



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

2297



PERTH, FRIDAY, 1 MAY 1998 No. 90

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

LOCAL GOVERNMENT ACT 1995

SHIRE OF NORTHAM

LOCAL LAWS RELATING TO NORTHAM CEMETERIES

LOCAL LAWS RELATING TO PARKING FACILITIES

LOCAL LAWS RELATING TO STANDING ORDERS

LOCAL GOVERNMENT ACT 1995

SHIRE OF NORTHAM

LOCAL LAWS RELATING TO NORTHAM CEMETERIES

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Shire of Northam hereby records having resolved on the 12 June 1997, to make the following local laws.

PART I—PRELIMINARY**Repeal**

1. The following By-laws are hereby repealed.

The By-laws for the Management of the Northam Public Cemetery published in the *Government Gazette* on the 12 August 1949, as amended.

Citation

2. This Local Law may be cited as the Local Laws Relating to Northam Cemeteries.

Arrangement and Definitions

3. (1) This Local Law is divided into parts as follows—

PART I—PRELIMINARY

PART II—ADMINISTRATION

PART III—RIGHTS OF BURIAL—

Division 1—Private Graves

Division 2—Public Graves

PART IV—APPLICATIONS FOR FUNERALS —

Division 1—Applications

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Division 4—Licensing of Monumental Masons

Division 5—Single Monumental Work Permits

Division 6—Historical Precinct

PART IX—GENERAL

PART X—OFFENCES AND MODIFIED PENALTIES

(2) In this local law unless the context require otherwise—

“Act” means the Cemeteries Act, 1986;

“ashes” means so much of the remains of a dead body after the due processes of cremation as may be contained in a standard sized cremation urn;

“Authorised Officer” means an officer or employee of the Council authorised by the Council to exercise any power conferred by an act of Parliament or this local law;

“burial” has the same meaning as is given to it in the Act;

“Cemeteries” means all cemeteries which the Governor by order has vested under the care, control and management of the Council;

“Cemetery” means any one of the Cemeteries;

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

“crypt” has the same meaning as vault;

“Crematorium” has the same meaning as is given to it in the Cremation Act 1927.

“dead body” has the same meaning as that expression in the Act;

“funeral” includes the burial and cremation of a dead body and all associated processions and ceremonials but does not include so much of a ceremonial that is solely a religious rite;

“Funeral Director” means a person firm or company holding a current funeral director’s licence;

“Funeral director’s licence” means a licence issued by the Council in accordance with clause 21 which entitles the holder to conduct funerals at the Cemetery;

“General Manager” means the Chief Executive Officer of the Shire of Northam for the time being appointed in accordance with clause 4 and includes any person for the time being acting in that capacity in the absence of the Chief Executive Officer;

“Grant” means a grant of an exclusive right of burial in a specified area of a Cemetery which is granted by the Council in accordance with section 25 of the Act;

“guide dog” has the same meaning as is given to that expression in the Dog Act 1976;

“Holder” in relation to a Grant includes:

(a) a person issued with a Grant by the Council in accordance with clause 7;

(b) a person for the time being appearing to the Council to be the holder of that Grant;

“mausoleum” means a building or construction wholly above or partially above and below ground level, so constructed as to allow the deposition of dead bodies into a compartment in the wall or floor and being sealed from view;

“memorial” has the same meaning as is given to it in the Act;

“monument” includes a tombstone, vault, enclosure or approved form of memorial;

“Monumental Mason” means a person firm or company holding a current monumental mason’s licence;

“monumental mason’s licence” means a licence issued by the Council in accordance with clause 53 which entitles the Holder to carry out monumental works within the Cemetery;

“monumental work” when the term is used as an abstract noun shall include the erection, alteration or removal of or other working upon a monument on a grave;

“personal representative” means—

(a) the administrator of the estate or executor of the will of a deceased person;

(b) the person who, by law or practice, has the best right to apply for administration of the estate of a deceased person; or

(c) a person having the lawful custody of a dead body;

“private grave” means a grave situated in the Cemetery in respect of which a Grant has been made under and in accordance with the Act and this local law;

“public grave” means a grave situated in the Cemetery in respect of which a grant of right of burial has been allocated free of charge by the Council;

“set fee” refers to fees and charges set by a resolution of the Council;

“single funeral permit” means a permit issued by the Council in accordance with clause 25 which entitles the holder to conduct a funeral at the Cemetery for the deceased persons named in the permit;

“vault” means a below ground lined grave with one or more sealed compartments constructed to specifications approved from time to time by the Council;

“vehicle” has the same meaning as is given to that word in the Road Traffic Act 1974 as amended from time to time, and includes trail bikes, beach buggies and other recreational vehicles licensed or unlicensed, but excludes a wheel chair being used by a physically impaired person.

PART II—ADMINISTRATION

Appointment of General Manager

4. The Council shall appoint the Chief Executive Officer of the Shire of Northam as General Manager who shall, at its direction, exercise general supervision and control over all matters concerning the administration of the Cemeteries and the carrying out and enforcement of this local law and unless the Council otherwise resolves, all direction of the General Manager shall be deemed to have been given by order of the Council.

Appointment of Employees

5. The General Manager may appoint support staff to administer and supervise work within the Cemeteries and carry out such work as is required for the general care of the Cemetery.

Plans and Registers

6. (1) The Council shall establish and maintain—

(a) a plan of each Cemetery showing the location and identifying number of every burial place or grave and the distribution of the land, compartments and sections;

(b) a register containing the identification numbers of graves and the names and description of the persons buried;

(c) a register of Grants made with respect to each Cemetery;

(d) a register of persons cremated whose ashes have been buried or disposed in each Cemetery.

(2) The plans and registers referred to in sub-clause (1) shall be open for inspection by members of the public during normal office hours of the Council.

PART III—RIGHTS OF BURIAL

Division 1—Private Graves

Issuing Grants

7. (1) The Council may, upon the written application of a person and upon payment of the set fee issue that person with a Grant.

(2) The Grant shall be for a term of twenty five (25) years from the date of issue of the Grant or from the date of burial if pre-paid Grant fee has been paid.

Rights of a Holder

8. (1) Subject to the provisions of this local law and to the prior approval of the Council, a Grant confers upon the Holder thereof an exclusive right—

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

during the term of the Grant.

(2) Notwithstanding sub-clause (1) the Council shall in its absolute discretion determine from time to time the number of dead bodies or ashes which may be placed in each private grave.

(3) The Council or an Authorised Officer may request the Holder to produce the Grant before the exercise of any of the rights referred to in sub-clause (1) and the Holder shall forthwith upon request deliver the Grant to the Council.

Renewal of a Grant of Right of Burial

9. (1) The Council may upon—

- (a) the written application of a Holder upon the expiry of a Grant; or
- (b) the written application of a Holder within the period of one (1) month after the burial of a deceased person in a private grave (or such longer period as the Council may approve); and
- (c) payment of the set fee,

issue a new Grant with respect to that private grave.

(2) The Council may request the Holder to deliver the existing Grant to it prior to making a new Grant.

(3) The Holder shall forthwith upon receiving a request by the Council in accordance with sub-clause (2) deliver the existing Grant to the Council.

(4) The Council shall not issue a new Grant in respect of a private grave unless a burial has taken place more than five (5) years after the commencement of the term of the existing Grant.

(5) Where the Holder for the time being of a Grant of a right of burial applies to the Council for the renewal of the Grant the Council shall renew the Grant for a further term of 25 years.

Replacement of a Grant

10. (1) The Council may—

- (a) upon the written application of a Holder; and,
- (b) upon the production of evidence to the satisfaction of the Council,

issue a new Grant to replace a Grant which is lost or destroyed.

(2) Notwithstanding sub-clause (1), the Council may prior to issuing a replacement Grant, require the Holder to make a statutory declaration in a form determined by the Council from time to time.

(3) A replacement Grant issued by the Council shall be deemed to be the original Grant.

Transfer of Grant

11. A Holder who desires to transfer a Grant to another person shall make an application to the Council and upon receipt of the application the Council may grant permission in accordance with section 26 of the Act.

Exercising the Rights of a Holder

12. If evidence is produced in writing to the satisfaction of the Council that the holder is unavailable or not immediately ascertainable, or has died and has not specifically bequeathed the Grant, then the rights conferred upon that Holder may be exercised by the Holder's personal representative or a person acting expressly on behalf of the personal representative. If those persons are unavailable or not immediately ascertainable, then the Council may approve any other person to exercise the rights of a Holder.

Division 2—Public Graves

Allocation of Public Graves

13. (1) The allocation of a public grave to a person by the Council shall not confer any right upon that person other than the right to inter in the public grave the deceased person for whom it was requested.

(2) The Council shall retain all rights and powers in respect of every public grave allocated in accordance with sub-clause (1) as if the public grave were still held by it as prior to the allocation and the Council may, without limitation, re-open the grave to—

- (a) disinter and reinter the remains buried therein;
 - (i) in the same grave;
 - (ii) in another grave within the Cemetery; or
 - (iii) elsewhere in accordance with the Act;
- (b) disinter and cremate the remains buried therein; or
- (c) inter remains of other deceased persons.

PART IV—APPLICATION FOR FUNERALS*Division 1—Applications***Application to hold a Funeral**

14. (1) A person who desires to hold a funeral within the Cemetery shall, in the case of the burial of a dead body—

- (a) make an application to the Council in the form determined by the Council from time to time, and
- (b) lodge with the application referred to in paragraph (a)—
 - (i) evidence to the satisfaction of the Council that the Holder of that Grant has consented to or would not object to the burial; or
 - (ii) an application for a Grant or an application for a grant of right of burial in a public grave.

(3) All applications referred to in sub-clauses (1) and (2) shall be accompanied by—

- (a) a doctor's Certificate for burial or disposal of the dead body; or
- (b) a coroner's order for burial; and
- (c) a certificate of identification in accordance with clause 15.

(4) All applications to hold a funeral must be lodged at the office of the Council in such time as to permit at least eight (8) working hours notice to be given prior to the time requested to be fixed for the funeral.

(5) All applications to hold a funeral on a Saturday or public holiday must be lodged at the Office of the Council no later than 2.00 p.m. two working days before the Saturday funeral or public holiday; unless a later time is approved by the General Manager.

Certificate of Identification

15. (1) After a deceased person is placed in a coffin and prior to a deceased person being removed to the Cemetery, a person who personally knew the deceased shall identify the dead body and shall complete the form prescribed by the Council from time to time, unless—

- (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body.

(2) Where—

- (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body,

then the Funeral Director shall complete the form prescribed by the Council from time to time.

*Division 2—Times for Funerals***Receipt of the Application for a Funeral**

16. Upon receipt of a properly completed application form in accordance with clause 14 and all other things required by this local law, the Council shall—

- (a) fix a time for the funeral; and
- (b) dig or reopen any grave that is required.

Fixing Times for a Funeral

17. The time fixed for a funeral is at the discretion of the Council but subject to this local law will be as near as possible to the time requested by the applicant.

Times for Burials

18. (1) A person shall not carry out a burial or cremation—

- (a) on Christmas Day;
- (b) on Good Friday; or
- (c) at any time other than during the following days and hours—
Monday to Friday—8.30 am to 4.30 p.m.

except with the written permission of the Council.

(2) The Council may, by notice displayed at the Council Office, at least one week before a Public Holiday, close any Cemetery on that Public Holiday and where a Cemetery is so closed no funeral may take place within it, except with the written permission of the Council.

Admittance of Coffins

19. A person shall not bring a coffin into the Cemetery other than during the hours, referred to in clause 18(1)(c), except with the written permission of the Council.

PART V—FUNERAL DIRECTORS**Directing a Funeral**

20. 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;
- (c) the holder of a single funeral permit issued in accordance with clause 25.

Funeral Director's Licence

21. (1) 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 directors licence authorising the holder to direct funerals within a Cemetery at such times and on such days and subject to such conditions as the Council shall specify upon the issue of that licence or in this local law.

(2) If the application referred to in sub-clause (1) is approved by the Council, the Council shall issue to the applicant a licence in a suitable form prescribed by the Council from time to time.

(3) Any person who is the holder of a current funeral director's licence may apply for a new licence for the then following year by lodging with the Council an application in writing, and upon payment of the set fee.

Period of Licence

22. (1) A funeral director's licence—

- (a) shall be valid from the date specified therein until the 30th day of June next following the date of commencement of the licence or until the licence is determined pursuant to clause 24, whichever shall occur sooner; and
- (b) shall not be transferable.

(2) Any person who is the holder of a current funeral director's licence may apply for a new licence for the then following year by lodging with the Council an application in writing, and upon payment of the set fee.

Responsibilities of the Holder of a Funeral Director's Licence

23. The holder of a funeral director's licence shall be responsible for the compliance by every person purporting to be authorised to direct a funeral within a Cemetery pursuant to that licence with—

- (a) all the requirements of—
 - (i) the licence,
 - (ii) this local law; and
 - (iii) the Act; and
- (b) the conditions imposed by the Council in respect of that licence.

Cancellation of a Funeral Director's Licence

24. (1) The Council may, by notice in writing to the holder of a funeral director's licence, cancel the licence if—

- (a) the holder of the licence or any employee of the holder has committed a breach of this local law, the Act, the Cremation Act 1927 or any of the conditions upon which the licence was issued;
- (b) in the opinion of the Council, the conduct of the holder of the funeral director's licence or any employee of the holder in directing or attempting to direct any funeral within a Cemetery is inappropriate or unbecoming;
- (c) the holder of the funeral director's licence has purported to transfer the licence issued to that holder;
- (d) the funeral director's licence was issued erroneously or in consequence of a false or fraudulent document, statement or representation;
- (e) the fee for the funeral director's licence is due and unpaid;
- (f) the holder of the funeral director's licence is convicted of an offence against this Act or this local law; or
- (g) the Council is no longer satisfied that the holder of the funeral director's licence—
 - (i) is of good repute and is fit to hold a funeral director's licence; or
 - (ii) has suitable facilities and equipment for handling and storing dead bodies in conducting funerals.

(2) Upon the cancellation of a licence pursuant to this clause no part of any fee paid for the issue of that licence is refundable by the Council.

PART VI—SINGLE FUNERAL PERMITS**Application for a Single Funeral Permit**

25. The Council may upon receipt of an application in writing by any person, in the form prescribed 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 a Cemetery at such time and subject to such conditions as the Council shall specify upon the issue of that permit or in these local laws.

Specifications and Details

26. Every application for a single funeral permit made in accordance with clause 25 shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite or crematorium.

PART VII—FUNERALS*Division 1—General***Requirements as to Coffins**

27. A person shall not bring a dead body into the Cemetery unless—

- (a) the Council has received an application for the burial or cremation of that dead body in accordance with clause 14;
- (b) it is enclosed in a coffin which in the opinion of the Council is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid; and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10 mm in height.

Funeral Processions

28. (1) Where—

- (a) a funeral procession fails to arrive at the cemetery at the time fixed by the Council for the funeral; or
- (b) all the forms prescribed by this local law to hold and direct a funeral at a Cemetery are not presented to an Authorised Officer at a Cemetery at the time fixed by the Council for the funeral,

then the applicant who applied to hold the funeral under clause 14 shall pay the set fee for being late.

(2) Where a funeral procession fails to proceed to the Crematorium or grave site of a Cemetery within seven (7) minutes of arrival at the Cemetery, the applicant who applied to hold the funeral shall pay the set fee for being late.

(3) No funeral procession at the Cemetery shall include more than—

- (a) one funeral director's hearse; and
- (b) four (4) mourning coaches,

without the prior approval of the General Manager.

*Division 2—Burials***Depth of Graves**

29. (1) The Council may from time to time determine the depth to which a grave in a Cemetery is dug.

(2) Every grave prepared by the Council shall be dug at least 1.8 m deep unless otherwise determined by the Council.

(3) Notwithstanding sub-clause (1), no grave shall exceed 2.3 m in depth.

Vaults

30. (1) A person shall not construct a brick grave crypt or vault within a Cemetery other than—

- (a) in an area set aside from time to time by the Council for that purpose;
- (b) with the written permission of the Council; and
- (c) in compliance with any specifications and conditions specified in the written permission referred to in paragraph (b).

(2) The Council may upon receipt of an application in writing by any person and upon payment of the set fee construct a vault within a Cemetery which vault shall at all times remain the property of the Council.

Burying a Coffin

31. A person shall not bury a coffin within the Cemetery in such a manner that the distance from the top of the coffin to the original surface of the ground is less than 800 mm.

Re-opening a Grave

32. (1) Subject to sub-clause (2), if for the purpose of re-opening a grave in a Cemetery the Council finds it necessary to remove a monument, 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.

(2) If the Minister orders the exhumation of a body in accordance with section 58 of the Act then, the Minister may further order how and by whom the costs referred to in sub-clause (1) shall be met.

(3) In this clause, the word "Minister" has the same meaning as is given to that expression in the Act.

Disinterring a Coffin

33. (1) Subject to sub-clause (2), a person shall not disinter a coffin in a Cemetery for the purposes of re-burial within twelve (12) months after the date of its interment.

(2) Sub-clause (1) shall not apply where the coffin is disinterred for the purposes of the exhumation of a dead body and the exhumation is ordered or authorised pursuant to the Act.

Exhumation

34. A person shall not disinter a coffin in a 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 right of burial has applied in writing to the Council requesting the exhumation and the Council has authorised the exhumation.

Opening a Coffin

35. (1) A person shall not open a coffin in a Cemetery unless—

- (a) the coffin is opened for the purposes of the exhumation of a dead body; or
- (b) that person had produced to the Council an order signed by the Commissioner of Police and the Council has approved the opening of that coffin.

(2) In this clause—

“Commissioner of Police” means the Commissioner of Police for the time being appointed under the Police Act 1892 and includes any person for the time being acting in that capacity in the absence of the Commissioner of Police.

PART VIII—MONUMENTAL AND OTHER WORK

Division 1—Monumental Work

Placement of Monumental Work

36. (1) Other than with the permission of and in a manner approved by the Council, a person shall not place monumental work upon—

- (a) a public grave;
- (b) a military grave; or
- (c) a private grave.

(2) Notwithstanding sub-clause (1)(b), the Office of Australian War Graves—

- (a) May place monumental works, in accordance with the Australian Standards upon a military grave; and
- (b) is not required to pay the set fee for any monumental work that is placed upon a military grave.

(3) A person shall not place monumental work upon a grave unless the number of that grave is indelibly and legibly inscribed on the base of that monument.

Kerbing

37. (1) The Council may from time to time set aside any part of a Cemetery for graves that are not to be enclosed by kerbing.

(2) A person shall not enclose a grave with kerbing where the grave is situated—

- (a) in a lawn section of the Cemetery;
- (b) in a memorial plaque section of a Cemetery; or
- (c) in a part of a Cemetery set aside under sub-clause (1).

Division 2—Lawn Section

Specifications of inscription plates

38. (1) All inscription plates in the Lawn Section of a Cemetery shall—

- (a) be made of bronze, brass or other approved material;
- (b) be placed upon a base of concrete;
- (c) comply with the following specifications—
 - (i) the height of the inscription plate and base shall be at ground level;
 - (ii) the width of the base of the inscription plate shall be 500 mm x 400 mm;

(2) A person shall not display any trade names or marks upon any monument erected within the lawn section of a Cemetery.

Division 3—General

Carrying out Monumental Work

39. (1) A person shall not carry out monumental work upon a grave within a Cemetery—

- (a) unless the monumental work has first been approved by the Council; and
- (b) except in accordance with plans and specifications first approved by the Council.

Application for Monumental Work

40. (1) 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 monumental work 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 this local law.

(2) All applications referred to in sub-clause (1) shall be accompanied by—

- (a) the plans and specifications of the monument, which plans and specifications shall include precise details of all words, designs and pictures intended to be inscribed upon or attached to the monumental work;
- (b) the written consent of the Holder of the Grave;
- (c) the quoted cost of the proposed monumental work.

(3) The Council may reject any application referred to in sub-clause (1) where it considers the proposed monumental works are inappropriate or unbecoming.

Monuments to be kept in Good Repair and Condition

41. The Holder shall keep the grave the subject of the grant and all monuments upon it in good repair and condition.

Placing of Glass Domes and Vases

42. A person shall not place glass domes, vases or other grave ornaments—

- (a) outside the perimeter of a grave in a Cemetery; or
- (b) on the lawn in an area set aside by the Council as a lawn and such plaque shall be to the dimensions as specified by the General Manager.

Plants and Trees

43. A person shall not plant trees, shrubs or plants on the surface of or within one metre of the outside perimeter of any grave in the Cemetery without the prior approval of the General Manager.

Materials

44. (1) A person who proposes to carry out monumental work in the Cemetery shall—

- (a) use material of good quality; and
- (b) not use any plastic or epoxy based substances for the in-filling of inscriptions on headstones, tablets or any other monumental work.

(2) An Authorised Officer may reject any material that in the Authorised Officer's opinion is not good quality and the person who brought such material into the Cemetery shall forthwith remove it therefrom.

Use of Wood

45. A person shall not place wooden fences, railings, crosses or other wooden erections within a Cemetery unless—

- (a) the wooden material is a temporary marker; and
- (b) the person has obtained the prior approval of the General Manager.

Operation of Work

46. All material required in the erection or completion of any monumental work shall—

- (a) be prepared as far as practicable before being brought into a Cemetery; and
- (b) be admitted at such entrances of a Cemetery and at such times as the General Manager may direct.

Placement of Monumental Work

47. (1) A person shall not place monumental work in a Cemetery other than on proper and substantial foundations in accordance with Australian Standards AS 4204 - 1994 and all footings designed and constructed in accordance with Section 3 Design and construction under the Council's supervision and satisfaction;

(2) The relevant application form to construct a headstone or monument must be completed and approved, prior to any work being undertaken at the Cemetery;

(3) Should the work not be carried out to the Council's satisfaction, the firm is to be notified and given thirty (30) days to rectify the work or show cause why they should be allowed to carry out any further work in the Cemetery;

(4) The headstone or monumental work must be placed centrally (usually 2.4 metres x 1.2 metres) on the lot and any problems defining the boundaries must be referred to the Council to resolve;

Placement of Rubbish

48. (1) A person shall not place rubbish soil, sand or any other surplus material resulting from monumental work upon any grave.

(2) Notwithstanding clause 55, a person carrying out monumental work within a Cemetery shall remove from a Cemetery all surplus material resulting from that work, upon its completion.

Removal of Sand, Soil or Loam

49. Subject to clause 48(2), a person shall not remove sand, soil or loam from any portion of a Cemetery unless that person has the permission of the Council.

Supervision

50. (1) All monumental work within a Cemetery shall be carried out in a professional manner subject to the direction and/or supervision of an Authorised Officer.

(2) All persons carrying out monumental work within a Cemetery shall forthwith comply with any direction given by an Authorised Officer in accordance with sub-clause (1).

Hours of Work

51. A person shall not work within a Cemetery without the permission of the General Manager or a person authorised by the Council—

- (a) other than during the days and hours specified in clause 18(1)(c);
- (b) on Saturdays and Sundays; or
- (c) on public holidays.

Conditions of Work

52. A person carrying out monumental work within a Cemetery shall not leave any uncompleted monumental work in an untidy or unsafe condition.

*Division 4—Licensing of Monumental Masons***Application for a Monumental Mason's Licence**

53. (1) The Council may upon receipt of an application in writing by any person, firm or company and upon payment of the set fee issue to the applicant a monumental mason's licence.

(2) A licence issued under clause 53 (1) authorises the holder to carry out monumental works within a Cemetery subject to the provisions of this local law and such conditions as the Council shall specify upon the issue of that licence.

Period of Licence

54. A monumental mason's licence—

- (a) shall be valid from the date specified therein until the 30th day of June next following the date of commencement of the licence or until the licence is determined pursuant to clause 57, whichever shall occur sooner; and
- (b) shall not be transferable.

Carrying out Monumental Work

55. A person shall not carry out monumental work within a Cemetery unless that person is the holder of a current valid monumental mason's licence issued pursuant to clause 53 or does so as the employee of or principal of a firm or a director of a company which holds such licence or is otherwise authorised by the Council.

Responsibilities of the Holder of a Monumental Mason's Licence

56. The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within a Cemetery pursuant to that licence with all the requirements of the licence, this local law, the Act and the Occupational Health Safety and Welfare Act 1984 and the conditions pursuant to which that licence was issued.

Cancellation of a Monumental Mason's Licence

57. (1) The Council may by notice in writing to the holder of a monumental mason's licence determine the licence forthwith on any of the following grounds—

- (a) That the holder of the licence has committed a breach of this local law, the Cemeteries the Occupational Health Safety and Welfare Act or any of the conditions upon which the licence was issued;
- (b) That, in the opinion of the Council, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within a cemetery, is inappropriate or unbecoming; or
- (c) That the holder of the licence has purported to transfer the licence issued to that holder;
- (d) Upon determination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the Council.

*Division 5—Single Monumental Work Permits***Application for a Single Monumental Work Permit**

58. 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 single monumental work permit authorising the holder to place a monument within a Cemetery subject to such conditions as the Council shall specify upon the issue of that permit or in this local law.

Specifications and Details

59. Every application for a single monumental work permit made in accordance with clause 58 shall include an application for monumental work in the form prescribed by clause 40.

*Division 6—Historical Precinct***Historical Precinct**

60. (1) Council may identify a historical precinct within a cemetery under its control.

(2) Within a historical precinct, any restoration to monumental works built prior to 1950 must be undertaken using materials and workmanship that will reflect craftsmanship of the year the monument was built.

(3) Specification as to materials to be used and type of work to be undertaken must be submitted to the General Manager. Work must not proceed until an authorised person has given approval for restoration to proceed.

(4) No headstone may be removed within the historical precinct, without the approval of the General Manager.

PART IX—GENERAL

Vehicles

61. (1) A person shall not drive a vehicle—

- (a) in a Cemetery at a speed exceeding 25 kph;
- (b) in a Cemetery in any manner likely to cause detriment to the safety of pedestrians or other users of the Cemetery;
- (c) in a Cemetery other than on those roads directed to be used by an Authorised Officer;
- (d) in a Cemetery other than in accordance with the directions of an Authorised Officer; or
- (e) on any part of a Cemetery that is not a constructed roadway or parking area or designated by the Council as an area in which vehicles may be driven

(2) A person shall not stand or park a vehicle on any part of a Cemetery—

- (a) if the standing or parking of vehicles on that part is prohibited at all times by a sign; or
- (b) so as to cause an obstruction to or impede the flow of traffic.

Animals

62. (1) Subject to sub-clause (3), a person shall not bring an animal into or permit an animal to enter or remain in a Cemetery.

(2) Subject to sub-clause (3) the Council or an Authorised Officer may seize and remove any animal found in a Cemetery.

(3) Sub-clauses (1) and (2) 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.

Fireworks or Firearms

63. (1) A person shall not bring or discharge any fireworks within a Cemetery.

(2) A person shall not bring or discharge any firearms within a Cemetery except in the case of a military funeral when firearms may be brought into a Cemetery and discharged by members of the Defence Force.

(3) In this clause, "Defence Force" has the same meaning as is given to that expression in the Defence Act 1903.

Damaging and Removing Objects

64. (1) Subject to sub-clause (2) a person shall not damage, remove or pick any tree, plant, shrub or flower in a 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.

(2) A person may remove withered flowers from a grave or memorial.

(3) A person who removes withered flowers from a grave or memorial shall place them in a receptacle provided by the Council for that purpose.

Advertising

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

No Benefits or Gratuities

66. A person employed by the Council shall not accept any gratuities or receive any financial benefit from any work undertaken within a Cemetery other than the remuneration or benefit paid or given to that person by the Council.

Littering and Damage

67. A person shall not—

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

Disruption of Funeral Processions

68. A person shall not obstruct, hinder or disrupt a funeral procession or ceremony within a Cemetery or commit a nuisance disrespectful of the feelings and welfare of other users of the Cemetery.

Entry

69. A person shall not enter or remain within a Cemetery other than during the hours between sunrise and sunset except on the cycleway or with the approval of the Council or an Authorised Officer.

Filming

70. A person shall not film a funeral or focus upon headstones and memorials within a Cemetery without the prior approval of—

- (a) the next-of-kin of the deceased person whose funeral, headstone or memorial is being filmed; and
- (b) the Council.

Camping

71. A person shall not camp in or upon a Cemetery.

Lighting Fires

72. A person shall not light a fire within a Cemetery without the prior approval of the Council.

Obeying Signs and Directions

73. A person shall obey all signs displayed, marked, placed or erected by the Council within a Cemetery and any other lawful direction of an Authorised Officer.

Removal from a Cemetery

74. (1) Any person failing to comply with any provision of this local law or behaving in a manner that in the opinion of the Council or one of its Authorised Officers is inappropriate or unbecoming in a Cemetery may in addition to any penalty provided by this local law be ordered to leave a Cemetery by the Council or an Authorised Officer.

(2) Any person failing to comply with an order to leave a Cemetery made pursuant to sub-clause (1) may be expelled from that Cemetery and shall not re-enter a Cemetery for a period of twenty-four (24) hours.

PART X—OFFENCES AND MODIFIED PENALTIES**Offence**

75. A person who commits a breach of any provision of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$5000.00 and if the offence is a continuing one to a further penalty not exceeding \$50.00 for every day or part of a day during which the offence is continued.

Modified Penalties

76. (1) A person who—

- (a) receives an infringement notice pursuant to sub-section (1) of section 63 of the Act; and
- (b) does not contest an allegation that an offence was committed any offence against this local law, 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 this local law 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 this local law shall be in or to the effect of the Third Schedule.

First Schedule*Local Government Act 1995***LOCAL LAWS RELATING TO NORTHAM CEMETERIES**

Item No.	Clause	Nature of Offence	Modified Penalty \$
1.	48	Placing and removal of rubbish and surplus material.....	\$80.00
2.	49	Unauthorised removals from Cemetery	\$80.00
3.	61(1)(a) & (b)	Excessive Speed	\$80.00
4.	61 (1)(c), (d)&(e) and 61(2)	Unauthorised use—driving, parking, or standing of vehicle ...	\$80.00
5.	62	Animal at large	\$80.00
6.	63	Unauthorised fireworks or firearms.....	\$80.00
7.	64	Unauthorised damage and removal of property	\$80.00
8.	65	Unauthorised advertising, and/or trading	\$80.00

Item No.	Clause	Nature of Offence	Modified Penalty \$
9.	67	Dumping of rubbish	\$80.00
10.	78	Committing nuisance	\$80.00
11.	69	Entry out of hours	\$50.00
12.	70	Unauthorised filming	\$80.00
13.	71	Camping.....	\$80.00
14.	72	Unauthorised lighting of fires	\$50.00
15.	73	Disobeying lawful signs	\$50.00
16.		Any other offence	\$50.00

Second Schedule

Local Government Act 1995

LOCAL LAWS RELATING TO NORTHAM CEMETERIES

INFRINGEMENT NOTICE

To:
(Name)

.....
(Address)

It is alleged that at : Hours on day of19.....

at

You committed the offence indicated hereunder by an (X) in breach of the Northam Cemeteries Council clause number.....

.....
Authorised Officer

Clause No. Nature of Offence Penalty

You may dispose of this matter—

Local payment of the penalty as shown within 21 days of the date of this notice to the Shire of Northam.

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 the Shire of Northam. Payments by mail should be addressed to 395 Fitzgerald Street, Northam.

Third Schedule

Local Government Act 1995

LOCAL LAWS RELATING TO NORTHAM CEMETERIES

WITHDRAWAL OF INFRINGEMENT NOTICE

No:

Date:

To

(1)

Infringement Notice No. dated/...../.....

for the alleged offence of (2)

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

(Delete whichever does not apply)

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

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

Dated this 12th day of June 1997.

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

I. J. SHEEHAN, President.
A. J. MIDDLETON, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF NORTHAM

LOCAL LAWS RELATING TO PARKING FACILITIES

In pursuance of the powers conferred upon it by the abovementioned Act, and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 12 June 1997, to make the following Local Laws.

Definition and Operation

1. All previous Local Laws relating to parking in the Shire of Northam are hereby revoked.
2. These Local Laws may be cited as the Shire of Northam Local Laws Relating to Parking.
3. In these Local Laws unless the context otherwise requires—
 - “Act” means the Local Government Act 1995
 - “authorised vehicle” means a vehicle authorised by the Council, or an Inspector to stand on a road or on a parking station in a place which is designated by the signs to be used for parking by “Authorised Vehicles Only”.
 - “bus” means an omnibus within the meaning of the Road Traffic Act.
 - “commercial vehicle” means a vehicle which comes within the description of a motor wagon in the First Schedule of the Road Traffic Act.
 - “Council” means the Council of the Municipality of the Shire of Northam.
 - “driver” means any person driving or in control of a vehicle.
 - “footway” includes every footpath, lane or other place intended for the use of pedestrians only, or habitually used by pedestrians and not by vehicles.
 - “Form” means a form in the Schedule to these Local Laws.
 - “Inspector” means a Parking Inspector appointed by the Council under these Local Laws and includes a Chief Parking Inspector and an Assistant Parking Inspector.
 - “motor cycle” means a motor vehicle designed to travel on two wheels but shall not include a vehicle to which a sidecar is attached.
 - “Municipality” means the Municipality of the Shire of Northam.
 - “no parking area” means a portion of a carriageway that lies—
 - (a) between two consecutive white signs inscribed with words “No Parking” in red lettering, and each with an arrow pointing generally towards the other of them; or
 - (b) between a white sign inscribed with the words “No Parking” in red lettering and a dead end; or
 - (c) in the general direction by an arrow on a sign inscribed with the words “No Parking” in red lettering and which is in an area in which parking is prohibited.
 - “no standing area” means a portion of a carriageway that lies—
 - (a) between two consecutive white signs inscribed with the words “No Standing” in red lettering, and each with an arrow pointing generally towards the other of them; or
 - (b) between a white sign inscribed with the words “No Standing”, in red lettering and a dead end; or
 - (c) in the general direction indicated by an arrow inscribed on a sign with the words “No Standing” in red lettering and which is an area in which standing is prohibited.
 - “notice” means a notice in the form of Form 1, Form 2, Form 3, or Form 4 in the Schedule to these Local Laws.
 - “owner” of a vehicle means the person who is the holder of the requisite vehicle licence under the Road Transport Act in respect of that vehicle, or, if the vehicle is not licensed under that Act, the person who owns or is entitled to its possession.
 - “park” means to permit a vehicle, whether attended or not, to remain stationary except for the purpose of —
 - (a) avoiding conflict with other traffic;
 - (b) complying with the provisions of any law; or
 - (c) immediately taking up or setting down persons or goods, “Parking” has a correlative meaning.
 - “parking area” means a portion of a carriageway that—
 - (a) lies between two consecutive white signs inscribed with the word “Parking” in green lettering, and each with an arrow pointing generally towards the other of them; or
 - (b) extends, from a white sign inscribed with the word, “Parking” in green lettering in the general direction indicated by an arrow with the words “No Parking” or “No Standing”, in red lettering or to a dead end or an area in which the parking or standing of vehicles is prohibited and is that half of the carriageway of the road nearest to the sign.

“parking facilities” includes land, parking stalls and other facilities open to the public generally for the parking of vehicles with or without signs notices or facilities used in connection therewith.

“parking region” means that portion of the district of the Municipality of the Shire of Northam that is constituted a parking region pursuant to these Local Laws.

“parking stall” means a section of part of a street which is marked or defined by painted lines or metallic studs or similar devices for the purpose of indicating where a vehicle may stand or be parked.

“property line” means the boundary between the land comprising a street and the land that abuts thereon.

“reserve” means Public Reserve as defined in the Act.

“road” means any highway, road, street, land, thoroughfare or similar place, open to, or used by the public and includes every carriageway, footway, reservation, median strip, traffic island or similar place thereon which is within the parking region.

“Road Traffic Act” means the Road Traffic Act 1974, as amended from time to time or any other Act substituted therefore.

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

“stand” in relation to a vehicle means to stop the vehicle and permit it to remain stationary, except for the purpose of—

- (a) avoiding conflict with other traffic; or
- (b) complying with the provisions of any law. “Standing” has a correlative meaning.

“street” has the same meaning as road.

“street verge” means that portion of a road which lies between the portion of a road that is improved, paved, designed or ordinarily used for vehicular traffic and the nearest property line.

“taxi” has the same meaning as taxi-car in the Road Traffic Act.

“vehicle” includes any vehicle which comes within the interpretation of that expression in the Road Traffic Act.

4. (1) The whole of the Municipal district is constituted as a parking region with the exception of—
 - (a) parking restrictions associated with traffic signals based on an approved plan;
 - (b) prohibition areas applicable to all bridges and subways.(2) These Local Laws apply to the parking region and all parking facilities in the parking region other than a parking facility that—
 - (a) is not owned, controlled or occupied by the Municipality.
 - (b) is owned by the Municipality but is leased to another person.
5. For the purpose of these Local Laws, vehicles are divided into classes as follows—
 - (a) sedans, station wagons, utilities;
 - (b) buses;
 - (c) commercial vehicles including any other vehicle (not being a trailer or a vehicle to which a trailer is attached) constructed primarily for conveyance therein or thereon of goods;
 - (d) motor cycles and bicycles;
 - (e) taxis;
 - (f) all other vehicles not otherwise classified.
6. Where under these by-laws the standing or parking of vehicles in a street is controlled by a sign, that sign shall be read as applying to that part of the street which—
 - (a) lies beyond the sign;
 - (b) lies between the sign and the next sign beyond that sign or a dead end;
 - (c) is the side of the carriageway of the street nearest to the sign.

Parking Stalls

7. Subject to these Local Laws, and any regulations for the time being in force under the Road Traffic Act, the Council may constitute, determine and vary, and indicate by signs from time to time—
 - (a) parking stalls;
 - (b) permitted times and conditions of parking in parking stalls and depending on and varying with locality;
 - (c) classes of vehicles permitted to park in parking stalls;
 - (d) the manner of parking in parking stalls.
8. A person shall not stand a vehicle in a parking stall in a street otherwise than parallel to the kerb and as close thereto as practicable and wholly within that stall and headed in the direction of the movement of traffic on the side of the street on which the stall is situated. Where a parking stall is set out otherwise than parallel to the kerb the provisions of these Local Laws (other than the provision that a vehicle shall stand wholly within the stall) shall not apply.
9. A person shall not stand or attempt to stand a vehicle in a parking stall in which another vehicle is standing. This Local Law does not prevent the parking of a motor cycle and a bicycle together in a stall marked “M/C” if the bicycle shall be parked in accordance with Local Law 11 hereof.

10. (1) A person shall not permit a vehicle to stand in a parking stall which is, at the time, set aside for use by commercial vehicles unless—

- (a) the vehicle is a commercial vehicle; and
- (b) some person is actively engaged in loading or unloading goods into or from the vehicle;

and in any case, for more than a period of fifteen minutes.

(2) A parking stall is set aside for use by commercial vehicles if there is a sign thereon or adjacent referable thereto marked "Loading Zone".

11. A person shall not stand or permit to stand any motor cycle or bicycle in a parking stall other than in a stall marked "M/C" and elsewhere in that stall than against the kerb and, in the case of a bicycle parallel to the kerb.

12. A person shall not stand a vehicle in a stall set aside for handicapped persons unless the driver is a holder of a Disabled Drivers' Permit, issued by the West Australian Committee on Access and Mobility.

Standing and Parking Generally

13. The Council, subject to the provisions of section 231 (3) of the Act, may constitute, determine and vary, and indicate by signs, from time to time, prohibitions regulations and restrictions of parking and standing of vehicles generally or of vehicles of a specified class or of specified classes in all streets or specified streets, or in specified parts of streets or reserves or parts of reserves in the parking region at all times or at specified times.

14. A person shall not stand a vehicle in a street or part of a street or a reserve:

- (a) which is by a sign therein adjacent or referable thereto set apart for the standing or vehicles of a different classes; or
- (b) if by any such sign the standing of vehicles is prohibited during any period or periods, then during such period or periods; or

permitted for a specified time, for longer than such time.

15. A person shall not stand a vehicle—

- (a) in a "No Standing" area;
- (b) 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 in these Local Laws provided with reference to such parking stalls;
- (c) in a parking area contrary to any limitation in respect of time, 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; or
- (d) in a defined area marked "M/C" unless it is a motor cycle without a side car, or a bicycle.

16. A person shall not park a vehicle in a "No Parking" area.

17. A person shall not park a vehicle in any portion of a street—

- (a) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable to vehicle to be moved to a place other than a road;
- (b) if the vehicle is exposed for sale;
- (c) to service that vehicle; or
- (d) if that vehicle is unlicensed.

18. (a) Subject to Sub Local Law (b) hereunder a person shall not stand a vehicle on a street verge or carriageway if any approved sign prohibits the parking of vehicles on such street verge or carriageway.

- (b) Sub Local Law (a) herein does not apply to the standing of a vehicle on a street verge or carriageway where that may constitute an offence under Local Law 12 (i) of the Street, Lawns and Gardens Local Laws.

19. A person shall not, without the permission of the Council or an Inspector, stand a vehicle in an area designated by signs "Authorised Vehicles Only".

20. Subject to provisions of Local Laws 21 and 22 of these Local Laws, a person standing a vehicle on a carriageway shall stand that vehicle—

- (a) on a two way carriageway, so that the vehicle 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 road on which the vehicle is standing;
- (b) on a one-way carriageway, so that the vehicle is as near as practicable to, and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is standing;
- (c) so that at least 3 metres of the width of the carriageway, between the vehicle and the farther boundary of the carriageway, or between it and a vehicle standing on the far side of the carriageway, is available for the passage of other vehicles;
- (d) so that the vehicle is not less than 1.2 metres from any other vehicle, except a motor cycle or a bicycle parked in accordance with these Local Laws;
- (e) so that the vehicle does not cause undue obstruction on the carriageway; and
- (f) so that the vehicle is entirely within the confines of any parking stall marked on the carriageway.

21. A person shall not stand a vehicle partly within and partly outside a parking area.
22. (1) Where the traffic sign or signs associated with a parking area are not inscribed with the words "Angle Parking" then—
- (a) where the parking area is adjacent to the boundary of a carriageway, a person standing a vehicle in the parking area shall stand it as near as practicable to, and parallel with, that boundary; and
 - (b) where the parking area is at or near the centre of the carriageway, a person standing a vehicle in that parking area shall stand it approximately at right angles to the centre of the carriageway, unless a sign associated with the parking area, indicates or marks on the carriageway indicate, that vehicles are to stand in a different position.
- (2) Where a traffic sign associated with a parking area is inscribed with the words, "Angle Parking" a person standing a vehicle in the parking area shall stand the vehicle at an angle of approximately 45 degrees to the centre of the carriageway, unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway surface.
- Sub by-law (2) herein does not apply to a person standing a motor cycle or a bicycle in a parking area.
23. (1) A person shall not stand a vehicle so that any portion of the vehicle is—
- (a) between any other standing vehicle and the centre of the carriageway;
 - (b) adjacent to a median strip;
 - (c) in front of a right-of-way, passage, or private driveway or so close thereto as to deny any other vehicle reasonable access to or egress from the right-of-way, passage or private driveway;
 - (d) in front of a footway constructed across a reserve;
 - (e) alongside or opposite an excavation in, or obstruction on, the carriageway, if the vehicle would thereby obstruct traffic;
 - (f) on, or within 9 metres of, any portion of a carriageway bounded on one or both sides by a traffic-island;
 - (g) on any footway or pedestrian crossing;
 - (h) upon a bridge or other elevated structure;
 - (i) between the boundaries of a carriageway, and any double longitudinal line consisting of two continuous lines or between a double longitudinal or dotted line and the boundary of the carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line; or
 - (j) upon an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway.
- (2) The provisions of paragraphs (c), (f) and (h) of Sub Local Law (1) of this Local Law do not apply to a bus that stands in a bus stand marked on the carriageway, for the purposes of setting down or taking up passengers.
24. A person shall not stand a vehicle so that any portion of the vehicle is—
- (a) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug; or
 - (b) within 3 metres of a public letter pillar box unless the vehicle is being used for the purpose of collecting postal articles from the pillar box.
25. A person shall not stand a vehicle so that any portion of the vehicle is within 6 metres of the nearer property line of any road intersecting the road on the side on which the vehicle is standing.
26. A person shall not stand a vehicle so that any portion of the vehicle is within 9 metres of the departure sign of—
- (a) a sign inscribed with the words "Bus Stop", or "Hail Bus Here" unless the vehicle is a bus stopped to take up or set down passengers; or
 - (b) a pedestrian crossing or a children's crossing established on a two-way carriageway.
27. A person shall not stand a vehicle so that any portion of the vehicle is within 18 metres of the approach side of a pedestrian crossing or a children's crossing.
28. The provisions of Local Laws 23 to 27 of these Local Laws do not apply to a vehicle standing in a parking stall established by the Council nor to a bicycle standing in a bicycle rack established by the Council.
29. A person shall not permit a vehicle to stand in any part of a street if any inspector or member of the Police Force directs the driver of such vehicle to move it.
30. An inspector may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for any purpose connected with or arising out of his duties and powers and no person shall remove a mark made by an inspector so that the purpose of the affixing of such mark is defeated or likely to be defeated.
31. A vehicle having been parked in a street or in an area whereby any sign the standing of vehicle is permitted for a limited time, a person shall not—
- (a) move that vehicle to any position within the same parking area; or
 - (b) by arrangement with any person either exchange the space used by the vehicle for space in the same or another area by another vehicle or occupy a space in the same or another area previously occupied by another vehicle,
- so that the total time of parking shall exceed the maximum time allowed for parking in the space first occupied by that first mentioned vehicle.

32. The Council, or any inspector may permit a person who requires a space in any area whereby any sign the standing of vehicles is permitted for a limited time, in order to carry out urgent essential official duties or such other purposes approved by Council or an inspector to occupy such space with a vehicle for a longer time from time to time than the maximum period prescribed by the sign and may prohibit the use of such space by any other vehicle during such time.

Miscellaneous

33. An inspector shall be furnished with a certificate of his appointment in a form determined by the Council from time to time.

34. A person who is not an inspector shall not in any way assume the duties of an inspector.

35. No person shall in any way obstruct or hinder an inspector in the execution of his duty.

36. (a) A notice served under section 9.13 (2) of the Act in respect of an offence alleged to have been committed against these Local Laws shall be in or to the effect of Form 1 of the Schedule.

(b) An infringement notice served under section 9.16 (1) of the Act in respect of an offence alleged to have been committed against these Local Laws shall be in or to the effect of Form 2 of the Schedule.

(c) An infringement notice served under section 6.13 (4) of the Act in respect of an offence against these Local Laws shall be in or to the effect of Form 3 of the Schedule.

(d) A notice sent under Section 9.20 of the Act withdrawing an infringement notice served under this section in respect of an offence alleged to have been committed against these Local Laws shall be in or to the effect of Form 4 in the Schedule.

37. No person other than the driver of the vehicle shall remove from the vehicle any notice affixed thereto or left therein or thereon by an inspector or a member of the Police Force.

38. No person shall—

(a) without the authority of the Council mark, set up or exhibit any sign purporting to be or resembling a sign marked, set up or exhibited by the Council under the authority of these Local Laws or attempt to do any of such act;

(b) remove, deface or misuse any sign or property or any part thereof set up or exhibited by the Council under the authority of these Local Laws or attempt to do any of such acts;

(c) without the permission of the Council affix any board, sign, placard, notice or other thing to or paint or write upon any part of the sign.

39. 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.

40. (a) A sign marked, erected, established or displayed on or near a road is, in the absence of evidence to the contrary, marked, erected, established or displayed under the authority of these Local Laws;

(b) the first three letters of any day of the week when used on a sign indicate that day of the week;

(c) signs associated with No Parking areas, No Standing areas, Parking areas 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 person, classes of vehicles, circumstances to the extent, if any shown on the sign.

41. An inspector is authorised to—

(a) carry into effect the provisions of these Local Laws;

(b) report to the Council on the working effectiveness and functioning of these Local Laws;

(c) recommend to the Council the institution of prosecutions;

(d) institute and conduct prosecutions as directed by the Council or the Chief Executive Officer of the Council from time to time.

Penalties

42. Any person who contravenes or fails to comply with any provision of these Local Laws commits an offence and is liable on conviction to a penalty not exceeding one hundred dollars (\$100.00) or such other maximum as from time to time is determined by amendment to the Act.

43. (a) The modified penalty for an offence of standing or parking a vehicle in a No Standing area or No Parking area in contravention of these Local Laws if dealt with under section 9.16 (1) of the Act is seventy dollars (\$70.00).

(b) The modified penalty for an offence against these Local Laws other than such offence referred to in Sub Local Law (a) of this Local Law is dealt with under section 9.16 (1) of the Act is fifty dollars (\$50.00).

44. A penalty for an offence against these Local Laws (not being a modified penalty) may be recovered by the Council by taking proceedings against the alleged offender in a Court of Petty Sessions.

45. The Council shall cause adequate records to be kept of all infringement notices served and modified penalties received, under section 9.16 (1) of the Act in respect of offences against these Local Laws.

The Schedule

Form 1

LOCAL LAWS RELATING TO PARKING FACILITIES

Shire of Northam
395 Fitzgerald Street
NORTHAM WA 6401

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

To Serial No.

Date

the owner of the vehicle make Type

Plate No.

You are hereby notified that it is alleged that on the

day of 19..... at about

the driver or person in charge of the above vehicle did

.....
in contravention of the provisions of Local Law No.of the Shire of Northam Local Laws
Relating to Parking Facilities.

You are hereby required to identify the person who as the driver or person in charge of the above vehicle
at the time when the above offence is alleged to have been committed.

Unless within twenty one days after the date of the service of this notice you—

- (a) inform the Council of the Shire of Northam or.....(an inspector of the Council) as to
the identity and address of the person who was the driver or person in charge of the above
vehicle at the time of the above offence; or
- (b) satisfy the Council or inspector that the above vehicle had been stolen or unlawfully taken, or
was being unlawfully used at the time of the offence,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and
Court proceedings may be instituted against you.

Signature of Inspector

Designation



Form 2

LOCAL LAWS RELATING TO PARKING FACILITIES

Shire of Northam
395 Fitzgerald Street
NORTHAM WA 6401

INFRINGEMENT NOTICE

To Serial No.

Date

You are hereby notified that it is alleged that on the

day of 19..... at about

you did

.....

.....

in contravention of the provisions of Local Law No.

of the Shire of Northam Local Laws Relating to Parking Facilities.

The modified penalty prescribed for this offence is \$

If you do not wish to have a complaint of the above offence above and determined by a Court you may pay
the modified penalty within twenty-one days after the date of the service of this notice.

Unless payment is made within twenty-one days of the date of the service of this notice Court proceed-
ings may be instituted against you.

Payment may be made either by posting this form together with the amount of \$..... mentioned
above, to the Chief Executive Officer of the Shire of Northam or by delivering this form and paying that
amount at the Shire Office, 395 Fitzgerald Street, Northam during normal office hours.

Signature of Inspector

Designation

Form 3

LOCAL LAWS RELATING TO PARKING FACILITIES

Shire of Northam
395 Fitzgerald Street
NORTHAM WA 6401

INFRINGEMENT NOTICE

Serial No. (not to be completed)
Date (to be left in or on vehicle)

The owner of vehicle make Type
Plate No.
You are hereby notified that it is alleged that on the day of at about you did

in contravention of the provisions of Local Law of the Shire of Northam Local Laws Relating to Parking Facilities

The modified penalty prescribed for this offence is \$.
If you do not wish to have a complaint of the above offence heard and determined by a Court you may pay the modified penalty within twenty one days after the date of the service of this notice.

- Unless within twenty one days after the date of the service of this notice—
(a) the modified penalty is paid; or
(b) you—
(i) inform the Council or inspector as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the above offence; or
(ii) satisfy the Council or inspector that the above vehicle had been stolen or was being unlawfully used at the time of the above offence;
you will, in the absence of proof to the contrary, be deemed to have committed the above offence and Court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of \$ mentioned above, to the Chief Executive Officer of the Shire of Northam or by delivering this form and paying that amount at the Shire offices, 395 Fitzgerald Street, Northam during normal office hours.

Signature of Inspector.
Designation
Name
Address Postcode.

If your name and address do not appear in this notice, please complete above to enable a receipt to be forwarded.

Form 4

LOCAL LAWS RELATING TO PARKING FACILITIES

Shire of Northam
395 Fitzgerald Street
NORTHAM WA 6401

WITHDRAWAL OF INFRINGEMENT NOTICE

To Date
Infringement Notice No. Date
for the alleged offence of

The \$ Modified Penalty is hereby withdrawn.

Signature of Inspector
Designation

Dated this 12th day of June 1997.

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

I. J. SHEEHAN, President.
A. J. MIDDLETON, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995*Shire of Northam***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 Northam hereby records having resolved on the 13th day of February 1997 to make the following local laws.

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

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

1.2 All Meetings Governed by Standing Orders

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

1.3 Interpretations

The interpretations should be used in these Standing Orders, unless the context otherwise requires.

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

"Clause" means a clause of these Standing Orders;

"Council" means the Council of the Shire of Northam;

"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;

"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 of Northam or other officer who, for the time being, is acting in that capacity;

"Absolute majority" is more than 50% of the current number of elected Council positions, whether they are vacant or not, regardless of the number actually present;

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

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 Reporting Practice

Reports prepared by officers to the Council will be materially accurate, cover all relevant issues and contain relevant and appropriate recommendations.

2.3 Notices of Motion—Ordinary and Extraordinary Business

- Councillors may bring forward business in the form of a written motion, notice of which 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 publication of the business paper.
- Other business

No other business will be conducted by Council, unless prior to the President opening the meeting, written notice has been given to each Councillor present at the meeting or the meeting has approved, by absolute majority, the introduction of new business.

2.4 Motion to Lapse

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

2.5.1 Objectionable Business

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

2.5.2 Business to be Specified on Notice Paper

Any member of the Council 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.

3. RECORDING AND CONFIRMATION OF MINUTES

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

4. ORDINARY MEETING—ORDER OF BUSINESS

4.1 Order of Business

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

4.2 Late Correspondence

In cases of extreme urgency or other special circumstances, late correspondence may, with the consent of the President or at the request of a majority of Councillors present be dealt with. Each item of correspondence shall be reproduced and presented to each Councillor present, prior to the commencement of the meeting.

4.3 Public Statements

4.3.1 In accordance with Section 5.24 a question time of up to thirty (30) minutes will be held as the first item of business at each ordinary meeting of Council.

4.3.2 In addition to clause 4.3.1 members of the public may apply to address the Council on issues listed on the agenda, provided they make application to the Chief Executive Officer, at least 24 hours prior to the meeting. An address by the public will be limited to five (5) minutes. The President may allow or refuse the public the right to speak during a Council meeting. Question time shall apply as required in Clause 4.3.1.

4.3.3 The Chief Executive Officer shall provide a list of members of the public who have applied and have been granted approval to address Council, together with the relevant agenda item number, to the President who shall determine the order in which addresses shall take place.

5. MEETINGS—PUBLIC CONDUCT

5.1 Admission and Removal of the Public

5.5.1 The public is admitted to the Council Chamber 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 Council Chamber. This direction by the President may not be challenged by moving dissent with the ruling and the President's ruling is final.

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

6. ROLE OF THE PRESIDENT

6.1 Directions by the President

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

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

6.2 President to Take Part in Debates

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

6.3 Precedence of President

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

6.4 Dissent with the President's Ruling

Except where expressly denied in these Standing Orders or the Act, a member of the Council may move a procedural motion to disagree with a ruling given by the President. The President must immediately call for a seconder and put the motion without debate.

7. CONDUCT OF MEMBERS

7.1 Debate—Maintenance of Order—Imputations—Offensive Expressions

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

7.2 Alcohol

Consumption of alcohol in Council or Committee meetings is prohibited.

7.3 Smoking

Smoking in Council or Committee meetings is prohibited.

8. CONDUCT OF MEMBERS DURING DEBATE

8.1 Councillors to address President

A Councillor or officer shall stand when speaking during a Council meeting (including Committee meetings). This provision will not apply where a Councillor or officers has a disability which prevents that person standing.

8.2 Relevance

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

8.3 Limitation of Number of Speeches

No member of the Council 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.

8.4 Limitation of Duration of Speeches

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

8.5 Members not to Interrupt

No member of the Council shall interrupt another member of the Council whilst speaking unless—

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

9. PROCEDURES FOR DEBATE OF MOTIONS

9.1 Motions to be read

Any member of Council who intends to submit a substantive motion or amendment to a substantive motion, shall read the text before speaking to it. If a recommendation has been presented in writing and not altered, then the substantive motion may be moved as printed.

9.2 To be seconded

No motion or amendment to a substantive motion shall be in order, or be open to debate until it has been seconded except in Council Committees where Clause 16.13 applies.

9.3 Only One Substantive Motion Considered

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

9.4 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) The seconder to speak to the motion;
- (e) A speaker against the motion;
- (f) A speaker for the motion—
- (g) Other speakers against and for the motion, alternating in view, if any—
- (h) Mover takes the right of reply which closes debate.

9.5 Limit of Debate

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

9.6 Seconded Requesting Right to Speak

A seconder may request the right to speak at a later time in debate, however, the moving of any procedural motion which will close debate, or any amendment to the substantive motion, will automatically deny the seconder the right to speak to the substantive motion.

10. PROCEDURAL MOTIONS

10.1 Permissible Procedural Motions

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

- (a) That the question be now put;
- (b) That the Council moves into a Committee of the whole;
- (c) That the ruling of the President (or person chairing the meeting) be disagreed with
- (d) That the motion lie on the table;
- (e) That the Council meet behind closed doors.

10.2 Reason for Closure to be Stated

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

10.3 Procedural Motions not Required in Writing

Procedural motions are not required to be presented in writing.

10.4 Procedural Motions—Recording in Minutes

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

10.5 Procedural Motions—Majority Required

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

10.6 Procedural Motions—Closing Debate—Who May Move

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

10.7 Procedural Motions—Right of Reply

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

10.8 Procedural Motions—Right of Reply on Substantive Motion

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

11. EFFECT OF PROCEDURAL MOTIONS

11.1 That the Question be Now Put—Effect of Motion

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

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

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

11.2 That the Council Move into a Committee of the Whole—Effect of Motion

This motion, having been carried, will allow free and open discussion on the matter before the meeting. There will be no restriction on the number of times each Councillor may speak, provided that normal courtesy and order is maintained. Any decisions made during the time that the Council sits in Committee of the whole must be formally agreed by a substantive motion when the Council moves out of Committee of the whole.

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

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

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

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

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

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

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

11.5 That the Council Meets Behind Closed Doors—Effect of Motion

In accordance with the Act, the motion, if carried, will cause the general public and any officers or employees the Council determines, to leave the room. Except at least one officer of Council must be present to accurately record the proceedings and resolutions, whilst the Council meets behind closed doors.

12. DECISION MAKING PROCEDURES

12.1 Order of Amendments

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

12.2 Substantive Motion

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

12.3 Repetition of Motions

No motion or amendment shall be proposed which is the same in substance as a motion or amendment which has been resolved during the same sitting of Council.

12.4 Consent of Secunder Required to Accept Alteration of Wording

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

12.5 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 Councillor, in which case discussion on the motion or amendment shall not continue.

12.6 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 of the Council present, until the amendment has been withdrawn or lost.

12.7 Authority for Withdrawal

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

12.8 Right of Reply

12.8.1 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 of the Council shall speak on the question.

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

12.9 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 right of reply;
- (d) Once the right of reply has been taken, there can be no further discussion, nor any other amendment and the substantive motion as amended is immediately put to the vote.

12.10 Amendments Must not Negate Original Motion

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

12.11 Mover of Motion not to Speak on Amendment

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

12.12 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 to the Council, and if so desired by any member of the Council, shall again state it.

12.13 Question—Method of Putting

If a decision is not clear or in doubt, the President shall put the question as often as necessary to determine the decision from a show of hands before declaring the question.

12.14 Votes to be Recorded

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

13. POINTS OF ORDER

13.1 Points of Order—When to Raise—Procedure

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

13.2 Points of Order—Definitions

A difference of opinion or a contradiction of a speaker, shall not be recognised as 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 Council;
- (b) The offensive or insulting language is being used—
- (c) Drawing attention to the violation of any local law or Standing Order of the Council, providing that the member raising the point of order shall state the local law or Standing Order believed to be breached.

13.3 Points of Order—Ruling

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

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

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

13.5 Points of Order—Motion Against Ruling Procedure

An objection having been taken to the ruling of the President, the Councillor 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 of the Council.

13.6 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.

14. ADJOURNMENT OF MEETING

14.1 Meeting may be Adjourned

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

14.2 Notice of Adjourned Meeting

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

14.3 Business at Adjourned Meeting

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

14.4 Limit to Moving Adjournment of Council

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

14.5 Unopposed Business—Motion for Adjournment of Council

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

14.6 Withdrawal of Motion for Adjournment of Council

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

15. PERSONAL EXPLANATION

15.1 Personal Explanation

No member of the Council shall speak, except upon the question before the Council, unless it is to make a personal explanation. Any member of the Council 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 of the Council 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 a new argument or matter, nor reply to other members of the Council.

15.2 Personal Explanation—When Heard

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

15.3 Ruling on Questions of Personal Explanation

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

16. COMMITTEES OF COUNCIL

16.1 Powers and Duties of Committees

The powers and duties of Committees shall be clearly defined and specifically delegated to them by resolution of the Council, subject to the provisions of the Act.

16.2 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.

16.3 Minutes of Committees—Numbered Items

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

16.4 Reports of Committees to be Taken as Read

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

16.4.2 The confirmation and adoption of recommendations of the Committee shall be moved by—

- (a) The Chairperson 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 nominated by the President.

16.4.3 It shall not be necessary to second the motion for adoption.

16.5 Procedure of Report of Committees

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

16.5.2 Each item adopted by the Council shall become a resolution of the Council.

16.6 Withdrawal, Correction and Amendments of Committees

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

16.6.2 The Chairperson of a Committee, may be excused from moving the adoption if the Chairperson wishes to move an amendment to it. In that case, another member of the Council may move the confirmation and adoption of the recommendation.

16.6.3 The Chairperson or other members of a Committee bringing up a recommendation may move the confirmation and adoption of the recommendation.

16.7 Reports of Committees—Questions

When a recommendation of any Committee of the Council is submitted for confirmation and adoption, any member of that Council may direct questions directly relating to the recommendation through the President, to the Chairperson or any member of the Committee bringing up the recommendation. No argument or speeches are permitted.

16.8 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.

16.9 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.

16.10 Recommendations of Committees—Inspection of Plans

All plans referred to in the recommendations of the Committee 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.

16.11 Committee Procedure

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

16.12 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 Chairperson but they are not entitled to vote.

16.13 Standing Orders to Apply to Committees

16.13.1 These Standing Orders shall apply generally to the proceedings of Committees of the Council except that—

- (a) The requirement for members to speak only once shall not be applied in meetings of Committees;
- (b) The requirement for motions and amendments to be seconded shall not be applied in meetings of Committees;
- (c) The requirement to stand whilst speaking to a motion shall not apply, unless directed to do so by the Chairman.

17. ADMINISTRATIVE MATTERS**17.1 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, must be seconded, but the motion need not be presented in writing.

17.2 Cases Not Provided for in Standing Orders

The President shall decide questions of order, procedure, debate or otherwise in cases where these Standing Orders and the Act are silent. The decision of the President in these cases shall be final.

17.3 Enforcement of Standing Orders

Whenever any person is found guilty of any breach of these Standing Orders or of any of their provisions, the President may lay, or in writing cause to be laid, the information before a Justice of the Peace for the purpose of summoning the persons offending and shall afterwards appear and prosecute the charge or arrange for the charge to be prosecuted.

17.4 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.

18. PENALTY

Any contravention of this Local Law is an offence punishable in conviction by a penalty not exceeding \$5,000.00.

Dated this 13th day of June 1997.

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

I. J. SHEEHAN, President.
A. J. MIDDLETON, Chief Executive Officer.

