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## SHIRE OF SHARK BAY

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LOCAL GOVERNMENT ACT 1995

**PARKING AND PARKING FACILITIES LOCAL LAW**

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**EXTRACTIVE INDUSTRIES LOCAL LAW**

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**LOCAL GOVERNMENT PROPERTY LOCAL LAW**

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

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**STANDING ORDERS LOCAL LAW 2001**

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**REPEAL LOCAL LAW 2001**

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HEALTH ACT 1911

**HEALTH AMENDMENT LOCAL LAWS 2001**

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BUSH FIRES ACT 1954

**BUSH FIRE BRIGADES LOCAL LAW**



**LOCAL GOVERNMENT ACT 1995****SHIRE OF SHARK BAY****PARKING AND PARKING FACILITIES LOCAL LAW****TABLE OF CONTENTS****PART 1—DEFINITIONS AND OPERATION**

- 1.1 Commencement
- 1.2 Repeal
- 1.3 Interpretation
- 1.4 Application of Particular Definitions
- 1.5 Application and Pre-Existing Signs
- 1.6 Part of Thoroughfare to which Sign Applies
- 1.7 Powers of the Local Government

**PART 2—PARKING STALLS AND PARKING STATIONS**

- 2.1 Determination of Parking Stalls and Parking Stations
- 2.2 Vehicles to be Within Parking Stall on Thoroughfare

**PART 3—PARKING AND STOPPING GENERALLY**

- 3.1 Restrictions on Parking in Particular Areas
- 3.2 Authorised Person may Order Vehicle on Thoroughfare to be Moved
- 3.3 Authorised Person may Mark Tyres
- 3.4 Parking on Reserves
- 3.5 No Stopping and No Parking Signs
- 3.6 Stopping in a Loading Zone
- 3.7 Stopping on Verge
- 3.8 Stopping in a Parking Stall for People with Disabilities

**PART 4—MISCELLANEOUS**

- 4.1 Signs Must be Complied With
- 4.2 Vehicles Not to Obstruct a Public Place

**PART 5—PENALTIES**

- 5.1 Offences and Penalties
- 5.2 Modified Penalties
- 5.3 Form of Notices

**SCHEDULE 1****PARKING REGION****SCHEDULE 2****FORMS**

- Form 1
- Form 2
- Form 3
- Form 4

## LOCAL GOVERNMENT ACT 1995

## SHIRE OF SHARK BAY

## PARKING AND PARKING FACILITIES LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the Shire of Shark Bay resolved to make the following Local Law on 27 February 2002.

## PART 1—DEFINITIONS AND OPERATION

## 1.1 Commencement

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

## 1.2 Repeal

The Shire of Shark Bay Local Law Relating to Parking Facilities published in the *Government Gazette* of 12 November 1993, is repealed.

## 1.3 Interpretation

In this Local Law unless the context otherwise requires—

“**ACROD sticker**” has the meaning given to it by the Code,

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

“**Authorised Person**” means a person authorised by the Local Government under Section 9.10 of the Act, to perform any of the functions of an Authorised Person under this Local Law,

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

“**CEO**” means the Chief Executive Officer of the Local Government,

“**Code**” means the Road Traffic Code 2000,

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

“**district**” means the district of the Local Government,

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

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

“**Local Government**” means the Shire of Shark Bay,

“**motor vehicle**” means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle,

“**no parking area**” has the meaning given to it by the Code,

Note—The Code defines “no parking area” to mean—

- “(a) a portion of carriageway to which a ‘no parking’ sign applies; or
- (b) an area to which a ‘no parking’ sign applies;”

“**no parking sign**” means a sign with the words “no parking” in red letters on a white background, or the letter “P” within a red annulus and a red diagonal line across it on a white background,

“**no stopping area**” has the meaning given to it by the Code,

Note—The Code defines “no stopping area” to mean—

- “(a) a portion of carriageway to which a ‘no stopping’ sign applies; or
- (b) an area to which a ‘no stopping’ sign applies;”.

**“no stopping sign”** means a sign with the words “no stopping” or “no standing” in red letters on a white background or the letter “S” within a red annulus and a red diagonal line across it on a white background,

**“owner”**

- (a) where used in relation to a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Road Traffic Act, and
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle,

**“park”**, in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of—

- (a) avoiding conflict with other traffic, or
- (b) complying with the provisions of any law, or
- (c) taking up or setting down persons or goods (*maximum of 2 minutes*),

**“parking area”** has the meaning given to it by the Code,

Note—The Code defines “parking area” to mean—

- “(a) a portion of carriageway to which a ‘permissive parking’ sign applies; or
- (b) an area to which a ‘permissive parking’ sign applies;”.

**“parking facilities”** includes land, buildings, shelters, parking stalls and other facilities open to the public generally for the parking of vehicles and signs, notices and facilities used in connection with the parking of vehicles,

**“parking region”** means the area described in Schedule 1,

**“parking stall”** means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked,

**“parking station”** means any land, or structure provided for the purpose of accommodating vehicles,

**“public place”** means any place to which the public has access whether or not that place is on private property,

**“reserve”** means any land—

- (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,

**“Road Traffic Act”** means the *Road Traffic Act 1974*,

**“Schedule”** means a Schedule to this Local Law,

**“sign”** includes a traffic sign, inscription, road marking, mark, structure or device approved by the Local Government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles,

**“stop”** in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law,

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

**“thoroughfare”** has the meaning given to it by the Act,

Note—The Code defines “thoroughfare” to mean—

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

**“vehicle”** has the meaning given to it by the Code,

Note—The Code defines “vehicle” according to the definition of “vehicle”; in the Road Traffic Act which includes an animal driven or ridden but does not include a wheeled toy or wheeled recreational device;

**“verge”** means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

#### **1.4 Application of Particular Definitions**

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

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

#### **1.5 Application and Pre-Existing Signs**

(1) Subject to subclause (2), this Local Law applies to the parking region.

(2) This Local Law does not apply to a parking facility or a parking station that is not occupied by the Local Government.

(3) A sign that—

(a) was erected by the Local Government or the Commissioner of Main Roads prior to the coming into operation of this Local Law, and

(b) relates to the parking or stopping of vehicles within the parking region,

shall be deemed for the purposes of this Local Law to have been erected by the Local Government under the authority of this Local Law.

#### **1.6 Part of Thoroughfare to which Sign Applies**

Where under this Local Law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which—

(a) lies beyond the sign,

(b) lies between the sign and the next sign beyond that sign, and

(c) is on that side of the thoroughfare nearest to the sign.

#### **1.7 Powers of the Local Government**

The Local Government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law.

### **PART 2—PARKING STALLS AND PARKING STATIONS**

#### **2.1 Determination of Parking Stalls and Parking Stations**

The Local Government may by resolution constitute, determine and vary and also indicate by signs—

(a) parking stalls,

(b) parking stations,

(c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality,

(d) permitted classes of vehicles which may park in parking stalls and parking stations,

(e) permitted classes of persons who may park in specified parking stalls or parking stations, and

(f) the manner of parking in parking stalls and parking stations.

#### **2.2 Vehicles to be Within Parking Stall on Thoroughfare**

(1) Subject to subclauses (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—

(a) parallel to and as close to the kerb as is practicable,

(b) wholly within the stall, and

(c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.

(2) Subject to subclause (3), where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.

(3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.

(4) A person shall not park a vehicle partly within and partly outside a parking area.

### **PART 3—PARKING AND STOPPING GENERALLY**

#### **3.1 Restrictions on Parking in Particular Areas**

(1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—

(a) if by a sign it is set apart for the parking of vehicles of a different class,

(b) if by a sign it is set apart for the parking of vehicles by persons of a different class, or

(c) during any period when the parking of vehicles is prohibited by a sign.

- (2) (a) This subclause applies to a driver if—
- (i) the driver's vehicle displays an ACROD sticker, and
  - (ii) a disabled person to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle.
- (b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates for twice the period indicated on the sign.
- (3) A person shall not park a vehicle—
- (a) in a no parking area,
  - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law.

### **3.2 Authorised Person may Order Vehicle on Thoroughfare to be Moved**

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

### **3.3 Authorised Person may Mark Tyres**

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

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

### **3.4 Parking on Reserves**

No person other than an employee of the Local Government in the course of his or her duties or a person authorised by the Local Government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

### **3.5 No Stopping and No Parking Signs**

#### **(1) No stopping**

A driver shall not stop on a length of carriageway, or in an area, to which a “no stopping” sign applies.

#### **(2) No parking**

A driver shall not stop on a length of carriageway or in an area to which a “no parking” sign applies, unless the driver is—

- (a) dropping off, or picking up, passengers or goods,
- (b) does not leave the vehicle unattended, and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

“unattended”, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

### **3.6 Stopping in a Loading Zone**

A person shall not stop in a Loading Zone unless it is—

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods, or
- (b) a motor vehicle taking up or setting down passengers,

but, in any event, shall not remain in that Loading Zone—

- (c) for longer than a time indicated on the “Loading Zone” sign, or
- (d) longer than 30 minutes (if no time is indicated on the sign).

### **3.7 Stopping on Verge**

#### **(1) A person shall not—**

- (a) stop a vehicle (other than a bicycle),
- (b) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge, except that such an exemption does not apply to a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle.

(3) Subclauses (1) and (2) do not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or path.

### **3.8 Stopping in a Parking Stall for People with Disabilities**

#### **(1) A driver shall not stop in a parking area for people with disabilities unless—**

- (a) the driver's vehicle displays an ACROD sticker, and
- (b) either the driver or the passenger in that vehicle is a person with disabilities.

(2) In this Clause a “parking area for people with disabilities” is a length or area—

- (a) to which a “permissive parking” sign displaying a people with disabilities symbol applies,
- (b) to which a “people with disabilities parking” sign applies,
- (c) indicated by a road marking (a “people with disabilities road marking”) that consists of, or includes, a people with disabilities symbol, or
- (d) set aside within a parking region as a “parking stall for use of a disabled person” under the *Local Government (Parking for Disabled Persons) Regulations 1988*.

## PART 4—MISCELLANEOUS

### 4.1 Signs Must be Complied With

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

### 4.2 Vehicles Not to Obstruct a Public Place

(1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the Local Government or unless authorised under any written law.

(2) A person will not contravene subclause (1)—

- (a) where the vehicle is left for a period not exceeding 24 hours, or
- (b) where the vehicle is left in a parking area adjacent to and associated with, the launch or use of boats.

## PART 5—PENALTIES

### 5.1 Offences and Penalties

(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 shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

### 5.2 Modified Penalties

(1) An offence against any provision of this Local Law is a prescribed offence for the purposes of Section 9.16(1) of the Act.

(2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of this Local Law is \$50.

### 5.3 Form of Notices

For the purposes of this Local Law—

- (a) the form of the notice referred to in Section 9.13 of the Act is that of Form 1 in Schedule 2,
- (b) the form of the infringement notice referred to in Section 9.17 of the Act is that of Form 2 in Schedule 2,
- (c) the form of the infringement notice referred to in Section 9.17 of the Act which incorporates the notice referred to in Section 9.13 of the Act, is that of Form 3 in Schedule 2, and
- (d) the form of the notice referred to in Section 9.20 of the Act is that of Form 4 in Schedule 2.

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### *Schedule 1*

#### PARKING REGION

The parking region is the whole of the district, but excludes the following portions of the district—

- 1 the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads,
- 2 prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads, and
- 3 any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road has been delegated by the Commissioner of Main Roads to the Local Government.



**Schedule 2****FORMS***Local Government Act 1995*

Form 1

**PARKING AND PARKING FACILITIES LOCAL LAW****NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

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

To (1) .....

of (2) .....

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

at (4) ..... your vehicle—

make .....

model .....

registration .....

was involved in the commission of the following offence—.....

.....

.....

.....

.....

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

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

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

(a) within 28 days after being served with this notice—

(i) you inform the Chief Executive Officer or another Authorised Officer of the Local Government as to the identify and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed, and

(ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed,

or

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

(5).....

(6).....

(1) Name of owner or 'the owner'

(2) Address of owner (not required if owner not named)

(3) Time of alleged offence

(4) Location of alleged offence

(5) Signature of Authorised Person

(6) Name and title of Authorised Person giving notice

**Schedule 2***Local Government Act 1995*

Form 2

**PARKING AND PARKING FACILITIES LOCAL LAW****INFRINGEMENT NOTICE**

Serial No .....

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

To (1) .....

of (2) .....

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

at (4) ..... in respect of vehicle—

make .....

model .....

registration .....

was involved in the commission of the following offence— .....

.....  
 .....  
 .....

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

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

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

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

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

(6) .....

(7) .....

(1) Name of alleged offender or 'the owner'

(2) Address of alleged offender

(3) Time of alleged offence

(4) Location of alleged offence

(5) Place where modified penalty may be paid

(6) Signature of Authorised Person

(7) Name and title of Authorised Person giving notice

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### **Schedule 2**

*Local Government Act 1995*

Form 3

## **PARKING AND PARKING FACILITIES LOCAL LAW INFRINGEMENT NOTICE**

Serial No .....

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

To (1) .....

of (2) .....

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

at (4) ..... in respect of vehicle—

make .....,

model .....,

registration .....,

was involved in the commission of the following offence— .....

.....  
 .....  
 .....

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

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

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

Unless within 28 days after being served with this notice—

(a) you pay the modified penalty, or

(b) you—

(i) inform the Chief Executive Officer or another Authorised Officer of the Local Government as to the identify and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed, or

(ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed,

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

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

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

(6).....

(7).....

(1) Name of alleged offender or 'the owner'

(2) Address of alleged offender

(3) Time of alleged offence

(4) Location of alleged offence

(5) Place where modified penalty may be paid

(6) Signature of Authorised Person

(7) Name and title of Authorised Person giving notice

## **Schedule 2**

*Local Government Act 1995*

Form 4

### **PARKING AND PARKING FACILITIES LOCAL LAW**

### **WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No .....

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

To (1) .....

of (2) .....

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

in respect of vehicle—

make .....

model .....

registration .....

for the alleged offence of— .....

.....

.....

.....

has been withdrawn.

The modified penalty of \$ .....

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

(3).....

(4).....

(1) Name of alleged offender to whom infringement notice was given or 'the owner'

(2) Address of alleged offender

(3) Signature of Authorised Person

(4) Name and title of Authorised Person giving notice

Dated this 28<sup>th</sup> day of May 2002.

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

L. R. MOSS, Shire President.  
M. J. HOOK, Chief Executive Officer.

## LOCAL GOVERNMENT ACT 1995

## SHIRE OF SHARK BAY

**EXTRACTIVE INDUSTRIES 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 Shark Bay resolved on 27 February 2002 to make the following Local Law.

The Shire of Dandaragan Extractive Industries Local Law as published in the *Government Gazette* of 9 May 2001, is adopted as a Local Law of the Shire of Shark Bay, with the modifications which follow.

**1 Preliminary**

Delete "Shire of Dandaragan" wherever it occurs and substitute "Shire of Shark Bay".

**2 Clause 1.1—Definitions**

In the definition of "carry on an extractive industry", delete "shellgrit, limesands, limestone, marl".

**3 Clause 1.3—Repeal**

Delete clause 1.3 and substitute "The Shire of Shark Bay Local Laws Relating to Extractive Industries published in the *Government Gazette* of 10 June 1994, are repealed".

**4 Clause 2.3—Application for Licence**

Delete subclause (3) and substitute—

"(3) Where, in relation to a proposed excavation—

(a) the surface area is not to exceed 2, 000 square metres; and

(b) the extracted material is not to exceed 2,000 cubic metres;

the Local Government may exempt a person making application for a licence under subclause (1) from supplying any of the data specified in paragraphs (b), (d), (e) and (i) of subclause (1).".

**5 Clause 3.1—Determination of Application**

In subclause (4)(a) delete "31st December" and substitute "30 June".

**6 Clause 3.2—Payment of Annual Licence Fee**

Delete "31 December" and substitute "30 June".

---

Dated this 28th day of May 2002.

The Common Seal of the Shire of Shark Bay was affixed in the presence of—

L. R. MOSS, Shire President.  
M. J. HOOK, Chief Executive Officer.

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## LOCAL GOVERNMENT ACT 1995

## SHIRE OF SHARK BAY

## 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 Shark Bay resolved on 27 February 2002 to make the following Local Law.

The Shire of Exmouth Local Government Property Local Law as published in the *Government Gazette* of 10 July 2000, is adopted as a Local Law of the Shire of Shark Bay, with the modifications which follow.

**1 Preliminary**

1.1 In construing the following modifications, where a modification requires the renumbering of a clause, subclause or paragraph, subsequent modifications have been drafted on the basis that the renumbering has been effected.

1.2 Wherever the "Shire of Exmouth" is mentioned in the Local Law substitute "Shire of Shark Bay".

1.3 In clause 1.2—

- (a) in the definition of "Manager" delete "pool area or other"; and
- (b) delete the definition of "pool area".

**2 Clause 1.4—Application**

In clause 1.4(1) delete all words and brackets after "seawards from" and substitute "the western district boundary which is bounded by the shores of the Indian Ocean and the inlets therefrom".

**3 Clause 1.5—Repeal**

Delete clause 1.5(1) and substitute—

"1.5(1) The following Local Laws are repealed—

Relating to—

- Foreshore, published in the *Government Gazette* of 1 May 1957;
- Management and Use of Halls and other Buildings under the Control of the Council, published in the *Government Gazette* of 16 June 1964, as amended in the *Government Gazette* of 15 October 1993;
- Reserves, published in the *Government Gazette* of 23 February 1990, as amended in the *Government Gazettes* of 8 February 1991 and 13 May 1994;
- Monkey Mia Jetty, published in the *Government Gazette* of 20 October 1998.

**4 Clause 3.12 (1)—Cancellation of permit**

Delete the clause designation "7.1" and substitute "8.1".

**5 Clause 3.13—Activities needing a permit**

5.1 In subclause (1)—

- (a) In paragraph (g) subparagraph (ii) delete "stand" and substitute "stop";
- (b) In paragraph "(n)", after "," delete "or";
- (c) Delete paragraph "(o)" and substitute—
  - "(o) "depasture, take on to, or allow to enter or remain upon local government property, any horse, sheep, cattle, goat, camel, ass or mule, unless the local government has made a determination under Clause 2.1(1) of the local law, in which event the provisions of the determination shall prevail; or"; and
- (d) Insert the paragraph—
  - "(p) conduct or take part in any gambling game or contest, or bet, or offer to bet, publicly."

**6 Part 5—Matters Relating to Particular Local Government Property****6.1 Division 1—Swimming pool areas**

Delete the whole of Division 1

**6.2** Renumber Divisions 2, 3, 4 and 5 to "1", "2", "3", and "4" respectively, and clauses 5.2 to 5.7 inclusive to "5.1" to "5.6" respectively.

**6.3 Clause 5.2—Authorising other persons**

Delete the subclause designation “5.2 (1)” in each place where it occurs in subclauses (1), (2) and (4) and substitute “5.1 (1)”.

**6.4 Clause 5.3, Persons to comply with signs and directions**

Delete the clause designation “5.2” in each place where it occurs in paragraphs (a) and (c) and substitute “5.1”, and delete the subclause designation 5.3 (1) and substitute “5.2 (1)”.

**6.5 After Division 4, insert the following—**

*“Division 5—Reserve No 1686*

**5.7 Permit required to enter Reserve**

- (1) A person shall not enter Reserve No 1686 unless under a valid permit issued by the local government, and payment of the fee applicable thereto.
- (2) Notwithstanding subclause (1) the local government shall, on application being made in writing, waive payment of any fee applicable to the permit if it is satisfied that the permit is to be issued to a person ordinarily resident in the district.
- (3) A permit issued under subclause (1) entitles a person to enter the Reserve during the period shown on the permit.
- (4) For purposes of this clause, Reserve No 1686 does not include a carriageway on a public thoroughfare.”

**7 Parts Renumbered**

After Part 6, renumber Parts 7, 8 and 9 to “8”, “9” and “10” respectively, and renumber clauses—

- 7.1 to “8.1”;
- 8.1 to 8.4 inclusive to “9.1” to “9.4” respectively;
- 9.1 to 9.6 inclusive to “10.1” to “10.6” respectively.

**8 New Part 7 inserted**

After Part 6, insert the following—

**“PART 7—MONKEY MIA JETTY**

*Division 1—Preliminary*

**Interpretation**

7.1 In this Part—

“**Jetty**” means the Monkey Mia Jetty located at Edel Location 34;

“**bulk cargo**” means bulk produce, such as grain, coal, oil or mineral ore, which is not packaged.

*Division 2—Consents and Fees*

**Application for consent and application fee**

- 7.2
- (1) Where a person is required to obtain the consent of the local government under this Part, the person is to apply for that consent in the manner required by the local government.
  - (2) The local government may require an application for consent made under subclause (1) to be accompanied by a fee.
  - (3) If an application for consent is not made in the manner required by the local government or the fee which is to accompany that application is not paid, the local government may refuse to consider the application for consent.
  - (4) The local government shall give its decision on an application for consent, in writing to the person who applied for that consent.
  - (5) Where a fee is referred to in this Part, the fee must be imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

*Division 3—Mooring Boats to Jetty*

**Method of mooring boat**

7.3 A person in control of a boat shall not moor or make fast the boat to the Jetty, or to any part of the Jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

*Division 4—When Boats May Remain at Jetty*

**When boat may remain moored**

7.4 A person in control of a boat shall not moor or make fast the boat to the Jetty unless—

- (a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;
- (b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior consent of the local government;
- (c) the loading or discharging of cargo or other goods is in progress in accordance with Division 5; or
- (d) where the boat is used at that time for commercial purposes, the person has first paid the fee (if any) for such mooring or making fast to the local government.

**Authorised person may order removal of boat**

- 7.5 (1) Notwithstanding anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside the Jetty shall remove it immediately upon being directed to do so by an authorised person.
- (2) No person shall cause any obstruction on or to the Jetty or impede the free passage of other persons on the Jetty.

*Division 5—Cargo or other goods***Loading and discharging**

7.6 A person in control of a boat shall not allow the boat to come alongside or be moored or made fast to the Jetty for the purpose of loading or discharging cargo or other goods—

- (a) until the cargo or other goods are ready to be loaded or discharged; or
- (b) without the consent of the local government for longer than 2 consecutive hours.

**Outgoing cargo not to be stored on Jetty**

7.7 A person in control of cargo or other goods intended for loading on to a boat shall—

- (a) not allow them to be stored or placed on the jetty unless and until the boat is moored or fastened to or alongside the Jetty; and
- (b) load them on to the boat as soon as practicable after the boat is moored or fastened to or alongside the Jetty.

**Removal of incoming cargo from Jetty**

7.8 Any person unloading cargo or other goods from a boat on to the Jetty shall remove them, or cause them to be removed from the Jetty as soon as practicable.

**No obstruction on Jetty**

7.9 A person shall not cause any obstruction on or to the Jetty or impede the free passage of other persons on the Jetty.

**Authorised person may direct removal**

7.10 An authorised person may direct a person who, in the opinion of the authorised person, is in charge of cargo or other goods which remain on the Jetty contrary to any provision of this Part, or who has caused an obstruction on or to the Jetty, to remove the cargo or other goods, or the obstruction, from the Jetty.

**Handling of bulk cargo**

7.11 Except with the prior consent of the local government, a person shall not place or deposit bulk cargo from a vehicle, boat or container on to the Jetty.

**Explosives on Jetty**

7.12 Except with the prior written consent of the local government, a person shall not land, place or handle on the Jetty any explosives as defined in Section 4 of the *Explosives and Dangerous Goods Act 1961*.

*Division 6—Prohibitions and limitations on use of Jetty***Jetty may be closed**

7.13 A person shall not land at, use or go on any part of the Jetty which is—

- (a) under construction or repair; or
- (b) closed,

unless that person has first obtained the consent of the local government.

**Vehicles on Jetty**

- 7.14 (1) A person shall not drive a vehicle of a gross weight exceeding three (3) tonnes onto the Jetty or allow it to remain on the Jetty.
- (2) Vehicles shall be prohibited from being on the Jetty within 15 minutes of scheduled arrivals or departures of licensed charters other than vehicles of professional fishermen while loading or unloading.
- (3) Vehicles shall be removed from the Jetty immediately after completing loading or unloading of the vehicle.
- (4) A vehicle shall not be parked in a manner that obstructs access to or from the Jetty.
- (5) A person shall not ride or have a bicycle on the Jetty.

**Rubbish from Jetty**

- 7.15 (1) A person shall not throw or cause to be thrown any glass, stone or other missile, or any filth, dirt, rubbish or other matter of a similar nature from the Jetty so as to pollute the surrounding area.
- (2) A person shall not deposit any commercial rubbish from charter boats or offal into any rubbish bin located on the Jetty.

**Liquor on boats**

7.16 A person shall not sell alcoholic beverages from a boat while moored to, or alongside the Jetty.

**Fishing from Jetty**

7.17 A person shall not fish from the Jetty.”.

**9 Clause 10.2—Local government may undertake requirements of notice**

Delete “9.1” and substitute “10.1”.

**10 Schedule 1—Prescribed Offences**

Delete Schedule 1 and substitute the following—

“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
5.3	Failure to comply with sign or direction on beach	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 airport	300
5.6(2)	Animal wandering at large on airport - person in charge	300
5.6(3)	Animal wandering at large on airport - owner	300
5.7(1)	Unlawful entry of Reserve 1686	100
6.1(1)	Unauthorised entry to function on local government property	100
7.3	Mooring of boats in unauthorised manner	100
7.4	Unauthorised mooring of a boat to Jetty	100
7.5	Failure to remove moored boat on direction of authorised person	100
7.6	Mooring when not ready to load or discharge cargo, or for longer than permitted	100
7.7	Unlawful storing of goods on Jetty	100
7.8	Removing goods from Jetty other than as required	100
7.9	Causing obstruction or impeding free passage on Jetty	100
7.10	Failure to remove cargo on Jetty or obstruction on direction of authorised person	100
7.11	Unauthorised deposit of bulk cargo on Jetty	100
7.12	Unauthorised presence of explosives on Jetty	300
7.13	Unauthorised use of any part of Jetty which is closed or under repair or construction	100
7.14(1)	Overweight vehicle on Jetty	300
7.14(2)&(3)	Vehicle on Jetty during time prohibited	100
7.14(4)	Vehicle parked to obstruct access	100
7.14(5)	Having a bicycle on Jetty	50
7.15(1)	Polluting area surrounding Jetty	100
7.15(2)	Unlawful deposit of rubbish into bin on Jetty	100
7.16	Selling alcohol from boat	100
7.17	Fishing from Jetty	50
10.1	Failure to comply with notice	200”

**11 Schedule 2—Determinations**

Delete determination 1.3 relating to Speed of Vehicles on Recreation Grounds.

Dated this 28<sup>th</sup> day of May 2002.

The Common Seal of the Shire of Shark Bay was affixed in the presence of—

L. R. MOSS, Shire President.  
M. J. HOOK, Chief Executive Officer.



## LOCAL GOVERNMENT ACT 1995

## SHIRE OF SHARK BAY

**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 Shark Bay resolved on 27 February 2002 to make the following Local Law.

The Shire of Kojonup Activities On Thoroughfares And Trading In Thoroughfares and Public Places Local Law as published in the *Government Gazette* of 16 May 2000, is adopted as a Local Law of the Shire of Shark Bay, with the modifications which follow.

**1 Preliminary**

Wherever the "Shire of Kojonup" is mentioned in the local law substitute "Shire of Shark Bay".

**2 Clause 1.2—Definitions**

2.1 In the definition of "built-up area" delete "1975" and substitute "2000".

2.2 In the definition of "intersection" delete "1975" and substitute "2000".

2.3 Delete the definition of "townsite" and substitute—

“ “townsite” means the townsite of Denham which is—

- (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;”.

**3 Clause 1.4—Repeal**

3.1 After clause 1.3, insert the clause designation “**1.4**” before the heading “**Repeal**”.

3.2 In sub-clause(1) delete paragraphs (a) and (b) and substitute—

- (a) Relating to Prevention of Damage to Streets, published in the *Government Gazette* of 8 July 1994; and
- (b) Relating to Removal and Disposal of Obstructing Animals or Vehicles, published in the *Government Gazette* of 22 July 1994.

**4 Clause 2.1—General prohibitions**

In paragraph (a) delete “6m” and substitute “10 metres”.

**5 Part 4, Shopping Trolleys**

1.1 In the heading to Part 4, delete the comma after “ANIMALS” and substitute “OR” and delete “OR SHOPPING TROLLEYS”.

1.2 In Part 4, delete the whole of Division 2—shopping trolleys.

**6 Clause 6.5—Relevant considerations in determining application for permit**

In subclause (2)—

- (a) after “;” in subparagraph (iii) of paragraph (c) delete “or”;
- (b) renumber paragraph (d) to paragraph (e);
- (c) insert a new paragraph (d) as follows—

“(d) that the needs of the district, or the part for which the permit is sought, are adequately catered for by established shops or by persons who have valid permits to carry on trading or to conduct a stall; or”.

**7 Clause 6.8—Conduct of stallholders and traders**

In subclause (2)—

- (a) renumber paragraphs (a) to (d) inclusive to (b) to (e) respectively;
- (b) insert a new paragraph (a) as follows—

“(a) attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader;”.

**8 Part 6—Division 2 deleted**

Delete the whole of Part 6, Division 2, “Street Entertainers”.

**9 Schedule 1**

9.1 Under the column headed "Description", for the prescribed offence applicable to clause 2.1(a) delete "6m" and substitute "10 metres".

9.2 Under the column headed "Clause", after the clause designation 2.2 wherever it occurs insert the subclause designation "(1)" before each paragraph designation; and

9.3 Under the columns headed "Clause", "Description" and "Modified Penalty \$", delete the prescribed offences applicable to deleted clauses 4.5, 4.6, 6.10, 6.11(2) and 6.14.

**10 Forms**

Delete Forms 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

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Dated this 28<sup>th</sup> day of May 2002.

The Common Seal of the Shire of Shark Bay was affixed in the presence of—

L. R. MOSS, Shire President.  
M. J. HOOK, Chief Executive Officer.

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**LOCAL GOVERNMENT ACT 1995****SHIRE OF SHARK BAY****STANDING ORDERS LOCAL LAW 2001**

Under the powers conferred by the *Local Government Act 1995*, the Council of the Shire of Shark Bay hereby records having resolved on 27 February 2002, to adopt the Model Local Law (Standing Orders) 1998 published in the *Government Gazette* on 3 April, 1998, with such modifications as are here set out.

**Part 1**

1 In Clause 1.4, after “of the” insert “Shire of Shark Bay” and after “on” insert “6 February 1998”.

**Part 2**

2 Delete the whole of Part 2.

**Part 3**

3 In subclause 3.2(1), delete paragraphs (a) to (m) and substitute—

- (a) Declaration of opening/Announcement of visitors
- (b) Record of attendance/Apologies/Leave of absence (previously approved)
- (c) Response to previous public questions taken on notice
- (d) Public question time
- (e) Applications for leave of absence
- (f) Petitions
- (g) Confirmation of minutes
- (h) Announcements by the person presiding without discussion
- (i) Reports
- (j) Motions of which previous notice has been given
- (k) Questions by members of which due notice has been given
- (l) Informal discussion
- (m) Urgent business approved by the person presiding or by decision
- (n) Matters behind closed doors
- (o) Closure.

4 In subclause 3.3(3) delete “copy is to be included in the agenda of the next meeting” and substitute “summary of the question raised and the response given are to be included in the agenda and minutes of the next meeting”.

5 In Clause 3.7 delete the heading “3.7 Matters for Which Meeting May be Closed” and substitute “3.7 Matters Behind Closed Doors”; and delete “, early in the meeting,” and “, and that matter is to be deferred for consideration as the last item of the meeting”.

6 Delete Clause 3.8.

7 In Clause 3.9(2), delete “four (4)” and substitute “seven (7)”.

8 In Clause 3.10(1), delete “four (4)” and substitute “seven (7)”.

9 Renumber Clauses 3.11 and 3.12 to 3.12 and 3.13 respectively.

10 Insert the following new Clause—

**“3.11 Informal discussion**

During informal discussion held under Clause 3.2(1)(l)—

- (a) no decisions are to be made;
- (b) topics discussed only are to be reported in the minutes; and
- (c) the Standing Orders are in all other respects suspended.

**Part 5**

11 Delete the whole of Part 5.

**Part 9**

12 In Clause 9.1, delete the heading “9.1 Members to Rise” and substitute “9.1 Members Wishing to Speak”; and delete the whole of the second sentence.

**Part 10**

13 In Clause 10.16, in the last sentence, delete “rises to explain” and substitute “makes a personal explanation”.

**Part 12**

14 In Clause 12.7—

- (a) delete subclause (3) and renumber subclause (4) to “(5)”.
- (b) Insert in the appropriate numerical position new subclauses—
  - “(3) Upon the public again being admitted to the meeting the person presiding is to cause to be read out, in relation to decisions made by the Council or committee behind closed doors—
    - (a) the recommendation of the Chief Executive Officer or an employee as defined in section 5.70 of the Act in regard to a matter decided;
    - (b) details of each motion moved, the mover and outcome of the motion;
    - (c) details of each decision made;
    - (d) reasons for each decision made that is significantly different from the relevant recommendation of the Chief Executive Officer or an employee as defined in section 5.70 of the Act; and
    - (e) the names of members voting against a motion or decision.
- (4) The matters to be read out under subclause (3) are to be recorded in the minutes of the meeting”.

**Part 13**

15 In Clause 13.2, after the heading, insert before “If” the subclause designation (1) and insert the following after subclause (1)—

- “(2) Subclause (1) has no effect in regard to a secret ballot conducted under Schedule 2.3 of the Act.”.

**Part 14**

16 Delete the whole of Part 14.

**Part 15**

17 In Clause 15.3, delete “and be seated”.

18 In paragraph 15.4 (c) insert “or code of conduct” immediately after “policy” in both places where it occurs.

19 Delete Clause 15.8.

**Part 17**

20 In Clause 17.6, delete paragraph (b).

**Part 19**

21 Delete subclause 19.1(4).

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Dated this 28<sup>th</sup> day of May 2002.

The Common Seal of the Shire of Shark Bay was affixed in the presence of—

L. R. MOSS, Shire President.  
M. J. HOOK, Chief Executive Officer.

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**LOCAL GOVERNMENT ACT 1995****SHIRE OF SHARK BAY****REPEAL LOCAL LAW 2001**

(Local Law Relating to Repeal of Defunct and Obsolete Local Laws Made Under the Local Government Act 1960 and Earlier Legislation)

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Local Government of the Shire of Shark Bay resolved to repeal Local Laws relating to the matters listed below and gazetted on the dates shown, on the 27 February 2002.

- Clearing of Land and Depositing and Removal of Refuse, Litter, Disused and Other Materials and Things, published in the *Government Gazette* of 16 December 1971, as amended in the *Government Gazette* of 22 July 1994.
- Signs, Hoardings and Bill Posting, published in the *Government Gazette* of 23 December 1983.
- Holiday Accommodation, published in the *Government Gazette* of 31 August 1979.

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Dated this 28<sup>th</sup> day of May 2002.

The Common Seal of the Shire of Shark Bay was affixed in the presence of—

L. R. MOSS, Shire President.  
M. J. HOOK, Chief Executive Officer.

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## HEALTH ACT 1911

## SHIRE OF SHARK BAY

## HEALTH AMENDMENT LOCAL LAWS 2001

Made by the Council of the Shire of Shark Bay under Section 342 of the *Health Act 1911* in accordance with subdivision 2 of Part 3 of the *Local Government Act 1995*.

**Citation**

1. These local laws may be cited as the *Shire of Shark Bay Health Amendment Local Laws 2001*.

**Principal local laws**

2. In these local laws, the *Shire of Shark Bay Health Local Laws 1998* made under the *Health Act 1911* and passed by the Council of the Shire of Shark Bay on 29 July 1998, by notice published in the *Government Gazette* on 19 October 1998, are referred to as the principal local laws.

**Principal local laws amended**

3. The principal local laws are amended as described in the following schedule—

Item	Sections Affected	Description
1	<b>Preliminary</b>	<p>(a) Delete the definition of “Council” in subsection 3.1 and, except in subsection 3.1 in the definition of “water”, delete “Council” wherever it appears in the Local Laws and substitute “local government” or “the local government” as appropriate.</p> <p>(b) In each place where they occur in a Schedule, the prefix “19” is deleted where used as part of a date, and “20” is substituted.</p>
2	<b>3.1</b>	<p>(a) Delete the definition of “Building Code” and substitute— “ “Building Code” means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code,”</p> <p>(b) Delete the definition of “water” and substitute— “ “water” means drinking water within the meaning of the Guidelines for Drinking Water Quality in Australia 1996, as published by the National Health and Medical Research Council and amended and endorsed by the Minister for Health from time to time,”</p> <p>(c) In the appropriate alphabetical position insert the definition— “ “local government” means the Shire of Shark Bay”</p>
3	<b>8</b>	<p>Delete section 8 and substitute— <b>“Toilets</b> 8. Toilets on premises other than a dwelling house shall, where more than one toilet is provided on the premises, bear, on the entrance to each toilet, a suitable sign indicating for which sex its use is intended.”</p>
4	<b>9</b>	<p>Delete section 9 and substitute— <b>“Temporary Works</b> 9. A person who undertakes temporary work at any place shall ensure every temporary sanitary convenience is installed and maintained in accordance with the requirements of the <i>Health (Temporary Sanitary Conveniences) Regulations 1997</i>.”</p>

Item	Sections Affected	Description
5	<b>11</b>	Delete section 11 and substitute— <b>“Ventilation of Toilets</b> 11.1 A toilet in any premises shall be ventilated in accordance with the <i>Sewerage (Lighting, Ventilation and Construction) Regulations 1971</i> and the Building Code. 11.2 A mechanical ventilation system provided under subsection (1) shall be maintained in good working order and condition.”
6	<b>15</b>	In section 15— (a) Delete subsection 15.2 ; and (b) renumber subsection 15.3 to “15.2”
7	<b>16</b>	Delete section 16 and substitute— <b>“Laundries</b> 16.1 A laundry must conform to the provisions of the Building Code. 16.2 Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling. 16.3 Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall— (a) not be more than 1,220 millimetres wide, and (b) have a door which when closed shall completely fill the opening.”
8	<b>18.1</b>	Delete paragraphs (a) and (b) and substitute— “(a) a cooking facility, and “ and renumber paragraph (c) to “(b)”
9	<b>25.3</b>	In subsection (3)(b) after “occupied” insert “, if it is a building without approved natural ventilation.”
10	<b>33.2</b>	In paragraph (c) delete “prescribed in Schedule 13” and substitute “the fee as fixed from time to time by the local government under Section 344C of the Act”
11	<b>37.2</b>	In paragraph (c) delete “prescribed in Schedule 13” and substitute “as fixed from time to time by the local government under Section 344C of the Act”
12	<b>38</b>	In the definition of “public place” delete “and” and substitute “or”
13	<b>48.2(d)</b>	Delete “minimum”, and delete “in A.S.1875—1976” and substitute “by the local government”
14	<b>48.2(e)(i)</b>	Delete “3 metres” and substitute “2 metres”
15	<b>51.1(a)(i)</b>	Delete “sheet metal” and substitute “an approved impervious material”
16	<b>51.1(a)(ii)</b>	Insert “sealed,” before “welded”
17	<b>51.1(b)</b>	Delete “metal” and substitute “,durable and impervious”
18	<b>53</b>	Delete “in a clean condition” and insert immediately after “premises” in the second place where it occurs, “, clear of any rubbish, matter or things coming from or belonging to the premises, or caused by persons using the premises”
19	<b>66</b>	(a) Renumber subsection 66.3 to “66.4” (b) Insert the following subsection— “66.3 A stable constructed with a sand floor may be permitted by the local government, subject to the following— (a) the site must be well drained with the highest known water table at least 1.5 metres below the sand floor level, which may be achieved artificially, (b) sand, whether natural or imported, must be clean, coarse and free from dust, (c) footings to each stable shall be a minimum of 450 mm below ground level,

Item	Sections Affected	Description
		<p>(d) the stable design must allow for the access of small earth moving machinery, such as a skid steer loader, into each individual stall, to maintain the correct floor height,</p> <p>(e) the minimum floor area of each stall shall be not less than 28 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally,</p> <p>(f) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall."</p> <p>(c) In subsection (2) immediately after the paragraph designation "(e)" insert "subject to subsection (3)."</p>
20	<b>120(c)(i)</b>	Delete "prescribed in Schedule 13" and substitute "as fixed from time to time by the local government under Section 344C of the Act"
21	<b>122(b)</b>	Delete "prescribed in Schedule 13" and substitute "as fixed from time to time by the local government under Section 344C of the Act"
22	<b>126.1(b)</b>	After "a" delete "shower, bath and wash basin" and substitute "wash hand basin and a shower or a bath"
23	<b>126.5</b>	Delete paragraph (b)
24	<b>132.2</b>	Delete "as advised by the Western Australian Fire Brigades Board and approved by the Council" and substitute "in accordance with the Building Code and approved by the local government"
25	<b>136.8</b>	Delete paragraph (b) and substitute— <p>"(b) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite,"</p>
26	<b>137</b>	After subsection (2) insert new subsections— <p>"137.3 The sheets and blankets required to be provided by subsection (1)(b)(ii), shall be deemed to have been provided by the keeper, where the keeper offers them for hire to the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper.</p> <p>137.4 In a short term hostel or recreational campsite, the storage facilities required by subsection (1)(c) may be located in a separate secure storage room or locker room."</p>
27	<b>140(b)</b>	Delete "for more than 48 consecutive hours"
28	<b>147.1(e)</b>	In subparagraph (i), after "towels" delete the comma and delete "is" and substitute "are"
29	<b>150</b>	In the definition of "offensive trade", delete paragraph (d)
30	<b>164(d)</b>	Delete "and at such more frequent intervals as may be directed" and substitute "or at such other intervals as may be approved or directed"
31	<b>Schedule 13</b>	Delete Schedule 13

Passed at an ordinary meeting of the Council of the Shire of Shark Bay held on the 27th day of February 2002.

The Common Seal of the Shire of Shark Bay was affixed in the presence of—

L. R. MOSS, Shire President.  
M. J. HOOK, Chief Executive Officer.

On this 28<sup>th</sup> day of May 2002.

Consented to—

DR RICHARD LUGG, Executive Director Public Health.

Dated this 21<sup>st</sup> day of June 2002.



**BUSH FIRES ACT 1954****SHIRE OF SHARK BAY****BUSH FIRE BRIGADES LOCAL LAW**

Under the powers conferred by the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the *Shire of Shark Bay* resolved on 27 February 2002 to make the following Local Law.

The Bush Fire Brigades Local Law of the Shire of Bridgetown-Greenbushes published in the *Government Gazette* of 20 October 2000, is adopted as a Local Law of the Shire of Shark Bay with the modifications which follow.

**1 Preliminary**

1.1 Wherever the “Shire of Bridgetown-Greenbushes” is mentioned in the Local Law substitute “Shire of Shark Bay”.

1.2 In clause 1.2 delete the definition of “Bush Fire Management Committee”.

1.3 Wherever “Bush Fire Management Committee” or “Management Committee” are mentioned in the Local Law substitute “Bush Fire Advisory Committee” and “Advisory Committee” respectively.

**2 Clause 1.3—Repeal**

Delete clause 1.3 and substitute—

“All previous Local Laws of the Shire of Shark Bay Relating to the Organisation, Establishment, Maintenance and Equipment of Bush Fire Brigades, are repealed.”

**3 First Schedule—Rules Governing the Operation of Bush Fire Brigades****3.1 Clause 2.4—Applications for membership**

Delete “of that in Appendix 1” and substitute “determined by the Local Government from time to time.”.

**3.2 Clause 2.9—Existing liabilities to continue**

In subclause (1) delete “2.6” and substitute “2.7”.

3.3 Delete Appendixes I and II.

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Dated this 28<sup>th</sup> day of May 2002.

The Common Seal of the Shire of Shark Bay was affixed in the presence of—

L. R. MOSS, Shire President.  
M. J. HOOK, Chief Executive Officer.

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