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SHIRE OF HALLS CREEK

HEALTH ACT 1911

HEALTH LOCAL LAW 2002

DOG ACT 1976

DOGS LOCAL LAW

CEMETERIES ACT 1986

CEMETERIES LOCAL LAW 2002

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT ACT LOCAL LAW 2002

HEALTH ACT 1911**SHIRE OF HALLS CREEK****HEALTH LOCAL LAW 2002**

Made by the local government of the Shire of Halls Creek under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These Local Laws may be cited as the “*Shire of Halls Creek Health Local Laws 2002*”.

Incorporation by Reference

2. (1) In these Local Laws, “*The Shire of Koorda Health Local Laws 2001*”,
 - (a) means *The Shire of Koorda Health Local Laws 2001* published in the *Government Gazette*, special edition number 4, on the 11 January 2002; and
 - (b) does not include any amendments that might be made to those Local Laws.
- (2) Subject to the modifications set out in the Schedule, *The Shire of Koorda Health Local Laws 2001* are incorporated with and form part of these Local Laws.

Repeal

3. (1) The Health Local Laws adopted by the Shire of Halls Creek and published in the *Government Gazette* on 7 February 1930, and amended from time to time are repealed;
- (2) The Health Local Laws adopted by the Shire of Halls Creek and published in the *Government Gazette* on 4 March 1949, and amended from time to time are repealed; and
- (3) The Health Local Laws adopted by the Shire of Halls Creek on 2 November 1956 and published in the *Government Gazette* on 13 May 1958, and amended from time to time are repealed.

SCHEDULE

Modifications to *The Shire of Koorda Health Local Laws 2001*

Item	Sections Affected	Description
1.	Preliminary	Delete the definition of “Council” in subsection 1.3(1) and, except in subsection 1.3(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.
	Delete the definition of “Principal Environmental Health Officer” in clause 1.3(1) and delete “Principal Environmental Health Officer” wherever it appears in the Local Laws and substitute “Manager Environmental Services”.	
2.	1.1	Delete Section 1.1 and substitute the following— “1.1 These Local Laws may be cited as the “ <i>Shire of Halls Creek Health Local Laws 2002</i> .”
3.	1.2	Delete Section 1.2.
4.	1.3(1) and Schedules 1-11	Delete “Shire of Koorda” wherever it occurs and substitute “Shire of Halls Creek”.
5.	1.3(1)	Insert, in the appropriate alphabetical position, the definition— “local government” means the Shire of Halls Creek;”.
6.	1.3(1)	Insert, in the appropriate alphabetical position, the definition— “Manager Environmental Services” means an Environmental Health Officer appointed by the local government to the office of Manager Environmental Services and includes an Acting Manager Environmental Services”.
7.	4.2.16	Delete section 4.2.16 and substitute “The townsite of Halls Creek is the prescribed area within which the provision of Section 112A of the Act shall operate and have effect.”
8.	5.2.4(1)	Delete “three (3) cats” and substitute “two (2) cats”.

Item	Sections Affected	Description
9.	5.2.4(6)	Delete “three (3) cats” and substitute “two (2) cats”.
10.	10.1.1 & 10.1.2	Delete the whole of Part 10— ITINERANT FOOD VENDORS.
11.	Schedules 14 & 15	Delete Schedules 14 & 15

Made at a meeting of the Local government of the Shire of Halls Creek held on the 27th of June, 2002.
The Common Seal of the Shire of Halls Creek was hereunto affixed in the presence of—

J. FARRER, President.
P. J. McCONNELL, Chief Executive Officer.

on this Thursday the 27th of June, 2002.

Consented to—

Dr VIRGINIA McLAUGHLIN, delegate of
Executive Director, Public Health.

Dated this 16th day of August, 2002.

DOG ACT 1976**SHIRE OF HALLS CREEK****DOGS LOCAL LAW**

Under the powers conferred by the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Halls Creek resolved on 27th of June 2002 to make the following local law—

The Shire of Moora Dogs Local Law as published in the *Government Gazette* of 29 November 1999, is adopted as a local law of the Shire of Halls Creek, with the modifications which follow.

1. Preliminary

Wherever the “Shire of Moora” is mentioned in the local law substitute “Shire of Halls Creek”.

2. Clause 1.2—Repeal

Delete clause 1.2 and substitute—

“The Shire of Halls Creek By Laws Relating to Dogs published in the *Government Gazette* of 23 June 1959, are repealed.”.

3. Clause 1.3—Definitions

In the appropriate alphabetical position, insert the following definition—

“**planning approval**” means approval by the local government under any town planning scheme controlling land development and use within the district.

4. Clause 1.4—Application

Delete clause 1.4 and substitute—

“This local law applies within the Halls Creek townsite and the following parts of the district—

- (a) the McBeth Special Rural Zone, as defined in the town planning scheme, being lots 14, 22, 23, 25, 27, 29 to 40, 43 and 47 and Reserve No 37132, bounded by Beckett, Cox and Dehe Streets and Duncan Road;
- (b) Nicholson Town Camp, being Reserve No 39518;
- (c) Lindja (Red Hill), being Reserve No 37420; and
- (d) Phainjarr Ngarriny (Mardiway Loop), being Reserve No 41408.”

5. Clause 3.2—Limitation on the number of dogs

Delete subclause (2) and substitute—

“(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.”.

6. Clause 4.5—When application can be determined

6.1 Renumber paragraphs (a), (b) and (c) to (b), (c) and (d) respectively.

6.2 Insert a new paragraph—

“(a) any required planning approval has been obtained under the town planning scheme;”.

7. Clause 4.7—Where application cannot be approved

In paragraph (a) delete “cannot be” and substitute “is not”.

8. Clause 5.1—Places where dogs are prohibited absolutely

Delete subclause (1) and substitute—

(1) Dogs are prohibited absolutely from entering or being in any of the following places—

- (a) a public building, unless permitted by a sign;
- (b) a theatre or picture gardens;
- (c) all premises or vehicles classified as food premises or food vehicles under the *Health (Food Hygiene) Regulations 1993*; and
- (d) a public swimming pool.”.

9. Clause 5.2—Places which are dog exercise areas

Delete subclause (1) and (2) and substitute—

- “(1) Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, the following public places or classes of public places are specified as dog exercise areas—
- (a) all freehold land owned by the local government.
 - (b) All reserves owned by the local government or under the care, control and management of the local government.
- (2) Subclause (1) does not apply to—
- (a) land which has been set apart as a children's playground;
 - (b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use;
 - (c) a car park; and
 - (d) any thoroughfare.”.

10. PART 6—MISCELLANEOUS

Delete the whole of this part.

11. PART 7—ENFORCEMENT

Renumber Part 7 to Part 6 and Clauses 7.1 to 7.7 inclusive to 6.1 to 6.7 respectively.

12. SCHEDULE 3

Delete entries applicable to deleted Clause 6.1(2)

Dated this Thursday the 27th of June 2002.

The Common Seal of the Shire of Halls Creek was affixed in the presence of—

J. FARRER, President.
P. J. McCONNELL, Chief Executive Officer.

CEMETERIES ACT 1986**SHIRE OF HALLS CREEK****CEMETERIES LOCAL LAW 2002**

Under the powers conferred by the Cemeteries Act 1986, the Shire of Halls Creek resolved on the 27th of June 2002 to adopt the Model Local Law (Cemeteries) 1998 published in the *Government Gazette* on 12 May 1998 in relation to the Halls Creek Public Cemetery, with such modifications as are here set out.

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 name of the Local Government is to be inserted, insert "Shire of Halls Creek".

1.3 Wherever the name of the Local Law is to be inserted, insert "Cemeteries Local Law 2002".

1.4 Wherever the address of the Local Government is to be inserted, insert "Thomas Street (PO Box 21) Halls Creek".

2. Application clause inserted

2.1 Renumber clauses 1.2 and 1.3 to "1.3" and "1.4" respectively.

2.2 Insert the following new clause—

"1.2 Application

This Local Law applies to the Halls Creek Public Cemetery, being Reserve No. 24903."

3. Renumbered Clause 1.4 Repeal

After "The following Local Law is repealed :-" insert "The By-Laws for the general control and management of the Halls Creek Public Cemetery (reserve No. 24903) published in the *Government Gazette* of 15 November 1960, as amended in the *Government Gazettes* of 22 August 1975 and 4 July 1986."

4. Clause 3.2 Application for Cremation

4.1 Delete the whole of this clause.

4.2 Renumber clauses 3.3 to 3.5 inclusive to "3.2" to "3.4" respectively.

4.3 In renumbered clause 3.2—

(a) delete "clauses 3.1 and 3.2" and substitute "clause 3.1"; and

(b) delete "clause 3.4" and substitute "clause 3.3".

5. Clause 3.3 Certificate of Identification

In subclause (1) delete "or crematorium within the cemetery,".

6. Clause 4.2 Single Funeral Permits

Delete ", or crematorium".

7. Clause 4.3 Application refusal

Delete "or crematorium,".

8. Clause 5.1 Requirements for Funerals and Coffins

In paragraph (a) delete "or cremation".

9. Clause 5.2 Funeral Processions

Delete "or cremation" and "or clause 3.2".

10. Clause 5.6 Conduct of Funeral by Board

Delete paragraph (d).

11. Part 5, Division 2—Cremation

In Part 5, delete the whole of Division 2—Cremation.

12. Part 5, Division 3—Placement of Ashes

In Part 5—

(a) renumber Division 3 to "Division 2";

- (b) renumber clause 5.12 to “5.7”;
- (c) in subclause (1) of renumbered clause 5.7 delete—
 - “Memorial Wall
 - Garden of Remembrance
 - Ground Niche
 - Memorial Rose, Tree or Shrub
 - Family Shrub
 - Memorial Desk
 - Granite Seat
 - Book of Remembrance
 - Memorial Gardens;”
- (d) delete clauses 5.13 and 5.14.

13. Clause 7.12 Placing of Glass Domes and Vases

13.1 In the heading, delete “**Glass Domes and**”

13.2 Delete all words after the heading and substitute—

“A person shall not place vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40 (2) of the Act”.

14. Part 7, Division 2—Lawn Section

In Part 7, delete the whole of Division 2—Lawn Section.

15. Part 7, Division 3—Memorial Plaque Section

In Part 7, delete the whole of Division 3—Memorial Plaque Section.

16. Part 7, Division 4—Licensing of Monumental Masons

In Part 7, delete the whole of Division 4—Licensing of Monumental Masons.

17. Second Schedule

In the Second Schedule, delete the prefix “19” where it is used as part of the date an alleged offence occurred and substitute “20”.

Dated this Thursday the 27th of June 2002.

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

J. FARRER, President.
P. J. McCONNELL, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF HALLS CREEK

LOCAL GOVERNMENT ACT LOCAL LAW 2002

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LOCAL GOVERNMENT ACT 1995

SHIRE OF HALLS CREEK

LOCAL GOVERNMENT ACT LOCAL LAW 2002

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Halls Creek resolved on the 27th of June 2002 to make the following local law.

PART 1—PRELIMINARY

Citation

1.1 This local law may be cited as the *Shire of Halls Creek Local Government Act Local Law 2002*.

General Definitions

1.2 In this local law unless otherwise stated or 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;

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

(a) hall or room; and

(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;

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

“**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 Halls Creek;

“**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;

“**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 4.1, means a building or similar structure, but does not include a carpark or a similar place;

“**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,

but does not include premises on private property from which trading is lawfully conducted under a written law;

“**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;

“**townsite**” means the townsite of Halls Creek 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;

“**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 wheel-chair or any device designed for use, by a physically impaired person on a footpath; and
- (d) a pram, a stroller or a similar device.

General Application

1.3 This local law applies throughout the district.

Repeal

1.4 The following local laws relating to the matters listed below and gazetted on the dates shown are repealed—

- General, made by Kimberley Goldfields Road Board, published in the *Government Gazette* of 19 May 1904;
- registration of camels and licensing of camel drivers, made by Kimberley Goldfields Road Board, published in the *Government Gazette* of 15 July 1910;
- preventing poison being laid on roads or watering—places, published in the *Government Gazette* of 7 September 1917;
- Appointment of Employees, published in the *Government Gazette* of 5 December 1941;
- Prevention of Damage to Roads, published in the *Government Gazette* of 21 September 1951;
- Long Service Leave, published in the *Government Gazette* of 24 July 1957;
- Hawking of Goods, published in the *Government Gazette* of 19 February 1958;
- Control of Goats, published in the *Government Gazette* of 19 February 1958;
- Control and Management of Reserves and Public Property, published in the *Government Gazette* of 23 June 1959;
- Controlling the Erection and Maintenance of Fencing, published in the *Government Gazette* of 23 June 1959;
- Building, published in the *Government Gazette* of 15 July 1960;
- Removal of Refuse, published in the *Government Gazette* of 27 October 1960;
- Removal and Disposal of Obstructing Animals or Vehicles, published in the *Government Gazette* of 29 August 1963;
- Control of Hawkers, published in the *Government Gazette* of 29 August 1963;
- Motels, published in the *Government Gazette* of 29 August 1963;
- Prevention of Damage to Streets, published in the *Government Gazette* of 3 December 1963;
- Old Refrigerators and Cabinets, published in the *Government Gazette* of 29 August 1963;
- Caravan Parks, published in the *Government Gazette* of 29 August 1963;
- Operation and Control of Civic Hall and Offices, published in the *Government Gazette* of 11 November 1965;
- Prevention of Damage to Streets, published in the *Government Gazette* of 28 December 1967;
- Vehicle Wrecking, published in the *Government Gazette* of 23 January 1968;
- Street Lawns and Gardens, published in the *Government Gazette* of 23 January 1968;
- Signs, Hoardings and Billposting, published in the *Government Gazette* of 23 January 1968;
- Deposit of Refuse and Litter, published in the *Government Gazette* of 23 January 1968; and
- Stalls, published in the *Government Gazette* of 6 September 1985.

Read as a whole

1.5 This local law shall be read as a whole and the treatment of a subject matter in one Part does not exclude the treatment of the same subject matter in another Part.

PART 2—LOCAL GOVERNMENT PROPERTY

Division 1—Preliminary

Definitions

2.1 In this Part unless the context otherwise requires—

“**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;

“**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;

“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;

“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.

Interpretation

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

Application

2.3 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.

Division 2—When a permit is required

Activities needing a permit

2.4 (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 stop 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;
- (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property; or
- (p) conduct or take part in any gambling game or contest, or bet, or offer to bet, publicly 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

2.5 (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

2.6 (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 3—Responsibilities of permit holder

Responsibilities of permit holder

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

- (a) ensure that an authorized 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;
- (d) ensure that no furniture, equipment or other thing is taken from any building or land which is local government property except with the written consent of the local government; and
- (e) 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.

Division 4—Behaviour on and interference with (all) local government property

Behaviour which interferes with others

2.8 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

2.9 (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 any thing 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

2.10 (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 authorized 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

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

No prohibited drugs

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

*Division 5—Swimming pool areas***When entry must be refused**

2.13 A Manager or an authorized 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 12 years and who is unaccompanied by a responsible person over the age of 16 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.

No school no pool

2.14 (1) A Manager or an authorized person shall refuse admission to, may direct to leave or shall remove or cause to be removed from the pool area any person who in her or his opinion may be truant, or may have been truant on that day, from a primary or secondary school in the district.

(2) Where a person is refused admission to, directed to leave, or removed from the pool area under subclause (1), that person shall not be admitted to or enter the pool area during the whole of that day or for such longer period as shall be advised to her or him by the Manager or authorized person.

Consumption of food or drink may be prohibited

2.15 A person shall not consume any food or drink in an area where consumption is prohibited by a sign.

*Division 6—Fenced or closed property***No entry to fenced or closed local government property**

2.16 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 authorized to do so by the local government.

*Division 7—Toilet blocks and change rooms***Only specified gender to use entry of toilet block or change room**

2.17 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 8—Aerodrome (airport)***Access of animals restricted**

2.18 (1) A person shall not bring an animal onto 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 authorized 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 the time commits an offence against subclause (2).

*Division 9—Fees for entry***Payment of applicable fees for entry or participation**

2.19 Where a fee is payable for entry to local government property or participation in an activity on or in local government property, a person shall not enter that property or participate in the activity without first paying the applicable fee, unless that person has been exempted by the local government from paying that fee.

PART 3—ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES*Division 1—Preliminary***Definitions**

3.1 In this Part unless the context otherwise requires—

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

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

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

“**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.

*Division 2—General***General prohibitions**

3.2 A person shall not—

- (a) 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; or
- (b) 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.

Activities allowed with a permit—general

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

- (a) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
- (b) damage a thoroughfare;
- (c) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose or unless acting under the authority of any other written law; or
- (d) on a public place use anything or do anything so as to create a nuisance.

(2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

No possession and consumption of liquor on thoroughfare

3.4 (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 3—Property Numbers**Subdivision 1—Preliminary***Definition**

3.5 In this Division, unless the context otherwise requires—

“**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***Assignment of numbers**

3.6 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 4—Fencing***Public place—Item 4(1) of Division 1, Schedule 3.1 of Act**

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

- (a) a public place, as that term is defined in clause 1.2.

*Division 5—Driving on a closed thoroughfare***No driving on closed thoroughfare**

3.8 (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.

*Division 6—Advertising Signs on Thoroughfares**Subdivision 1—Preliminary***Definitions**

3.9 In this Division unless the context otherwise requires—

“advertising sign” means a sign used for the purpose of advertisement;

“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;

“portable direction sign” means a portable free standing direction sign; and

“portable sign” means a portable free standing advertising sign.

*Subdivision 2—Permit***Advertising signs and portable direction signs**

3.10 (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 0.5 square metres 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 2.5m;
- (c) on or within 3m 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.

Matters to be considered in determining application for permit

3.11 In determining an application for a permit for the purpose of clause 3.10(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.

*Subdivision 3—Conditions on permit***Conditions on portable sign**

3.12 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 1m in height;
 - (ii) not exceed an area of 1 square metre 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.

Division 7—Obstructing Vehicles

Leaving vehicle in public place or on local government property

3.13 (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 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 vehicle is left for a period not exceeding 7 days (168 hours) unless the vehicle is considered by the local government to be a danger or inconvenience to pedestrian or vehicular traffic.

PART 4—TRADING (Stallholders and Traders)

Division 1—Preliminary

Definitions

4.1 In this Part unless the context otherwise requires—

“Aboriginal community” means a community or association wholly or principally composed of persons who are of Aboriginal descent within the meaning of the *Aboriginal Affairs Planning Authority Act, 1972*;

“Aboriginal community council” in relation to an Aboriginal community means the council of management or other governing body of that community;

“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 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;

“stall” means a moveable 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;

“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; or
 - (ii) inviting offers or soliciting orders for the sale or hire of goods or services, but does not include—
- (d) where the goods or services are supplied from business premises established in the townsite—
 - (i) the delivery of pre-ordered goods or services to the purchaser of those goods or services or to the person nominated by the purchaser of those goods or services whether or not payment for those goods or services is accepted on delivery; or
 - (ii) the taking of further orders for goods or services from the purchaser of those pre-ordered goods or services or from the person nominated by the purchaser of those pre-ordered goods or services when those orders are taken at the same time as a previous order is being delivered, whether or not payment is made for those goods or services at the time of taking the order;
- (e) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder's permit;

- (f) 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;
- (g) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which she or he provides; and
- (h) 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.

Division 2—Permits

Stallholder's permit

4.2 (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.

Trader's permit

4.3 (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) A person shall not carry on trading—

- (a) within an eighty kilometre radius of the townsite; and
- (b) without first obtaining written permission from the relevant Aboriginal community council prior to entering an Aboriginal community for the purpose of trading and forwarding a copy of such written permission to the local government.

(3) 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.

Relevant considerations in determining application for permit

4.4 (1) In determining an application for a permit for the purposes of this Part, 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;

- (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
- (e) such other grounds as the local government may consider to be relevant in the circumstances of the case.

Conditions of permit

4.5 (1) If the local government approves an application for a permit under this Part 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 authorize 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 she or he was the permit holder.

Exemptions from requirement to pay fee or to obtain a permit

4.6 (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 Part.

Division 3—Conduct of stallholders and traders

Conduct of stallholders and traders

4.7 (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) attempt to conduct a business within a distance of 200m 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;
 - (b) 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;
 - (c) act in an offensive manner;
 - (d) 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
 - (e) 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.

PART 5—FENCING

Division 1—Preliminary

Definitions

5.1 In this Part, unless the context otherwise requires—

“**AS**” means an Australian Standard published by the Standards Association of Australia;

“**Building Surveyor**” means a Building Surveyor of the local government;

“**Commercial Lot**” means a lot where a commercial use—

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

“**dangerous**” in relation to any fence means—

- (a) an electrified fence other than a fence in respect of which a licence under Division 4 of this local law has been issued and is current;
- (b) a fence containing barbed wire other than a fence erected and maintained in accordance with this local law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

“**electrified fence**” means a fence carrying or designed to carry an electric charge;

“**fence**” means any structure, including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate;

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

“**height**” in relation to a fence means the vertical distance between—

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

“**Industrial Lot**” means a lot where an industrial use—

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

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

“**notice of breach**” means a notice referred to in clause 5.12(1);

“**Residential Lot**” means a lot where a residential use—

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

“**setback area**” has the meaning given to it for the purposes of the town planning scheme;

“**town planning scheme**” means a town planning scheme of the local government made under the *Town Planning and Development Act 1928*.

Application

5.2 This Part—

- (a) applies to the townsites of Halls Creek;
- (b) does not apply retrospectively in relation to existing fences.

*Division 2—General***Building licence required**

5.3 A person shall not erect or commence to erect a fence, or amend, alter, extend or enlarge an existing fence until that person has obtained a building licence from the local government under section 374 of the *Local Government (Miscellaneous Provisions Act) 1960*.

Maximum height

5.4 Unless otherwise approved by the local government the maximum height of a fence—

- (a) on a residential lot is not to exceed 1800mm;
- (b) on a commercial lot or an industrial lot is not to exceed 2000mm on top of which there may be three strands of barbed wire carrying the fence to a height of 2400mm in accordance with clause 5.8.

Fences within front setback areas

5.5 (1) A person shall not, without the written consent of the Building Surveyor, erect a free-standing fence greater than 1200mm in height, within the front set-back area of a Residential Lot within the district.

(2) The Building Surveyor may approve the erection of a fence of a height greater than 1200mm in the front setback area of a Residential Lot only if the fence on each side of the driveway into the Lot across the front boundary is to be angled into the Lot for a distance of not less than 1500mm along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.

(3) The provision of sub-clause (2) shall not apply to a fence—

- (a) of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare; or
- (b) that does not adjoin a footpath.

Maintenance of fences

5.6 An owner and occupier of a lot on which a fence is erected shall maintain the fence in good condition and so as to prevent it from becoming dangerous, dilapidated, or unsightly.

*Division 3—Fencing Materials***Fencing materials**

5.7 (1) A person shall construct a fence on a Residential Lot, a Commercial Lot or an Industrial Lot from only brick, stone, concrete, wrought iron, tubular steel framed, link mesh, timber, plastic coated or galvanised link mesh, corrugated fibre reinforced cement sheeting, prepainted steel sheeting or a material approved by the Building Surveyor.

(2) Where the Building Surveyor approves the use of pre-used materials in the construction of a fence under subclause (1), that approval shall be conditional on the applicant for approval painting or treating the pre-used material as directed by the Building Surveyor.

Barbed wire and broken glass fences

5.8 (1) This clause does not apply to a fence constructed wholly or partly of razor wire.

(2) An owner or occupier of a Residential Lot or a Commercial Lot shall not erect or affix to any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the building surveyor has been obtained.

(3) An owner or occupier of an Industrial Lot shall not erect or affix on any fence bounding that Lot any barbed wire or other materials with spiked or jagged projections unless the wire or materials are carried on posts at an angle of 45 degrees, and unless the bottom row of wire or other materials is set back 150mm from the face of the fence and is not nearer than 2000mm from the ground level.

(4) If the posts which carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining land.

(5) An owner or occupier of a lot shall not affix or allow to remain as part of any fence or wall, whether internal or external, on that lot any broken glass.

*Division 4—Electrified and Razor Wire Fences***Requirements for a Permit**

5.9 (1) An owner or occupier of a lot shall not—

- (a) have and use an electrified fence on that lot without first obtaining a permit under subclause (2); or
- (b) construct a fence wholly or partly of razor wire on that lot without first obtaining a permit under subclause (3).

(2) A permit to have and use an electrified fence shall not be issued—

- (a) in respect of a lot which is or which abuts a Residential Lot;
- (b) unless the fence complies with AS/NZS 3016:1994; and

- (c) unless provision is made so as to enable the fence to be rendered inoperable during hours of business operations, if any, on the lot where it is erected.
- (3) A permit to have a fence constructed wholly or partly of razor wire shall not be issued—
 - (a) if the fence is within 3m of the boundary of the lot;
 - (b) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level.
- (4) An application for a permit referred to in subclauses (2) or (3) shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.

Transfer of a permit

5.10 A permit referred to in clause 5.9 shall transfer with the land to any new occupier or owner of the lot.

Cancellation of a permit

5.11 Subject to Division 1 Part 9 of the *Local Government Act 1995*, the local government may cancel a permit issued under clause 7.3(1)(a) if—

- (a) the fence no longer satisfies the requirements specified in clause 5.9(2) or 5.9(3) as the case may be; or
- (b) the permit holder breaches any condition upon which the permit has been issued.

*Division 5—Notice of Breach***Notice of breach**

5.12 (1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the local government may give a notice in writing to the owner or occupier of that lot “notice of breach”.

(2) A notice of breach shall—

- (a) specify the provision of this local law which has been breached;
- (b) specify the particulars of the breach; and
- (c) state that the owner or occupier of the lot is required to remedy the breach within 28 days from the giving of the notice.

PART 6—CATS*Division 1—Preliminary***Definitions**

6.1 In this Part unless the context otherwise requires—

“owner” in relation to a cat means the permit holder of a permit which relates to the cat, or, where there is no permit, the person by whom the cat is ordinarily kept.

“premises” includes—

- (a) any land and any improvements used for any purpose; and
- (b) any part of any building in separate ownership or separate occupation, or any unit, flat, town house, duplex or apartment.

Application

6.2 This Part—

- (a) applies to the townsites;
- (b) does not apply to the keeping of cats under the age of 3 months.

*Division 2—Permits***Permit to keep a cat**

6.3 A person shall not keep a cat except in accordance with a permit issued by the local government.

When a permit can be refused

6.4 An application for a permit to keep a cat may be refused on one or more of the following grounds—

- (a) that 2 cats (or more) are already kept on the premises;
- (b) that the applicant has failed to adequately care for animals in the past;
- (c) that the premises on which the cat is to be kept are unclean or a potential health risk.
- (d) that the cat may cause nuisance, inconvenience or annoyance to occupiers of adjoining land;
- (e) that the cat is to be kept in an area where it is likely to cause environmental damage unacceptable to the local government, including the destruction of wildlife.

Cat to be identified

6.5 Where a permit is granted under clause 7.3(1)(a), the local government is to provide to the applicant a tag bearing a number which is to be securely affixed to a collar supplied by the owner and worn around the neck of the cat at all times.

No interference with identification

6.6 A person other than the permit holder, shall not interfere with or remove the means by which a cat is identified under clause 6.5.

Cancellation of permit

6.7 If the local government cancels a permit under clause 7.12, the owner of the cat must either humanely destroy the cat or deliver the cat into the custody of an authorised person.

*Division 3—Contraventions which can lead to impoundment***Abandonment of Cats**

6.8 (1) A person shall not abandon a cat.

(2) A person who delivers a cat into the custody of an authorized person or to a cat pound is not to be regarded as having abandoned the cat.

Cat not to stray without identification

6.9 If a cat is found in a public place, or private property so as to cause nuisance, inconvenience or annoyance to the occupier of that property and the cat is not under the control of the owner of the cat and is not identified in accordance with clause 6.5, the owner of the cat commits an offence.

Impoundment

6.10 Where an offence occurs under clause 6.8(1) or 6.9, the cat may be impounded by the local government and dealt with in accordance with the Provisions of Part 3, Division 3, Subdivision 4 of the Act.

PART 7—PERMITS*Division 1—Preliminary***Application of Part**

7.1 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**

7.2 (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

7.3 (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.

(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 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 3—Conditions***Conditions which may be imposed on a permit**

7.4 (1) Without limiting the generality of clause 7.3(1)(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 a public place, the payment of a deposit or bond against such damage;
- (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
- (j) 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 hire or use of property;

Imposing conditions under a policy

7.5 (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 7.3(1)(a).

- (2) Under clause 7.3(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 7.3(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

7.6 (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 4—General***Agreement for building**

7.7 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

7.8 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 7.12.

Renewal of permit

7.9 (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—

- (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*.

Transfer of permit

7.10 (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

7.11 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.

Cancellation of permit

7.12 (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;
 - (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

Application of Part 9 Division 1 of Act

8.1 When the local government makes a decision—

- (a) under clause 7.3(1); or
- (b) as to whether it will renew, vary, transfer, or cancel a permit,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

PART 9—MISCELLANEOUS

Signs erected by the local government

9.1 (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.

Authorized person to be obeyed

9.2 A person shall obey any lawful direction of an authorized person and shall not in any way obstruct or hinder an authorized person in the execution of her or his duties under this local law.

Persons may be directed to leave local government property

9.3 An authorized 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

9.4 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

9.5 (1) Where a person unlawfully damages local government property or unlawfully removes any furniture, equipment or other thing from any building or land which is 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; or
- (c) returning to the building or land, such furniture, equipment or other thing.

(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 caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle; 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.

Notice to repair damage to thoroughfare

9.6 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.

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 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.

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.

Schedule 1

PRESCRIBED OFFENCES

Clause	Description	Modified Penalty \$
3.2(a)	Damage or interfering with signpost or structure on thoroughfare	300
3.2(f)	Playing games so as to impede vehicles or persons on thoroughfare	100

Clause	Description	Modified Penalty \$
3.3(1)(a)	Causing obstruction to vehicle or person on thoroughfare without a permit	100
3.3(1)(c)	Lighting a fire on a thoroughfare without a permit	300
3.3(1)(d)	Creating a nuisance on a thoroughfare without a permit	100
3.4	Consumption or possession of liquor on thoroughfare	100
3.8	Driving or taking a vehicle on a closed thoroughfare	300
3.10(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	100
3.10(3)	Erecting or placing of advertising sign in a prohibited area	100
3.13(1)	Animal or vehicle obstructing a public place or local government property	100
4.2(1)	Conducting of stall in public place without a permit	500
4.3	Trading without a permit	500
4.7(1)(a)	Failure of stallholder or trader to display or carry permit	200
4.7(1)(b)	Stallholder or trader not displaying valid permit	200
4.7(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	200
4.7(2)	Stallholder or trader engaged in prohibited conduct	200
5.4	Fence exceeding maximum height	100
5.5	Fence exceeding maximum height in front set-back area	100
5.6	Failure to maintain fence	100
5.7(1)	Using unauthorized materials in fence	100
5.7(2)	Failure to comply with conditions, pre-used materials	50
5.8	Erecting unauthorized barbed wire or broken glass fence	200
5.9	Erecting unauthorized electrified or razor wire fence	200
5.12	Failure to comply with notice of breach	200
6.3	Keeping cat without a permit	50
6.6	Interfering with identification of cat	100
6.8	Abandoning a cat	200
7.6(1)	Failure to comply with a condition of a permit	100
7.11	Failure to produce permit on request of authorized person	100
9.1	Failure to comply with sign erected by local government	100
10.1	Failure to comply with notice given under local law	100

Dated this Thursday the 27th of June 2002.

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

J. FARRER, President.
P. J. McCONNELL, Chief Executive Officer.

