

**WESTERN  
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SHIRE OF MOUNT MAGNET

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LOCAL GOVERNMENT ACT 1995

**REPEAL LOCAL LAW 2002**

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**LOCAL GOVERNMENT PROPERTY LOCAL LAW**

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**ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND  
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DOG ACT 1976

**DOGS LOCAL LAW**



**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF MOUNT MAGNET

**REPEAL LOCAL LAW 2002**

Under the powers conferred by the Local Government Act 1995 and by all other powers, the Council of the Shire of Mount Magnet resolved to adopt the following local law on the 21st day of March 2003.

**Repeal**

The following local laws are repealed—

By-laws made for the registration of Camels and Licensing of Camel—drivers, published in the *Government Gazette* of 10 December 1915;

By—laws for the control and management of the Mount Magnet, Lennonville, and Paynesville Commons—Reserve 11342, 12876, and 6720, published in the *Government Gazette* of 23 December 1921 as amended by publication in the *Government Gazette* of 15 September 1950;

General, published in the *Government Gazette* of 18 June 1937, as amended by publication in the *Government Gazettes* of 24 June 1938, 19 July 1940, 16 October 1953, 21 March 1956, 16 November 1966, and 21 June 1972;

Relating to Appointment of Road Board Employees, published in the *Government Gazette* of 1 May 1942;

Relating to Long Service Leave, published in the *Government Gazette* of 20 August 1954;

Relating to Deposit of Refuse and Litter, published in the *Government Gazette* of 13 July 1967;

Relating to Sick Leave, published in the *Government Gazette* of 7 November 1972; and

Relating to Removal of Refuse, Rubbish, Litter, Vehicle Bodies, Disused Materials and Unsightly items or Objects from Land, published in the *Government Gazette* of 15 September 1995.

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Dated this 30th day of June 2003.

The Common Seal of the Shire of Mount Magnet was affixed in the presence of—

G. B. PILKINGTON, President.  
P. R. WEBSTER, Chief Executive Officer.

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**LOCAL GOVERNMENT ACT 1995****SHIRE OF MOUNT MAGNET****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 Mount Magnet resolved on 21st March 2003 to adopt 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 Mount Magnet, with the modifications which follow:

**1. Preliminary**

1.1 In construing the following modifications, where a modification requires the renumbering of a Part, 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 Mount Magnet".

**2. Clause 1.2—Definitions**

2.1 In the definition of 'applicant', delete '3.2' and substitute '2.2'.

2.2 Delete the definitions of 'boat', 'commencement day', 'date of publication', and 'determination'.

2.3 In the definition of 'vehicle'—

- (a) in paragraph (c) after ';' insert 'and' ;
- (b) in paragraph (d) delete " ; and " and substitute " . " ; and
- (c) delete paragraph (e).

**3. Clause 1.4—Application**

In clause 1.4(1) delete all words and brackets after 'district' where it first occurs.

**4. Clause 1.5—Repeal**

Delete clause 1.5(1) and substitute—

'1.5(1) The following local laws are repealed—

- (a) Relating to Reserves, published in the *Government Gazette* of 26 July 1991; and
- (b) Relating to the Management of the Mount Magnet Swimming Pool, published in the *Government Gazette* of 7 February 1992.

**5. Part 2—Determinations In Respect of Local Government Property**

Delete the whole of Part 2.

**6. Parts and clauses renumbered**

6.1 Renumber Parts 3 to 9 inclusive to 2 to 8 respectively.

6.2 Renumber clauses 3.1 to 3.16 inclusive to 2.1 to 2.16 respectively.

6.3 Renumber clauses 4.1 to 4.6 inclusive to 3.1 to 3.6 respectively.

6.4 Renumber clauses 5.1 to 5.7 inclusive to 4.1 to 4.7 respectively.

6.5 Renumber clause 6.1 to 5.1.

6.6 Renumber clause 7.1 to 6.1.

6.7 Renumber clauses 8.1 to 8.4 inclusive to 7.1 to 7.4 respectively.

6.8 Renumber clauses 9.1 to 9.6 inclusive to 8.1 to 8.6 respectively.

**7. Renumbered Part 2—Permits****7.1 Clause 2.4—Conditions which may be imposed on a permit**

In each of subclauses (1) and (2) delete '3.3(1)(a)' and substitute '2.3(1)(a)'.

**7.2 Clause 2.5—Imposing conditions under a policy**

7.2.1 In each of subclauses (1) and (2) delete '3.3(1)(a)' and substitute '2.3(1)(a)'.

7.2.2 In subclause (3) delete '3.3(2)' and substitute '2.3(2)'.

**7.3 Clause 2.8—Duration of permit**

In paragraph (b) delete '3.12' and substitute '2.12'.

**7.4 Clause 2.12—Cancellation of permit**

In subclause (1)—

- (a) delete '7.1' and substitute '6.1' .
- (b) in paragraph (b) delete 'determination or a'.

**7.5 Clause 2.13—Activities needing a permit**

In subclause (1)—

- (a) in paragraph (g) subparagraph (ii) delete 'stand' and substitute 'stop';
- (b) in paragraph '(n)', after ';' delete 'or';
- (c) in paragraph '(o)' delete '.' and substitute ';'; and
- (d) insert the following paragraphs—
  - '(p) conduct or take part in any gambling game or contest, or bet, or offer to bet, publicly; or
  - (q) play or practice at golf or strike a golf ball except on an area set aside for that purpose'.

**8. Clause 3.6—Signs**

In subclause (3) delete 'or any determination' .

**9. Renumbered Part 4—Matters Relating to Particular Local Government Property**

9.1 Delete the whole of Division 2 and renumber Division 3 to 5 inclusive to 2 to 4 respectively.

9.2 In Division 1, immediately after clause 4.1 insert—

**When entry may be refused**

- 4.2 A manager or an authorised person may temporarily suspend admission for any period to any person who has committed a breach of any provision of this local law in relation to a pool area.

**Objection or Appeal against refusal of admission under Division 1 of Part 9 of the Act**

- 4.3(1) Where a Manager or an authorised person refuses admission to a person or directs a person to leave a pool area under clause 4.1 or clause 7.2 that refusal or direction is a decision to which Division 1 of Part 9 of the Act applies and the person is an affected person for the purposes of that Division.
- (2) Subclause (1) does not apply to a refusal or direction under Clause 4.2.

**Consumption of food or drink may be prohibited**

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

**10. Clause 7.4—Liability for damage for local government property**

In subclause 2 (a) delete 'or a boat' and 'or the boat'.

**11. Renumbered Part 8—Enforcement**

11.1 In clause 8.2 delete '9.1' and substitute '8.1'.

11.2 In clause 8.5—

- (a) delete the subclause designation (1); and
- (b) delete subclause (2)

11.3 Delete the whole of Division 3.

**12. Schedule 1**

Delete Schedule 1 and substitute—

**SCHEDULE 1  
PRESCRIBED OFFENCES**

Clause	Description	Modified Penalty \$
2.6	Failure to comply with conditions of permit .....	100
2.13(1)	Failure to obtain a permit.....	100
2.14(3)	Failure to obtain permit to camp outside a facility .....	100
2.15(1)	Failure to obtain permit for liquor .....	100
2.16	Failure of permit holder to comply with responsibilities .....	100
3.2(1)	Behaviour detrimental to property.....	100
3.4	Under influence of liquor or prohibited drug .....	100
3.6(2)	Failure to comply with sign on local government property .....	100
4.4	Consuming food or drink in prohibited area.....	100
4.5	Unauthorized entry to fenced or closed local government property .....	100
4.6	Gender not specified using entry of toilet block or change room .....	100
4.7(1)	Unauthorized presence of animal on aerodrome .....	300

Clause	Description	Modified Penalty \$
4.7(2)	Animal wandering at large on aerodrome—person in charge .....	300
4.7(3)	Animal wandering at large on aerodrome—owner .....	300
5.1(1)	Unauthorized entry to function on local government property .....	100
8.1	Failure to comply with notice.....	200

**13. Schedule 2**

Delete the whole of Schedule 2

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Dated this 30th day of June 2003.

The Common Seal of the Shire of Mount Magnet was affixed in the presence of—

G. B. PILKINGTON, President.  
P. R. WEBSTER, Chief Executive Officer.

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## LOCAL GOVERNMENT ACT 1995

## SHIRE OF MOUNT MAGNET

**ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING 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 Mount Magnet resolved on 21st March 2003 to adopt 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 Mount Magnet, 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 Kojonup" is mentioned in the local law substitute "Shire of Mount Magnet".

1.3 Delete the title of the local law wherever it is mentioned and substitute "Activities In Thoroughfares And Public Places And Trading Local Law".

**2. Clause 1.2—Definitions**

2.1 Delete the definitions of—

- "bulk rubbish container", "commencement day",
- "Council", "crossing", "garden", "kerb", "lawn", "lot",
- "owner" or "occupier", "permissible verge treatment",
- "town planning scheme", "townsite", and "verge".

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

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

2.4 In the definition of "vehicle", at the end of the definition delete "; and " and substitute".

**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) By—laws Relating to Prevention of Damage to Roads, published in the *Government Gazette* of 16 October 1953;
- (b) By—laws to Regulate Hawkers, published in the *Government Gazette* of 1 August 1960;
- (c) By—laws relating to Prevention of Damage to Streets, published in the *Government Gazette* of 21 July 1965 as amended by publication in the *Government Gazette* of 16 December 1965;
- (d) By—laws Relating to Trading in Public Places, published in the *Government Gazette* of 5 February 1988; and
- (e) By—laws relating to Removal and Disposal of Obstructing Vehicles, published in the *Government Gazette* of 20 September 1991.

3.3 Delete subclause (2) and (3).

4. In the heading to PART 2, delete "ON" and substitute "IN".

**5. Clause 2.1—General prohibitions**

5.1 Delete clause 2.1 and substitute—

**"2.1 General prohibitions**

A person shall not, 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."

**6. Clause 2.2—Activities allowed with a permit—general**

In subclause (1)—

- (a) delete paragraphs (a) to (e) inclusive, (h) to (j) inclusive and (l);
- (b) renumber paragraphs (f), (g), (k) and (m) to (a), (b), (c) and (d) respectively;

- (c) in paragraph (b) delete “or under a permit issued under clause 5.13”
- (d) in paragraph (c) after “,” insert “or”.

#### **7. Part 2—Divisions deleted**

- 7.1 In Part 2, delete the whole of Divisions 2 to 6 inclusive.
- 7.2 Renumber Division 7 to Division 2 and clause 2.19 to 2.4.

#### **8. Part 4, Shopping Trolleys**

- 8.1 In the heading to Part 4, delete the comma after “ANIMALS” and substitute “OR” and delete “OR SHOPPING TROLLEYS”.
- 8.2 In Part 4, delete the whole of Division 2—shopping trolleys.
- 8.3 Immediately after the heading to Part 4, delete the heading “*Division 1—Animals and vehicles*”.

#### **9. Part 5 deleted**

Delete the whole of Part 5.

#### **10. Parts 6 to 10 renumbered**

- 10.1 Renumber the headings to Parts 6 to 10 inclusive to 5 to 9 respectively.

#### **11. Part 5 deletions and clause renumbering**

- 11.1 Delete clause 6.4
- 11.2 Renumber clauses 6.1 to 6.3 inclusive and 6.5 to 6.8 inclusive to 5.1 to 5.7 respectively.
- 11.3 Delete the whole of Divisions 2 and 3.

#### **12. Definition of “premises” amended**

In clause 1.2, in the definition of “premises” delete “6.1” and substitute “5.1”.

#### **13. Clause 5.1—Interpretation**

In the definition of “trading”—

- (a) in paragraph (c) delete subparagraph (iii) and in subparagraph (ii) delete “; or “and substitute”,”;
- (b) renumber paragraphs (d) to (g) inclusive to (e) to (h) respectively;
- (c) insert in the appropriate alphabetical position the following new paragraph—
  - “(d) 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 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;” and
- (d) in the last line, insert “only” before “sold.”.

#### **14. Clause 5.4—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”.

#### **15. Clause 5.7—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;”.

#### **16. Parts 6—9, clause deletions and renumbering**

- 16.1 Renumber clauses 7.1 to 7.10 to 6.1 to 6.10 respectively.
- 16.2 Renumber clause 8.1 to 7.1.
- 16.3 Delete clauses 9.1, 9.2 and 9.4 and renumber clause 9.3 to 8.1.
- 16.4 Renumber clauses 10.1 to 10.5 inclusive to 9.1 to 9.5 respectively.

#### **17. Clause 6.4—Imposing conditions under a policy**

- 17.1 In subclauses (1) and (2) delete “7.2(1)(a)” in each place where it occurs, and substitute “6.2(1)(a)”.



17.2 In subclause (3) delete “7.2(2)” and substitute “6.2(2)”.

**18. Clause 6.6—Duration of permit**

In paragraph (b) delete “7.10” and substitute “6.10”.

**19. Clause 6.10—Cancellation of permit**

Delete subclause (1) and substitute—

“(1) Subject to clause 7.1, a permit may be cancelled by the local government if 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.”.

**20. Clause 7.1—Application of Part 9 Division 1 of Act**

In paragraph (a) delete “7.2(1)” and substitute “6.2(1)”.

**21. Clause 9.2—Local government may undertake requirements of notice**

Delete “10.1” and substitute “9.1”.

**22. Schedule 1**

Delete Schedule 1 and substitute—

**SCHEDULE 1  
PRESCRIBED OFFENCES**

Clause	Description	Modified Penalty \$
2.1	Damaging or interfering with signpost or structure on thoroughfare	300
2.2(1)(b)	Lighting a fire on a thoroughfare without a permit	300
2.2(1)(c)	Creating a nuisance on a thoroughfare without a permit	100
2.2(1)(d)	Interfering with anything on a thoroughfare without a permit	100
2.3(1)	Consumption or possession of liquor on thoroughfare	100
2.4(1)	Driving or taking a vehicle on a closed thoroughfare	300
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	100
3.2(3)	Erecting or placing of advertising sign in a prohibited area	100
4.1(1)	Animal or vehicle obstructing a public place or local government property	100
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	100
4.2(2)(b)	Animal on public place with infectious disease	100
4.2(2)(c)	Training or racing animal on thoroughfare	100
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	100
5.2(1)	Conducting of stall in public place without a permit	300
5.3(1)	Trading without a permit	300
5.7(1)(a)	Failure of stallholder or trader to display or carry permit	100
5.7(1)(b)	Stallholder or trader not displaying valid permit	100
5.7(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	100
5.7(2)	Stallholder or Trader engaged in prohibited conduct	100
6.5	Failure to comply with a condition of a permit	100
6.9	Failure to produce permit on request of authorized person	100
9.1	Failure to comply with notice given under local law	100

**23. Forms**

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

Dated this 30th day of June 2003.

The Common Seal of the Shire of Mount Magnet was affixed in the presence of—

G. B. PILKINGTON, President.  
P. R. WEBSTER, Chief Executive Officer.

## LOCAL GOVERNMENT ACT 1995

## SHIRE OF MOUNT MAGNET

**STANDING ORDERS LOCAL LAW 2002**

Under the powers conferred by the Local Government Act 1995, the Council of the Shire of Mount Magnet hereby records having resolved on the 21st day of March 2003, 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:

**1. Preliminary**

1.1 In construing the following modifications, where a modification requires the renumbering of a Part, 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 Mount Magnet".

1.3 Wherever the year is to be inserted, insert "2002".

1.4 Wherever "Mayor" or "President" is to be inserted, insert "President".

1.5 In clause 1.4, after "of the" insert "Shire of Mount Magnet" and after "on" insert "7 February 1992".

**2. Parts deleted and renumbered**

2.1 Delete the whole of Parts 2, 5 and 14.

2.2 Renumber Parts 3 and 4 to 2 and 3 respectively, 6 to 13 inclusive to 4 to 11 respectively, and 15 to 19 inclusive to 12 to 16 respectively.

**3. Clauses renumbered**

3.1 In renumbered Parts, renumber each clause so that the first number of each clause corresponds with the Part number.

3.2 Delete clause 2.8 and renumber clauses 2.9 to 2.12 inclusive to 2.8 to 2.11 respectively.

3.3 Delete clause 12.8 and renumber clause 12.9 to 12.8.

**4. Clause cross-references renumbered****4.1 Clause 4.2—Loss of Quorum During a Meeting**

In subclause (2) paragraph (b) subparagraph (ii) delete "9.5" and substitute "7.5".

**4.2 Clause 7.8—Members Not to Interrupt**

4.2.1 In paragraph (c) delete "10.16" and substitute "8.16".

4.2.2 In paragraph (d) delete "11(1)(e)" and substitute "9(1)(e)".

**4.3 Clause 9.2—No Debate on Procedural Motions**

In each of subclauses (1) and (2) delete "11.1" and substitute "9.1".

**4.4 Clause 10.2—Question to be Adjourned—Effect of Motion**

In subclause (2) paragraph (b) delete "9.5" and substitute "7.5".

**4.5 Clause 10.3—Council ( or Committee ) to Now Adjourn—Effect of Motion**

In subclause (2) paragraph (b) subparagraph (ii) delete "9.5" and substitute "7.5".

**4.6 Clause 10.7—Council ( or Committee ) to Meet Behind Closed Doors—Effect of Motion**

4.6.1 In subclause (1) delete "3.7" and substitute "2.7".

4.6.2 In subclause (2) delete "9.5" and substitute "7.5".

**4.7 Clause 12.8—Right of the Person Presiding to Adjourn Without Explanation to Regain Order**

In subclause (2) paragraph (b) delete "9.5" and substitute "7.5".

**4.8 Clause 14.6—Standing Orders Apply to Committees**

4.8.1 In paragraph (a) delete "8.2" and substitute "6.2".

4.8.2 In paragraph (b) delete "9.5" and substitute "7.5".

**4.9 Clause 15.2—Cases not Provided for in Standing Orders**

Delete "11.1(f)" and substitute "9.1 (f)".

**5 Clause 2.2—Order of Business**

In subclause (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) Matters for which meeting may be closed
- (j) Reports
- (k) Motions of which previous notice has been given
- (l) Questions by members of which due notice has been given
- (m) Urgent business approved by the person presiding or by decision
- (n) Matters behind closed doors
- (o) Closure. ”.

**6. Clause 2.3—Public Question Time**

In subclause (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”.

**7. Clause 2.8—Motions of which Previous Notice has been Given**

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

**8. Clause 2.9—Questions by Members of Which Due Notice has been given**

In subclause (1), delete “four (4)” and substitute “seven (7)”.

**9. Clause 7.1—Members to Rise**

In clause 7.1—

- (a) delete the heading “**7.1 Members to Rise**” and substitute “**7.1 Members Wishing to Speak**”; and
- (b) delete the whole of the second sentence of the body of the clause.

**10. Clause 8.16—Personal Explanation**

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

**11. Clause 10.7—Council ( or Committee ) to Meet Behind Closed Doors—Effect of Motion**

11.1 Delete subclause (3) and renumber subclause (4) to (5).

11.2 Insert in the appropriate numerical position the following 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 CEO 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 CEO 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”.

**12. Clause 11.2—Question—Method of Putting**

In clause 11.2, before the words “If a decision of the Council”, insert the subclause designation “(1)”, and after “before declaring the decision.” insert the following subclause—

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

**13. Clause 12.3—Points of Order—When to Raise—Procedure**

Delete “and be seated”.

**14. Clause 12.4—Points of Order—When Valid**

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

**15. Clause 14.6—Standing Orders Apply to Committees**

Delete paragraph (b) and renumber Paragraph (c) to (b).

**16. Clause 16.1—The Council's Common Seal**

Delete subclause (4) and renumber subclause (5) to (4).

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Dated this 30th day of June 2003.

The Common Seal of the Shire of Mount Magnet was affixed in the presence of—

G. B. PILKINGTON, President.  
P. R. WEBSTER, Chief Executive Officer.

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**HEALTH ACT 1911****SHIRE OF MOUNT MAGNET****HEALTH LOCAL LAWS 2002**

Made by the Council of the Shire of Mount Magnet 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 Mount Magnet Health Local Laws 2002*".

**Incorporation by Reference**

2. (i) 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
- (ii) 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 Mount Magnet District Road Board [now the Shire of Mount Magnet] and published in the *Government Gazette* on 5 October 1934, and amended from time to time are repealed;
- (2) The Health Local Laws adopted by the Mount Magnet District Road Board [now the Shire of Mount Magnet] and published in the *Government Gazette* on 19 January 1945, and amended from time to time are repealed;
- (3) The Health Local Laws adopted by the Mount Magnet District Road Board [now the Shire of Mount Magnet] and published in the *Government Gazette* on 4 April 1952, and amended from time to time are repealed;
- (4) The Health Local Laws adopted by the Shire of Mount Magnet on 18 October 1956 and published in the *Government Gazette* on 21 January 1957 and amended from time to time are repealed; and
- (5) The *Shire of Mount Magnet Health Local Laws 1994* made by the Shire of Mount Magnet on 20 May 1994 and published in the *Government Gazette* on 16 September 1994 are repealed.

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

<b>Item</b>	<b>Sections Affected</b>	<b>Description</b>
1.	1.1	Delete Section 1.1 and substitute the following— "1.1 These Local Laws may be cited as the " <i>Shire of Mount Magnet Health Local Laws 2002</i> "."
2.	1.2	Delete Section 1.2.
3.	1.3(1) and <b>Schedules 1-11</b>	Delete "Shire of Koorda" wherever it occurs and substitute "Shire of Mount Magnet".
4.	1.3 (1) & 8.2.11 (8)(a)	In both of these subsections delete "AS 1530.3:1999" and substitute "AS/NZS 1530.3:1999".
5.	1.3 (1) & 3.2.4 (2)(b)	In both of these subsections delete "AS 1668.2-1991" and substitute "AS 1668.2-2002".
6.	1.3 (1) & 3.2.4 (3)(a)	In both of these subsections delete "AS/NZS 3666.2-1995" and substitute "AS/NZS 3666.2-2002".
7.	1.3 (1)	In the definition of "AS/NZS 3666.2-2002" delete "AS/AZS 3666.2-2002" in the second line and substitute "AS/NZS 3666.2-2002".
8.	1.3 (1)	Delete the definition of "Council".
9.	<b>Various</b>	Except in the definition of "water", delete the word "Council" wherever it occurs and substitute "local government".
10.	1.3 (1)	After the definition of "hot water", insert a definition of "local government" as follows: "local government" means the local government of the Shire of Mount Magnet; "

Item	Sections Affected	Description
11.	1.3 (1)	In the definition of "water", delete the comma after the word "as" and insert a comma after the year "1996".
12.	2.1.6	Delete the word "very" in the first line and substitute the word "every".
13.	3.1.2 (b)	In paragraph (b), delete the word "previous" and substitute the word "premises".
14.	4.1.4	Delete the word "other" in the fifth line and substitute the words "of the".
15.	4.2.1	Delete the definition of "building line".
16.	4.2.2 (d)	Delete paragraph (d) and substitute: "(d) on each collection day at or prior to 6.00am, place the receptacle out in the street adjoining the premises, in a position prescribed by the Council, where it is visible from the carriageway and is positioned with the handle facing away from the kerb line, or placed in such other position as is approved by the Council."
17.	4.2.16	Delete section 4.2.16 and substitute "The townsite of Mount Magnet is the prescribed area within which the provisions of Section 112A of the Act shall operate and have effect."
18.	5.3.2 (1)	In subsection (1), delete the words and comma "large animal," and in the second line insert the words "or other large animal" after the word "goats".
19.	5.6.4	In Table 3, delete the row heading "50 to 500 pigs" and substitute the heading "50 to 499 pigs".
20.	6.1.5 (1)(b)	In the first line of paragraph (b), insert a comma after the word "requirement".
21.	8.2.2 (a)	Before the existing subparagraphs insert a new subparagraph (i) as follows: "(i) cooking appliances;" and then renumber the existing subparagraphs from "(i)" and "(ii)" to "(ii)" and "(iii)" respectively.
22.	Part 10 and Schedules 14 and 15	Delete Part 10 and Schedules 14 and 15.

Made at a meeting of the Council of the Shire of Mount Magnet held on 21st March 2003.

The Common Seal of the Shire of Mount Magnet was hereunto affixed in the presence of—

G. B. PILKINGTON, President.  
P. R. WEBSTER, Chief Executive Officer.

On this 15th day of August 2003.

Consented to—

MARGARET STEVENS, Executive Director, Public Health.

Dated this 8th day of September 2003.

**BUSH FIRES ACT 1954**

## SHIRE OF MOUNT MAGNET

**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 Mount Magnet resolved on the 21st day of March 2003 to adopt 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 Mount Magnet with the modifications which follow:

**1. Preliminary**

1.1. Wherever the “Shire of Bridgetown—Greenbushes” is mentioned in the local law substitute “Shire of Mount Magnet”.

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—

“ By—laws of the Mount Magnet Road Board relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades for the Road District or any part of the Road District of Mount Magnet, published in the *Government Gazette* of 11 May 1961, 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 & II.

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Dated this 30th day of June 2003.

The Common Seal of the Shire of Mount Magnet was affixed in the presence of—

G. B. PILKINGTON, President.  
P. R. WEBSTER, Chief Executive Officer.

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## CEMETERIES ACT 1986

## SHIRE OF MOUNT MAGNET

**MOUNT MAGNET PUBLIC CEMETERY LOCAL LAW 2002**

Under the powers conferred by the Cemeteries Act 1986, the Shire of Mount Magnet resolved on the 21st day of March 2003 to adopt the Model Local Law (Cemeteries) 1998 published in the *Government Gazette* on 12 May 1998 in relation to the Mount Magnet 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 Mount Magnet".

1.3 Wherever the name of the Local Law is to be inserted, insert "Mount Magnet Public Cemetery Local Law 2002".

1.4 Wherever the address of the Local Government is to be inserted, insert "Hepburn Street, Mount Magnet".

**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 Mount Magnet Public Cemetery, being Reserve No. 2944."

**3. Renumbered Clause 1.4 Repeal**

After "The following Local Law is repealed:—" insert "By—laws for the Control and Management of the Mount Magnet Public Cemetery—(Reserve 2944), published in the *Government Gazette* of 5 February 1937 as amended by publication in the *Government Gazettes* of 24 March 1944, 17 April 1958, 6 October 1970, 5 March 1976, and 9 September 1977.

**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**

Delete all words after the heading and substitute—

“A person shall not place glass domes, 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—

- (a) renumber Division 4 to “Division 2”;
- (b) renumber clauses 7.16 to 7.20 inclusive to “7.13” to “7.17” respectively;
- (c) in renumbered clause 7.14, paragraph (a), delete “7.20” and substitute “7.17”;
- (d) in renumbered clause 7.15, paragraph (a), delete “7.16” and substitute “7.13”.

**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”.

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Dated this 30th day of June 2003.

The Common Seal of the Shire of Mount Magnet was affixed in the presence of—

G. B. PILKINGTON, President.  
P. R. WEBSTER, Chief Executive Officer.

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**DOG ACT 1976**

## SHIRE OF MOUNT MAGNET

**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 Mount Magnet resolved on the 21st day of March 2003 to adopt 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 Mount Magnet, with the modifications which follow:

**1. Preliminary**

Wherever the "Shire of Moora" is mentioned in the local law substitute "Shire of Mount Magnet".

**2. Clause 1.2—Repeal**

Delete clause 1.2 and substitute—

"1.2 The following By—laws are repealed—

Relating to Control of Dogs, published in the *Government Gazette* of 13 December 1929;

Relating to Dogs published in the *Government Gazette* of 13 November 1959; and

Relating to Dogs, published in the *Government Gazette* of 7 February 1992."

**3. 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 if the premises are situated within the townsite of Mount Magnet."

**4. 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; and

(c) all premises or vehicles classified as food premises or food vehicles under the *Health (Food Hygiene) Regulations 1993*."

**5. Clause 5.2—Places which are dog exercise areas**

In Clause 5.2(1) delete paragraphs (a), (b) and (c) and substitute—

(a) The area known as the Old Recreation Oval, being Reserve 3572 Naughton Street, Mount Magnet;

(b) Portion of the area known as the Railway Recreation Centre, being that part of Reserve 38960 south of a line in prolongation with the northern boundary of Naughton Street, Mount Magnet.

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Dated this 30th day of June 2003.

The Common Seal of the Shire of Mount Magnet was affixed in the presence of—

G. B. PILKINGTON, President.  
P. R. WEBSTER, Chief Executive Officer.

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