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SHIRE OF DARDANUP

CEMETERIES ACT 1986

MODEL LOCAL LAW (CEMETERIES) 1998

LOCAL GOVERNMENT ACT 1995

PARKING AND PARKING FACILITIES
LOCAL LAW

WESTERN AUSTRALIA

**CEMETERIES LOCAL LAW
(CEMETERIES) 1998**

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CEMETERIES ACT 1986

MODEL LOCAL LAW (CEMETERIES) 1998

The following model local law was caused by the Governor in Executive Council to be prepared and published under section 56(1) of the Act.

Note: under section 56(1) of the Act, a Board under the Act may adopt the provisions of the model local law by reference with or without modification. If the Board is a local government they are to be adopted as a *local law*. If the Board is not a local government they are to be adopted as a *by-law*.

Note: under section 56(2) of the Act, a model local law has no effect except to the extent that it is adopted.

JOHN LYNCH, Executive Director
Department of Local Government.

CEMETERIES ACT 1986

SHIRE OF DARDANUP

CEMETERIES LOCAL LAW

PART 1—PRELIMINARY

1.1 Citation

This Local Law may be cited as the Cemeteries Local Law 1998, and will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.2 Interpretation

In this Cemeteries Local Law unless the context otherwise requires:

“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 employee of the Board authorised by the Board for the purposes of performing any function or exercising any power conferred upon an authorised officer by this Cemeteries Local Law;

“Board” means the Shire of Dardanup;

“CEO” means the chief executive officer for the time being, of the Board;

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

“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;

“monumental mason” means a person holding a current monumental mason’s licence;

“personal representative” means the administrator or executor of an estate of a deceased person;

“set fee” refers to fees and charges set by a resolution of the Board and published in the *Government Gazette*, under section 53 of the Act;

“single funeral permit” means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person 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 Board.

1.3 Repeal

The following Dardanup and Ferguson Public Cemeteries By-laws 28th August 1953 is repealed:—

“Dardanup and Ferguson Public Cemeteries By-laws 28th August 1953”

PART 2—ADMINISTRATION

2.1 Powers and Functions of CEO

Subject to any directions given by the Board, the CEO shall exercise all the powers and functions of the Board in respect of the cemetery.

PART 3—APPLICATION FOR FUNERALS

3.1 Application for Burial

(1) A person may apply for approval to bury a dead body in the cemetery in the form determined by the Board from time to time.

(2) An application under subclause (1) is to be accompanied by the set fee.

3.2 Applications to be Accompanied by Certificates etc

All applications referred to in clauses 3.1 shall be accompanied by either a medical certificate of death or a Coroner’s order of burial, and a certificate issued under clause 3.4, in respect of the body.

3.3 Certificate of Identification

(1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, or crematorium within the cemetery, a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form determined by the Board 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 a certificate in the form determined by the Board from time to time.

3.4 Minimum Notice Required

All bookings to hold a funeral shall be made with the Board at least twenty four hours prior to the time proposed for burial on the application, otherwise an extra charge may be made.

PART 4—FUNERAL DIRECTORS

4.1 Funeral Director's Licence Expiry

A funeral director's licence shall expire on the 30th day of June in each year.

4.2 Single Funeral Permits

Every application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite, or crematorium.

4.3 Application Refusal

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, either the coffin specifications or the details of the vehicle transporting the dead body to the gravesite or crematorium, are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

PART 5—FUNERALS

Division 1—General

5.1 Requirements for Funerals and Coffins

A person shall not bring a dead body into the cemetery unless:

- (a) the Board has approved an application for the burial or cremation of that dead body in accordance with Part 3 of this Cemeteries Local Law;
- (b) it is enclosed in a coffin which in the opinion of the Board 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.

5.2 Funeral Processions

The time fixed by the Board for any burial or cremation shall be the time at which the funeral procession is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 3.1 or clause 3.2 shall pay the set fee for being late.

5.3 Vehicle Entry Restricted

(1) Subject to clause 5.3(2), every funeral procession shall enter by the principal entrance, and no vehicle except the hearse, and official mourning coaches, shall be permitted to enter the cemetery.

(2) This clause shall not apply to persons using wheelchairs or motorised wheelchairs.

5.4 Vehicle Access and Speed Limitations

Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed of 25km per hour.

5.5 Offenders may be Expelled

A person committing an offence under clause 5.4 may be expelled from the cemetery by the CEO or an authorised officer.

5.6 Conduct of Funeral by Board

When conducting a funeral under section 22 of the Act the Board may:

- (a) require a written request for it to conduct a funeral to be lodged with it;
- (b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;
- (c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;
- (d) bury that dead body but may cremate the dead body only when a permit to cremate has been obtained for that body under the Cremation Act 1929;
- (e) specify an area in the cemetery where the dead body is to be buried or the ashes placed;
- (f) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under Cemeteries Local Law;
- (g) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

*Division 2—Placement of Ashes***5.7 Disposal of Ashes**

(1) The personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or otherwise, for permission to dispose of the ashes in the cemetery and upon payment of the set fee the Board may grant permission for the ashes to be disposed of by one of the following methods:

- Niche Wall
- Memorial Wall
- Garden of Remembrance
- Ground Niche
- Memorial Rose, Tree or Shrub
- Family Shrub
- Memorial Desk
- Granite Seat
- Family Grave
- Book of Remembrance
- Scattering to the Winds
- Memorial Gardens
- Other memorials approved by the Board.

(2) Subject to sub-clauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.

(3) An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board approval provided:

- (a) the person requesting the placement of the ashes has the permission of the Board; and
- (b) the ashes are placed within an area set aside for that purpose by the Board.

(4) An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

PART 6—BURIALS

6.1 Depth of Graves

(1) A person shall not bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is—

- (a) subject to paragraph (b), less than 750mm, unless that person has the permission of an authorised officer; or
- (b) in any circumstances less than 600mm.

(2) The permission of the authorised officer in sub-clause (1) (a) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that permission.

6.2 Mausoleum, etc

(1) A person other than the Board shall not construct a brick grave, crypt, vault or mausoleum within the cemetery.

(2) A person may request the Board to construct a vault or mausoleum within the cemetery which vault or mausoleum shall at all times remain the property of the Board.

(3) An application under subclause (2) shall be in writing and shall be accompanied by payment of the set fee.

(4) A person shall not place a dead body in a mausoleum except:—

- (a) in a closed coffin; and
- (b) in a soundly constructed chamber; and
- (c) in accordance with sub-clause (5).

(5) The number of burials in a chamber must not exceed the number for which the chamber was designed.

PART 7—MEMORIALS AND OTHER WORK

*Division 1—General***7.1 Application for Monumental Work**

A Board may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

7.2 Placement of Monumental Work

Every memorial shall be placed on proper and substantial foundations.

7.3 Removal of Rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

7.4 Operation of Work

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised officer shall direct.

7.5 Removal of Sand, Soil or Loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Board.

7.6 Hours of Work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Board.

7.7 Unfinished Work

Should any work by masons or others be not completed before 6pm on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised officer.

7.8 Use of Wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave, other than as a temporary marker and with the prior approval of the Board.

7.9 Plants and Trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

7.10 Supervision

All workers, whether employed by the Board or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised officer and shall obey such directions as the CEO or an authorised officer may give.

7.11 Australian War Graves

Notwithstanding anything in this Cemeteries Local Law to the contrary, the Office of Australian War Graves:

- (a) may place a memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

7.12 Placing of Glass Domes and Vases

A person shall not place glass domes, vases or other grave ornaments:

- (a) outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40 (2) of the Act; or
- (b) on the lawn in an area set aside by the Board as a lawn or a memorial plaque section.

Division 2—Lawn Section

7.13 Specification of Monuments

(1) All monuments in the lawn section of a cemetery shall:

- (a) be made of natural stone; and
- (b) be placed upon a base of natural stone; and
- (c) comply with the following specifications:
 - (i) the overall height of the monument above the original surface of the grave shall not exceed 1.05m;
 - (ii) the height of the base of the monument above the original surface of the grave shall not be less than 150mm nor more than 450mm;
 - (iii) the width of the base of the monument shall not exceed 1.20m;
 - (iv) the depth of the base of the monument shall not exceed 300mm; and
- (d) have foundations extending to the bottom of the grave unless concrete beam foundations are provided by the Board.

(2) An admiralty bronze memorial plaque may be attached to a monument erected or being erected in the lawn section of the cemetery.

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

7.14 Headstones

In the lawn section of the cemetery, that part of a headstone above its base shall not extend horizontally beyond that base.

Division 3—Memorial Plaque Section

7.15 Requirements of a Memorial Plaque

(1) All memorial plaques placed in a memorial plaque section of the cemetery shall:

- (a) be made of admiralty bronze or any other material approved by the Board; and
- (b) not be less than the dimensions 380mm x 280mm, nor more than 560mm x 305mm; and

- (2) All memorial plaques made of admiralty bronze shall:
- (a) not exceed 20mm in thickness; and
 - (b) be placed upon a base mounting approved by the Board.
- (3) All memorial plaques made of stone shall:
- (a) not exceed 50mm in thickness placed upon a base mounting approved by the Board; or
 - (b) not be less than 100mm in thickness if it is not to be placed upon a base mounting.

Division 4—Licensing of Monumental Masons

7.16 Monumental Mason's Licence

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

(2) A licence issued under sub-clause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this Cemeteries Local Law and such conditions as the Board shall specify upon the issue of that licence.

7.17 Expiry Date, Non-Transferability

A monumental mason's licence:

- (a) shall, subject to clause 7.20, be valid from the date specified therein until the 30th day of June next following; and
- (b) is not transferable.

7.18 Carrying out Monumental Work

A person shall not carry out monumental work within the cemetery unless that person:

- (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.16 or does so as the employee of a person who holds such a licence; or
- (b) is authorised by the Board to do so.

7.19 Responsibilities of the Holder of a Monumental Mason's Licence

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 the cemetery pursuant to that licence with all the requirements and conditions of the licence, this Cemeteries Local Law the Act and any other written law which may affect the carrying out of monumental works.

7.20 Cancellation of a Monumental Mason's Licence

(1) The Board may by notice in writing to the holder of a monumental mason's licence terminate the licence on any of the following grounds:

- (a) that the holder of the licence has committed a breach of the requirements and conditions of the licence, Cemeteries Local Law, the Act or any other written law which may affect the carrying out of monumental works;
- (b) that, in the opinion of the Board, 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 the cemetery, is inappropriate or unbecoming; or
- (c) that the holder of the licence has purported to transfer the licence issued to that holder.

(2) Upon the termination 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 Board.

(3) An aggrieved person whose licence has been terminated under subclause (1) may appeal to a Local Court against a decision of Board under this clause in the manner stated in section 19 (3) of the Act.

PART 8—GENERAL

8.1 Animals

Subject to clause 8.2, a person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than with the approval of the CEO or an authorised officer.

8.2 Guide Dogs

Clause 8.1 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.

8.3 Damaging and Removing of Objects

Subject to clause 8.4, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

8.4 Withered Flowers

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

8.5 Littering and Vandalism

A person shall not:

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

8.6 Advertising

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

8.7 Obeying Signs and Directions

A person shall obey all signs displayed, marked, placed or erected by the Board within the cemetery and any other lawful direction by the CEO or an authorised officer.

8.8 Removal from the Cemetery

Any person failing to comply with any provisions of this Cemeteries Local Law or behaving in a manner that in the opinion of the Board, the CEO or an authorised officer is inappropriate in the cemetery may in addition to any penalty provided by this Cemeteries Local Law be ordered to leave the cemetery by the Board, the CEO or an authorised officer.

PART 9—OFFENCES AND MODIFIED PENALTIES

9.1 General

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

9.2 Modified Penalties

- (1) The offences specified in the First Schedule are offences which may be dealt with under section 63 of the Act.
- (2) The modified penalty payable in respect of an offence specified in the First Schedule is set out in the fourth column of the First Schedule.
- (3) The prescribed form of the infringement notice referred to in section 63(1) of the Act is set out in the Second Schedule.
- (4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is set out in the Third Schedule.

FIRST SCHEDULE
CEMETERIES ACT 1986
SHIRE OF DARDANUP
 CEMETERIES LOCAL LAW
MODIFIED PENALTIES

Item No.	Clause	Nature of Offence	Modified Penalty
1	5.4	Excessive speed.....	\$50.00
2	5.4	Unauthorised use—driving of vehicles	\$50.00
3	7.3	Placing and removal of rubbish and surplus materials	\$50.00
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
5	8.1	Animal at large	\$50.00
6	8.5	Dumping of Rubbish.....	\$50.00
7	8.6	Unauthorised advertising, and/or trading.....	\$50.00
8	8.7	Disobeying sign or lawful direction.....	\$50.00

SECOND SCHEDULE
CEMETERIES ACT 1986
SHIRE OF DARDANUP
 CEMETERIES LOCAL LAW
INFRINGEMENT NOTICE

TO:
 (Name)

..... (Address)

It is alleged that at : hours on day of
 19 at

you committed the offence indicated below by an (x) in breach of clause of the Cemeteries Local Law

 (Authorised Person)

Offence

- Animal at large
- Dumping rubbish
- Excessive speed in vehicle
- Leaving uncompleted works in an untidy or unsafe condition
- Non removal of rubbish
- Unauthorised advertising or trading
- Unauthorised vehicle use
- Disobeying sign or lawful direction
- Other Offence

§

You may dispose of this matter:

By payment of the penalty as shown within 21 days of the date of this notice (or the date of the giving of this notice if that is a different date) to the Chief Executive Officer of the Shire Of Dardanup at 3 Little Street, Dardanup between the hours of 9am to 4.30pm Monday to Friday.

Please make cheques payable to Shire of Dardanup. Payments by mail should be addressed to:

The Chief Executive Officer
 Shire of Dardanup
 3 Little Street, Dardanup, WA, 6236

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.

THIRD SCHEDULE
CEMETERIES ACT 1986
SHIRE OF DARDANUP
 CEMETERIES LOCAL LAW
WITHDRAWAL OF INFRINGEMENT NOTICE

No.

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

To (1)

Infringement Notice Nodated/...../..... for the alleged offence of (2)

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

.....
(Authorised Person)

LOCAL GOVERNMENT ACT 1995*SHIRE OF DARDANUP***PARKING AND PARKING FACILITIES LOCAL LAW**

Under the powers conferred by the Local Government Act 1995 and by all other powers, the Council of the Shire of Dardanup resolved to make the following Local Law on the FOURTH day of DECEMBER 1998.

PART 1—DEFINITION AND OPERATION

1) This Local Law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

2) Repeal

The Shire of Dardanup Local Law Relating to Parking Facilities published in the *Government Gazette* on 2nd August, 1991 is repealed.

3) (1) Interpretation

In this Local Law unless the context otherwise requires:

“Act” means the Local Government Act 1995;

“Authorised Person” means a person authorised by the local government under Section 9.10 of the Act, to perform the functions referred to in Clause 35;

“authorised vehicle” means a vehicle authorised by the local government, Chief Executive Officer, Authorised Person or by any written law to stand or park on a road or parking facility;

“bicycle” means any wheeled vehicle that is designed to be propelled solely by human power;

“bus” means an omnibus as defined by the Road Traffic Act;

“bus embayment” has the meaning given to it in the Code;

“caravan” means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

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

“centre” in relation to a carriageway, means a line or a series of lines, marks or other indications placed at, or near, the middle of the carriageway or, in the absence of any such lines, marks or other indications, the middle of the main travelled portion of the carriageway;

“children’s crossing” has the meaning given to it in the Code;

“Chief Executive Officer” means the Chief Executive Officer of the local government;

“clause” means a clause of the Local Law;

“Code” means the Road Traffic Code 1975;

“commercial vehicle” means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of goods, merchandise or materials referred to, and is in fact used for that purpose;

“district” means the district of the local government;

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

“emergency vehicle” has the meaning given to it in the Code;

“footpath” includes every footpath, lane or other place-

a) intended for the use of pedestrians only, or in the case of a dual use path, for the use of pedestrians and bicyclists only; or

b) habitually used by pedestrians and not by vehicles or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicycles;

“Loading Zone” means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked ‘Loading Zone’;

“median strip” has the meaning given to it in the Code;

“motorcycle” means a motor vehicle that has two wheels or, where a sidecar is attached, three wheels;

- “motor vehicle” means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;
- “no parking area” means a portion of a carriageway that lies:
- a) between two consecutive signs inscribed with the words “No Parking” or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
 - b) between a sign inscribed with the words “No Parking” or with an equivalent symbol depicting this purpose, and the end of the carriageway or an area in which parking is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;
- “no standing area” means a portion of carriageway that lies:
- a) between two consecutive signs inscribed with the words “No Standing” or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
 - b) between a sign inscribed with the words “No Standing” or with an equivalent symbol depicting this purpose and the end of the carriageway in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;
- “obstruct” means to interfere with or impede or hinder the passage of any vehicle or person and ‘obstruction’ has a corresponding meaning;
- “occupier” has the meaning given to it in the Act;
- “owner” where used in relation to a vehicle, means a person who is the registered holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession; and where used in relation to land has the meaning given to it by the Act;
- “park” means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, or complying with the provisions of any law or of immediately taking up or setting down persons or goods; and “parking” has a corresponding meaning;
- “parking area” means a portion of a carriageway:
- a) between two consecutive signs inscribed with the word “Parking” or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
 - b) extending from a sign inscribed with the word “Parking” or with an equivalent symbol depicting this purpose in the general direction indicated by the arrow inscribed on the sign, to any other sign inscribed with the words “No Parking” or “No Standing” or with an equivalent symbol depicting these purposes, or to the end of the carriageway or an area in which the parking or standing of vehicles is prohibited,
and is on that side of the carriageway of the road nearest the sign;
- “parking facilities” includes land, buildings, shelters, parking stalls and other facilities open to the public generally for the parking of vehicles, and signs, notices and facilities used in connection with the parking of vehicles but does not include a private garage;
- “parking region” means that portion of the district which is specified in the First Schedule;
- “parking stall” means a section or part of a street or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may stand or be parked;
- “pedestrian crossing” has the meaning given to it in the Code;
- “property line” means a lateral boundary of a road;
- “public place” means any place to which the public has access whether or not that place is on private property;
- “reserve” includes any land vested in or any land under the care, control and management of the local government;
- “road” means a highway, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land lying between the property lines including the street verge and footpath;
- “Road Traffic Act” means the Road Traffic Act 1974;
- “Schedule” means a Schedule to this Local Law;
- “sign” includes a traffic sign, inscription, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a road or within a parking station or reserve under the care, control or management of the local government, for the purpose of prohibiting, regulating, guiding, directing or restricting the standing or parking of vehicles;
- “special purpose vehicle” means a public utility service truck, a tow truck, a vehicle being used for official duties by a member of the Police Force, a motor breakdown service vehicle or a vehicle being used by a government authority or a local government in connection with its functions, but does not include an emergency vehicle;
- “stand” in relation to a vehicle, means to stop a vehicle and permit to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law when the vehicle is being driven, and ‘standing’ and ‘stood’ have correlative meanings;

“street” has the same meaning as ‘road’;

“street verge” means the portion of a road which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath;

“symbol” includes any symbol specified by Australian Standard 1742.11-1989 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this Local Law shall be also deemed to include a reference to the corresponding symbol;

“taxi” has the same meaning as “taxi-car” in Section 47Z of the Transport Co-ordination Act 1966;

“trailer” means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

“vehicle” includes every conveyance not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels by any means.

(2) For the purposes of the application of the definitions “no parking area”, “no standing area” and “parking area” an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

(3) Unless the context otherwise requires, where a term is used, but not defined, in this Local Law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

4) (1) This Local Law applies to the parking region, including all parking stations and parking facilities in the parking region other than a parking facility or parking station that:

- a) is not owned, controlled or occupied by the local government; or
- b) is owned by the local government but is leased to another person.

(2) A sign that:

- a) was erected by the Commissioner of Main Roads prior to the coming into operation of this Local Law within the district; and
 - b) relates to the parking or standing of vehicles within the parking region;
- shall be deemed for the purposes of this Local Law to have been erected by the local government under the authority of this Local Law.

5) For the purpose of this Local Law, vehicles are divided into classes as follows:

- a) buses;
- b) commercial vehicles;
- c) motorcycles and bicycles;
- d) taxis;
- e) all other vehicles.

6) Where under this Local Law the standing or parking of vehicles in a street is controlled by a sign, the 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; and
- c) is on that side of the street nearest to the sign.

PART 2—PARKING STALLS AND PARKING STATIONS

7) The local government may by resolution constitute, determine and vary and also indicate by signs, from time to time:

- a) parking stalls;
- b) parking stations;
- c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
- d) permitted classes of vehicles which may park in parking stalls and parking stations;
- e) permitted classes of persons who may park in specified parking stalls or parking stations; and
- f) the manner of parking in parking stalls and parking stations.

8) (1) Subject to Clause 8(2), a person shall not stand a vehicle in a parking stall in a street otherwise than:

- a) parallel to and as close to the kerb as is practicable;
- b) wholly within the stall; and
- c) headed in the direction of the movement of traffic on the side of the street in which the stall is situated.

(2) Where a parking stall in a street is set out otherwise than parallel to the kerb, then a person must stand a vehicle in that stall wholly within it.

9) Subject to Clause 10, a person shall not park a vehicle or permit a vehicle to remain parked in any parking station that is set aside for vehicles of a different class.

10) The local government may by resolution declare that the provisions of Clause 9 do not apply during periods on particular days in relation to particular parking stations as specified in such resolution.

11) Unless otherwise directed by an Authorised Person, a person shall not park a vehicle in a parking station otherwise than wholly within a parking stall.

12) (1) A person shall not:

- a) stand a vehicle so as to obstruct an entrance to, or an exit from a parking station, or a roadway within a parking station;
- b) except with the permission of the local government or an Authorised Person stand a vehicle on any part of a parking station contrary to a sign referable to that part;
- c) permit a vehicle to stand on any part of a parking station, if an Authorised Person directs the driver of such vehicle to move the vehicle; or
- d) stand or attempt to stand a vehicle in a parking stall in which another vehicle is standing but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked "M/C", if the bicycle is parked in accordance with Clause 12(4).

(2) In a Loading Zone, a person shall not:

- a) stand a vehicle other than a commercial vehicle which is being loaded or unloaded with goods; or
- b) stand a commercial vehicle which is being loaded or unloaded with goods for more than 30 minutes.

(3) In paragraph (b) of sub-clause (2) "goods" means an article or collection of articles weighing at least 13.6kg and of which the cubic measurement is not less than 0.17m³.

(4) No person shall stand or permit to stand any bicycle:

- a) in a parking stall other than in a stall marked "M/C"; and
- b) in such stall other than against the kerb.

PART 3—STANDING AND PARKING GENERALLY

13) The local government may by resolution prohibit or regulate by signs or otherwise the parking and standing of any vehicle or class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law.

14) (1) A person shall not stand a vehicle in a street or part of a street, or part of a parking station:

- a) if by a sign it is set apart for the standing of vehicles of a different class;
- b) if by a sign it is set apart for the standing of vehicles by persons of a different class; or
- c) during any period when the standing of vehicles is prohibited by a sign.

(2) A person shall not stand a vehicle:

- a) in a no standing area;
- b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law;
- c) in a stall marked "M/C" unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

(3) A person shall not park a vehicle in a no parking area.

(4) A person shall not stand a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked "M/C".

(5) A person shall not, without the prior permission of the local government, the Chief Executive Officer, or an Authorised Person, stand a vehicle in an area designated by signs stated "Authorised Vehicles Only".

15) Subject to the provisions of Clauses 16 to 18, a person standing a vehicle on a carriageway shall stand it:

- (1) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is standing;
- (2) in the case of a one-way carriageway, so that it 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;
- (3) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or between the vehicle and a vehicle standing on the farther side of the carriageway;
- (4) so that it is not less than 1.2 metres from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this Local Law;
- (5) so that it does not obstruct any vehicle on the carriageway;
- (6) so that it is entirely within the confines of any parking stall marked on the carriageway.

16) A person shall not stand a vehicle partly within and partly outside a parking area.

17) Where the traffic sign or signs associated with the parking area are not inscribed with the words "angle parking" (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates or marks on the carriageway indicate that vehicles have to stand in a different position:

- 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 at approximately right angles to the centre of the carriageway.

18) (1) This clause does not apply to:

- a) a passenger vehicle or a commercial vehicle with a mass including any load, or over three tonnes; or
- b) a person standing either a motor cycle without a trailer or a bicycle.

(2) Where a sign associated with a parking area is inscribed the words "angle parking" (or with an equivalent symbol depicting this purpose), a person standing a vehicle in the 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.

19) (1)

- a) This clause does not apply to a vehicle standing or parking in a metered space or a parking stall established by the local government, not to a bicycle rack established by the local government.
- b) Paragraphs (c), (e) and (g) of sub-clause 2 do not apply to a vehicle which stands or parks in a bus embayment.

(2) A person shall not stand or park a vehicle so that any portion of the vehicle is:

- a) between any other stationary vehicles and the centre of the carriageway;
- b) on or adjacent to a median strip;
- c) obstructing a right of way, private drive or carriageway or so close as to deny vehicles reasonable access to or egress from the right of way, private drive or carriageway;
- d) alongside or opposite any excavation or obstruction on the carriageway, if the vehicle would obstruct traffic;
- e) on or within 9 metres of any portion of a carriageway bounded by a traffic island;
- f) on any footpath or pedestrian crossing;
- g) on a bridge or other elevated structure or within a tunnel or underpass;
- h) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a 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;
- i) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway.

(3) A person shall not stand or park 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 purposes of collecting postal articles from the pillar box.

(4) A person shall not stand or park a vehicle so that any portion of the vehicle is:

- a) within 6 metres of the nearer property line of any road intersecting the road on the side on which the vehicle is standing or parked; or
- b) alongside any excavation, works, hoarding, scaffolding or obstruction on the carriageway.

(5) A person shall not stand or park a vehicle so that any portion of the vehicle is within 9 metres of the departure side of:

- a) a sign inscribed with the words "Bus Stop" or "Hail Bus Here" or with equivalent symbols depicting these purposes unless the vehicle is a bus stopped to take up or set down passengers; or
- b) a children's crossing established on a two-way carriageway; or
- c) the nearest rail of a railway level crossing.

(6) A person shall not stand or park a vehicle so that any portion of the vehicle is within 18 metres of the approach side of:

- a) a sign inscribed with the words "Bus Stop" or "Hail Bus Here" or with equivalent symbols depicting these purposes unless the vehicle is a bus stopped to take up or set down passengers;
- b) a pedestrian crossing or children's crossing; or
- c) the nearest rail of a railway level crossing.

20) (1) This clause does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials, collected from or delivered to the premises adjacent to the portion of the street verge on which the commercial vehicle is standing, but the commercial vehicle, by standing on the verge must not create a hazard for traffic or pedestrians.

(2) A person shall not unless written permission is given by an authorised person or the Chief Executive Officer:

- a) stand or park or allow to stand or be parked a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle, so that any portion of it is on the street verge; or
- b) stand a vehicle so that any portion of that vehicle is on a street verge during any period when the standing or parking of vehicles on that street verge is prohibited by a sign adjacent and referable to that street verge.

(3) Subject to clause 20 (2), a person shall not stand a vehicle if any portion of the vehicle is on the street verge unless he or she is the owner or occupier of the premises adjacent to that street verge, or is a person authorised by the owner or occupier of those premises to do so.

21) The driver of a vehicle shall not stand that vehicle on any part of a street in contravention of this Local Law after an Authorised Person has directed the driver to move it.

22) (1) An Authorised Person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.

(2) A person shall not remove a mark made by an Authorised Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

23) (1) Where the standing or parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of standing or parking exceeds the maximum time allowed for standing or parking in the parking facility.

(2) Where the parking of vehicles in a street is permitted for a limited time, a person shall not move a vehicle along that street so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the street for at least two hours.

24) A person shall not park a vehicle on any portion of a street:

- a) if the vehicle is exposed for sale;
- b) if that vehicle is not licensed under the Road Traffic Act;
- c) if that vehicle is a trailer or caravan unattached to a motor vehicle; or
- d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a street.

25) (1) In this clause a reference to 'land' means land that is not a street or parking facility.

(2) A person shall not park or stand a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked or standing.

(3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the standing or parking of vehicles of a specified class or classes on the land for a limited period, a person shall not stand or park or permit a vehicle to stand or be parked on the land otherwise in accordance with the consent.

26) (1) No person other than an employee of the local government in the course of his or her duties or a person authorised by the local government shall drive, park or stand a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

(2) A person shall not park or stand a vehicle unless authorised by the local government:

- a) on any part of a reserve, for the purposes of conducting a business; or
- b) in front of or over any footpath constructed across a reserve.

27) (1) Where by a sign the standing of vehicles is permitted for a limited time on a portion of a street or parking facility, the local government, the Chief Executive Officer or an Authorised Person may, subject to the Code, permit a person to stand a vehicle in that portion of the street or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.

(2) Where permission is granted under clause 27(1), the local government, the Chief Executive Officer or an Authorised Person may prohibit the use by any other vehicle on that portion of the street or parking facility to which the permission relates, for the duration of that permission.

PART 4—MISCELLANEOUS

28) An Authorised Person shall be furnished with a certificate of his or her appointment in a form determined by the local government from time to time.

29) A person who is not an Authorised Person shall not in any way assume the duties of an Authorised Person.

30) A person shall not in any way obstruct or hinder an Authorised Person in the execution of his or her duties.

31) A person, other than the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an Authorised Person.

32) A person shall not without the authority of the local government:

- (1) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this Local Law;
- (2) remove, deface or misuse a sign or property, set up by the local government under this Local Law or attempt to do any such acts.
- (3) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up by the local government under this Local Law.

33) An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction of a sign commits an offence under this Local Law.

34) (1) A sign marked, erected, set up, established or displayed on or near a road is, in the absence of evidence to the contrary presumed to be a sign marked, set up, erected, established or displayed under the authority of this Local Law.

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

- 35)** An Authorised Person may and is authorised by the local government to:
- (1) carry into effect the provisions of the Local Law;
 - (2) report to the local government on the working effectiveness of this Local Law;
 - (3) recommend to the Chief Executive Officer the institution of prosecutions; and
 - (4) institute and conduct prosecutions as directed by the local government or the Chief Executive Officer.
- 36)** Notwithstanding anything to the contrary in this Local Law:
- a) the driver of a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, stand or park the vehicle in any place, at any time; and
 - b) the driver or an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, stand or park the vehicle at any place, at any time.

PART 5—PENALTIES

- 37)** (1) Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this Local Law is a prescribed offence for the purposes of Section 9.16(1) of the Act.
- (3) Any person who commits an offence under this Local Law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.
- 38)** For the purposes of this Local Law:
- a) the form of the notice referred to in Section 9.13 of the Act is that of Form 1 in the Third Schedule;
 - b) the form of the infringement notice referred to in Section 9.17 of the Act is that of Form 2 in the Third Schedule;
 - c) in the form of the infringement notice referred to in Section 9.17 of the Act which incorporates the notice referred to in Section 9.13 of the Act, is that of Form 3 in the Third Schedule; and
 - d) the form of the notice referred to in Section 9.20 of the Act is that of Form 4 in the Third Schedule.
- 39)** The amount appearing in the final column of the Second Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence,
- 40)** A penalty for an offence against this Local Law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of Petty Sessions.
- 41)** The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

FIRST SCHEDULE *SHIRE OF DARDANUP* **PARKING REGION**

The parking region is the whole of the district as altered from time to time under the Act, but excludes the following portions of the District:

- a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commission of Main Roads; and
- b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- c) any road which comes under the control of the Commission of Main Roads unless the control of parking and parking facilities on that road has been delegated by the Commissioner of Main Roads to the local government.

SECOND SCHEDULE *SHIRE OF DARDANUP—3 LITTLE STREET, DARDANUP, 6236* **PARKING AND PARKING FACILITIES LOCAL LAW**

Item No	Clause No	Nature of Offence	Modified Penalty \$
1.	12(1)(a)	Obstruction in parking station	45
2.	12(1)(b)	Stand contrary to sign in parking station	45
3.	12(1)(c)	Park Contrary to Directions of Authorised Person	45
4.	12(2)	Park in Loading Zone	40
5.	14(1)(a)	Stand wrong class of vehicle	35
6.	14(1)(b)	Standing by persons of a different class	40
7.	14(1)(c)	Standing during prohibited period	40

Item No	Clause No	Nature of Offence	Modified Penalty \$
8.	14(2)(a)	No standing anytime	45
9.	14(2)(b)	Standing contrary to signs or limitations	35
10.	14(2)(c)	Stand vehicle in motor cycle only area	35
11.	14(3)	No parking anytime	40
12.	15(1)	Fail to park on the left of carriageway	35
13.	15(2)	Fail to park on boundary of carriageway	35
14.	15(1)+(2)	Parking against the flow of traffic	40
15.	15(3)	Double park	40
16.	15(5)	Cause obstruction	45
17.	19(2)(a)	Double park	40
18.	19(2)(c)	Deny access to private drive	40
19.	19(2)(d)	Stand/Park beside obstruction so as to obstruct traffic	45
20.	19(2)(e)	Stand/Park by traffic island	40
21.	19(2)(f)	Stand/Park on footpath/pedestrian crossing	45
22.	19(2)(g)	Stand/Park on bridge or in tunnel	40
23.	19(2)(i)	Stand/Park on intersection	40
24.	19(4)(a)	Stand/Park within 6 metres of intersection	40
25.	19(5)(a)	Stand/Park Vehicle within 9 metres of departure side of bus stop	45
26.	19(6)(a)	Stand/Park vehicle within 18 metres of approach side of bus stop	45
27.	19(6)(b)	Stand/Park vehicle within 18 metres of approach side of pedestrian/children's crossing	45
28.	20(2)(a)	Parking commercial vehicle on verge	35
29.	20(2)(b)	Parking on verge	35
30.	21	Refusal to move vehicle	45
31.	24(c)	Parking a trailer/caravan on a street	35
32.	25(2)	Stand/Park on land that is not a parking facility contrary to owner's consent	50
33.	25(3)	Stand on land not a parking facility	35
34.	26(1)	Standing on reserve	35
35.	30	Hindering an authorised person	60
		All other offences not specified	30

THIRD SCHEDULE

LOCAL GOVERNMENT ACT 1995

FORM 1

SHIRE OF DARDANUP—3 LITTLE STREET, DARDANUP, 6236

PARKING AND PARKING FACILITIES LOCAL LAW

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

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

To: (1)

of: (2)

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

at (4)

your vehicle: make

model: registration:

was involved in the commission of the following offence—

.....

.....

contrary to clause of the **Parking and Parking Facilities Local Law**.

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

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

a) within 28 days after being served with this notice;

i) you inform the chief executive officer of another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and

ii) you satisfy the chief executive officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed; or

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

(5)
(6)

Insert

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Signature of Authorised Person
- (6) Name and title of authorised person giving notice

LOCAL GOVERNMENT ACT 1995
FORM 2
SHIRE OF DARDANUP—3 LITTLE STREET, DARDANUP, 6236
PARKING AND PARKING FACILITIES LOCAL LAW
INFRINGEMENT NOTICE

Serial no
Date/...../.....

To: (1)
of: (2)
It is alleged that on/...../..... at (3)
at (4)
in respect of vehicle: make
model: registration:
you committed the following offence—

contrary to clause of the **Parking and Parking Facilities Local Law**.
The modified penalty for the offence is \$.....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) within a period of 28 days after the giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6)
(7)

Insert

- (1) Name of alleged offender or "the owner"
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of Authorised Person
- (7) Name and title of authorised person giving notice

LOCAL GOVERNMENT ACT 1995
FORM 3
SHIRE OF DARDANUP—3 LITTLE STREET, DARDANUP, 6236
PARKING AND PARKING FACILITIES LOCAL LAW
INFRINGEMENT NOTICE

Serial no Date/...../.....

To: (1)
of: (2)
It is alleged that on/...../..... at (3)
at (4)
in respect of vehicle: make
model: registration:
you committed the following offence—

contrary to clause of the **Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$.....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice:

a) you pay the modified penalty; or

b) you:

- i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed;
- ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed, 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.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6)

(7)

Insert

- (1) Name of alleged offender or "the owner"
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of Authorised Person
- (7) Name and title of authorised person giving notice

LOCAL GOVERNMENT ACT 1995

FORM 4

SHIRE OF DARDANUP—3 LITTLE STREET, DARDANUP, 6236

PARKING AND PARKING FACILITIES LOCAL LAW

WITHDRAWAL OF INFRINGEMENT NOTICE

Serial no

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

To: (1)

of: (2)

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

in respect of vehicle: make

model: registration:

for the alleged offence of—

.....

.....

.....

has been withdrawn.

The modified penalty of \$.....

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

(3)

(4)

Insert

- (1) Name of alleged offender to whom infringement notice was given or "the owner"
- (2) Address of alleged offender
- (3) Signature of authorised person
- (4) Name and title of authorised person giving notice

AFFIXING OF SEAL

The Common Seal of the Shire of Dardanup was affixed in the presence of:

MICHEAL T. BENNETT, President.
MARK L. CHESTER, Chief Executive Officer.



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