not be incorporated in a portable type system on any site.

(3) An animated sign with moving parts shall be secured in situations where high wind speeds are anticipated to occur, in accordance with Clause 4.1 and not have any part thereof nearer any part of another Advertising Device erected on the same lot/site than as stated in column 10 of the First Schedule.

#### **5.3 Bill Posting**

(1) Subject to Sub-Clause 2 a person shall not post any bill, or paint, stencil, place or affix any advertisement on any thoroughfare or on any building, structure, fence, wall, hoarding, sign, post, blind or awning within the Shire of Carnarvon.

(2) This Local Law does not apply to advertisements affixed to, or painted on, a shop window by the occupier thereof and relating to the business carried on therein in compliance with the requirements of the First Schedule.

#### **5.4 Development Signs**

A development sign shall;

- (a) only be erected where more than 4 subdivisional lots are to be produced in the development or the stage of development being advertised;
- (b) only be erected in the ratio of 1 square metre of area per hectare up to a maximum of 50 square metres with no individual sign exceeding 20 square metres;
- (c) not have any part thereof nearer any part of another Advertising Device erected on the same lot/site than as stated in column 10 of the First Schedule; and
- (d) be removed from the site within two years or when 80% of the lots in the subdivision have been sold, whichever is the sooner.

#### **5.5 Direction Signs on Thoroughfare Poles**

A direction sign attached to a pole in a thoroughfare shall comply with the specifications in the First Schedule.

#### **5.6 Election Signs**

(1) Signs erected on private properties such as residential lots shall be setback from the boundary of the property as set out in the columns 8 and 9 of the First Schedule.

(2) Signs erected within thoroughfare reserves shall be—

- (a) a minimum distance from any intersection, including traffic island turnaround accessways as set out in column 10 of the First Schedule;
- (b) free standing and not affixed to any existing sign post, power or light pole, or similar structure;
- (c) placed so as not to interfere with pedestrian, cycling or automotive access within the thoroughfare reserve;
- (d) placed in such other position that an adjacent landowner who may not be of an individual political following is not compromised by such election signage.

(3) All signs and posters erected shall be maintained in good order and repair.

(4) Any signs or posters erected for electioneering purposes shall be removed within 24 hours of the close of polls on voting day.

#### **5.7 Fence Signs**

Signs may, with approval be painted or affixed on the side or rear fence of lots, which are used for business purposes, but any such sign shall not be nearer to the thoroughfare than a distance equal to its own height above the ground.

#### **5.8 Fly Posting**

No person shall advertise by means of fly posting at any place or location within the district of the Shire of Carnarvon except on the inside of shop windows with the owner's approval and in compliance with poster specifications in the First Schedule.

**5.9 Hoardings**

Hoardings shall not—

- (a) be erected in a residential area;
- (b) except with the approval of Council, be erected within such distance of any thoroughfare or other public place as stated in column 8 and 9 of the First Schedule, and in any case not closer than its own height to a thoroughfare or public place;
- (c) be of greater area than as stated in column 4 of the First Schedule;
- (d) not have any part thereof nearer any part of another Advertising Device erected on the same lot/site than as stated in column 10 of the First Schedule.

**5.10 Horizontal Signs**

A horizontal sign shall—

- (a) be fixed parallel to the wall of the building to which it is attached;
- (b) not project from the wall to which it is attached for a greater distance than stated in column 7 of the First Schedule.

**5.11 Illuminated Signs**

Every illuminated sign shall—

- (a) satisfy the provisions of Clause 3.1;
- (b) have its electrical installation constructed and maintained to the satisfaction of Western Power;
- (c) comply with the specifications in the First Schedule; and
- (d) not have any part thereof nearer any part of another Advertising Device erected on the same lot/site than as stated in column 10 of the First Schedule.

**5.12 Information Panels**

The Council may provide information panels or bays of varying sizes and charge fees for the inclusion of advertisements in such panels or bays.

**5.13 Institutional Signs**

Institutional signs shall comply with the specifications in the First Schedule, except with the approval of the Council, but in any case shall not exceed in area that stated in column 4 of the First Schedule.

**5.14 Portable Signs**

(1) Portable signs shall—

- (a) be located wholly within the boundaries of land or approved prolongation thereof owned or occupied by a person who erected or who has maintained the sign;
- (b) only advertise a product or service available within the boundaries of the land to which the sign relates;
- (c) not exceed a height stipulated in column 2 of the First Schedule as measured above the level of the ground immediately below it;
- (d) not exceed an area as stated in column 4 of the First Schedule;
- (e) be placed so as not to cause interference or hazard to vehicular traffic, or cause any interference or hazard to or impede pedestrians;
- (f) be of a design which prevents any movement of the sign by the wind; and
- (g) only be erected or maintained whilst the premises which the sign is referring to is open for business.

(2) Where a portable sign is proposed to be located in a thoroughfare or public place, the owner of the business to which the sign relates, through his insurance company, shall provide Council with written evidence of indemnity arrangements made for public liability insurance in the joint names of the owner and the Council in respect to the portable sign.

(3) Where indemnity is so provided as required in Sub Clause (2) such indemnity shall be to a limit of not less than five million dollars, and is to be acceptable in all other respects to the insurance company at the time acting for and on behalf of Council.

(4) The indemnity shall be in the first instance provided to Council at the time of application and in all subsequent instances at the time of renewing of the licence for the portable sign and shall be continuously maintained for the duration of approval and use of the sign.

**5.15 Projection Signs**

(1) No person shall install or operate a projection sign which can be seen from any thoroughfare, or other public place, onto a building, screen or structure without a licence issued by the Council nor without the consent of the owner of the building or structure.

(2) No licence shall be issued;

- (a) unless the building, screen or structure onto which it is proposed to project such projection sign(s) is specified in the application for such licence; and
- (b) in respect of any such projection sign which when projected onto a building, screen or structure exceeds the specifications stated in columns 2, 3, 4 and 6 of the First Schedule.
- (c) Where it is proposed to project such projection signs onto a building, screen or structure in a series, one licence may be issued in respect of all the projection signs in that series provided that no projection sign other than that or those in respect of which a licence has been issued shall be projected.

- (d) Where a licence has been issued pursuant to this Local Law the projection sign in respect of which it has been issued shall not be projected onto any building, screen or structure not specified in such licence.
- (e) The owner or occupier of any building, screen or structure shall not permit any projection sign to be projected onto the same unless a licence has been issued pursuant to this Local Law.

#### **5.16 Pylon Signs**

(1) A pylon sign shall—

- (a) not have any part thereof above the level of the ground immediately below it less than that stated in column 5 of the First Schedule;
- (b) except with the approval of Council not exceed the area as stated in column 4 of the First Schedule;
- (c) not project in or over any thoroughfare a greater distance than as stated in column 7 of the First Schedule;
- (d) where required by the Council be certified by a practising structural engineer in respect to the structural adequacy of the Advertising Device and supporting structures;
- (e) subject to Sub Clause 2, not be nearer the side boundaries of the lot on which it is erected than as stated in column 9 of the First Schedule; and
- (f) not have any part thereof nearer any part of another Advertising Device erected on the same lot than as stated in column 10 of the First Schedule.

(2) Where a lot on which a pylon sign is to be erected abuts on an intersecting thoroughfare, the Council may authorise the erection of the Advertising Device at a lesser distance from the side boundaries than that prescribed by paragraph (e) of Sub Clause 1 but not less than 50% of required setbacks.

#### **5.17 Roof Signs**

A roof sign shall—

- (a) not extend beyond the external walls of the building;
- (b) not exceed in height above the point of the roof to which it is fixed a greater distance than as stated in column 2 of the First Schedule; and
- (c) be certified by a practising structural engineer in respect to structural adequacy of the Advertising Device and supporting structures.

#### **5.18 Rural Producer Signs**

A rural producer sign shall—

- (a) not indicate or display any matter other than advertising the sale of produce grown on the land on which the sign is erected;
- (b) be erected within the boundaries of the rural holding on which the produce offered for sale was grown;
- (c) not exceed the area as stated in column 4 of the First Schedule; and
- (d) not be of a height above the natural ground level than as stated in column 6 of the First Schedule.

#### **5.19 Sale Signs**

(1) A person may erect a sale sign not exceeding the area as stated in column 4 of the First Schedule as follows—

- (a) in respect of an auction sale providing it is erected not more than 28 days before the date on which the auction sale is to be held and that it is removed not later than 7 days after the sale;
- (b) in respect of the sale of subdivisional land such sign is not permitted to remain for a period exceeding 6 months; and
- (c) advertising that flats and dwelling units in a building erected, or to be erected, on the land on which the sale sign is situated, are or will be available for letting or for purchase, providing that sale sign is not erected, or allowed to remain upon the land before the date of issue of the building licence in respect of such building, or after 3 months following the completion of the building.

(2) No sale sign or Advertising Device shall be allowed to remain on any premises or property longer than 7 days after the purpose or event it advertised has occurred.

#### **5.20 Sandwich Board Signs**

(1) Where a sandwich board sign is proposed to be located in a thoroughfare or public place the owner of the business to which the sign relates, through his insurance company, shall provide Council with written evidence of indemnity arrangements made for public liability insurance in the joint names of the owner and the Council in respect to the sandwich board sign.

(2) Where indemnity is so provided as required in Sub Clause (1) such indemnity shall be to a limit of not less than five million dollars, and is to be acceptable in all other respects to the insurance company at the time acting for and on behalf of Council.

(3) The indemnity shall be in the first instance provided to Council at the time of application and in all subsequent instances at the time of renewing of the licence for the sandwich board sign and shall be continuously maintained for the duration of approval and use of the sign.

(4) A sandwich board sign shall—

- (a) not exceed the height as stated in column 2 of the First Schedule;
- (b) not exceed the area on each side as stated in column 4 of the First Schedule;



- (c) relate only to the business activity of the advertiser; and
- (d) contain the word "open".

(5) A person shall not erect a sandwich board sign in any position other than immediately adjacent to the building or business to which the sign relates.

(6) A person shall not erect more than one sandwich board sign in relation to the one building or business.

(7) A person who erects a sandwich board sign shall remove it at the close of business each day and shall not erect it again until the commencement of business on the following or subsequent day.

(8) A sandwich board sign shall be secured in position in accordance with requirements issued by the Council.

(9) A sandwich board sign shall be so located so as not to be or form a hazard to, or, obstruct the thoroughfare or access to any person using or wishing to use a footpath, thoroughfare or any other public place or wishing to cross a thoroughfare.

#### **5.21 Semaphore Sign**

(1) A semaphore sign shall—

- (a) be fixed at right angles to the wall to which it is attached;
- (b) not project a greater distance than as stated in column 7 of the First Schedule from any point of attachment nor be of a greater height at any point than as stated in column 2 of the First Schedule; and
- (c) be fixed over or adjacent to the entrance to a building.

(2) Not more than one semaphore sign shall be fixed over, or adjacent to any one entrance to a building or business.

#### **5.22 Sign Infills**

(1) Notwithstanding the provisions of Clause 5.16, Council may permit the construction of a pylon sign infill at a lesser height than as stated in column 5 of the First Schedule where the pylon sign is located wholly within the lot boundaries and within a landscaped area.

(2) Where pylon signs are to be erected on a lot on which unit factories or small shops are erected or are to be erected Council may require all the pylon signs to be incorporated into one pylon sign complying with the following—

- (a) initial approval is to be given to the pylon sign framework together with one or more sign infills;
- (b) an application is to be submitted and approval given for each additional infill;
- (c) all infills to be of an equal size and space is to be provided for not more than one infill for each shop or unit on the lot; and
- (d) where Council requires pylon signs to be combined, the total area of the infill signs specified may be increased to a maximum of 50% over that stated in column 4 of the First Schedule.

#### **5.23 Tower Signs**

A tower sign shall not, unless otherwise approved—

- (a) exceed in height, one fifth of the height of the mast, tower or chimney stack on which it is placed;
- (b) extend laterally beyond any part of the mast, tower or chimney stack on which it is placed.

#### **5.24 Verandah Signs**

(1) Signs Above Verandahs:—A sign above a verandah may be erected above the fascia of a verandah, if it does not exceed the height as stated in columns 2 and 6 of the First Schedule.

(2) Signs on Verandah Fascias:—A sign fixed to the outer or return fascia of a verandah:

- (a) shall not exceed the height stated in column 2 of the First Schedule; and
- (b) shall not project beyond the outer metal frame or surround of the fascia.

(3) Signs under Verandahs:—A sign under a verandah shall:

- (a) not exceed the length or height as stated in columns 2 and 3 of the First Schedule;
- (b) be fixed at right angles to the front wall of the building to which it is to be affixed except on a corner of a building at a thoroughfare intersection where the sign may be placed at an angle with the wall so as to be visible from both thoroughfares;
- (c) not be within 2 metres of another Advertising Device under the verandah.

#### **5.25 Vertical Sign**

A vertical sign shall—

- (a) not project out from a wall a greater distance than as stated in column 7 of the First Schedule;
- (b) not project a greater distance than as stated in column 7 of the First Schedule above the top of the wall to which it is attached, nor a greater distance stated in column 10 of the First Schedule back from the face of the wall;
- (c) not be located nearer another Advertising Device on the same building than as stated in column 11 of the First Schedule;
- (d) where placed on a corner of a building at a thoroughfare intersection it may be placed at an angle with the walls, so as to be visible from both thoroughfares; and
- (e) where required by the Council, be certified by a practising structural engineer in respect to the structural adequacy of the sign and supporting structures.

**5.26 Wall Panels (Notice Boards)**

(1) Wall panels shall comprise a framework surround with a lockable transparent cover behind which separate notices may be pinned or affixed or painted with the approval of the property owner.

(2) Such wall panels shall comply with the specifications as set out in columns 2, 3, 4, 6 and 7 of the First Schedule.

(3) An individual notice pinned, affixed or painted on the panel shall not be displayed for periods in excess of 30 days duration without renewal.

**5.27 Wall Sign**

(1) A wall sign painted or affixed to a wall of a structure shall comply with the specifications as set out in columns 2, 3, 4, 5, 6 and 7 of the First Schedule.

**PART 6—OBJECTIONS AND APPEALS****6.1 The Right to Object and Appeal**

When the Council makes a decision under these Local Laws which an affected person could consider to be unfavourable, by—

- (a) refusing to grant a licence or other approval; or
- (b) cancelling, varying, or refusing to renew a licence or other approval;

the affected person is to be given written reasons for the decision and advised of the person's rights to object and appeal against the decision under Part 9, Division 1 of the Act.

**6.2 Lodging a Valid Objection**

An objection—

- (a) may only be made if the person has not lodged an appeal;
- (b) is to be made to and is to be decided by the Council;
- (c) is to be in the form of the Fifth Schedule; and
- (d) is to be lodged with the Council within such time as is stated in the written notice given under Clause 6.1, being not less than 28 days after the decision was made.

**6.3 Council Determines an Objection**

The Council is to consider any submissions made in support of an objection and may uphold or dismiss the objection, or vary its previous decision, and is to advise the person who made the objection of its decision and the reasons therefore.

**6.4 Appeal—When Authorised**

An appeal may be made by an affected person if—

- (a) an objection to the decision has not been lodged, or an objection having been lodged, a written notice has not been received from the Council of how the objection was decided at the expiration of 35 days; or
- (b) an objection to the decision was lodged, and notice in writing has been received of how the objection was decided, and this is considered unfavourable by the person.

**6.5 Making a Valid Appeal**

(1) An appeal is to be—

- (a) made to the Minister for Local Government unless it is against a decision that adversely affects the business or livelihood of the appellant, in which case it is to be made to the Local Court;
- (b) in the form of the Sixth Schedule;
- (c) given to the Minister or Local Court within 42 days after the original decision in the case of an appeal under Clause 6.4 (a) or within 42 days after the objection was decided in the case of an appeal under Clause 6.4 (b).

(2) The appellant is to give a copy of the appeal to the Council as soon as practicable after the appeal is lodged.

**6.6 Decision on Appeal**

(1) The Minister or the Clerk of the Court, as the case requires, is to advise the appellant in writing of the decision on the appeal and the reasons therefore.

(2) The decision on an appeal is final and effect is to be given to the decision.

**PART 7—ENFORCEMENT***Division 1—Authorised Persons*

(1) The Council may appoint a person as an Authorised Person for the purposes of performing particular functions under the Local Laws and a person shall not hinder or interfere with an Authorised Person in the course of that person's duties.

(2) An Authorised Person shall on demand show an identification of that person as such.

*Division 2—Impounding and Reinstatement*

The Council may take down and remove any Advertising Device, placed or erected on any thoroughfare, or other public place which is erected or maintained contrary to the requirements of these Local Laws, and may dispose of any Advertising Device or structures appurtenant thereto in accordance with the

impounding provisions of Part 3 Division 3, subdivision 4 of the Act, and reinstate the thoroughfare, or public place or any other structure to which the Advertising Device was attached or upon which it was placed at the expense of the person or persons responsible for the depositing or erecting of the Advertising Device thereon or injury thereto and recover any costs incurred in a Court of competent jurisdiction.

*Division 3—Offences*

(1) Every person who erects or permits the erection of an Advertising Device which does not comply with, or erects or permits to be erected an Advertising Device in a manner contrary to the provisions of these Local Laws commits an offence.

(2) Every person who maintains an Advertising Device without a licence, or in respect to which a licence has expired, or has been cancelled, commits an offence.

*Division 4—Penalties*

Any person who is guilty of an offence against these Local Laws is liable to—

- (a) a penalty not exceeding \$500.00, and
  - (b) a daily penalty, during the breach, not exceeding \$50.00.
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LOCAL GOVERNMENT ACT 1995  
*Shire of Carnarvon*  
 Local Laws Relating to Advertising Device  
**FIRST SCHEDULE**  
 SPECIFICATIONS

To be read in conjunction with Part 5 to these Local Laws

Column 1 Advertising Device Type	Column 2 Max Height of Device mm	Column 3 Max Length/Width of Device mm	Column 4 Max Area sq.m.	Column 5 Min Headroom m	Column 6 Max Height Above Ground m	Column 7 Projection Max mm	Column 8 Setbacks Front mm	Column 9 Setbacks Side mm	Column 10 Other m	Column 11 Location
Animated Signs	1500	1000	3	2.4	6.0	nil	2000	1000	6	-
Bill Posting	1000	3000	3	-	3.0	nil	-	-	-	Within Shops
Building Name	1200	5000	2	3.0	6.0	100	nil	1000	-	On Facade
Development Sign	4000	5000	20	1.0	5.0	nil	15000	10000	15	Development Sites
Direction Sign	200	3500	1	2.4	3.0	200	-	1000	-	On Thoroughfare Pole
Election Sign	1200	2000	2	-	3.0	600	3000	5000	30	-
Fence Sign	1000	20000	-	-	-	nil	2 x height	-	-	-
Fly Posting	1500	1200	0.5	-	2.5	nil	-	-	-	Within Shops only
Hoarding	10000	15000	90	1.0	10.0	nil	10,000	5000	15	Non Residential Sites
Horizontal Signs	1200	8000	8	1.0	5.0	200	nil	1000	-	Fixed on Wall
Illuminated Signs	5000	3000	5	2.4	6.0	900	2000	1000	36	-
Information Panel	1200	2000	1.5	2.4	5.0	100	1000	1000	-	-
Institutional Sign	1200	2000	2	2.4	6.0	nil	3000	1500	-	-
Other Sign	6000	8000	30	-	6.0	nil	6000	3000	6	As Approved
Portable Sign	1200	1000	1	-	1.2	nil	1000	1000	-	Own Property
Projection Sign	12000	12000	90	-	12.0	nil	-	-	-	-
Pylon Sign	5000	3000	5	2.4	7.5	900	1000	2000	6	Min 6m clear of another sign
Roof Sign	3000	5000	6	-	15.0	nil	1000	1000	-	On Roof
Rural Producers Sign	2000	3000	4	2.4	3.0	900 over thoroughfare	1000	1000	-	-
Sale Sign	3000	4000	5	-	-	-	-	-	-	-
Sandwich Board Sign	1200	1000	1	-	1.2	nil	1000	1000	-	Own Property
Semaphore Sign	1000	3000	2	2.4	3.6	1500	-	1000	-	-
Sign Infill	3000	2000	4	2.4	7.5	nil	1000	1000	6	Between Pylons
Tower Sign	20% of mast, tower or chimney	width mast, tower or chimney at	-	2.4	-	-	-	-	-	-
Verandah Sign										
Above Fascia	800	4000	3	-	5	nil	-	-	-	-
On Fascia	900	6000	4	-	-	nil	-	-	-	-
Below Fascia	900	4000	3	2.4	-	nil	-	-	-	-
Vertical Sign	3000	3000	5	-	15.0	900	-	-	900	Min. 6m clear of another sign
Wall Panel	1500	1500	3	-	3.0	100	-	-	-	-
Wall Sign	3000	8000	12	1.0	5.0	100	-	-	-	-

LOCAL GOVERNMENT ACT 1995

*Shire of Carnarvon*

Local Laws Relating to Advertising Devices

**SECOND SCHEDULE (CLAUSE 2.10)**

APPLICATION FOR LICENCE

Application No.....

I hereby apply for a licence for an Advertising Device to be erected subject to the Local Laws of the Shire of Carnarvon.

Applicant Name: .....

Address: ..... Telephone No: .....

Location of Advertising Device: Lot No: ..... Thoroughfare No: .....

Thoroughfare Name: .....

Describe Position of Advertising Device on Property: .....

.....

**Advertising Devices Types**

- |                             |                   |                     |
|-----------------------------|-------------------|---------------------|
| Animated Signs              | Bill Posting      | Building Name       |
| Development Sign            | Direction Sign    | Election Sign       |
| Fence Sign                  | Fly Posting       | Hoarding            |
| Horizontal Signs            | Illuminated Signs | Information Panel   |
| Institutional Sign          | Other Sign        | Portable Sign       |
| Projection Sign             | Pylon Sign        | Roof Sign           |
| Rural Producers Sign        | Sale Sign         | Sandwich Board Sign |
| Semaphore Sign              | Sign Infill       | Tower Sign          |
| Vertical Sign               | Wall Panel        | Wall Sign           |
| Verandah Sign— Above Fascia |                   |                     |
| On Fascia                   |                   |                     |
| Below Fascia                |                   |                     |

Dimensions of Advertising Device

..... mm width ..... mm height ..... mm depth ..... area sq.m

Materials and Construction of Sign & supports .....

.....

.....

Inscription on Advertising Device (wording, motifs).

.....

.....

.....

.....

Signature of Applicant ..... Date

Application form in duplicate to be attached to two (2) copies of—

- (i) Block plan with all site details
- (ii) Plans and elevations of Advertising Device proposed including all dimensions and structural information.

\_\_\_\_\_

LOCAL GOVERNMENT ACT 1995  
*Shire of Carnarvon*  
 Local Laws Relating to Advertising Devices  
**THIRD SCHEDULE (CLAUSE 2.1(2))**  
 LICENCE FOR ADVERTISING DEVICE

Licence No.:

This licence is granted to:— (Name—Person/Company)

.....

of (address) .....

in respect of (type of device) .....

on premises known as: Lot No: ..... Thoroughfare No: .....

Thoroughfare: .....

in accordance with application number: .....

and subject to the Local Laws of the Shire of Carnarvon

Issued on the ..... day of ..... 199.....

Signed .....

Designation .....

1. This licence shall be renewed annually and remain valid unless any alteration is made to the Advertising Device, then in such event, a new licence is required.
2. This licence is not valid unless accompanied by a receipt issued by the Shire of Carnarvon and current for that year.
3. This licence is to be displayed on the premises to which the Advertising Device relates at all times.



LOCAL GOVERNMENT ACT 1995  
*Shire of Carnarvon*  
 Local Laws Relating to Advertising Devices  
**FOURTH SCHEDULE (CLAUSE 2.1(2))**  
 SPECIAL LICENCE FOR ADVERTISING DEVICE

Licence No.:

This licence is granted to:— (Name—Person/Company)

.....

of (address) .....

in respect of (type of device) .....

on premises known as: .....

address: .....

for the period of .....

subject to the following terms and conditions—

.....

.....

.....

.....

Signed .....

Designation .....

Date .....



**FORM 4**

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 [REG.33(1)]

*Shire of Carnarvon*

Local Laws Relating to Advertising Devices

**FIFTH SCHEDULE (CLAUSE 6.2)**

OBJECTION UNDER SECTION 9.5 OF THE ACT

To the (1) . .....

I, (2) .....

of (3) .....

hereby object to the (4) .....

.....

to (5) .....

.....

.....

The grounds of my objection are as follows:

(6) .....

.....

.....

In support of my objection I attach the following:

(7) .....

.....

.....

(8) .....

(9) .....

**Person objecting**

- (1) Insert name of local government.
- (2) Insert full name of person objecting.
- (3) Insert postal address of person objecting.
- (4) Identify decision to which objection is made.
- (5) Give details of decision.
- (6) Give details of objection.
- (7) Plans, specifications, letters, notices, or other appropriate documents.
- (8) Insert date.
- (9) Insert signature of person objecting.

\_\_\_\_\_

**FORM 5**

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 [REG.34(1)]

*Shire of Carnarvon*

Local Laws Relating to Advertising Devices

**SIXTH SCHEDULE (CLAUSE 6.5)**

APPEAL UNDER SECTION 9.7 OF THE ACT

To the (1) .....

I, (2) .....

of (3) .....

hereby appeal against the (4) .....

.....

to (5) .....

.....

.....

The grounds of my appeal are as follows:

(6) .....

.....

.....

In support of my appeal I attach the following:

(7) .....

.....

.....

(8) .....

(9) .....

**Appellant**

- (1) Insert (a) Minister for Local Government
- (b) Clerk of the Court
- (2) Insert full name of appellant.
- (3) Insert postal address of appellant.
- (4) Identify decision against which appeal is made.
- (5) Give details of decision.
- (6) Give details of grounds for appeal.
- (7) Plans, specifications, letters, notices, or other appropriate documents.
- (8) Insert date.
- (9) Insert signature of appellant.

\_\_\_\_\_

Dated this 25th day of February 1998.

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

D. A. MILLS, Shire President.  
 B. G. WALKER, Chief Executive Officer.

\_\_\_\_\_



**LOCAL GOVERNMENT ACT 1995**

SHIRE OF CARNARVON

**LOCAL LAWS REVOCATION**

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 Carnarvon hereby records having resolved on the 26th day of November 1997, to make the following Local Laws.

**Revocation**

The following Local Laws are hereby revoked—

By-Laws Relating to Stalls and Stallholders as published in the *Government Gazette* on 13 November 1987.

Dated this 25th day of February 1998.

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

D. A. MILLS, Shire President.  
B. G. WALKER, Chief Executive Officer.

**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF CARNARVON

**LOCAL GOVERNMENT ACT LOCAL LAWS**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Carnarvon hereby records having resolved on the 26th day of November 1997 to make the following local laws.

**REVOCATION**

The Municipal By-laws, made by the Shire of Carnarvon and published in the *Government Gazette* on 17 September 1993, are hereby revoked.

These Local Laws may be cited as the Shire of Carnarvon Local Government Act Local Laws.

**INTERPRETATION AND DEFINITION**

In these Local Laws unless the context otherwise requires—

“Act” means the Local Government Act 1995 (as amended)

“Animal” means any animal other than a dog;

“Appointed Place” means a yard or other piece of land set aside as a place to which obstructing vehicles may be removed, pursuant to these Local Laws;

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

“Cycle” means any one wheeled, two wheeled or three wheeled vehicle that is designed to be propelled solely by human power;

“Cycle Traffic Control Device” includes any sign, signal or pavement marking which is placed or erected for the purpose of regulating, warning or guiding dual use path users;

“Building Line” shall have the meaning as given in the Act;

“Carriageway” means a portion of a thoroughfare that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders and areas, including embankments at the side or centre of the carriageway, used for the standing or parking of vehicles; and where a thoroughfare has two or more of those portions divided by a median strip, the expression means of those portions, separately;

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

“Community Association” means an institution, association, club, society or body, whether incorporated or not, the objects of which are of charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled or permitted to receive any pecuniary profit from the transactions thereof;

“Commercial Area” means an area which is within a Commercial Zone under the provisions of a Shire of Carnarvon Town Planning Scheme;

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

“District” means the District of the Shire of Carnarvon;

“Dual Use Path” means a footway or other pathway for shared use by both cyclists and pedestrians;

“Fence” means a fence, wall or screen wall including a dividing fence as defined by the Dividing Fence Act, 1961-1969 (as amended) erected along the perimeter or any part thereof of the setback area or erected within the setback area;

“Footway” includes every footpath, lane or other place—

1. intended for use of pedestrians only or, in the case of a dual use path, for the use of pedestrians and bicyclists only; or
2. habitually used by pedestrians and not by vehicle or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicycles;

“Form” means a form in the Schedules to these Local Laws;

“Frontage” means the boundary line between a lot and the thoroughfare upon which that lot abuts;

“Hawker” means a hawker, pedlar or other person who, with or without any horse or other beast bearing or drawing burden, travels and trades and goes from town to town or to other men's houses soliciting orders for or carrying to sell or exposing for sale any goods, wares or merchandise, but does not include—

- (a) commercial travellers or other persons selling or seeking orders for goods, wares or merchandise to or from persons who are dealers therein, or selling or seeking orders for books or newspapers;

- (b) sellers of vegetables, fish, fruit, newspapers, brooms, matches, game, poultry, butter, eggs, milk, or any victuals;
- (c) persons selling or exposing for sale goods, wares or merchandise in any public market or fair lawfully established, or upon any racecourse, agricultural show ground, or public recreation ground;
- (d) sellers of goods of their own manufacture;
- (e) persons representing a manufacturer whose goods are sold direct to consumers only and not through the medium of a shop;

“Industrial Area” means an area which is within an Industrial Zone under the provisions of a Shire of Carnarvon Town Planning Scheme;

“Intensive Horticulture Area” means an area which is within an intensive horticulture zoned under the provisions of a Carnarvon Town Planning Scheme. Such area shall be treated as a Rural Area;

“Intersection” includes the area comprised within imaginary straight lines joining in succession the points of transection of the property lines of two or more thoroughfares that meet each other; except that where the property lines are curbed at any corner, the point of transection of the property lines shall be regarded as the point on the curve nearest to the point at which those property lines, if extended in straight lines from each end of the curve would meet;

“Junction” includes that part of a thoroughfare lying between imaginary straight lines at right angles to the thoroughfare commencing from the points of transection formed by its own property lines with the property lines of a thoroughfare which abuts thereon; except that where the property lines are curved at any corner, the point of transection formed by the property lines shall be determined in the same manner as is provided in the definition of “intersection”;

“Licence” means a licence issued pursuant to these Local Laws;

“Licensee” means a person to whom a licence is granted under these Local Laws;

“Manager” in relation to the Swimming Pool means the contractor or other suitably qualified person employed by the contractor to undertake the day to day management of the Swimming Pool;

“Member of the Police Force” means a member of the Police Force of Western Australia;

“Obstruct” means impede or hinder in passing;

“Property Line” means the boundary between the land comprising a thoroughfare and the land that abuts thereon;

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

“Reserve” includes park lands, squares, reserves, beaches and other lands, included in the Shire of Carnarvon, and set apart for the use and enjoyment of the inhabitants of the district and includes parks and other lands acquired for public purposes, and vested in or under the care, control, or management of the Shire of Carnarvon.

“Residential Area” means an area of the district that is zoned Residential or which is zoned principally for a residential purpose by a Town Planning Scheme or Local Law for the time being in force;

“Right of Way” means a right of way described in Part VIII Section 167A of the Transfer of Land Act, 1893-1972;

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

“Road Traffic Code” means the Road Traffic Code 1975;

“Rubbish” means all house, commercial and industrial refuse, garbage and all wastes (except sewerage and liquid waste) produced or accumulated in or about any premises or land within the Shire and includes stones, bricks, limes, timber, iron, tiles, bags, plastics, and any broken, used or discarded matter whatsoever whether of the same kind or type or otherwise;

“Rural Area” means an area of the district that is classified or zoned as a Rural Zone or which is zoned principally for rural purposes by a Town Planning Scheme or Local Law for the time being in force and includes any land within the Shire used solely or predominantly for rural purposes;

“Schedule” means a schedule to these Local Laws;

“Season” in relation to the swimming pool means the period of consecutive months in which the swimming pool is open to the public and as agreed upon from time to time by Council;

“Shopping Trolley” means a vehicle used or designed for use by customers of shops for the purpose of transporting goods and merchandise;

“Special use Zone” shall be as defined in a Shire of Carnarvon Town Planning Scheme. The principal use of the area shall be determined as one of Residential, Commercial, Industrial or Rural for the purpose of these Local Laws;

“Stall” means a movable or temporarily fixed structure, stand or table in, on or from which goods, wares, merchandise or services are sold or offered for sale;

“Stallholder” means a person in charge of a stall;

“Thoroughfare” means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

“Thoroughfare Alignment” means the boundary between the land comprising the thoroughfare and a lot that abuts thereon, but where a new thoroughfare alignment is prescribed means the new thoroughfare alignment so prescribed;

“Thoroughfare Verge” means that portion of a thoroughfare which lies between the edge of the portion of a thoroughfare that is improved, paved, designed, or ordinarily used for vehicular traffic and the nearest property line and includes any park or reserve or any other land proclaimed by the Council for any purpose whatsoever and which lies adjacent to the boundaries of any carriageway;

“Town Planning Scheme” means a Shire of Carnarvon Town Planning Scheme or Interim Development Orders for the time being in force under the provisions of the Town Planning and Development Act 1928, (as amended) and relating to all or part of the municipality of the Shire of Carnarvon;

“Trading” means selling goods, wares, merchandise or services, or offering goods, wares, merchandise or services for sale, in a thoroughfare or other public place and includes displaying goods, wares or merchandise for the purpose of offering them for sale, inviting offers for sale, soliciting orders or carrying out any other transaction therein, but does not include the setting up of a stall, or the conducting of business at a stall, under the authority of a licence issued under these Local Laws;

“Vehicle” includes—

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means;
- (b) where the context permits, an animal being drawn or ridden, and;
- (c) in relation to the vehicle wrecking Local Laws, an old, second hand or disused motor vehicle or any old, second hand or disused machinery, whether part of a motor vehicle or not;
- (d) a shopping trolley as defined in these Local Laws;

“Verandah” for the purpose of these Local Laws includes cantilever awnings, cantilever verandahs and balconies whether over public thoroughfares and ways or over private land;

“Wreck” includes the dismantling, breaking up, storage and disposal of vehicles and inflexions and derivatives of the verb have a corresponding meaning;

### **1. BLOWING OF MATERIALS**

1.1 No person shall permit paper, sand or other materials used during the progress of works or during the loading or unloading of goods to be blown upon any thoroughfare or public place.

### **2. EXPECTORATION**

2.1 No person shall expectorate on any portion of a thoroughfare or public place.

### **3. UNREASONABLE DISTURBANCE**

3.1 No person shall—

3.1.1 sound or make any noise by use of a gramophone, amplifier, wireless appliance, bell or other instrument or appliance in or upon any thoroughfare or public place which unreasonably disturbs or causes annoyance to, occupiers or properties in the vicinity;

3.1.2 play any musical instrument or sing in any thoroughfare or public place so as to unreasonably disturb or cause annoyance to occupiers of property in the vicinity;

### **4. DAMAGE TO COUNCIL SIGNS AND STRUCTURES**

4.1 No person shall damage, deface, remove or otherwise interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected by the Council in or over any thoroughfare or public place.

### **5. RUBBISH**

5.1 No person shall—

5.1.1 deposit any rubbish, bottles, glass or litter in any thoroughfare or public place except in a receptacle provided for that purpose by the Council;

5.1.2 throw, place or leave or cause to be thrown, placed or left, fruit or fruit skins or peel or other vegetable substances in any thoroughfare or public place except in a receptacle provided for that purpose by Council;

5.1.3 light a fire or burn rubbish or other materials in a thoroughfare or public place;

### **6. TRAINING AND RACING OF ANIMALS**

6.1 No person shall train or race an animal in any thoroughfare.

### **7. HOIST ETC. OVER THOROUGHFARE**

7.1 No person shall, without the written authority of Council—

7.1.1 provide, erect, install or use in or on any building, structure, or land abutting on any thoroughfare or other public place any hoist or other things for use above the level of such thoroughfare or other public place;

7.1.2 permit goods or merchandise, including firewood, soil, fertilisers and building material from remaining in a thoroughfare or other public place for longer period than is necessary for delivering the goods, merchandise or wares into the place of delivery;

7.1.3 fell a tree on or across a thoroughfare so as to prevent vehicles or persons having the free or unhindered use of the thoroughfare.

**8. VACANT****9. VACANT****10. VACANT****11. POUNDS**

11.1 In accordance with Section 449 of the Local Government (Miscellaneous Provisions) Act, 1960, whereby Council may establish and maintain a pound, Reserve No. 18999 being the Council Depot, Robinson Street, Carnarvon is nominated as the public pound.

11.2 Fees and charges for the period of which cattle are impounded shall be in accordance with the Fifteenth Schedule to the Local Government (Miscellaneous Provisions) Act, 1960.

**12. RESERVES****12.1 Revocation**

The Reserves By-Laws published in the Government Gazettes on 23 August 1972 and 17 May 6 1991 are hereby revoked.

**12.2 No person—**

12.2.1 except with the prior written permission of the Council shall light any fire within a reserve other than a fire for a barbecue or other similar purpose which is lit in a fire proof construction;

12.2.2 except an employee of the Council in the course of that person's duties shall ride or drive any vehicle within a reserve except at or upon such place or places as the Council provides for that purpose and then only at a speed not exceeding 15 kilometres per hour. Notwithstanding that, this clause shall not apply to persons using wheelchairs or motorised wheelchairs;

12.2.3 except with the prior written permission of the Council, shall take onto and consume any liquor on a reserve. For the purpose of this clause, any person having in his possession on a reserve, any receptacle containing liquor which has been opened for consumption, shall be deemed to have consumed liquor on the reserve, and shall—

- (a) surrender the receptacle and contents to an Authorised Person on demand; and
- (b) be guilty of an offence.

12.2.4 except with the prior written permission of the Council shall camp, lodge or tarry overnight on a reserve or frequent a reserve for the purpose of camping, lodging or tarrying overnight thereon.

**13. DANGEROUS OR OFFENSIVE THINGS**

13.1 No person shall except under authority of a licence issued by the Council and upon such conditions as the Council shall see fit to impose keep within the district any animal or bird or any other thing whether animate or inanimate which, in the opinion of the Council, is offensive or dangerous.

13.2 No person shall carry out any activity, conduct any business or engage in any undertaking on any land or premises in such a manner as to permit the escape therefrom of noise, smoke, dust, sawdust, fumes or waste in such a quantity or to such an extent or in such a manner as to create a nuisance to any other person.

**14. OLD REFRIGERATORS AND CABINETS**

14.1 No person shall place in, or about any rubbish depot, tip or dump, sanitary depot, public reserve, public place or unfenced vacant land, any refrigerator, ice chest, ice box, furniture, trunk or other thing, whether of the same kind as, or of a different kind from, those in this clause, specified, that has in it a compartment of a capacity of 0.04 cubic metres or more, unless before so placing it, there has been removed from the compartment every door, lid, lock and hinge therefore or otherwise has rendered every such door or lid incapable of being fastened.

**15. HORSES**

15.1 Excepting where otherwise permitted no person shall ride, tether or otherwise permit a horse to be on any portion of the sea shore as prescribed in the First Schedule to these Local Laws.

**16. KEEPING OF GOATS**

16.1 No person shall, except in a Special Residential Zone, a Rural Zone, an Intensive Horticultural Zone or a Special Rural Zone as defined in the Shire of Carnarvon Town Planning Scheme keep goats unless that person is authorised by and is the holder of a Certificate of Registration issued pursuant to these Local Laws.

16.2 Any person who desires to keep goats unless within a Special Residential Zone, a rural Zone, an Intensive Horticultural Zone or a Special Rural Zone shall make application in writing to the Council.

16.3 The Council, subject to the area of land being not less than 2,000 square metres, may grant a Certificate of Registration to the applicant in respect to the keeping of goats and may determine the number of goats that may be kept.

16.4 An application for registration to keep goats shall be made in the form of Form 1 of the Second Schedule and in addition shall include—

16.4.1 in respect to all areas, details of the purpose for which it is intended to keep the goats;

16.4.2 in respect to areas zoned for residential development, a medical certificate stating that, due to medical reasons, goats milk is required for a resident of the premises where it is intended to keep goats; and

16.4.3 plans and specifications of any structures, yards, pens and enclosures for housing of the goats complying with the terms of these Local Laws and showing the site of the proposed structure, yards, pens and enclosures.

16.5 A certificate of registration—

16.5.1 shall be issued by the Council substantially in the form of Form 2 of the Second Schedule, setting out a copy of the particulars therein furnished;

16.5.2 is not transferable without the written consent of the Council.

16.6 The person to whom a Certificate of Registration has been issued shall—

16.6.1 prevent the goats from being at large in any yard, pen, enclosure or place unless provision is made to prevent such animals from approaching within 18 metres of any house, shop, or place where food is manufactured, stored or exposed for sale;

16.6.2 where such goats are kept in other than a Rural, Special Rural or Intensive Horticultural Zone, provide at the place where the goats are kept a structure for the housing of the goats and such structure shall comply with the following—

16.6.2.1 it shall not be at any less distance than 18 metres from any house, shop, or place where food is manufactured, stored or exposed for sale;

16.6.2.2 it shall have walls constructed of concrete, masonry, stone, timber, galvanised iron or other approved material;

16.6.2.3 it shall have a roof constructed of approved impervious material;

16.6.2.4 there shall be on all sides of the structure between the wall and the roof a continuous clear space of at least 150mm in height;

16.6.2.5 the surface of the floor shall be raised at least 75mm above the surface of the surrounding ground, and shall be constructed of some impervious material and the floor shall have a fall of one in one hundred to a drain, and;

16.6.3 where such goats are kept in a Rural, Special Rural or Intensive Horticultural Zone, provide at the place where goats are kept a structure for the housing of goats as determined by the Council;

16.6.4 provide an approved flyproof receptacle for manure;

16.6.5 collect and place all manure produced on the premises in the receptacle for manure at least once daily;

16.6.6 empty the receptacle for manure at least once weekly and dispose of the manure in a manner and at such place as approved by the local government;

16.6.7 maintain all structures for housing of the goats and all yards, pens and enclosures appurtenant thereto in a clean condition and such structures, yards, pens and enclosures shall be cleansed and disinfected when so ordered by an Environmental Health Officer and;

16.6.8 keep the goats in a manner so as not to create a nuisance.

16.7 A person shall not keep any goat at a place other than that specified in the Certificate of Registration.

16.8 A certificate of Registration issued pursuant to these Local Laws, shall, unless sooner cancelled, remain in force from the date specified on the Certificate of Registration until the thirty first day of December of that year.

16.9 Every such person who has been granted Certificate of Registration for the keeping of goats shall annually, and in the first week of January make application for the renewal of registration of such goats, and with such application shall pay a fee as determined by the Council from time to time.

16.10

16.11 The Council may cancel a Certificate of Registration issued pursuant to these Local Laws where a person commits an offence against these Local Laws.

16.12 Where a person keeps goats in a manner contrary to the requirements of these Local Laws an authorised person—

16.12.1

16.12.2 may seize goats found at large in any thoroughfare and other public place;

16.12.3 may impound goats found wandering at large in any thoroughfare and other public places, at the place prescribed in and as per the requirements of clause 11 to these Local Laws.

16.12.4 shall, when the goat is impounded, deal with it as though that animal had been impounded in accordance with the requirements of clause 17 to these Local Laws;

## **17. REMOVAL AND DISPOSAL OF OBSTRUCTING ANIMALS AND VEHICLES**

17.1 For the purpose of these Local Laws—

17.1.1 an animal that is secured in any portion of a public place wherein animals may lawfully be secured is not obstructing unless it is so secured for a period exceeding eight hours without the consent, in writing, of the CEO;

17.1.2 a vehicle that is parked or otherwise left in any portion of a public place wherein vehicles may lawfully be parked is not obstructing, unless—

17.1.2.1 the vehicle is so parked for any period exceeding twenty four hours, without the consent in writing of the CEO;

17.1.2.2 the vehicle is so parked or otherwise left during any prohibited or restricted periods, if by any sign, the parking of vehicles is prohibited or restricted;

17.1.3 a vehicle which is parked in or otherwise left in or an animal which is secured in or otherwise left in any portion of a public place wherein vehicles may not lawfully be parked is deemed to be causing an obstruction.

- 17.1.4 a shopping trolley left in a public place is not obstructing for the purposes of these Local Laws, unless it is so left for any period exceeding three hours without the consent in writing of the CEO of the Council.
- 17.2 A person shall not secure or otherwise leave any animal or park or otherwise leave any vehicle in a public place so as to obstruct any portion of that place.
- 17.3 A person who leaves an animal or vehicle in a public place, contrary to the provisions of clause 17.1 of these Local Laws commits an offence.
- 17.4 The Council may—
- 17.4.1 appoint a person as an authorised person for the purposes of these Local Laws;
  - 17.4.2 in accordance with clause 11 to these Local Laws appoint a yard or other piece of land as a place to which animals or vehicles may be removed pursuant to these Local Laws and shall give notice in the Gazette and in a newspaper circulating within its district of the situation of any appointed place.
- 17.5 Where an authorised person or a member of the Police Force finds an animal or vehicle left in a public place, contrary to the provisions of these Local Laws, he may remove the animal or vehicle therefrom and shall, thereupon—
- 17.5.1 in the case of an animal, place it in the public pound as prescribed in clause 11 of these Local Laws;
  - 17.5.2 in the case of a vehicle, place it in an appointed place.
- 17.6 Where an authorised person places an animal in a public pound, pursuant to these Local Laws, the animal shall thereafter be dealt with according to law.
- 17.7 Where an authorised person places an animal or vehicle in an appointed place or public pound, pursuant to these Local Laws, he shall enter in a register to be provided by the Council for that purpose, details of the time and date, a description of the vehicle, and of the place from which it was removed, and shall notify the CEO of the Council.
- 17.8 The CEO shall exhibit on the Notice Board of the Council a notification that an animal or vehicle therein described has been placed in the appointed place or public pound and shall, unless the vehicle is sooner recovered, keep that notification exhibited for a period of not less than seven days.
- 17.9 The procedural provisions of Part 3, Division 23, Subdivision 4 of the Act shall apply generally when an animal or vehicle is impounded.
- 17.10 For the purpose of determining whether a person claiming possession of a seized animal or vehicle is the owner of such animal or vehicle the CEO may demand reasonable proof.
- 17.11 Every person who removes an animal or vehicle from an appointed place or public pound without the authority of the CEO commits an offence.

## 18. VEHICLE WRECKING AND STORAGE

- 18.1 No person shall—
- 18.1.1 store a disused motor vehicle, an old motor vehicle body or any old machinery;
  - 18.1.2 dismantle or break up a disused motor vehicle, an old motor vehicle or any old machinery;
- on any land, other than such as is zoned for industrial purposes, or an appropriate special industrial purpose or for noxious trade purposes, under a town planning scheme made pursuant to the Town Planning and Development Act 1928, or under a Zoning Local Law.
- 18.2 Where any person has stored or caused to be stored or permitted to be stored any old or disused vehicle or machinery or part thereof and in the opinion of the Council, it is causing an unsightly condition that person shall be given written notice requiring the abatement of the unsightly condition.
- 18.3 A person wrecking vehicles under the provisions of this clause shall not—
- 18.3.1 engage in the activity on a Sunday without the written authority of Council;
  - 18.3.2 engage in the activity on any other day between the hours of 7.00pm on one day and 7.00am on the following day.
  - 18.3.3 do so unless—
    - 18.3.3.1 inside a building; or
    - 18.3.3.2 within an area enclosed by a fence or wall not less than two metres in height and of such nature as to screen the vehicles being wrecked from the thoroughfare and from the adjoining properties. Such fence shall comply with the requirements of the Shire of Carnarvon Fencing Local Laws in all other respects.
- 18.4 Every person wrecking or storing a vehicle shall—
- 18.4.1 comply with all Local Laws relating to nuisances;
  - 18.4.2 maintain those vehicles that are not immediately required to be dismantled or broken up or that have been dismantled and broken up and are not immediately disposed of or are otherwise to be stored on the land, in neat rows not exceeding 2 metres in height; and
  - 18.4.3 provide a screen of trees or shrubs or a fence between the building line and the thoroughfare alignment to the satisfaction of the Council, but not as to restrict visibility at an intersection.
- 18.5 A person wrecking or storing vehicles shall not—
- 18.5.1 store any vehicles—
    - 18.5.1.1 over any area of land exceeding one hectare;

18.5.1.2 in any number exceeding 1000 per hectare, where the vehicles have been reduced by pressure or other process, to a max of 1.75 cubic metres or less, or exceeding 250 per hectare where they have not been so reduced; or

18.5.1.3 except within a building, between a building line and a thoroughfare alignment within 9 metres of a thoroughfare alignment or within 3 metres of land not in the same occupancy.

18.5.2 destroy any portion of a vehicle by fire, so that annoyance is occasioned to occupiers of adjoining land by smoke or odour.

## 19. TREES

19.1 It shall be lawful for the Council to—

19.1.1 plant, or cause to be planted, such trees, shrubs or plants as shall be considered necessary and desirable at any place in any thoroughfare, reserve or other land or place within the boundaries and under the control or management of the Council;

19.1.2 erect or cause to be erected, such fences, guards, or protections as shall be considered necessary or desirable for the maintenance and protection of such trees, shrubs and plants.

## 20. PLANTING OF LAWNS AND GARDENS

20.1 A person—

20.1.1 shall not plant a garden in a thoroughfare, except pursuant to approval issued by the Council and then only in conformity with these Local Laws;

20.1.2 shall, where being the owner or occupier of the land which abuts on that portion of a thoroughfare apply to Council and Council shall not issue approval for planting of a garden in that portion of a thoroughfare to any other person;

20.1.3 shall, where requiring approval to plant a garden in a thoroughfare, submit to Council a sketch plan setting out details of the proposed garden and proposed garden beds, in relation to the frontage of their property and the carriageway;

20.1.4 shall not plant a lawn or garden, in a thoroughfare—

20.1.4.1 so that it extends beyond the frontage in respect to which the permit is issued;

20.1.4.2 so that it encroaches on the pavement of a carriageway, or on a made footpath;

20.1.4.3 that is not graded evenly from the frontage of the land abutting on the portion of the thoroughfare to the kerb of the carriageway;

20.1.5 shall not water a thoroughfare lawn, or garden in such a manner as will, or may, occasion inconvenience to persons using the adjoining carriageway or footpath;

20.1.6 shall not plant any tree or shrub that is grown, or is of a variety likely to grow so as to cause an obstruction or interference with vision of persons driving vehicles approaching, entering or passing through an intersection of two thoroughfares.

20.2 Notwithstanding the requirements of clause 20.1 to these Local Laws—

20.2.1 where a lawn or garden has been planted in a thoroughfare before the coming into operation of these Local Laws, the Council may require that lawn or garden be brought into conformity with these Local Laws.

20.2.2 the Council may at any time, by notice in writing to the owner or occupier of land that abuts upon that part of a thoroughfare wherein a lawn or garden is planted, require that owner or occupier to remove any tree, shrub or water piping or fitting and may, where the owner or occupier does not comply with the notice, remove the tree, shrub, piping or fitting at the expense of the owner or occupier, and any expense incurred by the Council pursuant to this clause may be recovered in a court of competent jurisdiction.

## 21. MAINTENANCE OF LAWN AND GARDEN

21.1 A person planting a lawn or garden in a thoroughfare shall—

21.1.1 do all things reasonably necessary to maintain that lawn or garden;

21.1.2 keep the lawn mowed to a reasonable height; and

21.1.3 make good any damage occasioned in the thoroughfare during, or due to, the undertaking of such maintenance or mowing of lawns.

21.2 Where, as part of the planting of a lawn or garden a person installs or lays water pipes or any other form of reticulation requiring the crossing of a footpath, or thoroughfare they shall—

21.2.1 be installed or laid beneath the surface of the thoroughfare at a depth of not more than 300 millimetres, not less than 150 millimetres and so that any fixture or fitting connected to them does not project above the surface of the lawn or garden bed or otherwise constitute a hazard to the public;

21.2.2 if connected to a public water supply, be installed or laid so that to comply with the requirements of the body constituted for, and having the control of, that supply under the Act, or any other Act, Regulations or Local Laws.

21.2.3 if connected to a private supply, where passing under road pavement, made footpaths or crossings, be of approved materials; and

21.2.4 have approved valves, located within the property where they are to be connected to the supply and fitted so as to give complete control of the flow of water from the supply.



21.3 Where a person, in the course of installing or laying pipes pursuant to this clause, causes damage to any road pavement, footpath, or crossing or to any water, gas or sewerage pipes, or to any power or telephone cables or to a fire hydrant, that damage may be made good, by the authority having the control of the thing damaged at the expense of that person or of the person on which behalf the pipes were installed or laid, and the amount of that expense may be recovered in any court of competent jurisdiction.

## **22. REQUIREMENTS OF COUNCIL OR AUTHORISED PERSONS IN RELATION TO THOROUGHFARE LAWNS AND GARDENS**

22.1 The Council or its authorised person or any person empowered or authorised to dig up a thoroughfare may—

22.1.1 without being liable to compensate any person therefore, dig up all or part of a lawn or garden in a thoroughfare for the purpose of carrying out any authorised works;

22.1.2 where it is of the opinion, that the carrying out of authorised works may impede the existence of piping, or any fixtures of fittings under a lawn or garden in a thoroughfare, may give notice to the owner or occupier of the land abutting on the lawn or garden to remove the piping, fixtures or fittings until the completion of the works, and may, where the owner or occupier does not comply with the notice, remove the piping, fixtures or fittings at the expense of the owner or occupier, and any expense incurred by the Council, its authorised person or authority pursuant to this clause may be recovered in a court of competent jurisdiction.

22.2 A person employed by the Council or other authority acting pursuant to sub clause 22.1.2.

22.2.1 shall not disturb a lawn or garden or damage any pipes laid under it or them to any greater extent than is reasonably necessary for the purpose of carrying out any authorised works and shall, upon the completion of the works, reinstate the lawn or garden, as far as is reasonably practicable.

## **23. STOPPING OF VEHICLES OR ANIMALS ON LAWNS OR GARDENS**

23.1 A person, not being the occupier of the land abutting on that lawn or garden, shall not, without the consent of that occupier, drive or stop a vehicle or animal upon a lawn or garden planted in a street pursuant to these Local Laws.

23.2 Where a complaint brought under this clause is in respect of the driving of a vehicle upon a lawn or garden, if the pavement of the carriageway adjoining the lawn or garden does not exceed 5 metres in width, it is a sufficient defence to the complaint to show that—

23.2.1 the wheels of one side only of the vehicle passed over the lawn or garden; and

23.2.2 it was necessary to drive upon the lawn or garden, in order to pass another vehicle then being driven or stopping on the pavement of the carriageway.

## **24. LIABILITIES FOR DAMAGE TO THOROUGHFARE LAWNS AND GARDENS**

24.1 The Council or other authorised person shall not be liable for damage to any fixture or fitting under a lawn or garden in a thoroughfare occasioned either in the course of the removal of the piping under the provisions of sub clause 22.1.2 of the Local Laws or of carrying out authorised works.

24.2 The Council is not liable for any damage or injury sustained by a person by reason of, or arising out of, the planting, or existence of a lawn or garden in a thoroughfare.

## **25. WILFUL DAMAGE TO A LAWN OR GARDEN**

25.1 Notwithstanding the above, except as provided by these Local Laws, every person who wilfully damages a lawn or garden in a thoroughfare or who removes from any such garden any flower, plant or shrub commits an offence.

## **26. PREVENTION OF DAMAGE TO FOOTPATHS**

26.1 Excepting in the instance of a person using a wheel chair no person shall—

26.1.1 drive any vehicle over or across a footpath except at a specially constructed crossing place, unless with the permission of the Council or its authorised person and in accordance with these Local Laws;

26.1.2 drive a vehicle or permit a vehicle to be driven across a footpath if such vehicle is so heavy or is of such a nature that it causes or is likely to cause damage to the paving of the footpath unless with the permission of the Council, and in accordance with these Local Laws;

26.1.3 ride a cycle on any footpath other than where such footpath is constructed and designated (by way of traffic control devices) for use as a dual use path and where so used cyclists shall keep to the left hand side of the footpath, travel at a speed not exceeding 15 kilometres per hour and at all times give right of way to pedestrian traffic;

26.1.4 engage in building operations on any land or contract or arrange with any person to carry out any works or to deliver materials on to any land if by so doing a vehicle will cross a footpath even at a specifically constructed crossing place and it is likely that damage to the footpath will be caused thereby unless written permission is given by an authorised person and in accordance with these Local Laws.

26.1.5 trench through or under a footpath without first obtaining the written consent of the authorised person or otherwise than in accordance with the terms of the written consent of the authorised person.

## **27. APPLICATIONS AND CONDITIONS**

27.1 Excepting in the instance of a person using a wheel chair any person who—

27.1.1 desires to cross a thoroughfare verge with a vehicle at a place not a specifically constructed crossing place; or

27.1.2 proposes to carry out building or other operations or work necessitating the crossing of a footpath, or thoroughfare verge with vehicles whether at a specifically constructed crossover or not; shall make application in writing to the Council for its permission so to do specifying the place or places at which such crossing is to be made and on application pay to the Council a deposit commensurate with the potential damage as estimated by Council or its authorised person.

27.2 Prior to issue of written permission to proceed the Council shall cause an inspection of the site to be carried out by its authorised person and any existing damage is to be recorded.

27.3 Upon completion of all works appropriate to the application the applicant shall notify the Council who shall cause an inspection for damage to be carried out by its authorised persons prior to the return of any deposit.

27.4 A person who carries out any building or other operations or work necessitating the crossing of a footpath with vehicles which cause or are likely to cause damage to the footpath shall comply with the following conditions—

27.4.1 if the paved portion of the footpath shall be constructed of concrete slabs—

27.4.1.1 carefully remove them from the footpath for a width as determined by the authorised person;

27.4.1.2 place in the position from which the slabs have been removed a temporary crossing in accordance with the requirements of the authorised person. The said temporary crossing shall be firmly bedded and laid true to the line and level of the original footpath;

27.4.1.3 when the necessity no longer exists for such temporary crossing or when called on to do so by notice in writing from the Council or its authorised person, shall remove the temporary crossover, replace the slabs in a proper workmanlike manner to the original line and level, and shall replace with new slabs of equal quality and size any slabs which have been lost, damaged or broken;

27.4.2 in the case of a footpath constructed in total or in part of bitumen surfaced gravel, concrete, gravel, limestone or crushed metal or materials other than concrete slabs—

27.4.2.1 shall, unless directed to do otherwise by an authorised person position where the crossing is to be made a temporary crossing in accordance with the requirements of the authorised person and the said temporary crossing shall be firmly bedded and laid true to a line and level as determined by the authorised person;

27.4.2.2 when the necessity no longer exists for such a temporary crossing, or when called upon to do so by notice in writing from the Council or its authorised person, shall remove the temporary crossing and clean off the footpath;

27.4.2.3 shall, until it shall have been removed keep the temporary crossing in good repair and in such a condition as not to create any danger or obstruction to pedestrians.

27.5 Any person who desires to trench through or under a constructed footpath or thoroughfare or kerb shall apply in writing to the Council and lodge with the Council a deposit commensurate with the potential damage as estimated by an authorised person.

27.6 In accordance with clauses 27.1, 27.4 and 27.5 hereof—

27.6.1 a person shall upon completion of any works or other operations make good all damage caused to the footpath and the thoroughfare kerbing, guttering and paved thoroughfare during the whole of the time the works are in progress;

27.6.2 if any damage shall have occurred and shall not have been made good the Council is authorised to make good such damage and deduct the cost from the money paid to the Council in accordance with this Local Law.

27.6.3 if the cost exceeds the amount paid the applicant or other persons aforesaid shall pay to the Council on demand the amount by which the costs exceed that amount paid and the Council may recover such amount by action in a court of competent jurisdiction.

27.6.4 if no damage has been caused or if the damage has been made good the Council shall repay the amount paid or the portion remaining after the costs incurred by the Council have been paid.

## 28. PARKING

### *Division 1—Preliminary*

#### 28.1 Revocation

The Parking By-Laws published in the Government Gazette on 7 August 1992 are hereby revoked.

#### 28.2 Definitions—

28.2.1 In these Local Laws unless the context otherwise requires—

“carriageway” means every part of a thoroughfare used or intended for use by vehicles and includes footpath or kerb;

“driver” means any person driving or in control of a vehicle;

“footpath” means a path used by, or set aside or intended for use by both pedestrians and cyclists, but not vehicles of any other kind;

“kerb” means and includes the kerb or edge of the portion of a thoroughfare paved for the use of vehicular traffic where any kerb exists at the edge of the paved thoroughfare whether any footpath has been constructed or not;

“no parking area” means a portion of a carriageway that lies—

- (a) between two consecutive signs inscribed with the words “No Parking”, or a symbol or symbols to that effect, and each with an arrow point generally towards the other of them; or

- (b) between a sign inscribed by the words "No Parking", or a symbol or symbols to that effect, and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

"no stopping area" means a portion of a carriageway—

- (a) between two consecutive signs inscribed with the words "No Stopping", or a symbol or symbols to that effect, and each with an arrow pointing generally towards the other of them; or
- (b) between a sign inscribed with the words "No Stopping", or a symbol or symbols to that effect, and a dead end or an area in which stopping is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

"omnibus" has the same meaning as that expression in the Road Traffic Act 1974;

"park" means to permit a vehicle whether attended to or not, to remain stationary, except for the purpose of avoiding conflict with other traffic and complying with provisions of any law or of immediately taking up or setting down persons or goods; and "parking" has a correlative meaning;

"parking area" means a portion of a carriageway—

- (a) between two consecutive signs inscribed with the word "Parking", or a symbol or symbols to that effect, each with an arrow pointing generally towards the other of them; or
- (b) extending from a sign inscribed with the word "Parking" or a symbol or symbols to that effect in the general direction indicated by an arrow inscribed on the sign, to any other sign inscribed with the words "No Parking" or "No Stopping" or symbols to the same effect, or to a dead end or an area in which the parking or stopping of vehicles is prohibited and is that half of the carriageway of the thoroughfare nearest to the sign;

"parking region" means thoroughfares and any private land in respect of which the owner or occupier from time to time requests the Council to control parking under these Local Laws within the Scheme Area of the Shire of Carnarvon Town Planning Scheme as shown in the Seventh Schedule with the exception of—

- (a) any thoroughfare which comes under the control of the Commissioner of Main Roads;
- (b) prohibition areas associated with traffic control signals, based upon an approved plan.

"parking stall" means a section or part of a thoroughfare which is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where the vehicle may stop or be parked, whether on payment of a fee or charge or otherwise;

"sign" means a traffic sign, mark, marking, symbol, structure or device on or over any thoroughfare for the purpose of regulating, guiding or directing traffic;

"symbol" means a letter, figure, or other character or mark, or a combination of letters or the like used to represent something, and without limiting the generality of the foregoing includes any symbol issued or specified by Australian Standard 1742.11—1989 for use in the regulation of parking and any reference to the wording of any sign in these Local Laws shall be also deemed to include a reference to the corresponding symbol;

"stop" in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law, and "stopping" has a correlative meaning;

"taxi car" means a vehicle, not being an omnibus within the meaning of the Road Traffic Act 1974, which is—

- (a) equipped to carry not more than seven passengers; and
- (b) is used for the purpose of stopping or plying for hire, or otherwise for the carrying of passengers for reward;

"taxi stall" means a position or group of positions set apart by the Council by means of a sign on or near a thoroughfare for the stopping of disengaged taxi cars and may be in the form of a designated parking station or parking stalls.

### 28.3 Application—

28.3.1 The provisions of these Local Laws apply to the parking region;

28.3.2 In these Local Laws a reference to a word or words in a sign shall be taken to include a reference to a symbol or symbols to the same effect and a reference to a symbol shall be taken to include a reference to a word or words to the same effect.

### *Division 2—Stopping and Parking Generally*

#### 28.4 Erection of Signs to Regulate Parking

A discretionary authority is conferred on the Council by resolution to constitute, determine and vary, and also indicate by signs, from time to time—

- (a) prohibitions;
- (b) regulations and restrictions of parking and stopping of vehicles of a specified class or of specified classes in all thoroughfares or specified thoroughfares or in specified parts of thoroughfares or reserves at all times or specified times, but that discretionary authority shall not be exercised in a manner inconsistent with the provisions of these Local Laws.

**28.5 Parking Conduct—**

28.5.1 A person shall not stop or park a vehicle in a thoroughfare or part of a thoroughfare—

- (i) which is by sign thereon or adjacent or referable thereto set apart for the stopping or parking of vehicles of a different class; or
- (ii) if by such a sign the stopping or parking of vehicles is prohibited or restricted during a period or periods, during that period or periods, or
- (iii) if by such a sign the stopping of vehicles is permitted for a specified time, for longer than that time.

28.5.2 A person shall not stop a vehicle—

- (i) in a no stopping area;
- (ii) in a parking area, except in a manner indicated by the inscription on the sign or signs associated with the parking area and parking stalls except as provided in these Local Laws with reference to the parking stalls;
- (iii) in a parking area contrary to any limitation in respect of days, periods of the day, classes of persons or classes of vehicles indicated by the inscription on the sign or signs associated with the area.

28.5.3 A person shall not park a vehicle in a no parking area.

28.6 Subject to the provisions of clause 28.7 a person shall not stop or park a vehicle or permit a vehicle to stop or park on a carriageway otherwise than—

- (i) on a two way carriageway, so that it is as near as practicable to and parallel with the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is stopping.
- (ii) so that it is entirely within the confines of any parking stall marked on the carriageway.

28.7 A person shall not stop or park a vehicle partly within and partly outside a parking area.

*Division 3—Bus and Taxi Stalls*

**28.8 Bus Parking Stalls—**

28.8.1 Excepting for the purpose of taking up or setting down passengers, a person shall not stop or park a vehicle other than an omnibus in a parking stall set aside for use by omnibuses.

**28.9 Taxi Stalls—**

28.9.1 No person, including the owner or operator of a taxi car as defined under the Taxi Act 1994 and Taxi Regulations 1995, shall park or stop a taxi car, for the purpose of plying for hire or otherwise soliciting for the carrying of passengers for reward from a parking stall or parking station other than a taxi stall as prescribed from time to time by Council.

28.9.2 No person shall park or stop a vehicle, other than a taxi car then available for hire, at or upon a taxi stall or park or stop any vehicle so as to obstruct a taxi stall.

28.9.3 Notwithstanding the requirements of clause 28.12 a person being the owner or operator of a taxi car may use a parking stall other than a taxi stall, or a tourist bus stall for the purpose of the setting down of passengers.

*Division 4—Miscellaneous*

28.10 An infringement notice may be given in accordance with the provisions of clause 41.7 for an offence under these Local Laws in respect of which the use, driving, parking, stopping or leaving of a vehicle is an element.

28.11 A person, other than the driver of the vehicle, shall not remove from the vehicle any notice affixed thereto or left therein or thereon by an Authorised Person or a member of the police force.

28.12 An inscription on a sign operates and has effect according to its tenor and a person contravening the direction of a sign commits an offence under these Local Laws.

**Further Provisions in Relation to Signs.**

28.13 A sign marked, erected, established or displayed on or near a thoroughfare or purporting to be a parking control sign is, in the absence of evidence to the contrary presumed to be a sign marked, erected, established or displayed under the authority of these Local Laws.

28.14 The first three letters of any day of the week when used on a sign indicate that day of the week.

28.15 A sign associated with a no parking area, no stopping area or parking area or a sign of a kind referred to in these Local Laws is limited in its operation and effect in respect of days, periods of the day, classes of persons, classes of vehicle, or circumstances to the extent, if any, shown on the sign.

**29. HAWKERS, TRADERS AND STALL HOLDERS**

29.1 These Local Laws shall not apply to the selling or offering for sale newspapers or magazines unless they are sold or offered for sale from a stall.

29.2 No person shall hawk any goods, works, merchandise or wares or carry on trading or set up a stall in any thoroughfare or public place unless that person—

29.2.1 is acting in compliance with the requirements, terms and conditions of a current licence issued under these Local Laws and for which all fees and charges have been paid; and

29.2.2 is the holder of, or assistance specified in a valid licence.

29.3 An application or renewal of an application for a licence shall be in the form of the Fourth Schedule of these Local Laws; and

29.3.1 in the instance of a hawker, shall—

29.3.1.1 specify the kind of goods, wares or merchandise which the applicant requires to hawk;

29.3.1.2 specify where a vehicle is used, the type of vehicle, conveyance or means of carriage to be employed in hawking;

29.3.1.3 specify the period for which the licence is required;

29.3.1.4 specify where the licence is required to be limited to a part of the District, the part of the District to which it is so to be limited;

29.3.1.5 specify where it is proposed to hawk in any public place or public building the location and name of the public place or building together with the name and address of the owner of that public place or building;

29.3.1.6 specify the full name and address of the applicant together with those of any assistants to be engaged by the applicant for hawking of his goods, works, wares or merchandise; and

29.3.1.7 be accompanied by a certificate signed by two Justices of the Peace certifying that the applicant is of good character and reputation and is a fit person to exercise the trade of a hawker.

29.3.2 in the instance of a trader or stall holder shall—

29.3.2.1 include the full name and address of the applicant;

29.3.2.2 specify the proposed number and the names and addresses of assistants to be engaged by the applicant in trading pursuant to the licence;

29.3.2.3 specify the location for which the licence is sought and detail the area required;

29.3.2.4 be accompanied by an accurate plan and description of any proposed stand, table, structure or vehicle which may be used for trading;

29.3.2.5 specify the proposed days and hours of trading; and

29.3.2.6 specify the proposed goods, wares, merchandise or services in respect of which trading will be carried on;

29.3.3 be accompanied by the application fee as determined by the Council from time to time.

29.3.4 where a proposed stall is to be conducted on private property, include—

29.3.4.1 a written authority from the owners of the property for the applicant to conduct the stall, and

29.3.4.2 any other information as may be requested by or on behalf of Council.

29.4 In considering an application for a licence or renewal of a licence the Council shall have regard to—

29.4.1 any relevant policy statements;

29.4.2 the desirability of the proposed activity;

29.4.3 the location of the proposed activity; and

29.4.4 the circumstances in the case;

29.5 The Council may grant the licence or renewal, or may refuse to grant the licence or renewal and it may so refuse on any of the following grounds—

29.5.1 the applicant has committed a breach of any of these Local Laws;

29.5.2 the applicant is not a desirable or suitable person to hold a licence;

29.5.3 the needs of the District of the Council or the portion thereof for which the licence is sought are adequately catered for by established shops or by persons to whom licences have been previously issued;

29.5.4 the proposed activity or place of trading is in the opinion of Council undesirable;

29.5.5 the proposed shed, table or structure or vehicle is in the opinion of Council unsuitable in respect to the location for which the licence is sought; or

29.5.6 such other grounds as may be relevant in the circumstances.

29.6 The Council may issue a licence specifying such requirements, terms and conditions as in the opinion of the Council are appropriate including—

29.6.1 the place to which the licence applies, which in the event of a trader may include a pre determined approved route or area and whether or not the trader may remain stationary in any thoroughfare or public place where using a vehicle for any period longer than shall be necessary for the purpose of serving or trading with any customer or intended customer then offering to buy or treat;

29.6.2 the days and hours when trading or hawking may be carried on;

29.6.3 the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used by a stallholder or for trading or hawking;

29.6.4 the particulars of the goods or services or transactions in respect of which a stall may be conducted or trading or hawking may be carried on;

29.6.5 the number of persons and the names of persons permitted to act as a stallholder or carry on trading or hawking and any requirements concerning personal attendance at the place a stall is to be established or of trading or hawking and the nomination of assistants, nominees or substitutes;

29.6.6 whether and under what terms the licence is transferable;

- 29.6.7 any prohibitions or restrictions concerning the cause of any nuisance, the use of advertising devices, the making of noise and the use of amplifiers, sound equipment, sound instruments and lighting apparatus, or distance of operation from a permanent place of building that has for sale any goods, works, merchandise or wares of the kind being hawked or traded;
- 29.6.8 any requirements concerning the display of the licence holder's name and other details of the licence;
- 29.6.9 the care, maintenance and cleaning of the place of trading and any associated vehicles;
- 29.6.10 the vacating of the place of trading when trading is not taking place;
- 29.6.11 any requirements regarding the acquisition by the licence holder of public risk insurance;
- 29.6.12 the period not exceeding 12 months during which the licence is valid; and
- 29.6.13 designation of any place or places where establishment of a stall is or wherein trading or hawking is totally or from time to time prohibited by Council.
- 29.7 A licence shall be in the form of the Fifth Schedule hereto and shall specify—
- 29.7.1 the full name and address of the licensee;
- 29.7.2 terms, conditions and requirements in accordance with clause 29.6 to these Local Laws; and
- 29.7.3 the dates of issue and expiration of the licence;
- 29.8 Charges and fees shall be calculated and payable as determined by the Council from time to time and notwithstanding Council's approval of the issue of a licence such licence shall not be valid until the appropriate charges and fees have been paid.
- 29.9 No licensee or assistant specified in a licence shall—
- 29.9.1 engage in or permit any trading in any goods, wares, merchandise or services other than those specified in the licence;
- 29.9.2 cause or permit or suffer any nuisance to exist, arise or continue on or from the permitted place specified in the licence;
- 29.9.3 deposit, place or store any goods, wares or merchandise on any thoroughfare or other public place other than on the place to which the licence applies;
- 29.9.4 create any noise or disturbance to the annoyance of nearby occupants or passers-by; or
- 29.9.5 obstruct the free passage of pedestrians on any footpath or thoroughfare;
- 29.10 A licensee shall not—
- 29.10.1 in trading use or employ or permit to be used or employed at any one time more than the maximum number of assistants specified in the licence;
- 29.10.2 transfer, assign or otherwise dispose of his licence without the authority of Council;
- 29.10.3 use any weighing machines, weights, scales or measures which are defective, or falsely indicate the weight or measurement of the goods, wares or merchandise offered for sale.
- 29.11 A licensee shall—
- 29.11.1 personally attend at the place specified in his licence at all times when trading is conducted on or from that place;
- 29.11.2 keep the place and any stand, table, structure or vehicle specified in his licence in a clean and safe condition and in good repair;
- 29.11.3 keep the place and any stand, table, structure or vehicle specified in his licence free from trade refuse and other refuse and rubbish;
- 29.11.4 legibly and conspicuously display his name on his stall;
- 29.11.5 when offering for sale any goods, ware or merchandise by weight use for that purpose scales tested and certified in accordance with the Weights and Measures Act 1915;
- 29.11.6 on demand produce his licence to any authorised person of the Council or any police officer; and
- 29.11.7 unless with the written approval of the Council to the contrary, remove his stand, table, structure or vehicle and all of his goods, wares, merchandise and signs from the place to which the licence applies and leave that place clean and vacant in all respects—
- 29.11.7.1 at the conclusion of the permitted hours of operation specified in his licence; or
- 29.11.7.2 whenever not trading or hawking on the place to which the licence applies;
- 29.12 Council may revoke any licence issued by it on the grounds—
- 29.12.1 that the licensee has committed a breach of the terms and conditions of the licence;
- 29.12.2 that the licensee is not conducting his business in a respectable or sober manner;
- 29.12.3 that the licensee has assigned his licence or does not himself carry on the business;
- 29.12.4 that the licensee is not regularly carrying on the business for which the licence was granted; or
- 29.12.5 that the licensee or his assistants have breached any of the provisions of these Local Laws.
- 29.13 Where a licence is revoked the Council shall refund the charge having first deducted the charge applicable to the period from the issuing of the licence to its revocation.
- 29.14 Where a stall is set up or trading is undertaken for or on behalf of a community association and the business is conducted for the purpose of that community association—
- 29.14.1 fees or charges shall not be payable in respect of that stall or trading or the licence under which it is set up; and

29.14.2 the operations of the stall or stalls or trading for which such exemption applies shall be bound in all other respects to these Local Laws.

29.15 A licence issued for hawking, trading or to a stallholder is not transferable without the written consent of the Council.

### **30. CARNARVON SWIMMING POOL**

30.1 These Local Laws shall apply specifically to the Carnarvon Swimming Pool, Lots 103 and 104 Babbage Island Road, Carnarvon.

#### **31. ADMISSION**

31.1 The pool premises shall be open for admission to the public during the hours and days the Council from time to time determines and such hours and such days shall be clearly indicated upon a notice board at the entrance to the pool.

31.2 Admission charges to the pool shall be clearly indicated upon a notice board at the entrance to the pool, such admission charges shall be reviewed annually by Council and shall stipulate cost of entry for adults, children, pensioners and family groups (consisting of two adults and two children) and may stipulate such charges to apply for daily entry, seasonal entry or portion of a season entry.

31.3 With regard to season or portion of season entry tickets or tokens—

31.3.1 the Council shall prepare such tickets or tokens prior to the commencement of the stipulated season and make them available to the public at the pool during those determined hours and upon those determined days that admission to the pool is provided;

31.3.2 the Manager shall, upon sale of such a ticket or token record in a bound book the name of the person or persons to whom the ticket or token is sold together with the date of sale;

31.3.3 a person or persons being the holder or holders of such tickets or tokens shall offer such tickets or tokens to the Manager prior to obtaining entry to the pool;

31.3.4 such tickets or tokens are not transferable nor shall the Council be required to make a refund on any unused portion of the period for which a ticket or token has been issued;

31.3.5 such tickets or tokens may only be used by the person or persons to whom they have been issued and the Manager shall refuse admission to any person seeking entry to the pool by the use of such a ticket or token if it is reasonably believed that the person seeking the permission is not the person or one of the persons to whom such ticket or token was issued;

31.3.6 where any such ticket or token is lost, stolen or otherwise mislaid it shall be the responsibility of the person being the holder of such ticket or token to report to the Manager or CEO within 7 days of becoming aware of such an occurrence.

#### **32. STANDARDS OF BEHAVIOUR OF USERS**

32.1 No person shall—

32.1.1 enter the pool without first using the cleansing shower-baths provided on the premises, in which shower-baths the use of soap is permitted; or

32.1.2 in any way interfere with any other person in or upon the pool premises or with any other person's use thereof, throw or push, or attempt to throw stones, rocks, or any other matter or thing to the annoyance of any person using the pool premises; or

32.1.3 play any ball games or take any action whatsoever which shall in any way limit the enjoyment of the users of the pool premises, provided that nothing therein contained shall apply to the playing of any games or aquatic sports organised and conducted on the pool centre premises by any club, organisation or association or other person at such time and in such manner as shall be approved by the Manager; or

32.1.4 permit an animal or dog of which he is liable for the control to enter or remain in or about the pool premises with the exception of a registered guide dog; or

32.1.5 enter the pool premises without having first paid to the Manager the proper charge for admission unless that person is an invitee, officer or employee of the Council in the course of his duties or person otherwise exempted from the payment of fees by Council; or

32.1.6 obstruct the Manager or any other authorised person in the course of his/her duties; or

32.1.7 enter or exit from any part of the pool premises except by means of the entrances or exits set apart for that purpose; or

32.1.8 undress or remove any part of their bathing costume except in a dressing room enclosure provided for that purpose;

32.1.9 appear in public unless properly attired in a costume of such nature as to preserve public decency and to cover the body as to prevent indecent exposure of the person; or

32.1.10 enter or be in the pool premises while in the intoxicated condition induced by alcohol or drugs; or

32.1.11 take into the pool premises or have in their possession therein, any intoxicating liquor without the prior approval of the CEO; or

32.1.12 take into the pool premises, or have in their possession therein any prohibited drugs; or

32.1.13 use any soap or shampoo in any part of the pool premises other than in the dressing room or shower recess or;

32.1.14 climb up or upon any roof, fence, wall partition or structure other than a diving board on the pool premises; or

32.1.15 in any part of the pool premises behave in an unseemly, improper, disorderly, or riotous manner or use indecent obscene, offensive or abusive language or gamble illegally or misconduct themselves; or

32.1.16 deposit in any part of the pool premises any filth or rubbish except in receptacles set aside for that purpose; or

32.1.17 smoke, consume foodstuffs, or drinks in other than those areas specifically set aside for the purpose ; or

32.1.18 wastefully use the water or leave any taps flowing in the dressing rooms or elsewhere in the pool premises; or

32.1.19 expectorate in the pool or on any part of the pool premises or in any way commit any nuisance on or in any part of such premises; or

32.1.20 use any substance or preparation whereby the water of the swimming pool becomes discoloured or rendered turbid or otherwise unfit for the proper use of bathers; or

32.1.21 foul or pollute water in any shower, or in the swimming pools or soil, damage, injure, destroy, use improperly, disfigure or write in or upon any dressing room, cubicle or compartment or any part of the pool premises or any furniture or other article or equipment therein; or

32.1.22 damage, break, injure, improperly use, interfere with or destroy any fitting, appliance, equipment or any other property of the Council in or about the pool premises; or

32.1.23 whilst suffering from a contagious, infectious or cutaneous disease or whilst in an unclean condition enter or use or attempt to enter or use the swimming pool or pool premises; or

32.1.24 soil, defile or damage any towel or bathing costume belonging to another person;

### **33. SUSPENSION, REMOVAL AND REFUSAL OF ENTRY**

33.1 The Manager may, and when instructed to do so by Council, or its authorised person shall, temporarily suspend admission to, or remove from the pool premises or any part thereof, any person or persons, if in the Manager's, Council's or its authorised person's opinion such action is necessary or desirable;

33.2 The Manager is hereby so empowered by Council to refuse admission to or remove, or cause to be removed from the pool any person who, in the opinion of the Manager—

33.2.1 is committing a breach of any of the provisions of these Local Laws; or

33.2.2 is by his past or present conduct within or about the pool premises undesirable; or

33.2.3 is under, or apparently under the influence of intoxicating liquor or drugs; or

33.2.4 is apparently suffering from a contagious, infectious or cutaneous disease or skin complaint, or

33.2.5 is a child under the age of eight (8) years and unaccompanied by a responsible person over the age of eighteen (18) years.

33.3 A person temporarily suspended or otherwise requested to withdraw or refused entry to the pool premises shall leave these premises quietly, peaceably and immediately.

33.4 Where a person has been suspended, removed from or refused admission to the pool premises, or directed to leave the pool premises and feels aggrieved by the action of the Manager or Council or its authorised person such person may object, in writing, to the Council by letter addressed to the CEO.

33.5 The Council shall consider any objection placed before it in accordance with clause 30.4 and give such direction and take such action in the matter as it thinks fit.

33.6 The Council may refuse to admit to the pool premises any person who shall have been convicted of wilfully disobeying or infringing or breaching any of the provisions of these Local Laws until such time as the Council may decide that such person shall be admitted.

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

33.8 The right of objection given by this Local Law shall not imply any right of action for damages or other remedy against the Council, Pool Manager or its authorised person arising out of refusal or admission or direction to leave the pool premises.

### **34. ORGANISED GROUPS**

34.1 A person, club, organisation or association shall not conduct controlled swimming or diving events, carnivals or competitions without the prior consent of the Council.

34.2 The Council may grant its consent in accordance with the requirements of clause 34.1 subject to any conditions it thinks fits and may, at any time withdraw that consent.

34.3 In addition to the above, the Manager may, at his or her discretion and upon endorsement of the CEO, set aside the pool premises or any part thereof for the use of certain persons or clubs, associations or organisations at the exclusion of others subject to the conditions of clause 34.2, and provided that the use is outside normal hours of admission.

34.4 Every person, club, organisation or association to whom the pool is let on hire for the purpose of holding a swimming carnival or other organised swimming event shall, at least two weeks before the proposed date of such carnival or other swimming event, forward to the CEO a copy of such program of events as it is desired shall be completed for thereat and of any games or sports or other activities proposed to be then conducted. Any item on such program of which the Council does not approve shall be struck out or altered in such manner as the Council may in its absolute discretion see fit.



34.5 Every club, person, association or organisation conducting any carnival shall pay to the Council in respect to such carnival a sum equal to a fee or charge determined by the Council from time to time.

34.6 Every club, person, association or organisation wishing to conduct any function apart from that mentioned in clause 31.1 shall submit written application to the Council and the Council may either approve or reject the application and may set conditions for the use.

34.7 A person, club, organisation or association conducting a carnival or event at the pool premises shall be responsible for the conduct of the competitors and spectators during the carnival or event and shall prevent overcrowding and ensure that no damage is done to the buildings or fencing or any other portion of the pool premises and that these Local Laws are observed by all competitors, officials and spectators or other persons attending the carnival or event.

### **35. INDECENT ATTIRE**

35.1 If a person shall appear in public and in the opinion of the Manager, be indecently or insufficiently clad, the Manager shall direct that person forthwith to resume adequate bathing attire and such person shall forthwith comply with that direction.

### **36. LOST OR LEFT PROPERTY**

36.1 Every person finding in the pool any article which may have been left or lost therein shall immediately deliver the same to the Manager or the person for the time being in charge of the pool premises, who shall thereupon register a description of such article and all particulars relating thereto in a book which shall be kept for that purpose, and any persons claiming any such article and who satisfies the Manager or such other person that he or she is the lawful owner of the same shall have such article returned to them upon signing for the same in the book abovementioned.

36.2 The Manager or other person for the time being in charge of the pool premises shall report to the CEO (at least once every week) regarding lost property and produce the said book for inspection by the CEO.

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

36.4 All articles left at the pool and not claimed within a period of fourteen (14) days shall be disposed of in accordance with the law relating to found or abandoned property.

### **37. COACHING OR TRAINING**

37.1 No person shall for reward or profit teach, coach or train any person in the pool premises except with the consent in writing of the Council first being obtained.

37.2 The Council may grant such permission subject to such conditions as it thinks fit and may at any time, in accordance with the Act, withdraw such permission without being liable to pay compensation.

### **38. RISKS**

38.1 Every person using the pool premises does so at their own risk.

38.2 Neither the Council nor the Manager or authorised person, Contractor or employee of the Council shall in any way be responsible for any articles or money lost by or stolen from any person whilst in the pool premises or for any articles damaged or destroyed whilst in or about the pool premises.

### **39. SERVICE OF NOTICE**

39.1 Where the Council or an employee or contractor of the Council is authorised by these Local Laws to give any person any notice, demand, direction or order—

39.1.1 the notice, demand, direction or order shall where issued in writing be signed by the CEO of the Council or the authorised person;

39.1.2 service of the notice, demand, direction or order may be effected in accordance with the provisions of the Act; and

39.1.3 the Council or its authorised person may effect such work as is necessary to comply with the requirements of the notice, demand, direction or order, and recover any costs incurred from the person upon whom such notice, demand, direction or order has been served;

### **40. OBJECTIONS AND APPEALS**

40.1 When the Council makes a decision under these Local Laws as to whether it will—

(a) grant a person an authorisation; or

(b) renew, vary, or cancel an authorisation that a person has under these Local Laws;

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

### **41. ENFORCEMENT OF LOCAL LAWS**

#### *Division 1—Authorised Persons*

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

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

#### *Division 2—Impounding*

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

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

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

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

*Division 3—Infringement Notices*

41.7 An infringement notice in respect of an offence prescribed in these Local Laws—

41.7.1 may be given under section 9.13 of the Act and shall be in or to the effect of Form 1 of Schedule 3.

41.7.2 may be given under section 9.16 of the Act, and shall be in or to the effect of Form 2 of Schedule 3.

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

*Division 4—General Offence and Penalty Provisions*

41.9 Any person failing to do any act directed to be done, or doing any act forbidden to be done by these Local Laws, or any notice or order under these Local Laws commits an offence.

41.10 The maximum penalty for a parking or stopping offence under the Parking provisions of these Local Laws shall be \$500.00.

41.11 Subject to clause 41.10, any person who commits an offence against these Local Laws shall be liable to a penalty not exceeding a fine of \$5,000.00 and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

41.12 The offences and modified penalties prescribed, with respect to offences against these Local Laws, shall be as specified in the Sixth Schedule.

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LOCAL GOVERNMENT ACT 1995

*Shire of Carnarvon*

Municipal Local Laws

**FIRST SCHEDULE**

PRESCRIBED SEA SHORE AREAS (Clause 15)

1. Commencing from the south western corner of Lot 1048, Reserve 28553 thence from that corner north westerly on a bearing of 327 degrees 56 minutes 225.3 metres along the boundary of lot 1048 thence northerly on a bearing 354 degrees 47 minutes along the boundary of 372 metres thence due west to low water mark of the Indian Ocean thence generally southerly, easterly and northerly at low water mark along the beach area returning to a point on the boundary of lot 1048 Reserve 28553, thence north westerly 15 metres to the commencement.

2. Notwithstanding the above a person may permit a horse between the hours of 6am to 8am, to be on that portion of the foreshore, commencing from a point due west of the south western corner of lot 1048 to low water mark of the Indian Ocean, thence generally northerly 570 metres along the beach area.

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LOCAL GOVERNMENT ACT 1995

*Shire of Carnarvon*

**SECOND SCHEDULE**

FORM 1

APPLICATION FOR CERTIFICATE OF REGISTRATION TO  
KEEP GOATS (Clause 16)

I ..... being the occupier  
of .....

hereby make application to keep ..... goat/s (specify number) at Lot ..... No. .... a property at  
which I am resident and which is located within ..... zone under the Shire of Carnarvon  
Town Planning Scheme. Owner (where other than occupier)

I/We .....  
of .....

being the owner/s of Lot ..... hereby approve ..... (occupier)  
of .....

to keep goat/s (specify number).

In accordance with the Local Laws I attach hereto—

Details of the purpose for which it is intended to keep the goats—

- b. A medical certificate stating that, due to medical reasons, goats milk is required for a resident of the premises;
- c. Plans and specifications of a structure, yards, pens and enclosures as required by the Local Laws.

Signed .....

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

LOCAL GOVERNMENT ACT 1995

*Shire of Carnarvon*

**SECOND SCHEDULE**

FORM 2

CERTIFICATE OF REGISTRATION FOR THE KEEPING OF GOATS (Clause 16)

This is to certify that .....  
of .....

is authorised to keep ..... goat/s for the purpose of ..... as specified  
under these Local Laws at Lot ..... (specify location).

Signed .....

CEO

NOTES—

1. This registration is invalid unless it is accompanied by a receipt bearing the imprint of the cash register of the Shire of Carnarvon.
2. This registration is not transferable without the written consent of the Council.

LOCAL GOVERNMENT ACT 1995

*Shire of Carnarvon*

**THIRD SCHEDULE**

FORM 1

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

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

Shire of Carnarvon

To: (1) .....

of (2) .....

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

at (4) ..... your vehicle (5) .....

was involved in the commission of the following offence—

.....

.....

contrary to Clause ..... of the (6) .....

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

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

- (a) within 28 days after being served with this notice
  - (i) you inform the Chief Executive Officer, or another authorised officer, of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
  - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed; or
- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

Name and title of authorised person giving the notice .....

.....

Signature .....

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

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LOCAL GOVERNMENT ACT 1995

Shire of Carnarvon

THIRD SCHEDULE

FORM 2

INFRINGEMENT NOTICE

Serial No. ....

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

Shire of Carnarvon

To: (1) .....

of: (2) .....

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

at (4) .....

You committed the following offence—

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

contrary to Clause ..... of the (5) .....

The modified penalty for the offence is \$ .....

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

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

Signature .....

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

\_\_\_\_\_

FORM 3

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No. ....

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

Shire of Carnarvon

To: (1) .....

of: (2) .....

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

..... has been withdrawn.

The modified penalty of \$ .....

has been paid and a refund is enclosed.

• has not been paid and should not be paid.

delete as appropriate

Name and title of authorised person giving this notice

.....

Signature .....

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

\_\_\_\_\_

LOCAL GOVERNMENT ACT 1995

Shire of Carnarvon

FOURTH SCHEDULE

\* APPLICATION FOR HAWKERS, TRADERS, STALLHOLDERS LICENCE (Clause 29)

(\*Delete which does not apply)

To—The CEO
Shire of Carnarvon
PO Box 459
CARNARVON WA 6701

I .....
of .....

apply for permission to hawk/carry on trading/conduct a stall

at .....
in the district of the Shire of Carnarvon. Description of stand , structure or vehicle to be used by licensee
(eg. trestle) .....

Types of goods, wares, merchandise or services to be sold/traded
(where space is insufficient please attach list)

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

Dates and times hawking/trading/stall is to be conducted .....

Place/s and details or areas to which licence is to apply .....

Full names and address of assistants who may be engaged at any one time in trading—

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

If stall is to be conducted on behalf of a Community Association.

Name, address and contact person of association—

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

Signed ..... Date .....

FOR OFFICE USE ONLY—

Fee Paid \$ .....

Date .....

Receipt No. ....

\_\_\_\_\_

LOCAL GOVERNMENT ACT 1995

*Shire of Carnarvon*

**FIFTH SCHEDULE**

**\*HAWKERS/TRADING/STALL HOLDERS LICENCE (Clause 29)**

- 1. Full name and address of licensee .....
- 2. Date of issue of licence .....
- 3. Date of expiration of licence .....
- 4. Requirements, Terms and Conditions—
  - (a) Place to which licence applies.....
  - (b) Description of stand structure or vehicle to be used by the licensee .....
  - (c) Particulars of the goods, wares, merchandise or service in respect of which trading may be carried on.....
  - (d) Full name and address of assistants who may be engaged at any one time in trading .....
  - (e) The permitted days and hours when trading may be carried on .....
  - (f) Other requirements, terms or conditions applicable to this licence .....

.....

CEO

\*Delete Which Does Not Apply

**NOTES**

- 1. This licence is issued subject to the Local Laws of the Shire of Carnarvon.
- 2. This licence is invalid unless accompanied by a receipt bearing the imprint of the cash register of the Shire of Carnarvon.
- 3. This licence is not transferable without the written consent of the Council.

\_\_\_\_\_

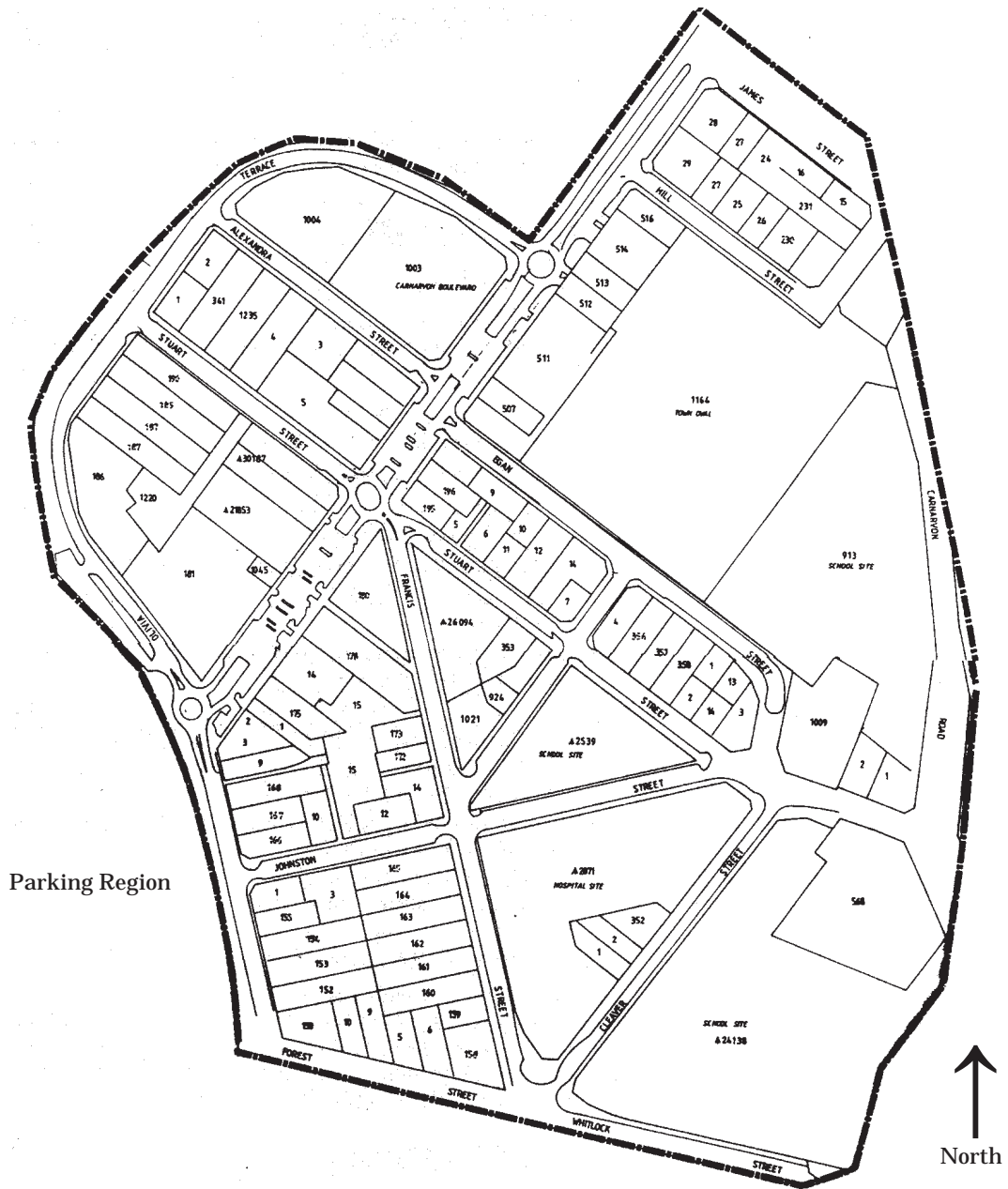
## LOCAL GOVERNMENT ACT 1995

*Shire of Carnarvon***SIXTH SCHEDULE**

Item	Clause	Offence	Modified Penalty \$
1.	5.1.1	Depositing rubbish, bottles, glass or litter .....	50.00
2.	5.1.2	Throwing, placing, leaving vegetable substances .....	50.00
3.	5.1.3	Lighting a fire, burning .....	50.00
4.	12.2.1	Lighting a fire in a reserve .....	100.00
5.	12.2.2	Unauthorised driving or speeding on a reserve .....	100.00
6.	12.2.3	Consuming liquor on a reserve .....	50.00
7.	17.2	Obstructing a public place .....	75.00
8.	23.1	Stopping a vehicle or animal on alawn or garden without the consent of the owner. ....	50.00
9.	23.1	Driving a vehicle or animal on or across a lawn or garden without the consent of the owner. ....	50.00
10.	25.1	Removal of any flower, plant or shrub from a garden. ....	40.00
11.	25.1	Wilful damage of a lawn or garden .....	100.00
12.	26.1.3	Riding a bicycle on other than a dual use footpath. ....	25.00
13.	26.1.3	Riding a bicycle on other than a left hand side of a footpath. ....	25.00
14.	26.1.3	Riding bicycle on a footpath at a speed in excess of 15 km/h .....	25.00
15.	28.5.1	(i) Parking in an area reserved for vehicles of a different class .....	50.00
16.	28.5.1	(ii) Restricted parking .....	50.00
17.	28.5.1	(iii) Parked longer than permitted .....	50.00
18.	28.5.2	(i) No stopping area .....	50.00
19.	28.5.3	No parking area .....	50.00
20.	28.6	(i) Not close and parallel facing wrong way two-way carriageway .....	50.00
21.	29.2.1	Hawking, trading or setting up a stall without or contrary to licence	100.00
22.	32.1.2	Interfering with another person .....	50.00
23.	32.1.15	Bahaving in an unseemly, improper, disorderly manner .....	20.00
24.	32.1.16	Depositing filth or rubbish .....	20.00
25.		All other offences not specified .....	50.00



LOCAL GOVERNMENT ACT 1995  
*Shire of Carnarvon*  
**SEVENTH SCHEDULE**  
PARKING REGION  
DEFINED PARKING AREAS



Dated this 25th day of February 1998.

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

D. A. MILLS, Shire President.  
B. G. WALKER, Chief Executive Officer.

**CEMETERIES ACT 1986**

## SHIRE OF CARNARVON

**LOCAL LAWS RELATING TO THE  
CARNARVON PUBLIC CEMETERY**

In pursuance of the powers conferred upon it by abovementioned Act and of all other powers enabling it, the Council of the Shire of Carnarvon hereby records having resolved on the 26th day of November 1997, to make the following Local Laws.

**PART I—PRELIMINARY****Revocation**

1. The following Local Laws are hereby revoked—

The By-laws Relating to the Carnarvon Public Cemetery, published in the *Government Gazette* on 22 August, 1975 as amended in the *Government Gazette* on 15 July, 1977, 11 May, 1979 and 31 October, 1986.

**Interpretations**

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

“Act” means the Cemeteries Act, 1986;

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

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

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

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

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

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

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

“single funeral permit” means a permit issued by the Council in accordance with Clause 22 which entitles the holder to conduct a funeral at the cemetery for the deceased persons named in the permit.

**PART II—ADMINISTRATION**

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

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

**PART III—RIGHTS OF BURIAL**

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

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

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

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

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

10. A Grant of Exclusive Right of Burial confers upon the grantee an exclusive right:

(a) to bury the dead bodies of one or more deceased persons in a grave; and

(b) to carry out memorial works on a grave;

during the term of the grant.

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

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

#### **PART IV—APPLICATION FOR FUNERALS**

13. Any person desiring to inter any dead body in the cemetery shall make an application in the form determined by the Council from time to time and pay the set fee.

14. All applications for interment shall be accompanied by;

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

in respect of the body.

15. All applications for interment shall be made at the office of the Council at least twenty four hours (24) prior to the time fixed for burial, otherwise an extra charge shall be made.

#### **PART V—DISPOSAL OF ASHES**

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

#### **PART VI—TIMES FOR FUNERALS**

17. The hours for burial shall be as follows—

Monday to Friday — 9 am to 4 pm;

Saturday — 8.30 am to 11.30 am

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

#### **PART VII—FUNERAL DIRECTORS**

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

- (a) a Funeral Director;
- (b) an employee of the Funeral Director; or
- (c) the holder of a single funeral permit issued in accordance with Clause 22.

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

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

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

#### **Single Funeral Permits**

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

23. Every application for a single funeral permit made in accordance with Clause 22 shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

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

#### **PART VIII—FUNERALS**

25. Every coffin shall have upon the lid an approved metal plate bearing the name of the deceased stamped or otherwise indelibly inscribed in legible characters thereon. Any coffin not complying with this Local Law will not be admitted to or be interred in the cemetery.

26. The time fixed for any burial shall be the time at which the funeral is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under Clause 13 shall pay the set fee for being late.

27. Every funeral shall enter by the principal entrance, and no vehicle, except the hearse, and official mourning coaches, shall be permitted to enter the cemetery, or stand opposite the entrance gates.

28. Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed of 25km per hour.

29. A person committing an offence under Clause 28 may be forthwith expelled from the cemetery by the CEO or an authorised person.

30. No bicycle shall be ridden within the cemetery.

**PART IX—BURIALS**

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

**PART X—MEMORIALS AND OTHER WORK**

36. Subject to Clause 37 the Council may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a permit authorising the holder to carry out memorial works upon a particular grave specified in the application at such time and on such days and subject to such conditions as the Council shall specify upon the issue of that permit or in these Local Laws.
37. All applications referred to in Clause 36 shall be accompanied by the written consent of the holder of the Grant of Exclusive Right of Burial.
38. The Council may reject any application referred to in Clause 36 where it considers the proposed memorial works are inappropriate or unbecoming.
39. Every memorial shall be placed on proper and substantial foundations.
40. The materials used in every memorial shall be subject to the approval of the CEO or authorised person and any material rejected shall be immediately removed from the cemetery by the person erecting the memorial. All refuse or other rubbish remaining after the work is completed shall be immediately removed from the cemetery by the person causing the same.
41. Should any work by masons or others be not completed before 6pm Monday to Friday or before noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised person.
42. All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised person shall direct.
43. No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Council.
44. Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the CEO.
45. No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave.
46. No trees or shrubs shall be planted on any grave except such as shall be approved by the CEO.
47. All workers, whether employed by the Council or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised person and shall obey such directions as the CEO or an authorised person may give.
48. Notwithstanding anything in these Local Laws to the contrary, the Office of Australian War Graves:
- (a) may place a memorial on a military grave; and
  - (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

**PART XI—GENERAL****Animals**

49. Subject to Clause 50, a person shall not bring an animal into or permit an animal to enter or remain in the cemetery.
50. Clause 49 shall not apply to a hearing impaired person or a person who is blind or partially blind and is accompanied by a hearing or guide dog.

**Damaging and Removing of Objects**

51. Subject to Clause 52, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Council without the permission of the Council.
52. A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Council for that purpose.

**Littering and Damage**

53. A person shall not—
- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery;
  - (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

**Advertising**

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

**Removal from the Cemetery**

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

56. Any person failing to comply with an order to leave the Cemetery made pursuant to Clause 55 may be expelled from the Cemetery and shall not re- enter the Cemetery for a period of twenty-four (24) hours.

**PART XII—OFFENCES AND MODIFIED PENALTY****Offence**

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

**Modified Penalties.**

58. (1) A person who—

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

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

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

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

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

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

**First Schedule**

## CEMETERIES ACT 1986

## Shire of Carnarvon

*Local Laws relating to the Carnarvon Cemetery*

<b>Item No.</b>	<b>Clause</b>	<b>Nature of Offence</b>	<b>Modified Penalty</b>
1	28	Excessive speed .....	\$50.00
2	28	Unauthorised use—driving of vehicles .....	\$50.00
3	30	Riding of bicycle .....	\$20.00
4	40	Placing and removal of rubbish and surplus materials .....	\$50.00
5	41	Leaving uncompleted works in an untidy or unsafe condition .....	\$50.00
6	49	Animal at large .....	\$50.00
7	51	Unauthorised damage and removal of property .....	\$50.00
8	53	Dumping of Rubbish .....	\$50.00
9	54	Unauthorised advertising, and/or trading .....	\$50.00
10		Any other offence .....	\$40.00

**Second Schedule**  
**CEMETERIES ACT 1986**  
**Shire of Carnarvon**  
*Local Laws Relating to the Carnarvon Public Cemetery*  
**INFRINGEMENT NOTICE**

No. ....

TO: .....

(Name)

.....

(Address)

.....

It is alleged that at ..... : ..... hours on .....day  
of ..... 19..... at .....

.....  
you committed the offence indicated hereunder by an (x) in breach of Local  
Law number .....

.....  
(Authorised Officer)

Offence

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

Other offence .....

\$......

You may dispose of this matter:

By payment of the penalty as shown within 21 days of the date of this notice to the Shire of Carnarvon, Francis Street (PO Box 459), Carnarvon, between the hours of 9.00am to 4.00pm Monday to Friday.

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

The CEO  
Shire of Carnarvon  
P.O. Box 459  
Carnarvon, WA 6701

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**Third Schedule**

**CEMETERIES ACT 1986**

Shire of Carnarvon

*Local Laws Relating to the Carnarvon Public Cemetery*

**WITHDRAWAL OF INFRINGEMENT NOTICE**

No. ....

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

To (1)

.....

Infringement Notice No. .... dated ...../...../..... for the alleged offence of (2)

.....

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

(Delete whichever does not apply)

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

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

\_\_\_\_\_

Dated this 25th day of February 1998.

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

D. A. MILLS, President.  
B. G. WALKER, Chief Executive Officer.

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