

G WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

2341



PERTH, TUESDAY, 16 MAY 2000 No. 88

SPECIAL

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

SHIRE OF KOJONUP

LOCAL GOVERNMENT ACT 1995

**LOCAL LAW—REPEAL OF SUPERSEDED
LOCAL LAWS**

**ACTIVITIES ON THOROUGHFARES AND
TRADING IN THOROUGHFARES AND PUBLIC
PLACES LOCAL LAW**

LOCAL GOVERNMENT PROPERTY LOCAL LAW

CEMETERIES ACT 1986

CEMETERIES LOCAL LAWS

LOCAL GOVERNMENT ACT 1995

SHIRE OF KOJONUP

LOCAL LAW—REPEAL OF SUPERSEDED LOCAL LAWS

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kojonup resolved on 28th September 1999 to propose the following local law:

Repeal

(1) The following local laws are repealed—

- (a) Duty of Supervisor as published in the *Government Gazette* of 23/9/1927 and as amended from time to time.
- (b) Long Service Leave as published in the *Government Gazette* of 25/11/1949 and as amended from time to time.
- (c) By-Law No 17 Minutes as published in the *Government Gazette* of 14/9/1927 and as amended from time to time.
- (d) Heavy Traffic as published in the *Government Gazette* of 20/4/1928 and as amended from time to time.
- (e) Petrol Pumps as published in the *Government Gazette* of 12/2/1971 and as amended from time to time.
- (f) Uniform Building By- laws as published in the *Government Gazette* of 9/2/1955 and as amended from time to time.
- (g) Signs, Hoardings and Billposting No 13 as published in the *Government Gazette* of 1/12/1970 and as amended from time to time.
- (h) Uniform Private Swimming Pools as published in the *Government Gazette* of 12/7/72 and as amended from time to time.
- (i) By-Law Relating to Noxious Weeds as published in the *Government Gazette* of 5/9/1972 and as amended from time to time.
- (j) By-Laws Relating to Prevention of Damage to Streets as published in the *Government Gazette* of 15/2/1962 and as amended from time to time.
- (k) By-Laws Relating to Removal and Disposal of Obstructing Animals or Vehicles as published in the *Government Gazette* of 19/2/1971 and as amended from time to time.

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

L. J. CHARLESWORTH, President.
W. LENYSZYN, Chief Executive Officer.

Dated this 21st day of March 2000.

LOCAL GOVERNMENT ACT 1995

SHIRE OF KOJONUP

**ACTIVITIES ON THOROUGHFARES AND TRADING IN
THOROUGHFARES AND PUBLIC PLACES LOCAL LAW**

Under the powers conferred by the Local Government Act 1995, and all other powers, the Council of the Shire of Kojonup resolved to make the following Local Law on the 28th day of February 2000.

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LOCAL GOVERNMENT ACT 1995

SHIRE OF KOJONUP

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kojonup resolved on the 25th October 1999 *to propose* the following local law.

PART 1—PRELIMINARY**1.1 Citation**

This local law may be cited as the *Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*.

1.2 Definitions

In this local law unless the context otherwise requires—

“**Act**” means the *Local Government Act 1995*;

“**applicant**” means a person who applies for a permit;

“**authorized person**” means a person authorized by the local government under section 9.10 of the Act to perform any of the functions of an authorized person under this local law;

“**built-up area**” has the meaning given to it in the *Road Traffic Code 1975*;

“**bulk rubbish container**” means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government’s regular domestic rubbish collection service;

“**carriageway**” means the paved or made portion of a thoroughfare used or intended for use by vehicles;

“**CEO**” means the chief executive officer of the local government;

“**commencement day**” means the day on which this local law comes into operation;

“**Council**” means the council of the local government;

“**crossing**” means a crossing giving access from a public thoroughfare to—

- (a) private land; or
- (b) a private thoroughfare-serving private land;

“**district**” means the district of the local government;

“**footpath**” means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists;

“**garden**” means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

“**intersection**” has the meaning given to it in the *Road Traffic Code 1975*;

“**kerb**” includes the edge of a carriageway;

“**lawn**” means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

“**liquor**” has the meaning given to it in section 3 of the *Liquor Licensing Act 1988*;

“**local government**” means the **Shire of Kojonup**;

“**local government property**” means anything except a thoroughfare—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an ‘otherwise unvested facility’ within section 3.53 of the Act.

“**lot**” has the meaning given to it in the *Town Planning and Development Act 1928*;

“**owner**” or “**occupier**” in relation to land does not include the local government;

“**permissible verge treatment**” means any one of the 4 treatments described in clause 2.8(2), and includes any reticulation pipes and sprinklers.

“**permit**” means a permit issued under this local law;

“**permit holder**” means a person who holds a valid permit;

“**person**” does not include the local government;

“**premises**” for the purpose of the definition of “public place” in both this clause and clause 6.1, means a building or similar structure, but does not include a carpark or a similar place;

“**public place**” includes any thoroughfare or place, which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—

(a) premises on private property from which trading is lawfully conducted under a written law; and

(b) local government property;

“**Regulations**” means the *Local Government (Functions and General) Regulations 1996*;

“**sign**” includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

“**town planning scheme**” means a town-planning scheme of the local government

made under the *Town Planning and Development Act 1928*;

“**townsite**” means the townsite of Kojonup and Muradup, which are—

(a) constituted under section 26(2) of the *Land Administration Act 1997*; or

(b) referred to in clause 37 of Schedule 9.3 of the Act;

“**vehicle**” includes—

(a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and

(b) an animal being ridden or driven,

but excludes—

(a) a wheel-chair or any device designed for use by a physically impaired person on a footpath; and

(b) a pram, a stroller or a similar device; and

“**verge**” means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

1.3 Application

This local law applies throughout the district.

Repeal

(1) The following local laws are repealed—

(a) By-laws Relating to Street Lawns and Gardens as published in the *Government Gazette* of 10/06/1971 and as amended from time to time.

(b) By-laws Relating to Trading in Public Places as published in the *Government Gazette* of 08/06/1990.

(2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

(3) The Council may resolve that notwithstanding subclause (2) specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

PART 2—ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

Division 1—General

2.1 General prohibitions

A person shall not—

(a) plant any plant which exceeds or which may exceed 0.75 metre in height on a thoroughfare so that the plant is within 6 metre of an intersection;

(b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless—

i. the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or

ii. the person is acting under the authority of a written law;

(c) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2 metre of a carriageway;

(d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;

(e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;

(f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare; or

- (g) within a mall, arcade or verandah of a shopping centre, ride any skateboard, rollerblades or similar device.

2.2 Activities allowed with a permit—general

- (1) A person shall not, without a permit—
- (a) dig or otherwise create a trench through or under a kerb or footpath;
 - (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only during the period of time advertised in connection with that collection by the local government;
 - (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
 - (d) cause any obstruction to a water channel or a water course in a thoroughfare;
 - (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
 - (f) damage a thoroughfare;
 - (g) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 5.13;
 - (h) fell any tree onto a thoroughfare;
 - (i) unless installing a permissible verge treatment
 - i. lay pipes under or provide taps on any verge; or
 - ii. place or install any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
 - (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
 - (k) on a public place use anything or do anything so as to create a nuisance;
 - (l) place or cause to be placed on a thoroughfare a bulk rubbish container; or
 - (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

2.3 No possession and consumption of liquor on thoroughfare

- (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless—
- (a) that is permitted under the *Liquor Licensing Act 1988* or under another written law; or
 - (b) the person is doing so in accordance with a permit.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 2—Vehicle crossing

Subdivision 1—Temporary crossings

2.4 Permit required

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where—
- (a) a crossing does not exist; or
 - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The “person responsible for the works” in subclause (1) is to be taken to be—
- (a) the builder named on the building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*, if one has been issued in relation to the works; or
 - (b) the registered proprietor of the lot, if no building licence has been issued under the *Local Government (Miscellaneous Provisions) Act 1960* in relation to the works.
- (3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

Subdivision 2—Redundant vehicle crossings

2.5 Removal of redundant crossing

- (1) Where . works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.
- (2) The local government may give written notice to the owner or occupier of a lot requiring her or him to—
- (a) remove any part of or all of a crossing which does not give access to the lot; and
 - (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal,

within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

Division 3—Verge treatments

Subdivision 1—Preliminary

2.6 Interpretation

In this Division, unless the context otherwise requires—

“**acceptable material**” means any material which will create a hard surface, and which appears on a list of acceptable materials maintained by the local government.

2.7 Application

This Division only applies to the townsite.

Subdivision 2—Permissible verge treatments

2.8 Permissible verge treatments

(1) An owner or occupier of land, which abuts on a verge, may on that part of the verge directly in front of her or his land install a permissible verge treatment.

(2) The permissible verge treatments are—

- (a) the planting and maintenance of a lawn;
- (b) the planting and maintenance of a garden provided that—
 - i. clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare; and
 - ii. where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2 metre along that part of the verge immediately adjacent to the kerb;
- (c) the installation of an acceptable material; or
- (d) the installation over no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

2.9 Only permissible verge treatments to be installed

(1) A person shall not install or maintain a verge treatment, which is not a permissible verge treatment.

(2) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2. 10.

2.10 Obligations of owner or occupier

An owner or occupier who installs or maintains a permissible verge treatment shall—

- (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
- (b) not place any obstruction on or around the verge treatment; and
- (c) not disturb a footpath on the verge.

2.11 Notice to owner or occupier

The local government may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Division.

Subdivision 3—Existing verge treatments

2.12 Transitional provision

(1) In this clause—

“**former provisions**” means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.

(2) A verge treatment which—

- (a) was installed prior to the commencement day; and
- (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions,

is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

Subdivision 4—Public works

2.13 Power to carry out public works on verge

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority—

- (a) is not liable to compensate any person for that disturbance;

- (b) may backfill with sand, if necessary, any garden or lawn; and
- (c) is not liable to replace or restore any—
 - i. verge treatment and, in particular, any plant or any acceptable material or other hard surface; or
 - ii. sprinklers, pipes or other reticulation equipment.

Division 4—Property numbers

Subdivision 1—Preliminary

2.14 Interpretation

In this Division, unless the context requires otherwise—

“**Number**” means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

Subdivision 2—Assignment and marking of numbers

2.15 Assignment of numbers

The local government may assign a Number to a lot in the district and may assign another Number to the lot instead of that previously assigned.

Division 5—Fencing

2.16 Public place—Item 4(1) of Division 1, Schedule 3.1 of Act

The following places are specified as a public place for the purpose of item 4(1) of Division I of Schedule 3.1 of the Act—

- (a) a public place, as that term is defined in clause 1.2; and
- (b) local government property

Division 6—Signs erected by the local government

2.17 Signs

- (1) A local government may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

2.18 Transitional

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.17 if—

- (a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and
- (b) the condition of use specified is not inconsistent with any provision of this local law.

Division 7—Driving on a closed thoroughfare

2.19 No driving on closed thoroughfare

- (1) A person shall not drive or take a vehicle on a closed thoroughfare unless—
 - (a) that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
 - (b) the person has first obtained a permit.
- (2) In this clause—

“**closed thoroughfare**” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

PART 3—ADVERTISING SIGNS ON THOROUGHFARES

Division 1—Preliminary

3.1 Interpretation

In this Part, unless the context otherwise requires—

“**advertising sign**” means a sign used for the purpose of advertisement and includes an “election sign”;

“**direction sign**” means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;

“**election sign**” means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election; and

“**portable direction sign**” means a portable free standing direction sign; and
“**portable sign**” means a portable free standing advertising sign.

Division 2—Permit

3.2 Advertising signs and portable direction signs

(1) A person shall not, without a permit—

- (a) erect or place an advertising sign on a thoroughfare; or
- (b) post any bill or paint, place or affix any advertisement on a thoroughfare.

(2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which neither exceeds 500mm in height nor 0.5m² in area provided that the sign is placed or erected on a thoroughfare on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event.

(3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign—

- (a) on a footpath;
- (b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5 metres;
- (c) on or within 3 metres of a carriageway;
- (d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
- (e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

3.3 Matters to be considered in determining application for permit

In determining an application for a permit for the purpose of clause 3.2(1), the local government is to have regard to—

- (a) any other written law regulating the erection or placement of signs within the district;
- (b) the dimensions of the sign;
- (c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;
- (d) whether or not the sign will create a hazard to persons using a thoroughfare; and
- (e) the amount of the public liability insurance cover, if any, to be obtained by the applicant.

Division 3—Conditions on permit

3.4 Conditions on portable sign

If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions—

- (a) the portable sign shall—
 - i. not exceed one metre in height;
 - ii. not exceed an area of 1 metre square on any side;
 - iii. relate only to the business activity described on the permit;
 - iv. contain letters not less than 200mm in height;
 - v. not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
 - vi. be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
 - vii. be secured in position in accordance with any requirements of the local government;
 - viii. be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
 - ix. be maintained in good condition; and
- (b) no more than one portable sign shall be erected in relation to the one building or business.

3.5 Conditions on election sign

If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign

- (a) being erected at least 30 metres from any intersection;
- (b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
- (c) being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
- (d) being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- (e) being maintained in good condition;
- (f) not being erected until the election to which it relates has been officially announced;

- (g) being removed within 24 hours of the close of polls on voting day;
- (h) not being placed within 100 metres of any works on the thoroughfare;
- (i) being securely installed;
- (j) not being an illuminated sign;
- (k) not incorporating reflective or fluorescent materials; and
- (l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

PART 4—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

Division 1—Animals and vehicles

4.1 Leaving animal or vehicle in public place or on local government property

(1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorized to do so under a written law.

(2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.

(3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

4.2 Prohibitions relating to animals

(1) In subclause (2), “owner” in relation to an animal includes—

- (a) an owner of it;
- (b) a person in possession of it;
- (c) a person who has control of it; and
- (d) a person who ordinarily occupies the premises where the animal is permitted to stay.

(2) An owner of an animal shall not—

- (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
- (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
- (c) train or race the animal on a thoroughfare.

(3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

Division 2—Shopping trolleys

4.3 Interpretation

In this Division—

“**retailer**” means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop; and

“**shopping trolley**” means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

4.4 Shopping trolley to be marked

A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

4.5 Person not to leave trolley in public place

A person shall not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys.

4.6 Retailer to remove abandoned trolley

(1) If a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, the local government may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.

(2) A retailer shall remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer—

- (a) requests the local government to collect and deliver the shopping trolley to the retailer; and
- (b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the local government.

4.7 Retailer taken to own trolley

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

PART 5—ROADSIDE CONSERVATION*Division 1—Preliminary***5.1 Interpretation**

In this Part—

“**MRWA**” means Main Roads Western Australia;

“**protected flora**” has the meaning given to it in section 6(1) of the *Wildlife Conservation Act 1950*;

“**rare flora**” has the meaning given to it in section 23F of the *Wildlife Conservation Act 1950*;

“**Roadside Conservation Committee**” means the Roadside Conservation Committee established under the Land Resource Policy Council within the Office of Premier and Cabinet; and

“**special environmental area**” means an area designated as such under clause 5.7.

5.2 Application

This Part does not apply to the townsite.

*Division 2—Flora roads***5.3 Declaration of flora road**

The local government may declare a thoroughfare which has, in the opinion of the local government, high quality roadside vegetation to be a flora road.

5.4 Construction works on flora roads

Construction and maintenance work carried out by the local government on a flora road is to be in accordance with the ‘Code of Practice for Roadside Conservation and Road Maintenance’ prepared by the Roadside Conservation Committee.

5.5 Signposting of flora roads

The local government may signpost flora roads with the standard MRWA ‘flora road’ sign.

5.6 Driving only on carriageway of flora roads

(1) A person driving or riding a vehicle on a flora road shall only drive or ride the vehicle on the carriageway.

(2) Subclause (1) does not apply where—

- (a) conditions on the thoroughfare do not reasonably permit a vehicle to remain on the carriageway;
- (b) there is no carriageway; or
- (c) an exemption from the application of subclause (1) has been obtained from the local government.

*Division 3—Special environmental areas***5.7 Designation of special environmental areas**

The local government may designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which—

- (a) as protected flora or rare flora; or
- (b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

5.8 Marking of special environmental areas

The local government is to mark and keep a register of each thoroughfare, or part of a thoroughfare, designated as a special environmental area.

*Division 4—Planting in thoroughfares***5.9 Permit to plant**

A person shall not plant any plant or sow any seeds in a thoroughfare without first obtaining permit.

5.10 Relevant considerations in determining application

In determining an application for a permit for the purpose of clause 5.9, the local government is to have regard to—

- (a) existing vegetation within that part of the thoroughfare in which the planting is to take place; and
- (b) the diversity of species and the prevalence of the species which are to be planted or sown.

*Division 5—Clearance of vegetation***5.11 Permit to clear**

A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1m of that person’s land without first obtaining a permit and any other approvals which may be required under any written law.

5.12 Application for permit

In addition to the requirements of clause 7.1(2), a person making an application for a permit for the purpose of clause 5.11 shall submit a sketch plan clearly showing the boundary of the person’s land and the portions of the thoroughfare joining that person’s land which are to be cleared.

*Division 6—Fire management***5.13 Permit to burn thoroughfare**

A person shall not burn part of a thoroughfare without first obtaining a permit or unless acting under the authority of any other written law.

5.14 Application for permit

In addition to the requirements of clause 7.1(2), an application for a permit for the purposes of clause 5.13 shall—

- (a) include a sketch plan showing the portions of a thoroughfare which are proposed to be burned; and
- (b) advise of the estimated fire intensity and the measures to be taken to protect upper storey vegetation from the burn

5.15 When application for permit can be approved

The local government may approve an application for a permit for the purpose of clause 5.13 only if the burning of the particular part of the thoroughfare will—

- (a) reduce a fire hazard and alternative means of reducing that hazard, such as slashing or the use of herbicides, are considered by the local government to be not feasible or more detrimental to native flora and fauna than burning; or
- (b) in the opinion of the local government, be beneficial for the preservation and conservation of native flora and fauna.

5.16 Prohibitions on burning

Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 5.13 is not to be approved by the local government—

- (a) for burning between 31 August and 1 May of the following year where the intensity of the burn could damage native flora and fauna; or
- (b) in any year to any person for any part of a thoroughfare which is on the opposite side of the carriageway to that portion of the thoroughfare for which a permit to burn has been approved in the same year.

*Division 7—Firebreaks***5.17 Permit for Firebreaks on thoroughfares**

A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

5.18 When application for permit cannot be approved

- (1) The local government is not to approve an application for a permit for the purpose of clause 5.17 where the thoroughfare is less than 20 metre wide.
- (2) Subclause (1) does not apply where the firebreak is, in the opinion of the local government, desirable for the protection of roadside vegetation.

*Division 8—Commercial wildflower harvesting on thoroughfares***5.19 General prohibition on commercial wildflower harvesting**

Subject to clause 5.20, a person shall not commercially harvest native flora on a thoroughfare.

5.20 Permit for revegetation projects

- (1) A person shall not collect seed from native flora on a thoroughfare without first obtaining a permit.
- (2) The local government may approve an application for a permit under subclause (1) only where—
 - (a) the seed is required for a revegetation project in any part of the district; and
 - (b) the thoroughfare, or the relevant part of it, is not a special environmental area.
- (3) Unless the local government specifically provides to the contrary on a permit, if the local government approves an application for a permit for the purpose of subclause (1) it is to be taken to be approved subject to the following conditions—
 - (a) the collection of the seed is to be carried out so as not to endanger the long time survival of the native flora on the thoroughfare; and
 - (b) any licence or approval which may be required under any other written law is to be obtained by the applicant.

PART 6—TRADING IN THOROUGHFARES AND PUBLIC PLACES*Division 1—Stallholders and traders*

Subdivision 1—Preliminary

6.1 Interpretation

In this Division, unless the context otherwise requires —

“**Competition Principles Agreement**” means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995;

“public place” includes—

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
- (b) local government property;
- (c) but does not include premises on private property from which trading is lawfully conducted under a written law.

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

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

“stallholder’s permit” means a permit issued to a stallholder;

“trader” means a person who carries on trading;

“trader’s permit” means a permit issued to a trader; and

“trading” includes—

- (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
- (b) displaying goods in any public place for the purpose of—
 - i. offering them for sale or hire;
 - ii. inviting offers for their sale or hire;
 - iii. soliciting orders for them; or
 - iv. carrying out any other transaction in relation to them; and
- (c) the going from place to place, whether or not public places, and—
 - i. offering goods or services for sale or hire;
 - ii. inviting offers or soliciting orders for the sale or the hire of goods or services; or
 - iii. carrying out any other transaction in relation to goods or services.

but does not include—

- (d) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder’s permit;
- (e) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;
- (f) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and
- (g) the selling or hiring or the offering for sale or hire of—
 - i. goods by a person who represents a manufacturer of the goods; or
 - ii. services by a person who represents a provider of the services,

which are sold directly to consumers and not through a shop.

Subdivision 2—Permits

6.2 Stallholder’s permit

(1) A person shall not conduct a stall on a public place unless that person is—

- (a) the holder of a valid stallholder’s permit; or
- (b) an assistant specified in a valid stallholder’s permit.

(2) Every application for a stallholder’s permit shall—

- (a) state the full name and address of the applicant;
- (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
- (c) specify the proposed location of the stall;
- (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
- (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
- (f) be accompanied by an accurate plan and description of the proposed stall.

6.3 Trader’s permit

(1) A person shall not carry on trading unless that person is—

- (a) the holder of a valid trader’s permit; or
- (b) an assistant specified in a valid trader’s permit.

(2) Every application for a trader’s permit shall—

- (a) state the full name and address of the applicant;
- (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
- (c) specify the location or locations in which the applicant proposes to trade;

- (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
- (e) specify the proposed goods or services which will be traded; and
- (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.

(3) The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.

6.4 No permit required to sell newspaper

Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper is not required to obtain a permit.

6.5 Relevant considerations in determining application for permit

(1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to—

- (a) any relevant policies of the local government;
- (b) the desirability of the proposed activity;
- (c) the location of the proposed activity;
- (d) the principles set out in the Competition Principles Agreement; and
- (e) such other matters as the local government may consider to be relevant in the circumstances of the case.

(2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds—

- (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
- (b) that the applicant is not a desirable or suitable person to hold a permit;
- (c) that—
 - i. the applicant is an undischarged bankrupt or is in liquidation;
 - ii. the applicant has entered into any composition or arrangement with creditors; or
 - iii. a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property; or
- (d) such other grounds as the local government may consider to be relevant in the circumstances of the case.

6.6 Conditions of permit

(1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include—

- (a) the place, the part of the district, or the thoroughfare to which the permit applies;
- (b) the days and hours during which a permit holder may conduct a stall or trade;
- (c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;
- (d) the goods or services in respect of which a permit holder may conduct a stall or trade;
- (e) the number of persons and the names of persons permitted to conduct a stall or trade;
- (f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;
- (g) whether and under what terms the permit is transferable;
- (h) any prohibitions or restrictions concerning the—
 - i. causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
 - ii. the use of amplifiers, sound equipment and sound instruments;
 - iii. the use of signs; and
 - iv. the use of any lighting apparatus or device;
- (i) the manner in which the permit holder's name and other details of a valid permit are to be displayed;
- (j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;
- (k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;
- (l) the acquisition by the stallholder or trader of public risk insurance.
- (m) the period for which the permit is valid; and
- (n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.

(2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorise another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder.

6.7 Exemptions from requirement to pay fee or to obtain a permit

(1) In this clause—

“**charitable organisation**” means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and

“**commercial participant**” means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.

(2) The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on—

- (a) on a portion of a public place adjoining the normal place of business of the applicant; or
- (b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.

(3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division

Subdivision 3—Conduct of stallholders and traders

6.8 Conduct of stallholders and traders

(1) A stallholder while conducting a stall or a trader while trading shall—

- (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
- (b) not display a permit unless it is a valid permit; and
- (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *Weights and Measures Act 1915*.

(2) A stallholder or trader shall not—

- (a) deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
- (b) act in an offensive manner;
- (c) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or
- (d) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

Division 2—Street Entertainers

Subdivision 1—Preliminary

6.9 Interpretation

In this Division, unless the context otherwise requires—

“**perform**” includes to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, but does not include public speaking;

“**permit**” means a permit issued for the purpose of clause 6. 10;

“**permitted area**” means the area or areas, specified in a permit, in which the permit holder may perform; and

“**permitted time**” means the time or times, specified in a permit, during which the permit holder may perform.

Subdivision 2—Permits

6.10 Permit required to perform

A person shall not perform in a public place without a permit.

6.11 Variation of permitted area and permitted time

(1) The local government may by notice in writing to a permit holder vary—

- (a) the permitted area;
- (b) the permitted time; or
- (c) both the permitted area and the permitted time,

shown on a permit.

(2) The local government may direct a permit holder to move from one permitted area to another permitted area, if more than one area is specified in a permit.

6.12 Duration of permit

A permit is valid for a period of 3 months after the date on which it is issued unless it is sooner cancelled under this local law.

6.13 Cancellation of permit

The local government may cancel a permit if in her or his opinion the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place, or if, in her or his opinion, or in the opinion of an authorized person, the performance otherwise constitutes a nuisance.

6.14 Obligations of permit holder

A permit holder shall not in a public place—

- (a) perform wearing dirty, torn or ragged clothing;
- (b) act in an offensive manner; or
- (c) place, install, erect, play or use any musical instrument or any device which emits music, including a loud speaker or an amplifier—
 - i. other than in the permitted area; and
 - ii. unless the musical instrument or device is specified in the permit.

Division 3—Outdoor eating facilities on public places

6.15 Interpretation

In this Division—

“**Facility**” means an outdoor eating facility or establishment on any part of a public place, but does not include such a facility or establishment on private land;

“**permit holder**” means the person to whom a permit has been issued for the purpose of clause 6.16; and

“**public place**” has the meaning given to it in clause 6. 1.

6.16 Permit required to conduct Facility

A Person shall not establish or conduct a Facility without a permit.

6.17 Matters to be considered in determining application

In determining an application for a permit for the purpose of clause 6.16, the local government may consider in addition to any other matter it considers relevant, whether or not

- (a) the Facility is conducted in conjunction with and as an extension of food premises which abut on the Facility, and whether the applicant is the person conducting such food premises;
- (b) any abutting food premises are registered in accordance with the *Health Act 1911* and whether the use of the premises is permitted under the town planning scheme;
- (c) the Facility will comply with any local law made under section 172 of the *Health Act 1911*;
- (d) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- (e) the Facility would—
 - i. obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
 - ii. impede pedestrian access; and
- (f) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

6.18 Obligations of permit holder

(1) The permit holder for a Facility shall—

- (a) ensure that the Facility is conducted at all times in accordance with the provisions of this local law and any local law made under section 172 of the *Health Act 1911*;
- (b) ensure that the eating area is kept in a clean and tidy condition at all times;
- (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
- (d) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the Facility; and
- (e) be solely responsible for all rates and taxes levied upon the land occupied by the Facility.

(2) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give a notice to the permit holder for the Facility to carry out that work within the time limited by the notice.

(3) In subclause (2), “work” includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

6.19 Removal of Facility unlawfully conducted

Where a Facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorized person and impounded in accordance with the Act.

6.20 Use of Facility by public

(1) A person shall not occupy a chair or otherwise use the equipment in a Facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the Facility.

(2) A person shall leave a Facility when requested to do so by the permit holder.

6.21 Temporary removal of Facility may be requested

(1) The permit holder for a Facility is to temporarily remove the Facility when requested to do so on reasonable grounds by an authorized person or a member of the Police Service or an emergency service in the event of an emergency.

(2) The permit holder may replace the Facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

PART 7—PERMITS*Division 1—Applying for a permit***7.1 Application for permit**

(1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).

(2) An application for a permit under this local law shall—

- (a) be in the form determined by the local government;
- (b) be signed by the applicant.
- (c) provide the information required by the form; and
- (d) be forwarded to the CEO together with any fee imposed and detained by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.

(4) The local government may require an applicant to give local public notice of the application for a permit.

(5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

7.2 Decision on application for permit

(1) The local government may—

- (a) approve an application for a permit unconditionally or subject to any conditions; or
- (b) refuse to approve an application for a permit.

(2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.

(3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

(4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).

(5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

*Division 2—Conditions***7.3 Conditions which may be imposed on a permit**

The local government may approve an application for a permit subject to conditions relating to—

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event.
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and

- (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.

7.4 Imposing conditions under a policy

(1) In this clause—

“**policy**” means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 7.2(1)(a).

(2) Under clause 7.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 7.2(2).

(4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

7.5 Compliance with and variation of conditions

(1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 3—General

7.6 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 7.10.

7.7 Renewal of permit

(1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of—

- (a) this Part; and
- (b) any other provision of this local law relevant to the permit which is to be renewed,

shall apply to an application for the renewal of a permit *mutatis mutandis*.

7.8 Transfer of permit

(1) An application for the transfer of a valid permit is to—

- (a) be made in writing;
- (b) be signed by the permit holder and the proposed transferee of the permit;
- (c) provide such information as the local government may require to enable the application to be determined; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—

- (a) an endorsement on the permit signed by the CEO; or
- (b) issuing to the transferee a permit in the form determined by the local government.

(4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

7.9 Production of permit

A permit holder is to produce to an authorized person her or his permit immediately upon being required to do so by that authorized person.

7.10 Cancellation of permit

(1) Subject to clause 8.1, a permit may be cancelled by the local government on any one or more of the following grounds—

- (a) the permit holder has not complied with a—
 - i. condition of the permit; or
 - ii. provision of any written law which may relate to the activity regulated by the permit; or
- (b) if it is relevant to the activity regulated by the permit—
 - i. the permit holder has become bankrupt, or gone into liquidation;

- ii. the permit holder has entered into any composition or arrangement with creditors; or
 - iii. a manager, an administrator, a trustee, a receiver, or a receiver and manager is appointed in relation to any part of the permit holder's undertakings or property.
- (2) On the cancellation of a permit the permit holder—
- (a) shall return the permit as soon as practicable to the local government; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

PART 8—OBJECTIONS AND APPEALS

8.1 Application of Part 9 Division 1 of Act

When the local government makes a decision—

- (a) under clause 7.2(1); or
- (b) as to whether it will renew, vary, or cancel a permit,

the provisions of Division I of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

PART 9—MISCELLANEOUS NOTICES

9.1 Notice to redirect or repair sprinkler

Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

9.2 Hazardous plants

(1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.

(2) Subclause (1) does not apply where the plant was planted by the local government.

9.3 Notice to repair damage to thoroughfare

Where any portion of a thoroughfare has been damaged, the local government may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

9.4 Notice to remove thing unlawfully placed on thoroughfare

Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

PART 10—ENFORCEMENT

Division 1—Notices given under this local law

10.1 Offence to fail to comply with notice

Whenever the local government gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

10.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

Division 2—Offences and penalties

Subdivision I—General

10.3 Offences

(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) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2—Infringement notices and modified penalties

10.4 Prescribed offences

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

10.5 Forms

Unless otherwise specified, for the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule I of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule I of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in ,Schedule I of the Regulations.

SCHEDULE I PRESCRIBED OFFENCES

Clause	Description	Modified Penalty \$
2.1 (a)	Plant of 0.75m in height on thoroughfare within 6m of intersection	100
2.1 (b)	Damaging lawn or garden	100
2.1 (c)	Plant (except grass) on thoroughfare within 2m of carriageway	100
2.1 (d)	Placing hazardous substance on footpath	100
2.1 (e)	Damaging or interfering with signpost or structure on thoroughfare	300
2.1 (f)	Playing games so as to impede vehicles or persons on thoroughfare	100
2.1 (g)	Riding of skateboard or similar device on mall or verandah of shopping centre	100
2.2(a)	Digging a trench through a kerb or footpath without a permit	100
2.2(b)	Throwing or placing anything on a verge without a permit	100
2.2(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	100
2.2(d)	Causing obstruction to water channel on thoroughfare without a permit	200
2.2(e)	Placing or draining offensive fluid on thoroughfare without a permit	200
2.2(g)	Lighting a fire on a thoroughfare without a permit	300
2.2(h)	Felling tree onto thoroughfare without a permit	100
2.2(1)	Installing pipes or stone on thoroughfare without a permit	100
2.20)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	300
2.2(k)	Creating a nuisance on a thoroughfare without a permit	100
2.2(1)	Placing a bulk rubbish container on a thoroughfare without a permit	100
2.2(m)	Interfering with anything on a thoroughfare without a permit	100
2.3(1)	Consumption or possession of liquor on thoroughfare	100
2.4(1)	Failure to obtain permit for temporary crossing	200
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	300
2.9(1)	Installation of verge treatment other than permissible verge treatment	200
2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	100
2.11	Failure to comply with notice to rectify default	100
2.17(2)	Failure to comply with sign on public place	100
2.19(1)	Driving or taking a vehicle on a closed thoroughfare	300
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	100
3.2(3)	Erecting or placing of advertising sign in a prohibited area	100
4.1(1)	Animal or vehicle obstructing a public place or local government property	100
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	100
4.2(2)(b)	Animal on public place with infectious disease	100
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	100
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	100
4.5	Person leaving shopping trolley in public place other than trolley bay	100
4.6(2)	Failure to remove shopping trolley upon being advised of location	100
5.6(1)	Driving a vehicle on other than the carriageway of a flora road	200
5.9	Planting in thoroughfare without a permit	200
5.11	Failure to obtain permit to clear a thoroughfare	500
5.13	Burning of thoroughfare without a permit	500
5.17	Construction of firebreak on thoroughfare without a permit	500
5.19	Commercial harvesting of native flora on thoroughfare	500
5.20(1)	Collecting seed from native flora on thoroughfare without a permit	300
6.2(1)	Conducting of stall in public place without a permit	300
6.3(1)	Trading without a permit	300
6.8(1)(a)	Failure of stallholder or trader to display or carry permit	100
6.8(1)(b)	Stallholder or trader not displaying valid permit	100
6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	100
6.8(2)	Stallholder or trader engaged in prohibited conduct	100
6.10	Performing in a public place without a permit	100
6.11(2)	Failure of performer to move onto another area when directed	100

Clause	Description	Modified Penalty \$
6.14	Failure of performer to comply with obligations	100
6.16	Establishment or conduct of outdoor eating facility without a permit	300
6.18	Failure of permit holder of outdoor eating facility to comply with obligations	100
6.20(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	50
6.20(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	50
7.5	Failure to comply with a condition of a permit	100
7.9	Failure to produce permit on request of authorized person	100
10.1	Failure to comply with notice given under local law	100

Dated..... of.....

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

L. J. CHARLESWORTH, President.
W. LENYSZYN, Chief Executive Officer.

Form 1

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW

Shire of Kojonup

APPLICATION FOR INSTALLATION OF A CROSSING

TO: CEO

Shire of Kojonup P.O. Box 163 Kojonup WA 6395.

Sir/Madam

I/We apply for approval to install a crossing /temporary crossing from land owned by me/us and situated at lot subdivision

Street

To give access to Street.

The required position of the crossing is . metres from the boundary of the land and the width required is metres.

This crossing * is /is not the first crossing in respect of the land.

*I/We understood that the crossing must be constructed under the superintendence and to the satisfaction of the CEO or Engineer, and that my/our contribution to the cost is to be.....

*I/We request the local government to construct the crossing in the terms of the local laws and local government policies.

* (delete if not applicable)

Signature of owner/s

Address:

.....

Form 2

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW

Shire of Kojonup

APPLICATION FOR A PERMIT TO CONDUCT AN OUTDOOR EATING FACILITY

TO: CEO

Shire of Kojonup, PO Box 163 Kojonup WA 6395.

I, (Full Name)

of (Residential Address)

..... (Postal Address)

..... (Occupation)

apply for a permit to set up and conduct an eating area

Details of Proposed Eating Areas:

.....

Location of proposed eating area:

Description of eating house adjacent to proposed eating area:

Proposed days of operation:

Proposed hours of operation:

Proposed number of tables:

Proposed number of other structures:

Description of tables and chairs including materials and dimensions:

Description of other structures including materials and dimensions:

Form 3

I declare that:

the eating house referred to in Item 2 above is registered in accordance with the Health Act 1911 and the Shire of Kojonup town planning scheme;

I am the proprietor of the eating house and am licensed in respect of that eating house in accordance with the Health Act 1911.

The following are attached:

- Two copies of a plan and specifications of the proposed eating area on a scale of 1:50 showing:
- The location and dimensions of the proposed eating area and the means by which the eating areas are to be separated from the balance of the street or public place: and
- The position of all tables, chairs and other structures proposed to be provided in the eating area and which of such items, if any, are to be retained within the eating area at all times;
- Two copies of both a plan and specifications on a scale of 1:200 showing the eating area and all land together with any improvements, public facilities and parking restrictions, within 30 metres of the boundaries of the eating area;

A colour photograph or photographs of the tables, chairs, and other structures to be set up in the eating area;

A written statement of the manner in which foodstuffs and other dining accessories are to be conveyed to, and protected from contamination within the eating area; and

Written particulars of arrangements made in respect of public liability insurance in the sum of *Five Million Dollars (\$5,000,000)*..

In making this application for a permit, I agree on the issue of the permit—

- to indemnify and hold indemnified the Crown and the Shire of Kojonup against any claims for loss, damage or injury however arising from the operation of the eating area; and
- not to claim from the Crown or the Shire of Kojonup or any person acting on their behalf, for any loss, damage or injury however arising from any public work on the thoroughfare or public place.

I enclose:

the prescribed fee of \$; and
the prescribed charge of \$.....

Dated this day of .

.....
(signature of applicant)



Form 4

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW

Shire of Kojonup

PERMIT TO CONDUCT AN OUTDOOR EATING FACILITY

This permit is to (Full name)

- (address)

("the permit holder")

This permit authorises the person named above to set up and conduct an eating area:

on those portions of the thoroughfare or public place shaded in on the permit plan attached to

- and forming part of this permit; and
- in compliance with the following conditions:

(insert conditions)

This permit is valid from the day of and expires at 12:00 o'clock

midnight on or on the sooner cancellation of this permit.

In accepting this permit, the permit holder agrees:

- to indemnify and hold indemnified the Crown and the Shire of Kojonup against any claims for any loss, damage or injury however arising from the operation of the eating area; and
- not to claim from the Crown or the Shire of Kojonup or any person acting on their behalf, for any loss, damage or injury however arising from any public work on the thoroughfare or public place.

Issued this day of.....

.....

CHIEF EXECUTIVE OFFICER

Form 5

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW

Shire of Kojonup

TRANSFER OF PERMIT TO CONDUCT AN OUTDOOR EATING FACILITY

The Shire of Kojonup transfers the permit to conduct an eating area situated at

.....
.....
from the present holder
to

.....
of ("transferee")

for the period from the date of this transfer until

In accepting this Transfer of Permit, the transferee agrees:

- to indemnify and hold indemnified the Crown and the Shire of Kojonup against any claim for any loss, damage or injury however arising from the operation of the eating area; and
- not to claim from the Crown or the Shire of Kojonup or any person acting on their behalf, for any loss, damage or injury however arising from any public work on the thoroughfare or public place.

.....
CHIEF EXECUTIVE OFFICER EO

Form 6

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW

Shire of Kojonup

APPLICATION FOR TRADER'S PERMIT

TO: CEO

Shire of Kojonup, PO Box 163 Kojonup 6395.

I, (Full Name)
of (Residential Address)
..... (Postal Address)
..... (Occupation)
..... (Telephone Number)

apply for a trader's permit under the Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

Details of Proposed Trading:

Method of Trading (eg. door to door sales, selling from fixed site):

Location or part of the district for which permit is required:

Description of stand, table, structure or vehicle proposed to be used by the applicant:
.....
.....

Kind of goods or services intended to be sold or hired:

Number, names and addresses of assistants:

Proposed days of operation:

Proposed hours of operation:

Period for which the permit is sought:

Attached are:

- an accurate plan and description of any proposed stand, structure or vehicle which may be used for the proposed trading; and
- details of arrangements made in respect of public liability insurance in the joint names of the applicant and the Shire of Kojonup.

I enclose:

- the permit fee of \$.....
- the additional daily / weekly / monthly annual charge of \$.....
- Total \$.....

Dated this day of .

.....
(signature of Applicant)

Form 7

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW

Shire of Kojonup

TRADER'S PERMIT

This permit is issued to: (Full Name)
Of
(Address)

("the permit holder")

This permit is issued subject to the following conditions:

Location / part of district to which the permit applies:
.....

Description of stand, table, structure or vehicle to be used by the permit holder:
.....
.....

Goods or services to be sold or hired:
.....
.....

Number, names and addresses of assistants:
.....
.....

Approved days of operation:

Approved hours of operation:

Other conditions:
.....

This permit is valid from the day of and expires at 12:00 o'clock midnight on day of or on the sooner cancellation of this permit.

Issued this day of.....

CHIEF EXECUTIVE OFFICER

Form 8

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW

Shire of Kojonup

APPLICATION FOR STALLHOLDER'S PERMIT

To: CEO

Shire of Kojonup, PO Box 163 Kojonup 6395.

I, (Full Name)
of (Residential Address)
..... (Postal Address)
..... (Occupation)
..... (Telephone Number)

apply for a stallholder's permit under the Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

Details of Proposed Stall

Location of proposed site for which the permit is sought:
.....

Description of stall/s proposed to be used by the applicant:
.....

Kind of goods or service intended to be sold or hired:
.....

Number, names and addresses of assistants:
.....

Proposed days of operation:

Proposed hours of operation:

Period for which the permit is sought:

Form 9

Attached are:

- an accurate plan and description of proposed stall/s; and
- details of arrangements made in respect of public liability insurance in the joint names of the applicant and the Shire of Kojonup.

I enclose:

the permit fee \$.....
 the additional daily / weekly / monthly annual charge of \$.....

Total \$.....

Dated this day of.....

.....
(signature of Applicant)

Form 10

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC
 PLACES LOCAL LAW

Shire of Kojonup

STALLHOLDER'S PERMIT

This permit is issued to: (Full Name)

Of (Address)

("the permit holder")

This permit is issued subject to the following conditions:

Location to which the permit applies:

Description of stall/s to be used by the permit holder:

Goods or services to be sold or hired:

Number, names and addresses of assistants:

Approved days of operation:

Approved hours of operation:

Other conditions:

This permit is valid from the day of and expires
 at 12:00 o'clock midnight on day of or on the
 sooner cancellation of this permit.

Issued this day of

.....
CHIEF EXECUTIVE OFFICER

Form 11

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC
 PLACES LOCAL LAW

Shire of Kojonup

APPLICATION FOR PERMIT TO PERFORM

TO: CEO

Shire of Kojonup, PO Box 163 Kojonup WA 6395.

I, (Full Name)

of (Residential Address)

..... (Postal Address)

..... (Occupation)

..... (Telephone Number)

apply for a permit to perform under the Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

Details of Proposed Performance:

Nature of proposed performance:

.....

Description of any musical instrument, loud speaker or amplifier to be used:

.....

.....

Preferred permitted area:

Preferred permitted times:

Dated this day of .

.....

(signature of Applicant)

Form 12

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW

Shire of Kojonup

PERMIT TO PERFORM

This permit is issued to:

..... (Full Name)

..... (Residential Address)

to perform in the following areas and times for a period of three months commencing on the date of issue of this permit, unless it is sooner cancelled.

Permitted areas:

Permitted times:

The permit authorises *[insert nature of proposed performance]*

.....

and the use of... *[insert description of any musical instrument, loud speaker or amplifier to be used]*

.....

.....

Issued this day of

.....
CHIEF EXECUTIVE OFFICER

The Common Seal of the Shire of Kojonup was hereto affixed in the presence of:

L. J. CHARLESWORTH, President.
W. LENYSZYN, Chief Executive Officer.

Dated this 21st day of March 2000.

LOCAL GOVERNMENT ACT 1995

SHIRE OF KOJONUP

LOCAL GOVERNMENT PROPERTY LOCAL LAW**PART 1—PRELIMINARY**

Under the powers conferred by the Local Government Act 1995, and all other powers, the Council of the Shire of Kojonup resolved to make the following Local Law on the 28th day of February 2000.

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LOCAL GOVERNMENT ACT 1995

SHIRE OF KOJONUP

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kojonup resolved on the 28th September 1999 to make the following local law.

PART 1—PRELIMINARY**Citation**

1.1 This local law may be cited as the Shire of Kojonup Local Government Property Local Law.

Definitions

1.2 In this local law unless the context otherwise requires—

“**Act**” means the *Local Government Act 1995*;

“**applicant**” means a person who applies for a permit under clause 3.2;

“**authorised person**” means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

“**building**” means any building which is local government property and includes a—

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room;

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

“**commencement day**” means the day on which this local law comes into operation;

“**Council**” means the council of the local government;

“**date of publication**” means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district.

“**determination**” means a determination made under clause 2.1

“**district**” means the district of the local government;

“**function**” means an event or activity characterised by all or any of the following—

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

“**liquor**” has the same meaning as is given to it in section 3 of the Liquor Licensing Act 1988;

“**local government**” means the Shire of Kojonup;

“**local government property**” means anything except a thoroughfare—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the Land Administration Act 1977; or
- (c) which is an ‘otherwise unvested facility’ within section 3.53 of the Act;

“**Manager**” means the person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the person’s assistant or deputy;

“**permit**” means a permit issued under this local law;

“**permit holder**” means a person who holds a valid permit;

“**person**” does not include the local government;

“**pool area**” means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

“**Regulations**” means the Local Government (Functions and General) Regulations 1996;

“**sign**” includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

“**trading**” means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of—

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them; and

“**vehicle**” includes—

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes—

- (c) a wheelchair or any device designed for use, by a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device; and
- (e) a boat.

Interpretation

1.3 In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

Application

1.4 (1) This local law applies throughout the district;

(2) Notwithstanding anything to the contrary in this local law, the local government may—

- (a) hire local government property to any person; or
- (b) enter into an agreement with any person regarding the use of any local government property.

Repeal

1.5 (1) The following local laws are repealed—

- (a) By-laws relating to swimming pools published in the *Government Gazette* on the 12th July 1972, and amended from time to time.
- (b) By-laws relating to Control and Management of Halls and Recreation Centre published in the *Government Gazette* on the 31st August 1990.
- (c) By-laws relating to Reserves published in the *Government Gazette* on the 28th September 1990.

(2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

(3) The Council may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1—Determinations

Determinations as to use of local government property

2.1 (1) The local government may make a determination in accordance with clause 2.2—

- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
- (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
- (c) as to the matters in clauses 2.7(2) and 2.8(2); and
- (d) as to any matter ancillary or necessary to give effect to a determination.

(2) The determinations in Schedule 2—

- (a) are to be taken to have been made in accordance with clause 2.2;
- (b) may be amended or revoked in accordance with clause 2.6. and
- (c) have effect on the commencement day.

Procedure for making a determination

2.2 (1) The local government is to give local public notice of its intention to make a determination.

(2) The local public notice referred to in subclause (1) is to state that—

- (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
- (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
- (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.

(3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to—

- (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication.

- (b) amend the proposed determination, in which case subclause will apply, or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c) the Council is to—
- (a) consider those submissions; and
 - (b) decide—
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice—
- (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

Discretion to erect sign

2.3 The local government may erect a sign on local government property to give notice of the effect of a determination, which applies to that property.

Determination to be complied with

2.4 A person shall comply with a determination.

Register of determinations

2.5 (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.

(2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

Amendment or revocation of a determination

2.6 (1) The Council may amend or revoke a determination.

(2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.

(3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

Division 2—Activities which may be pursued or prohibited under a determination

Activities which may be pursued on specified local government property

2.7 (1) A determination may provide that specified local government property is set aside as an area on which a person may—

- (a) bring, ride or drive an animal;
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aeroplane;
 - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (e) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (f) play or practice—
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (g) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular—
- (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
 - (d) may limit the activity to a class of vehicles, equipment or things, or may extend it to all vehicles, equipment or things;
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of the activity.

Activities which may be prohibited on specified local government property

2.8 (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property—

- (a) smoking on premises;
 - (b) riding a bicycle, a skateboard, rollerblades, or a similar device;
 - (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
 - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (e) the playing or practice of—
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (f) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
 - (g) the traversing of land, which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular—
- (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.

(3) In this clause—

“**premises**” means a building, stadium or similar structure, which is local government property, but not an open space such as a park or a playing field.

*Division 3—Transitional***Signs taken to be determinations**

2.9 (1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.

(2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3—PERMITS*Division 1—Preliminary***Application of Part**

3.1 This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

*Division 2—Applying for a permit***Application for permit**

3.2 (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).

(2) An application for a permit under this local law shall—

- (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit, which is not in accordance with subclause (2).

Decision on application for permit

3.3 (1) The local government may—

- (a) approve an application for a permit unconditionally or subject to any conditions; or
- (b) refuse to approve an application for a permit.

- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

Division 3—Conditions

Conditions which may be imposed on a permit

3.4 (1) Without limiting the generality of clause 3.3(l)(a), the local government may approve an application for a permit subject to conditions relating to—

- (a) the payment of a fee;
- (b) compliance with a standard or a policy of the local government adopted by the local government;
- (c) the duration and commencement of the permit;
- (d) the commencement of the permit being contingent on the happening of an event;
- (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (f) the approval of another application for a permit which may be required by the local government under any written law;
- (g) the area of the district to which the permit applies;
- (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and;
- (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.

(2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued—

- (a) when fees and charges are to be paid;
- (b) payment of a bond against possible damage or cleaning expenses or both.
- (c) restrictions on the erection of material or external decorations;
- (f) rules about the use of furniture, plant and effects;
- (g) limitations on the number of persons who may attend any function in or on local government property;
- (h) the duration of the hire;
- (i) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
- (j) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Licensing Act 1988*;
- (k) whether or not the hire is for the exclusive use of the local government property;
- (l) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
- (m) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

Imposing conditions under a policy

3.5 (1) In this clause—

“**policy**” means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

(2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government shall give a copy of the policy, or the part of the policy, which is relevant to the application for a permit, with the form of permit, referred to in clause 3.3(2).

(4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

Compliance with and variation of conditions

3.6 (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

*Division 4—General***Agreement for building**

3.7 Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

Duration of permit

3.8 A permit is valid for one year from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 3.12.

Renewal of permit

3.9 (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of this Part shall apply to an application for the renewal of a *permit mutatis mutandis*.

Transfer of permit

3.10 (1) An application for the transfer of a valid permit is to—

- (a) be made in writing;
- (b) be signed by the permit holder and the proposed transferee of the permit;
- (c) provide such information as the local government may require to enable the application to be determined; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.

(4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

Production of permit

3.11 A permit Holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

Cancellation of permit

3.12 (1) Subject to clause 9.1, a permit may be cancelled by the local government if the permit holder has not complied with a—

- (a) condition of the permit; or
- (b) determination or a provision of any written law, which may relate to the activity regulated by the permit.

(2) On the cancellation of a permit the permit holder—

- (a) shall return the permit as soon as practicable to the CEO; and
- (b) is to be taken to have forfeited any fees paid in respect of the permit.

*Division 5—When a permit is required***Activities needing a permit**

3.13 (1) A person shall not without a permit—

- (a) subject to subclause 3, hire local government property;
- (b) advertise anything by any means on local government property;
- (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
- (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
- (e) plant any plant or sow any seeds on local government property;
- (f) carry on any trading on local government property unless the trading is conducted—
 - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
 - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
- (g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose—
 - (i) drive or ride or take any vehicle on to local government property; or
 - (ii) park or stand any vehicle on local government property;
- (h) conduct a function on local government property ;
- (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;

- (j) light a fire on local government property except in a facility provided for that purpose.,
 - (k) parachute, hang glide, abseil or base jump from or on to local government property-,
 - (l) erect a building or a refuelling site on local government property;
 - (m) make any excavation on or erect or remove any fence on local government property;
 - (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person; or
 - (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

Permit required to camp outside a facility

3.14 (1) In this clause—

“**facility**” has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

(2) This clause does not apply to a facility operated by the local government.

(3) A person shall not without a permit—

- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
- (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

(4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

Permit required for possession and consumption of liquor

3.15 (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless—

- (a) that is permitted under the *Liquor Licensing Act 1988*; and
- (b) a permit has been obtained for that purpose.

(2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 6—Responsibilities of permit holder

Responsibilities of permit holder

3.16 A holder of a permit shall in respect of local government property to which the permit relates—

- (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) leave the local government property in a clean and tidy condition after its use;
- (c) report any damage or defacement of the local government property to the local government; and
- (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Licensing Act 1988* for that purpose.

PART 4—BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1—Behaviour on and interference with local government property

Behaviour which interferes with others

4.1 A person shall not in or on any local government property behave in a manner which—

- (a) is likely to interfere with the enjoyment of a person who might use the property; or
- (b) interferes with the enjoyment of a person using the property.

Behaviour detrimental to property

4.2 (1) A person shall not behave in or on local government property in a way, which is or might be detrimental to the property.

(2) In subclause (1)—

‘**detrimental to the property**’ includes—

- (a) removing anything from the local government property such as a rock, a plant or a seat provided for the use of any person; and
- (b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

Taking or injuring any fauna

4.3 (1) A person shall not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.

(2) In this clause—

“**animal**” means any living thing that is not a human being or plant; and

“**fauna**” means any animal **indigenous** to or **which** periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the **Commonwealth** and includes in relation to any such animal—

- (a) any class of animal or individual member,
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

Intoxicated persons not to enter local government property

4.4 A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.

No prohibited drugs

4.5 A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

Division 2—Signs

Signs

4.6 (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.

(2) A person shall comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is—

- (a) not to be inconsistent with any provision of this local law or any determination; and
- (b) to be for the purpose of giving notice of the effect of a provision of this local law.

PART 5—MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1—Swimming pool areas

When entry must be refused

5.1 A Manager or an authorised person shall refuse admission to, may direct to leave or shall remove or cause to be removed from a pool area any person who—

- (a) in her or his opinion is—
 - (i) under the age of 6 years and who is unaccompanied by a responsible person over the age of 14 years;
 - (ii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
 - (iii) under the influence of liquor or a prohibited drug; or
- (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.

Division 2—Fenced or closed property

No entry to fenced or closed local government property

5.5 A person must not enter local government property, which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.

Division 3—Toilet blocks and change rooms

Only specified gender to use entry of toilet block or change room

5.6 Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by—

- (a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or
- (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.

Division 4—Aerodrome (airport)

Access of animals restricted

5.7 (1) A person shall not bring an animal on to an aerodrome unless—

- (a) the person is a person referred to in section 8 of the *Dog Act 1976* acting in accordance with that provision;
- (b) the animal is being air freighted from the aerodrome;
- (c) the animal has been air freighted to the aerodrome; or
- (d) the person is authorised to do so by the local government.

(2) A person in charge of an animal shall keep the animal under control and shall not allow it to wander at large on the aerodrome.

(3) If an animal is at any time on an aerodrome in contravention of subclause (2), in addition to the person specified in that subclause, the owner of the animal at that time commits an offence against subclause (2).

PART 6—FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY

No unauthorised entry to function

6.1 (1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except—

- (a) through the proper entrance for that purpose; and
- (b) on payment of the fee chargeable for admission at the time.

(2) The local government may exempt a person from compliance with subclause (1)(b).

PART 7—SALEYARDS

Division 1—Preliminary

Interpretation

7.1 In this Part—

“**auction**” has the meaning given to it in the *Auction Sales Act 1973*;

“**sale**” means a sale by way of auction;

“**saleyard**” means local government property, which is used, for the sale of stock;

“**stock**” has the meaning given to “livestock” in the *Auction Sales Act 1973*; and

“**stock agent**” means any person appointed by the owner of stock to sell that stock at a saleyard.

Division 2—Sale of stock

Requirements of auctioneer’s licence

7.2 A person shall not sell by way of auction any stock at a saleyard unless that person is the holder of an auctioneer’s licence to sell stock under the *Auction Sales Act 1973*.

Sale times to be approved

7.3 Sales are to be conducted at a saleyard only on such days and at such times as may be appointed by a stock agent with the prior approval of the CEO.

Order of sales

7.4 The order in which stock agents conduct sales on any day under clause 8.3 is to be the order agreed to by those stock agents, and in default of agreement, as directed by the CEO or an authorised person.

Division 3—Care of and responsibility for stock

Diseased and injured stock

7.5 (1) A person shall not—

- (a) offer for sale any stock which is diseased, emaciated, injured or suffering from ill health for sale at a saleyard; or
- (b) deliver to any saleyard any stock, which is diseased, emaciated, injured or suffering from ill health.

(2) Where in the opinion of an authorised person stock at a sale yard is diseased, emaciated, injured or suffering from ill health, the authorised person may direct the stock agent of the stock, or if there is no stock agent, the owner or the person apparently in control of that stock, to remove that stock immediately from the saleyard.

Care of stock

7.6 Where the stock is yarded in any saleyard the stock agent (or if there is no stock agent, the owner) shall—

- (a) ensure that the stock is properly cared for; and
- (b) if the stock is kept yarded for more than 24 hours, provide the stock with adequate food and water.

When purchaser becomes responsible for stock

7.7 The purchaser of any stock yarded in a saleyard is responsible for such stock from the time the contract of sale is entered into.

Time limit for removal of stock

7.8 The purchaser of any stock at a saleyard is to remove such stock from the saleyard by 5.00pm on the day after the day of sale, or by such later time as may be allowed by an authorised person.

Removal of unsold stock

7.9 Where stock yarded in a saleyard remains unsold, the stock agent or, if there is no stock agent, the owner of the stock is responsible for the care and removal of such stock from the saleyard.

Removal of dead or maimed stock

7.10 Stock which have died or which have been maimed shall be immediately removed from the saleyard where the stock—

- (a) are unsold, by the stock agent, or if there is no stock agent, the owner; or
- (b) have been sold by the purchaser.

*Division 4—Payment of fees***Payment of yard fees**

7.11 Where a stock agent or owner brings stock into a saleyard for a sale or any other purpose, that stock agent or owner shall—

- (a) within 7 days of bringing the stock into a saleyard, give the local government a written statement signed by the stock agent or owner advising—
 - (i) the total number of stock by class brought into the saleyard; and
 - (ii) the date on which the stock was brought into the saleyard; and
- (b) within 28 days of bringing the stock into a saleyard, pay the local government the applicable yard fees set by the local government.

Documents may be inspected

7.12 The stock agent or owner shall, on demand by the CEO, make available to the CEO for inspection such documents as may be necessary to enable the CEO to verify a statement given under clause 8.11.

*Division 5—Control of dogs***Only working dogs allowed**

7.13 A person shall not bring into a saleyard any dog which will not be used for working with stock in that saleyard on the day which it is brought in.

Diseased dogs prohibited

7.14 A person shall not bring or permit to be brought into a saleyard a dog, which is diseased.

PART 8—OBJECTIONS AND APPEALS**Application of Division 1, Part 9 of the Act**

8.1 When the local government makes a decision as to whether it will—

- (a) grant a person a permit or consent under this local law; or
- (b) renew, vary, or cancel a permit or consent that a person has under this local law,

the provisions of Division I of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

PART 9—MISCELLANEOUS**Authorised person to be obeyed**

9.1 A person on local government property shall obey any lawful direction of an authorised person and shall not in any way obstruct or hinder an authorised person in the execution of her or his duties.

Persons may be directed to leave local government property

9.2 An authorised person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

Disposal of lost property

9.3 An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

Liability for damage to local government property

9.4 (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of—

- (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
- (b) replacing that property.

(2) Unless there is proof to the contrary, a person is to be taken to have damaged local government property within subclause (1) where—

- (a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or the boat; or

- (b) the damage occurred under a permit, the person is the permit holder in relation to that permit.

(3) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

PART 10—ENFORCEMENT*Division 1—Notices given under this local law***Offence to fail to comply with notice**

10.1 Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

Local government may undertake requirements of notice

10.2 Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

Division 2—Offences and penalties

Subdivision 1—General

Offences and general penalty

10.3 (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) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2—Infringement notices and modified penalties

Prescribed offences

10.4 (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

Form of notices

10.5 (1) For the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

(2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

*Division 3—Evidence in legal proceedings***Evidence of a determination**

10.6 (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.

(2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.

(3) Subclause (2) does not make valid a determination that has not been properly made.

Schedule 1**PRESCRIBED OFFENCES**

Clause	Description	Modified Penalty \$
2.4	Failure to comply with determination	100
3.6	Failure to comply with conditions of permit	100
3.13(1)	Failure to obtain a permit	100
3.14(3)	Failure to obtain permit to camp outside a facility	100
3.15(1)	Failure to obtain permit for liquor	100
3.16	Failure of permit holder to comply with responsibilities	100
4.2(1)	Behaviour detrimental to property	100
4.4	Under influence of liquor or prohibited drug	100
4.6(2)	Failure to comply with sign on local government property	100
5.4	Unauthorised entry to fenced or closed local government property	100
5.5	Gender not specified using entry of toilet block or change room	100
5.6(1)	Unauthorised presence of animal on aerodrome	300
5.6(2)	Animal wandering at large on aerodrome—person in charge	300
5.6(3)	Animal wandering at large on aerodrome—owner	300
6.1(1)	Unauthorised entry to function on local government property	100
7.2	Selling by way of auction without licence	100
7.8	Failure to remove stock	200
7.10	Failure to immediately remove dead or maimed stock	200
7.11	Failure to give statement or pay fees to local government	200
7.12	Failure to produce documents for inspection by local government	200
7.13	Unauthorised entry of dog into saleyard	100
10.1	Failure to comply with notice	200

Schedule 2
DETERMINATIONS

The following determinations are to be taken to have been made by the local government under clause 2.1.

PART 1—PRELIMINARY

Definitions

1.1 In these determinations unless the context otherwise requires—“**local law**” means the *Local Government Property Local Law* made by the local government;

Interpretation

1.2 Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined **in** the local law **then** the term shall have the meaning given to it in the local law.

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

L. J. CHARLESWORTH, President.
W. LENYSZYN, Chief Executive Officer.

Dated this 23rd day of March 2000.

CEMETERIES ACT 1986

SHIRE OF KOJONUP

CEMETERIES LOCAL LAW

Under the powers conferred by the Cemeteries Act 1986, the Council of the Shire of Kojonup resolved on the 28th September 1999 to adopt the proposed Model Local Law (Cemeteries) 1998 published in the *Government Gazette* on 12 May 1998 with such modifications as are here set out—

- clause 1.2
 - delete the definition of “ashes”
 - delete the definition of “personal representative”
- clause 3.2
 - delete
- clause 3.4(1)
 - delete “or crematorium within the cemetery,”
- clause 4.2
 - delete “, or crematorium”
- clause 4.3
 - delete “ or crematorium,”
- clause 5.1, para (a)
 - delete “or cremation”
- clause 5.2
 - delete “ or cremation” and “or clause 3.2”
- clause 5.6, para (d)
 - delete
- clause 5.6 (e)
 - delete “ or the ashes placed”
- Part 5, Division 2
 - Delete
- Part 5, Division 3
 - delete

Repeal

The following Local Law is repealed—

By-Laws relating to Kojonup Public Cemetery, Boscabel Public Cemetery and Muradup Public Cemetery-Reserve 18715 and Published in the *Government Gazette* on the 9th March 1972 and amended from time to time.

[insert day/month/year]

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

L. J. CHARLESWORTH, President Shire of Kojonup.
W. LENYSZYN, Chief Executive Officer.

MODEL LOCAL LAW
(CEMETERIES) 1998
ARRANGEMENT
PART 1—PRELIMINARY

- 1.1 Citation
- 1.2 Interpretation
- 1.3 Repeal

PART 2—ADMINISTRATION

- 2.1 Powers and Functions of CEO

PART 3—APPLICATION FOR FUNERALS

- 3.1 Application for Burial
3.2 Deleted
3.3 Applications to be accompanied by Certificates etc
3.4 Certificate of Identification
3.5 Minimum Notice Required

PART 4—FUNERAL DIRECTORS

- 4.1 Funeral Director's Licence Expiry
4.2 Single Funeral Permits
4.3 Application Refusal

PART 5—FUNERALS*Division 1—General*

- 5.1 Requirements for Funerals and Coffins
5.2 Funeral Processions
5.3 Vehicle Entry Restricted
5.4 Vehicle Access and Speed Limitations
5.5 Offenders may be expelled
5.6 Conduct of Funeral by Board

Division 2—Cremation

- 5.7 Deleted
5.8 Deleted
5.9 Deleted
5.10 Deleted
5.11 Deleted

Division 3—Placement of ashes

- 5.12 Deleted
5.13 Deleted
5.14 Deleted

PART 6—BURIALS

- 6.1 Depth of Graves
6.2 Mausoleum, etc

PART 7—MEMORIALS AND OTHER WORK*Division 1—General*

- 7.1 Application for Monumental Work
7.2 Placement of Monumental Work
7.3 Removal of Rubbish
7.4 Operation of Work
7.5 Removal of Sand, Soil or Loam
7.6 Hours of Work
7.7 Unfinished Work
7.8 Use of Wood
7.9 Plants and Trees
7.10 Supervision
7.11 Australian War Graves
7.12 Placing of Glass Domes and Vases

Division 2—Lawn Section

- 7.13 Specification of Monuments
7.14 Headstones

Division 3—Memorial Plaque Section

- 7.15 Requirements of a Memorial Plaque

Division 4—Licensing of Monumental Masons

- 7.16 Monumental Mason's Licence
7.17 Expiry Date, Non-Transferability
7.18 Carrying out Monumental Work
7.19 Responsibilities of the Holder of a Monumental Mason's Licence
7.20 Cancellation of a Monumental Mason's Licence

PART 8—GENERAL

- 8.1 Animals
- 8.2 Guide Dogs
- 8.3 Damaging and removing of Objects
- 8.4 Withered Flowers
- 8.5 Littering and Vandalism
- 8.6 Advertising
- 8.7 Obeying Signs and Directions
- 8.8 Removal from the Cemetery

PART 9—OFFENCES AND MODIFIED PENALTY

- 9.1 General
 - 9.2 Modified Penalties
 - First Schedule**—Modified Penalties
 - Second Schedule**—Infringement Notice
 - Third Schedule**—Withdrawal of Infringement Notice
-

CEMETERIES ACT 1986

SHIRE OF KOJONUP

CEMETERIES LOCAL LAW**1.1 Citation**

This Local Law may be cited as the *Cemeteries Local Law 1999*.

1.2 Interpretation

In this Local Law unless the context otherwise requires—

“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 Local Law;

“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;

“Board” means the Shire of Kojonup

“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 Local Law is repealed—

By-Laws relating to Kojonup Public Cemetery and Muradup Public Cemetery-Reserve 18715 and Published in the *Government Gazette* on the 9th March 1972 and amended from time to time.

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 Deleted**3.3 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 3.3, in respect of the body.

3.4 Certificate of Identification

(1) After a dead body is placed in a coffin and prior to a dead body being removed to 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.

3.5 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,

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 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 of that dead body in accordance with Part 3 of this 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 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 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) Deleted
- (e) specify an area in the cemetery where the dead body is to be buried;
- (f) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this Local Law;
- (g) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

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 I—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 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 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 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, this 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 the 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 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 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 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 Kojonup Cemeteries Local Law

MODIFIED PENALTIES

Item No.	Clause	Nature of Offence	Modified Penalty
1	15.4	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 Kojonup Cemeteries Local Law

INFRINGEMENT NOTICE

TO:
(Name)

.....
(Address)

It is alleged that at hours on.....day
Of 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 Kojonup at 93 Albany Highway, Kojonup between the hours of 9am to 4.30pm Monday to Friday.

Please make cheques payable to Shire of Kojonup. Payments by mail should be addressed to—

The Chief Executive Officer
Shire of Kojonup
PO Box 163
KOJONUP WA 6395

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 Kojonup Cemeteries Local Law
WITHDRAWAL OF INFRINGEMENT NOTICE

No.

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

To (1)

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



Cemeteries Local Law
Form 1
CEMETERIES ACT 1986
GRANT OF RIGHT OF BURIAL

(CL 3.1)

By virtue of the Cemeteries Act 1986, the Shire of Kojonup, in consideration of the sum shown hereunder paid by the Payer indicated on behalf of the Grantee named in the Schedule, hereby grants to the said Grantee the **RIGHT of BURYING BODIES** in that piece of ground within the Compartment, Section and Number on the plan of the Cemetery as shown hereunder.

TO HOLD the same to the said Grantee for the period of twenty-five (25) years from the date hereof, for purposes of burial only.

This Grant is issued subject to all Local Laws and Regulations now or hereafter in force. made. or to be made under the above Act, or any future Act or Acts.

SCHEDULE

GRANT NO:

GRANTEE:

Name

Address

PAYER:

Name

Address

.....

.....

SUM IN CONSIDERATION.....Dollars

OFFICE RECORDS

GRAVE SITE—

Compartment.....Deceased

SectionApplication Number

NumberRegister Folio

.....

Signature of Issuing Officer

Designation

Date

NB: This grant is an important document and **MUST BE PRODUCED** before the grave can be reopened and to an authorised monumental mason for the establishment of any headstone.

Cemeteries Local Law

Form 2

CEMETERIES ACT 1986

DECLARATION OF OWNERSHIP OF MISSING "GRANT OF RIGHT OF BURIAL"

I, (a)

of (b)

do solemnly and sincerely declare as follows—

1 I am the person described as (c)
in the Grant of Right of Burial numbered.....
issued by the Shire of Kojonup on the.....day
of

2 (d)

3. I have not transferred any of my rights under the said Grant to any person.

And I make this solemn declaration by virtue of Section 106 of the Evidence Act 1906.

Declared at.....in the State of Western Australia

This.....day of

before me—

Signature of Declarant

Witnessed by

(Print Name)

Signature of Witness

Address of Witness

(a) Full name of Declarant

(b) Address and Occupation of Declarant

(c) State whether Grantee or Assignee

(d) Set out circumstances leading to loss or destruction of Grant, and if lost, action taken by Declarant to ascertain whereabouts of Grant.

Cemeteries Local Law

Form 3

CEMETERIES ACT 1986

ASSIGNMENT OF GRANT OF RIGHT OF BURIAL

(CL 3.4)

To the Shire of Kojonup

I,

of

being the holder of a grant of right of burial numbered and issued by the Shire of Kojonup on in respect of the Cemetery for good and valuable consideration assign all my rights under that grant

To

(Full name)

of

(Address)

Dated this.....day of

Signature of person assigning grant

Signature of person to whom grant is assigned

Signature of witness

Registered by the Shire of Kojonup on the.....day of

Authorised Officer

Cemeteries Local Law

Form 4

CEMETERIES ACT 1986

APPLICATION FOR BURIAL AND INSTRUCTION FOR GRAVE

(CL 3. 1)

Application No
Surname of Deceased:
Other Names:
Occupation:
Address:
Age:..... Date of Death:...../...../.....
Date & Time of Burial:...../...../..... Religious Affiliation:.....
Area: Section: Grave No:
Length & Width of Coffin:..... Depth Of Grave:
Size of Ground:..... Grant No:
Grave Type:
Place "X" In Box if:
First Interment
Male:
Female:
Is a Grant Required: No:
Yes:
Other Interment Application Numbers:
Name and Address of Applicant for/or Current Holder of Grant of Right of Burial:
Signature
Date:...../...../.....
Name of Minister or Person Officiating:
Name of Funeral Director:
.....
Signature Signature
Date:...../...../..... Date:...../...../.....
Name and Address of Person Making Application for Burial:.....
.....
Signature: Date:...../...../.....
Doctor's Cert, Req'd:11 Coroner's Order Rec'd:.....
Grant Of Burial Sent:...../...../..... Receipt No. Issued:.....
Monumental Mason: Date works approved:...../...../.....

Cemeteries Local Law

Form 7

CEMETERIES ACT 1986

CERTIFICATE DISPENSING WITH IDENTIFICATION

(CL 3.4(2))

I,
of
the funeral director engaged to arrange the funeral of the body of
certify that—
(a) the body has not been identified because:
* in my opinion, the body is not in a fit state to be viewed
* after reasonable effort I have been unable to have an identification made;
and
(b) the body is in a coffin bearing the name plate/inscription marked:.....
Dated this..... day of
Signed:
Endorsed by the applicant for the funeral:
..... (Full name)
Signed:
..... (Signature)
(* delete if inapplicable)

Cemeteries Local Law
Form 8
 CEMETERIES ACT 1986
APPLICATION FOR FUNERAL DIRECTOR'S LICENCE

(S 17 (1))

(i)
 hereby applies for the issue of a licence for the period beginning..... day of.....
 and ending the 30th day of June.....

(ii) to undertake funerals within the Cemetery and in support of such application supplies the following particulars—

1. To be completed by all Applicants—
 - (a) Trading name of business
.....
 - (b) Address from which business will be carried out.....
Telephone No:.....
 - (c) Number of years for which Applicant has previously held a Funeral Director's Licence.
 - (d) Details of offences under the Cemeteries Act, Cremation Act or the Local Law of any Cemetery for which the Applicant or persons employed by the applicant have been convicted
.....
 - (e) Full name, address and capacity of person completing this application

(iii)

2. To be completed if Applicant is a Company:-
 - (a) Full names and address of:
Director/s
Manager/s
 - (b) Registered Office
3. To be completed if Applicant is A Partner:
Full name and address of partner/s
.....
4. To be completed if Applicant is neither Company nor Partnership:
Full name (iv)
Address

Signature of person completing application.....

DIRECTIONS FOR COMPLETION

- (i) Name of Applicant or Company or business name
- (ii) The maximum period is one year
- (iii) State whether applying in person or own behalf, or as a partner of a firm or a manager of a Company
- (iv) If this information has already been given under item I(e) write "as in item I(e)"

OFFICE USE ONLY

Received
 Referred to Council
 Approved
 Licence issued

Cemeteries Local Law
Form 9
 CEMETERIES ACT 1986
FUNERAL DIRECTOR'S LICENCE

(S 17 (2))

I,
 of
 is hereby licensed to undertake funerals within the.....Cemetery from the.....
 day of.....until the 30th day of June.....
 Place of business
 Conditions
 Given this.....day of.....
 by authority of the Shire of Kojonup

Chief Executive Officer

Cemeteries Local Law

Form 10

CEMETERIES ACT 1986

APPLICATION FOR SINGLE FUNERAL PERMIT

(CL 4.2)

I, (name)
of (address)
hereby make application for a SINGLE FUNERAL PERMIT for the Late
.....
to take place on (day).....(month)
at (time).....and in support of this application I hereby submit—
1.....Medical Certificate.....
.....Coroner's Certificate.....
.....Application for Burial.....
2. I have permission to re-open the grave if required.
3. The deceased will be enclosed in a substantial casket having the following dimensions-
Length.....Width.....Depth.....
4. The casket will be obtained from
5. There will be legible name stamped on a lead plate under the nameplate on the top of the coffin.
6. The vehicle used to transport the coffin within the cemetery is a suitable vehicle of the following
description:
Vehicle Make.....Type.....Year.....
7. If a permit is issued I will comply with the Cemetery Local Law and conditions prescribed by the
local government and pay the required fees.
(Signature).....

Office Use Only

Application No
Approval of Vehicle and Casket
Refer to Council:
Licence issued:

Cemeteries Local Law

Form 11

CEMETERIES ACT 1986

Application No.....

AUTHORITY FOR PLACEMENT OF ASHES

(CL 5.12)

Of the Late
Died..... Aged
Instructions for placement of ashes—
Total amount payable.....\$.....
If second interment state name of first interment
Location (if known)
Name of personal representative:
Address
Telephone Home Work
Signature.....Date

Cemeteries Local Law

Form 12

CEMETERIES ACT 1986

APPLICATION FOR MONUMENTAL WORK

(CL 5.30)

Application No
Grant No
Name of Deceased
Area.....Section..... Grave No.....
Name of Applicant
Address of Applicant

I hereby certify that I am authorised as/by the holder of the grant of right of burial for the abovementioned grave to approve erection of the memorial detailed herein and I accept that the approval issued will be subject to conditions stipulated in the cemeteries act, the grant of right of burial and the local law and regulations now or hereafter in force.

Signature..... Date.....

Note: The Shire of Kojonup is indemnified against any liability attributed to any incorrect statements or information contained in this Form

Details of Mason:

This Section to be Completed by the Monumental Mason

Name of Firm

Quoted Cost..... Date

Address

Signature of Mason

Do you wish to: (Please Tick)

Add further inscription

Renovate or add further

Install a New Memorial.....

Plan And Specifications:

Note: All plans and specifications of memorials submmed must be carefully drawn and fully dimensioned and all materials specified. All description to be in block letters, all ornaments etc, to be shown and dimensioned. Size of dowels and dowel holes to be specified.

Cemeteries Local Law

Form 13

CEMETERIES ACT 1986

APPLICATION FOR MONUMENTAL MASON'S LICENCE

(CL 7.16)

I/We the undersigned hereby apply for the issue of a licence for the period beginning the day of..... and ending the.....day of.....to undertake and

complete monumental work within the cemetery and in support of this application enclose a fee of \$..... and provide the following particulars—

- 1. To be completed by all Applicants—
(a) Address from which business will be carried on: Telephone No:
(b) Number of years for which Applicant has previously held a Monumental Mason's Licence:
(c) Full name, address and capacity of person completing this application:
2. To be completed if the Applicant is a Company—
(a) Full names and addresses of
(b) Director/s Manager/s
(c) Secretary
(3) Registered.....
(4) Office
3. To be completed if Applicant is a Partner—
(a) Full name and address of partner/s
4. To be completed if Applicant is neither a Company nor Partnership
5. Full name: Address: Dated at..... this..... day of..... Signature:

Shire of Kojonup
MONUMENTAL MASON'S LICENCE

Date Received

Date Approved

Conditions:

.....

Signature of Issuing Officer:

Designation:

Date:

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

L. J. CHARLESWORTH, President.
W. LENYSZYN, Chief Executive Officer.

Dated this 21st day of March 2000.



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