



PERTH, FRIDAY, 28 NOVEMBER 2003 No. 186 SPECIAL

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

© STATE OF WESTERN AUSTRALIA

SHIRE OF BROOME

LOCAL GOVERNMENT ACT 1995

STANDING ORDERS LOCAL LAW 2003

LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES LOCAL LAW 2003

BUSH FIRES ACT 1954

BUSH FIRE BRIGADES LOCAL LAW

LOCAL GOVERNMENT ACT 1995

SHIRE OF BROOME

STANDING ORDERS LOCAL LAW 2003

TABLE OF CONTENTS

Part 1 – Preliminary

- 1.1 Citation
- 1.2 Application
- 1.3 Interpretation
- 1.4 Repeal

Part 2—Calling Meetings

- 2.1 Calling Council Meetings
- 2.2 Calling Committee Meetings
- 2.3 Notice of Special Council Meetings
- 2.4 Failure to Receive Notice Not to invalidate Proceedings
- 2.5 Late Reports

Part 3—Business of the Meeting

- 3.1 Business to be Specified on Notice Paper
- 3.2 Order of Business
- 3.3 Leave of Absence
- 3.4 Public Question Time
- 3.5 Petitions
- 3.6 Confirmation of Minutes
- 3.7 Announcements by the Person Presiding Without Discussion
- 3.8 Matters for which Meeting May be Closed
- 3.9 Correspondence
- 3.10 Motions of which Previous Notice has been Given
- 3.11 Questions by Members of which Due Notice has been given.
- 3.12 Urgent Business Approved By the Person Presiding or by Decision
- 3.13 Deputations

Part 4—Public Access to Agenda Material

- 4.1 Inspection Entitlement
- 4.2 Confidentiality of Information Withheld

Part 5—Disclosure of Financial Interests

- 5.1 Disclosure of Member's Interests
- 5.2 Meeting to be Informed of Disclosures
- 5.3 Disclosure of Interest in Matter Raised Without Notice
- 5.4 Separation of Committee Recommendations
- 5.5 Member with an Interest may ask to be Present
- 5.6 Member with an Interest may ask Permission to Participate
- 5.7 Invitation to Return to Provide Information
- 5.8 Disclosures by Employees

Part 6—Quorum

- 6.1 Quorum to be Present
- 6.2 Loss of Quorum During a Meeting

Part 7—Keeping of Minutes

- 7.1 Content of Minutes
- 7.2 Preservation of Minutes

Part 8—Conduct of Persons at Council and Committee Meetings

- 8.1 Official Titles
- 8.2 Leaving Meetings
- 8.3 Adverse Reflection

- 8.4 Recording of Proceedings
- 8.5 Distinguished Visitors
- 8.6 Prevention of Disturbance by Members of the Public

Part 9—Conduct of Members During Debate

- 9.1 Members to Indicate Desire to Speak
- 9.2 Priority
- 9.3 The Person Presiding to Take Part in Debates
- 9.4 Relevance
- 9.5 Limitation of Number of Speeches
- 9.6 Limitation of Duration of Speeches
- 9.7 Members Not to Speak After Conclusion of Debate
- 9.8 Members Not to Interrupt
- 9.9 Re-Opening Discussion on Decisions

Part 10—Procedures for Debate of Motions

- 10.1 Motions To be Stated
- 10.2 Motions to be Supported
- 10.3 Unopposed Business
- 10.4 Only One Substantive Motion Considered
- 10.5 Breaking Down of Complex Questions
- 10.6 Order of Call in Debate
- 10.7 Limit of Debate
- 10.8 Member May Require Questions to be Read
- 10.9 Consent of Seconder Required to Accept Alteration of Wording
- 10.10 Order of Amendments
- 10.11 Amendments Must Not Negate Original Motion
- 10.12 Mover of Motion Not to Speak on Amendment
- 10.13 Substantive Motion
- 10.14 Withdrawal of Motion and Amendments
- 10.15 Limitation of Withdrawal
- 10.16 Personal Explanation
- 10.17 Personal Explanation—When Heard
- 10.18 Ruling on Questions of Personal Explanation
- 10.19 Right of Reply
- 10.20 Right of Reply Provisions

Part 11—Procedural Motions

- 11.1 Permissible Procedural Motions
- 11.2 No Debate on Procedural Motions
- 11.3 Procedural Motions—Closing Debate—Who May Move
- 11.4 Procedural Motions—Right of Reply on Substantive Motion

Part 12—Effect of Procedural Motions

- 12.1 Council (or Committee) to Proceed to the Next Business—Effect of Motion
- 12.2 Question to be Adjourned—Effect of Motion
- 12.3 Council (or Committee) to Now Adjourn—Effect of Motion
- 12.4 Question to be Put—Effect of Motion
- 12.5 Member to be No Longer Heard—Effect of Motion
- 12.6 Ruling of the Person Presiding Disagreed With—Effect of Motion
- 12.7 Council (or Committee) to Meet Behind Closed Doors—Effect of Motion

Part 13—Making Decisions

- 13.1 Question—When Put
- 13.2 Question—Method of Putting

Part 14—Implementing Decisions

- 14.1 Implementation of a Decision

Part 15—Preserving Order

- 15.1 The Person Presiding to Preserve Order
- 15.2 Demand for Withdrawal
- 15.3 Points of Order—When to Raise—Procedure
- 15.4 Points of Order—When Valid
- 15.5 Points Of Order—Ruling
- 15.6 Points of Order—Ruling Conclusive, Unless Dissent Motion is Moved
- 15.7 Points of Order Take Precedence
- 15.8 Precedence of Person Presiding
- 15.9 Right of the Person Presiding to Adjourn Without Explanation to Regain Order

Part 16—Adjournment of Meeting

- 16.1 Meeting May be Adjourned
- 16.2 Limit to Moving Adjournment
- 16.3 Unopposed Business—Motion for Adjournment
- 16.4 Withdrawal of Motion for Adjournment
- 16.5 Time To Which Adjourned

Part 17—Committees of the Council

- 17.1 Establishment and Appointment of Committees
- 17.2 Appointment of Deputy Committee Members
- 17.3 Presentation of Committee Reports
- 17.4 Reports of Committees—Questions
- 17.5 Permissible Motions on Recommendation From Committee
- 17.6 Standing Orders Apply to Committees

Part 18—Administrative Matters

- 18.1 Suspension of Standing Orders
- 18.2 Cases not Provided for in Standing Orders

Part 19—Common Seal

- 19.1 The Council's Common Seal
-

LOCAL GOVERNMENT ACT 1995

SHIRE OF BROOME

STANDING ORDERS LOCAL LAW 2003**Part 1—Preliminary****1.1 Citation**

- (1) This Local Law may be cited as the Shire of Broome Standing Orders Local Law 2003.
(2) In the clauses to follow, this Local Law is referred to as the “Standing Orders.”

1.2 Application

All meetings of the Council or a committee and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and these Standing Orders.

1.3 Interpretation

- (1) In these Standing Orders unless the context otherwise requires—
- “Act” means the *Local Government Act 1995* (as amended);
 - “Chamber” means the Meeting Room known as the Council Chamber;
 - “CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the Shire of Broome;
 - “Committee” means a committee of the Council;
 - “Council” means the Council of the Shire of Broome;
 - “Councillor” means a person who holds the office of Councillor on the Council;
 - “Employee” means a person employed by the Shire in accordance with the Act;
 - “Presiding member” means the presiding member of a committee or the deputy presiding member, or a member of the committee when performing a function of the presiding member in accordance with the Act;
 - “Regulations” means the *Local Government (Administration) Regulations 1996*;
 - “Simple Majority” is more than 50% of the members present and voting;
 - “substantive motion” means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.
- (2) Unless otherwise defined herein the terms and expressions used in the Standing Orders are to have the meaning given to them in the Act and Regulations.

1.4 Repeal

The Standing Orders of the Shire of Broome published in the *Government Gazette* on 3 April 1998 and amended from time to time are repealed.

Part 2—Calling Meetings**2.1 Calling Council Meetings**

The calling of Council Meetings is dealt with in the Act.

2.2 Calling Committee Meetings

An ordinary or special meeting of a committee is to be held—

- (a) if called for in a verbal or written request to the CEO by the presiding member of the committee, setting out the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) if so decided by the Council, the committee or the Chief Executive Officer.

2.3 Notice of Special Council Meetings

- (1) Subject to subclause (2), the CEO is to convene a special meeting of the Council by giving each Council member at least 72 hours’ notice of the date, time, place and purpose of the meeting.
(2) Where there is a need to meet urgently, in the opinion of the President, the CEO may give a lesser period of notice of a special meeting than mentioned in subclause (1).

2.4 Failure to Receive Notice Not to Invalidate Proceedings

Failure to receive notice of meeting, called in accordance with the Act, shall not affect the validity of any meeting provided reasonable steps have been taken to serve such notice.

2.5 Late Reports

In cases of urgency or other special circumstances a report by the Chief Executive Officer may, with the consent of the Presiding Member, be read or otherwise given to Members at the meeting if it has not previously been sent to Members.

Part 3—Business of the Meeting

3.1 Business to be Specified on Notice Paper

(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the person presiding or a decision of the Council.

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) No business is to be transacted at a Committee meeting other than that specified in the agenda.

(4) No business is to be transacted at an adjourned meeting of the Council or a committee other than that—

- (a) specified in the notice of the meeting which had been adjourned; and
- (b) which remains unresolved;

except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

3.2 Order of Business

(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—

- (a) Official Opening
- (b) Attendance and Apologies
- (c) Leave of Absence
- (d) Declaration of Interest
- (e) Public Question Time
- (f) Confirmation of Minutes
- (g) Announcements by the President (Without Discussion)
- (h) Petitions
- (i) Matters for which the Meeting may be Closed
- (j) Reports
 - i. Leadership and Governance
 - ii. Social Support and Development
 - iii. Unique Heritage and Environment
 - iv. Economic Prosperity
 - v. Assets and Infrastructure
 - vi. Reports of Committees
- (k) Notices of Motion
- (l) Questions by Members of Which Due Notice has been Given
- (m) Matters behind Closed Doors
- (n) Meeting Closure

(2) Unless otherwise decided by the members present, by resolution, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the agenda of the meeting.

(3) Notwithstanding subclauses (1) and (2) in the order of business for any meeting of the Council or a Committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

(4) Notwithstanding subclause (1), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

3.3 Leave of Absence

Leave of absence is dealt with in the Act.

3.4 Public Question Time

(1) A member of the public who raises a question during question time is to state his or her name.

(2) A question may be taken on notice by the Council or committee for later response.

(3) When a question is taken on notice under subclause (2) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or committee as the case requires.

3.5 Petitions

(1) A Petition, in order to be effective, is to—

- (a) be addressed to the President of the Shire of Broome;
- (b) be made by residents and/or electors of the district;
- (c) state the request on each page of the petition;
- (d) contain the names, addresses and signatures of the residents and/or electors making the request, and the date each resident and/or elector signed;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
- (g) be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is—
 - (i) a proposal to change the method of filling the office of President;
 - (ii) a proposal to create a new district of the boundaries of the Local Government;
 - (iii) a request for a poll on a recommended amalgamation;
 - (iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.
- (h) not contain any language that is disrespectful to the Council or likely to be defamatory to any person

(2) A member of the Council presenting a petition shall be limited to a statement from the parties from whom it comes, the number of signatures attached to it, the material issues contained in it and to the reading of the preamble to the petition. It shall be incumbent on the member of Council presenting the petition to be familiar with the nature and contents of the petition, and to ascertain that it is in the form prescribed by clause 3.4(1).

3.6 Confirmation of Minutes

(1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to—

- (a) state the item or items with which he or she is dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

(2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

3.7 Announcements by the Person Presiding Without Discussion

At any meeting of the Council or a committee the person presiding may announce or raise any matter of interest or relevance to the business of the Council or committee.

3.8 Matters for which Meeting May be Closed

For the convenience of members of the public, the Council or committee may identify by decision, early in the meeting, any matter on the agenda of the meeting to be discussed behind closed doors, and that matter is to be deferred for consideration as the last item of the meeting.

3.9 Correspondence

(1) The CEO is to use discretion in deciding what correspondence to place before the Council or a committee.

(2) Correspondence may be placed before the Council or a committee in the form of a precis, provided all relevant and material facts are contained in the precis.

(3) Where correspondence contains a matter to be decided by the Council or committee, the CEO is, if the circumstances permit, to recommend a course of action to the Council or committee, or state the alternative courses of action available.

3.10 Motions of which Previous Notice has been Given

(1) Unless the Act, Regulations of these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.

(2) A notice of motion under subclause (1) is to be given at least four (4) clear working days before the meeting at which the motion is moved.

(3) A notice of motion is to relate to the good government of persons in the district.

(4) The CEO—

- (a) with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be out of order; or
- (b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
- (b) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) No notice of motion is to be out of order because the policy involved is considered to be objectionable.

- (6) A motion of which notice has been given is to lapse unless—
- (a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

3.11 Questions by Members of which Due Notice has been given

- (1) A question on notice is to be given by a member in writing to the CEO at least four (4) clear working days before the meeting at which it is raised.
- (2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.
- (3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the person presiding.

3.12 Urgent Business Approved by the Person Presiding or by Decision

In cases of extreme urgency or other special circumstance, matters may, with the consent of the person presiding, or by decision of the members present, be raised without notice and decided by the meeting.

3.13 Deputations

- (1) A deputation wishing to be received by the Council or a committee is to apply in writing to the CEO who is to forward the written request to the President, or the Presiding Member as the case may be.
- (2) The President, if the request is to attend a Council meeting, or the Presiding Member of the committee, if the request is to attend a meeting of a committee, may either—
 - approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be; or
 - may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.
- (3) A deputation invited to attend a Council or committee meeting—
 - (a) is not to exceed five person, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and
 - (b) is not to address the Council or the committee for a period exceeding 15 minutes without the agreement of the Council or the committee as the case requires.
- (4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

Part 4—Public Access to Agenda Material

4.1 Inspection Entitlement

Members of the public have access to agenda material in the terms set out in the Regulations.

4.2 Confidentiality of Information Withheld

- (1) Information withheld by the CEO from members of the public under Regulation 14.2, of the Regulations, is to be—
 - (a) identified in the agenda of a Council or committee meeting under the item “Matters for which meeting may be closed”; and
 - (b) marked “confidential” in the agenda.
- (2) A member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

Part 5—Disclosure of Interests

5.1 Disclosure of Member's Interests

The disclosure of interests by members is dealt with in the Act.

5.2 Meeting to be Informed of Disclosures

Procedures for informing the meeting of disclosures is dealt with in the Act.

5.3 Disclosure of Interest in Matter Raised Without Notice

If a Member has an interest in a matter raised by way of amendment or a motion or an interest in a matter raised otherwise without notice, the Member is to declare that interest at the earliest possible time and before the commencement of any consideration, discussion or voting on the matter takes place.

5.4 Separation of Committee Recommendations

Where a member of the Council has disclosed an interest in a matter, at a committee meeting, and the matter is contained in the recommendations of the committee to an ordinary meeting of Council or

to another committee meeting that will be attended by the member, the recommendation concerned is to be separated on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, to enable the member concerned to declare the interest and leave the room prior to consideration of that matter only.

5.5 Member with an Interest may ask to be Present

(1) Where a member has disclosed the nature of his or her interest in a matter, immediately before the matter is considered by the meeting, he or she may, without disclosing the extent of the interest, request that he or she be allowed to be present during any discussion or decision making procedure related to the matter.

(2) If such a request is made, the member is to leave the room while the request is considered. If the request is allowed by the members, the member may return to the meeting and be present during the discussion or decision making procedure related to that matter, but is not permitted to participate in any way.

5.6 Member with an Interest may ask Permission to Participate

(1) A member who discloses both the nature and extent of an interest, may request permission to take part in the consideration or discussion of the matter, or to vote on the matter.

(2) If such a request is made, the member is to leave the room while the request is considered. If it is decided at a meeting that a member who has disclosed both the nature and extent of an interest in a matter, be permitted to participate in the consideration and discussion of the matter or to vote on the matter, or both, then the member may return to participate to the extent permitted.

5.7 Invitation to Return to Provide Information

Where a member has disclosed an interest in a matter and has left the room in accordance with the Act, the meeting may resolve to invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter and in such case the member is to withdraw after providing the information.

5.8 Disclosures by Employees

(1) If an employee within the meaning of section 5.70 of the Act, presents a written report to a meeting, on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.

(2) If such an employee makes a verbal report to a meeting in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of the interest.

Part 6—Quorum

6.1 Quorum to be Present

(1) The quorum for meetings is dealt with in the Act.

(2) The Council or a committee is not to transact business at a meeting unless a quorum is present.

6.2 Loss of Quorum During a Meeting

(1) If at any time during the course of a meeting of the Council or a committee a quorum is not present—

(a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either—

(i) a quorum is present to decide the matter; or

(ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act; or

(b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the person presiding is to suspend the proceedings of the meeting for a period of five minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the person presiding is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or the Standing Orders when calling a meeting of that type.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1)(b)—

(a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and

(b) in the case of a Council meeting—

(i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and

(ii) the provisions of clause 9.5 apply when the debate is resumed.

Part 7—Keeping of Minutes

7.1 Content of Minutes

In addition to the matters contained in the Regulations, the content of minutes of a meeting of the Council or a committee is to include, where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision.

7.2 Preservation of Minutes

Minutes including the agenda of each Council and committee meeting are to be kept as a permanent record of the activities of the Shire and are to be dealt with in accordance with other relevant statutes.

Part 8—Conduct of Persons at Council and Committee Meetings

8.1 Official Titles

Members of the Council are to speak of each other in the Council or committee by their respective titles of President or councillor. Members of the Council, in speaking of or addressing employees, are to designate them by their respective official titles.

8.2 Leaving Meetings

During the course of a meeting of the council or a committee no member is to enter or leave the meeting without first advising the person presiding, in order to facilitate the recording in the minutes of the time of entry or departure.

8.3 Adverse Reflection

(1) No member of the Council or a committee is to reflect adversely upon a decision of the Council or committee except on a motion that the decision be revoked or changed.

(2) No member of the Council or a committee is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.

(3) If a member of the Council or committee specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the person presiding is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

8.4 Recording of Proceedings

(1) No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.

(2) Subclause (1) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

8.5 Distinguished Visitors

If a distinguished visitor is present at a meeting of the Council or a committee, the person presiding may invite such person to sit beside the person presiding and will acknowledge the presence of the distinguished visitor.

8.6 Prevention of Disturbance by Members of the Public

(1) Any member of the public addressing the Council or the committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the presiding member whenever called upon to do so.

(2) No person observing a meeting is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

(3) In the event of any such interruption, the Presiding Member may use discretion and without a vote, require the person or persons interrupting to immediately leave the Council Chamber. This direction may not be challenged by moving dissent with the ruling, the Presiding Member's ruling is final.

(4) Any person who being ordered to leave the meeting room fails to do so may, by order of the Presiding Member be removed from the Council Chamber or meeting room.

Part 9—Conduct of Members During Debate

9.1 Members to Indicate Desire to Speak

Every Member of the Council or Committee wishing to speak is to indicate by show of hands or other method agreed upon by Council. When invited, Members are to address the Council through the Presiding Member.

9.2 Priority

In the event of two or more members of the Council or a committee wishing to speak at the same time, the person presiding is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

9.3 The Person Presiding to Take Part in Debates

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders, the person presiding may take part in a discussion of any matter before the Council or committee as the case may be.

9.4 Relevance

Every member of the Council or a committee is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

9.5 Limitation of Number of Speeches

No member of the Council is to address the council more than once on any motion or amendment before the Council except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

A Member asking a question is not considered to have spoken.

9.6 Limitation of Duration of Speeches

All addresses are to be limited to a maximum of five minutes. Extension of time is permissible only with the agreement of a simple majority of members present.

9.7 Members Not to Speak after Conclusion of Debate

No member of the Council or a committee is to speak to any question after it has been put by the person presiding.

9.8 Members Not to Interrupt

No member of the Council or a committee is to interrupt another member of the Council or committee whilst speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 10.16; or
- (d) to move a motion under clause 11(1)(e).

9.9 Re-Opening Discussion on Decisions

No member of the Council or a committee is to re-open discussion on any decision of the Council or committee, except for the purpose of moving that the decision be revoked or changed.

Part 10—Procedures for Debate of Motions**10.1 Motions to be Stated**

Any Member who moves a substantive motion or amendment to a substantive motion is to state its substance before addressing the other Members thereon and if so required by the Presiding Member, shall put the motion or amendment in writing.

10.2 Motions to be Supported

No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or change the decision made at a Council or committee meeting, unless the motion has the support required under the Regulations.

10.3 Unopposed Business

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any members opposes it.
- (2) If no member signifies opposition to the motion the person presiding may declare the motion in subclause (1) carried without debate and without taking a vote on it.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

10.4 Only One Substantive Motion Considered

When a substantive motion is under debate at any meeting of the Council or a committee, no further substantive motion is to be accepted.

10.5 Breaking Down of Complex Questions

The person presiding may order a complex question to be broken down and put in the form of several motions, which are to be put in sequence.

10.6 Order of Call in Debate

The person presiding is to call speakers to a substantive motion in the following order—

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to the motion;
- (e) A speaker against the motion;
- (f) A speaker for the motion;
- (g) Other speakers against and for the motion, alternating in view, if any;
- (h) Mover takes right of reply which closes debate.

10.7 Limit of Debate

The person presiding may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all members may not have spoken.

10.8 Member May Require Questions to be Read

Any member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

10.9 Consent of Secunder Required to Accept Alteration of Wording

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.10 Order of Amendments

Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn or lost.

10.11 Amendments Must Not Negate Original Motion

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

10.12 Mover of Motion Not to Speak on Amendment

On an amendment being moved, any member may speak to the amendment, provided that if the person who moved the substantive motion does choose to speak to the amendment, the right of reply is forfeited by that person.

10.13 Substantive Motion

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

10.14 Withdrawal of Motion and Amendments

Council or a committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.

10.15 Limitation of Withdrawal

Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

10.16 Personal Explanation

No member is to speak at any meeting of the Council or a committee, except upon the matter before the Council or committee, unless it is to make a personal explanation. Any member of the Council or committee who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a member of the Council or committee, no reference is to be made to matters unnecessary for that purpose.

10.17 Personal Explanation—When Heard

A member of the Council or a committee wishing to make a personal explanation of matters referred to by any member of the Council or committee then speaking, is entitled to be heard immediately, if the member of the Council or committee then speaking consents at the time, but if the member of the Council or committee who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

10.18 Ruling on Questions of Personal Explanation

The ruling of the person presiding on the admissibility of a personal explanation is final unless of motion of dissent with the ruling is moved before any other business proceeds.

10.19 Right of Reply

(1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.

(2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

10.20 Right of Reply Provisions

The right of reply is governed by the following provisions—

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;
- (c) the mover of any amendment does not have a right of reply;
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

Part 11—Procedural Motions

11.1 Permissible Procedural Motions

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions—

- (a) that the Council (or committee) proceed to the next business;
- (b) that the question be adjourned;
- (c) that the Council (or committee) now adjourn;
- (d) that the question be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the person presiding be disagreed with;
- (g) that the Council (or committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members on the public under section 5.23 of the Act.
- (h) that a Committee recommendation be referred back to the originating Committee, or any other Committee or a later Council meeting.

11.2 No Debate on Procedural Motions

(1) The mover of a motion stated in each of paragraphs (a), (b), (c), (f) and (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion stated in each of paragraphs (d) and (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(3) The mover of a motion stated in paragraph (h) or clause 11.1 may speak to the motion for not more than five minutes; and

- The seconder shall not speak other than to formally second the motion; and
- The Presiding Member of the Committee concerned or in his or her absence a member thereof, may speak for not more than five minutes; and
- The mover of the amendment to the Committee recommendation (if any) then before the Presiding Member of the Committee may speak for not more than five minutes; and
- In the event that no Member has moved an amendment to the Committee recommendation the Presiding Member may, in his or her absolute discretion, allow one other Member to speak against the recommendal motion for not more than five minutes.

but no other debate shall be allowed.

11.3 Procedural Motions—Closing Debate—Who May Move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural Motions—Right of Reply on Substantive Motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

Part 12—Effect of Procedural Motions

12.1 Council (or Committee) to Proceed to the Next Business—Effect of Motion

The motion “that the Council (or committee) proceed to the next business”, if carried, causes the debate to cease immediately and for the Council (or committee) to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

12.2 Question to be Adjourned—Effect of Motion

(1) The motion “that the question be adjourned”, if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.

(2) If the motion is carried at a meeting of the Council—

- (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
- (b) the provisions of clause 9.5 apply when debate is resumed.

12.3 Council (or Committee) to Now Adjourn—Effect of Motion

(1) The motion “that the Council (or committee) now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the person presiding or a simple majority of members upon vote, determine otherwise.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1)—

- (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and

- (b) in the case of a Council meeting—
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.5 apply when the debate is resumed.

12.4 Question to be Put—Effect of Motion

- (1) The motion “that the question be now put”, if carried during discussion of a substantive motion without amendment, causes the person presiding to offer the right of reply and then immediately put the matter under consideration without further debate.
- (2) This motion, if carried during discussion of an amendment, cause the person presiding to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

12.5 Member to be No Longer Heard—Effect of Motion

The motion “that the member be no longer heard”, if carried, causes the person presiding to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

12.6 Ruling of the Person Presiding Disagreed With—Effect of Motion

The motion “that the ruling of the person presiding be disagreed with”, if carried, causes the ruling of the person presiding about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

12.7 Council (or Committee) to Meet Behind Closed Doors—Effect of Motion

- (1) Subject to any deferral under clause 3.8 or other decision of the Council or committee, this motion, if carried, cause the general public and any officer or employee the Council or committee determines, to leave the room.
- (2) While a decision made under this clause is in force the operation of clause 9.5 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.
- (3) Upon the public again being admitted to the meeting the person presiding, unless the Council or committee decides otherwise, is to cause the motions passed by the Council or committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.
- (4) A person who is a Council member, a committee member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

Part 13—Making Decisions

13.1 Question—When Put

When the debate upon any question is concluded and the right of reply has been exercised the person presiding shall immediately put the question to the Council or the committee, and, if so desired by any member of the Council or committee, shall again state it.

13.2 Question—Method of Putting

If a decision of the Council or a committee is unclear or in doubt, the person presiding shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter’s vote is secret, before declaring the decision.

Part 14—Implementing Decisions

14.1 Implementation of a Decision

- (1) If a notice of motion to revoke or change a decision of the Council or a committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that—
 - (a) if a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under Regulation 10 of the Regulations indicate their support for the notice of motion at that meeting; and
 - (b) if a notice of motion to revoke or change a decision of the Council or a committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under Regulation 10 of the Regulations.
- (2) Implementation of a decision is only to be withheld under subclause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.
- (3) The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given—
 - (a) action has been taken to implement the decision; or

- (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the Council authorised to do so;

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.

Part 15—Preserving Order

15.1 The Person Presiding to Preserve Order

(1) The person presiding is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

(2) The Presiding Member may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Member and may direct that Member, if speaking, to discontinue and thereupon the Member shall cease speaking.

(3) Every Member shall be entitled to direct the attention of the Presiding Member to any infraction of these Standing Order by any other Member.

15.2 Demand for Withdrawal

A member at a meeting of the Council or a committee may be required by the person presiding, or by a decision of the Council or committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee, and if the member declines or neglects to do so, the person presiding may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

15.3 Points of Order—When to Raise—Procedure

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, is to immediately stop speaking while the person presiding listens to the point of order.

15.4 Points of Order—When Valid

The following are to be recognised as valid points of order—

- (a) that the discussion is of a matter not before the Council or committee;
- (b) that offensive or insulting language is being used;
- (c) drawing attention to the violation of any written law, or policy of the Local Government, provided that the member making the point of order states the written law or policy believed to be breached.
- (d) The presentation of false or misleading information.

15.5 Points of Order—Ruling

The person presiding is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

15.6 Points of Order—Ruling Conclusive, Unless Dissent Motion is Moved

The ruling of the person presiding upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

15.7 Points of Order Take Precedence

Notwithstanding anything contained in these Standing Orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

15.8 Precedence of Person Presiding

(1) When the person presiding wishes to speak during the progress of a debate, every member of the Council or committee present shall preserve strict silence so that the person presiding may be heard without interruption.

(2) Subclause (1) is not to be used by the person presiding to exercise the right provided in clause 9.3, but to preserve order.

15.9 Right of the Person Presiding to Adjourn Without Explanation to Regain Order

(1) If a meeting ceases to operate in an orderly manner, the person presiding may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the person presiding has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

(2) Where debate of motion is interrupted by an adjournment under subclause (1), in the case of a Council meeting—

- (a) the names and members who have spoken in the matter prior to the adjournment are to be recorded; and
- (b) the provisions of clause 9.5 apply when debate is resumed.

Part 16—Adjournment of Meeting

16.1 Meeting may be Adjourned

The Council or a committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

16.2 Limit to Moving Adjournment

No member is to move or second more than one motion of adjournment during the same sitting of the Council or committee.

16.3 Unopposed Business—Motion for Adjournment

On a motion for the adjournment of the Council or committee, the person presiding, before putting the motion, may seek leave of the Council or committee to proceed to the transaction of unopposed business.

16.4 Withdrawal of Motion for Adjournment

A motion or an amendment relating to the adjournment of the Council or a committee may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

16.5 Time to Which Adjourned

The time to which a meeting is adjourned for want of a quorum, by the person presiding to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

Part 17—Committees of the Council**17.1 Establishment and Appointment of Committees**

A committee is not to be established except on a motion setting out the proposed functions of the committee and either—

- (a) the names of the Council members, employees and other persons to be appointed to the committee; or
- (b) the number of Council members, employees and other persons to be appointed to the committee and a provision that they be appointed by a separate motion.

17.2 Appointment of Deputy Committee Members

(1) The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a member of a committee whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.

(2) Where a member of a committee does not attend a meeting thereof a deputy of that member, selected according to seniority, is entitled to attend that meeting in place of the member and act for the member, and while so acting has all the powers of that member.

17.3 Presentation of Committee Reports

When the report of recommendations of a committee is placed before the Council, the adoption of the recommendations of the committee is to be moved by—

- (a) the Presiding Member of the Committee if the Presiding Member is a Council member and is in attendance; or
- (b) a Council member who is a member of the committee, if the Presiding Member of the Committee is not a Council member, or is absent; or
- (c) otherwise, by a Council member who is not a member of the committee.

17.4 Reports of Committees—Questions

When a recommendation of any committee is submitted for adoption by the Council, any member of the Council may direct questions directly relating to the recommendation through the person presiding to the Presiding Member or to any member of the committee in attendance.

17.5 Permissible Motions on Recommendation From Committee

A recommendation made by or contained in the minutes of a committee may be adopted by the Council without amendment or modification, failing which, it may be—

- (a) rejected by the Council and replaced by an alternative decision; or
- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to the committee for further consideration.

17.6 Standing Orders Apply to Committees

Where not otherwise specifically provided, these Standing Orders apply generally to the proceedings of committees, except that Clause 9.5, limitation on the number of speeches, does not apply to the meeting of a committee.

Part 18—Administrative Matters**18.1 Suspension of Standing Orders**

(1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of the Standing Orders.

(2) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

18.2 Cases not Provided for in Standing Orders

The person presiding is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the person presiding in these cases is final, except where a motion is moved and carried under clause 11.1 (f).

Part 19—Common Seal**19.1 The Council's Common Seal**

- (1) The CEO is to have charge of the common seal of the Shire, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Shire may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.
- (3) The common seal of the Shire is to be affixed to any local law which is made by the Shire.
- (4) The CEO is to record in a register each date on which the common seal of the Shire was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (5) Any person who uses the common seal of the local government or a replica thereof without authority commits an offence.

Dated this 20th day of October 2003.

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

T. VINNICOMBE, Shire President.
G. POWELL, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995**SHIRE OF BROOME****LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES LOCAL
LAW 2003**

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Broome resolved to make the following local law on the 14 October 2003.

ARRANGEMENT

PART 1—Preliminary	Clauses 1.1 - 1.6
PART 2—Agreements for Use of Local Government Property	Clause 2.1
PART 3—Approvals	Clauses 3.1 - 3.6
PART 4—Activities which are Restricted or Prohibited on Local Government Property and Public Places	Clauses 4.1 - 4.9
PART 5—Setting Aside of Local Government Property	Clause 5.1
PART 6—Hiring of Local Government Property	Clauses 6.1 - 6.4
PART 7—Swimming Pools	Clauses 7.1 - 7.8
PART 8—Beaches And Bathing	Clauses 8.1 - 8.7
PART 9—Activities in Thoroughfares	Clauses 9.1 - 9.12
PART 10—Shopping Trolleys	Clauses 10.1 - 10.4
PART 11—Secured Sum	Clause 11.1
PART 12—Remedy for Breach	Clauses 12.1 - 12.2
PART 13—Miscellaneous	Clauses 13.1 - 13.4
PART 14—Offences and Penalties	Clauses 14.1 - 14.4
SCHEDULE	

LOCAL GOVERNMENT ACT 1995

SHIRE OF BROOME

LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES LOCAL
LAW 2003

PART 1—PRELIMINARY

Title

1.1 This local law may be referred to as the Shire of Broome Local Government Property and Public Places Local Law 2003.

Commencement

1.2 This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

Purpose and intent

1.3 (1) The purpose of this local law is to provide for the regulation, control and management of activities and facilities on local government property and public places within the district.

(2) The effect of this local law is to establish the requirements with which any persons using or being on local government property and public places within the district, must comply.

Repeal

1.4 The following local laws of the local government, as amended from time to time are repealed on the day this local law comes into operation—

Local Laws Relating to the Broome Aquatic Centre, published in the *Government Gazette* on 28 October 1994;

Local Laws Relating to the Use of Vehicles and Bathing Appliances on Cable Beach, published in the *Government Gazette* on 14 March 1980;

Local Laws Relating to the Control and Management of Council Property, published in the *Government Gazette* on 15 April 1994;

Local Government Model By-Laws (Street Lawns and Gardens) No. 11, published in the *Government Gazette* on 17 August 1966;

Local Laws Relating to the Removal of Refuse, Rubbish and Disused Materials, published in the *Government Gazette* on 15 April 1994;

Local Laws Relating to the Control and Management of the Shire Civic Centre, published in the *Government Gazette* on 6 July 1973;

Local Laws Relating to Prevention of Damage to Streets, published in the *Government Gazette* on 17 August 1966; and

Local Law Relating to Prevention of Damage to Roads, published in the *Government Gazette* on 21 September 1951.

Application of local law

1.5 This local law applies except where indicated otherwise throughout the district and in the sea adjoining the district for a distance of 200 metres seawards from the western boundary of the district, which is the low water mark of the Indian Ocean.

Definitions and Interpretation

1.6 (1) In this local law, unless the context otherwise requires—

“Act” means the *Local Government Act 1995* (as amended);

“adjacent owner” means the owner of any property or lot adjoining a verge which is subject of a verge treatment;

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

“applicant” means a person who has lodged an application for an approval;

“application for an approval” means an application for an approval referred to in clause 3.1(2);

“approval” means an application for an approval which has been approved by the local government under clause 3.2(1)(b);

“approval holder” means a person who holds a valid approval;

“article” in respect of lost property, includes money;

“attendant” means an employee of the local government duly authorised to perform duties in connection with a pool premises;

“authorised person” means—

- (a) a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law; and
- (b) any member of the Western Australian Police Force;

“bathing” means the act of entering the sea, a swimming pool or other water body, to swim or use a bathing appliance and includes the act of emerging therefrom;

“bathing appliance” means a float of any material, including kick boards, paddle boards, body boards, or any other device used or capable of being used for the purpose of bathing;

“beach” includes so much of the sea adjoining the beach as is within the district;

“boat” means any structure or vessel, excluding personal water craft, whether motorised or not and made or used to travel or float on water or travel under water;

“Broome townsite area” means the area of the district constituted as the Broome townsite under the *Land Administration Act 1997*;

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

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

“closed thoroughfare” means a thoroughfare wholly or partly closed under section 3.50 or section 3.50A of the Act;

“decently dressed” means wearing proper and adequate clothing for the occasion, so as to prevent indecent exposure;

“district” means the district of the local government;

“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 an individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur;

“fishing” means to use any line, lure, rod, pot or other method for the purpose of catching marine life;

“firework” means a device like a Catherine wheel, roman candle, or rocket in which combustible materials are ignited and produce coloured flames, smoke and are sometimes accompanied by a bang;

“fireworks display” means a show of fireworks set off over a pre-arranged time period, for the purpose of providing enjoyment to those persons able to view them;

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

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

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

“indecent exposure” means the revealing to view those parts of the body, which by law and convention should be covered by clothing under the given circumstances;

“large animal” includes a cow, horse, pig, sheep, goat or camel;

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

“life saving club” means a life saving club affiliated with Surf Lifesaving WA Inc;

“life saving gear” means any gear or appliance for use in life saving or for use in the training of members of a life saving club;

“life saving patrol” means a patrol comprising such members of a life saving club as are appointed by that club from time to time to provide life saving services in an area and the term includes any beach inspector or local government employee appointed or authorised to perform any of the functions in clause 8.3;

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

“local government” means the Shire of Broome;

“local government property” means anything—

- (a) which belongs to, or is owned by or is under the care, control and management of a local government;
- (b) which is an “otherwise unvested facility” within section 3.53 of the Act;
or
- (c) of which the local government is the management body under the *Land Administration Act 1997*,

but does not include a thoroughfare;

“lot” has the meaning given to it in section 2(1) of the *Town Planning and Development Act 1928*;

“manager” means the person for the time being employed, contracted or appointed by the local government to manage any pool premises and includes any assistant or deputy;

“nuisance” means—

- (a) any activity, thing, condition, circumstance or state of the affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person;
- (b) any thing a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; or
- (c) any thing a person does on public or private land which unreasonably detracts from or interferes with the enjoyment or value of land owned by another person, provided that any thing done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this local law;

“patrol flag” means a flag or notice ordinarily erected at the limits of a bathing area to indicate the extremities of that area;

“person” does not include an authorised person performing a function of the local government;

“personal watercraft” means any vessel designed for the transport of 1, 2, or 3 persons that—

- (a) is propelled by means of an inboard motor powering a water jet pump; and
- (b) is designed to be steered by means of handlebars by a person sitting, standing or kneeling on the vessel and not within it;

“pool premises” means and includes any swimming pool that is local government property and all buildings, fences, gardens, car parks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of the swimming pool facility or used in connection with it;

“public place” means any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes, park lands, squares, reserves, beaches, and other lands set apart for the use and enjoyment of the public, including all local government property which the public are allowed to use;

“retailer” means a proprietor of a shop which provides shopping trolleys for the use of customers of the shop;

“sandboard” means a board designed to be used for sliding down a slope of land or a sand dune or any similar device;

“shopping trolley” means a container or receptacle on wheels provided by a retailer for its customers to transport goods;

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

“surf board” means a flotation device designed and used for riding or surfing waves, including surf skis or any other device used or capable of being used for the purpose;

“thoroughfare” has the meaning given to it in section 1.3 of the Act;

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

“verge” means that part of a thoroughfare that lies between the front of a property and the edge of the carriageway and between imaginary lines extended at a 90 degree angle with the carriageway, from the edge of the carriageway to meet the side boundaries at the front of the property;

“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, driven or led,
but excludes—
- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device; and
- (e) a boat or personal water craft,

“vehicle crossing” means a crossing giving access from a public thoroughfare to either private land or a private thoroughfare serving private land; and

“zoned” means zoned under a town planning scheme.

(2) In this local law, a reference to local government property or a public place includes the reference to any part, respectively, of that local government property or public place.

PART 2—AGREEMENTS FOR USE OF LOCAL GOVERNMENT PROPERTY

Agreements for use of local government property

2.1 (1) Notwithstanding anything to the contrary in this local law, the local government may enter into an agreement with any person with respect to the operation and use of any local government property.

(2) An agreement under subclause (1) may include, but is not limited to, the hire, licence and lease of local government property.

(3) Where an agreement under subclause (1) is in place, any other person using or entering the local government property shall comply with any rules and conditions of use or entry imposed by the person with whom the local government has made the agreement, provided the rules and conditions do not contravene this local law or any other written law.

(4) The rules and conditions referred to in subclause (3) may or may not include the payment of a fee.

PART 3—APPROVALS

Division 1—Application

Application for approval

3.1 (1) Where a person is required to obtain an approval from the local government under this local law, that person shall—

- (a) not do the thing for which the approval is required without first obtaining the approval; and
- (b) apply for the approval in accordance with subclause (2).

(2) An applicant shall make an application for an approval by completing the form provided for the purpose by the local government, paying the application fee to the local government and forwarding the application to the local government.

(3) The signature of the applicant on the form under subclause (2) shall be deemed to be proof that the applicant has—

- (a) read and understood any conditions printed on the application form; and
- (b) accepted and agreed to comply with any conditions printed on the application form.

Determination of application

3.2 (1) The local government may, in respect of an application for an approval—

- (a) refuse the application; or
- (b) approve the application on such terms and conditions, if any, as it considers fit.

(2) Without limiting the generality of subclause (1)(b), the local government may impose conditions requiring the payment of a fee for the issue of the form of approval referred to in subclause (3) and for the renewal of the approval, including the payment of a renewal fee.

(3) If the local government approves an application under subclause (1)(b), then it is to issue to the applicant an approval in the form determined by the local government.

Conditions of approval

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

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

Division 2—Matters relating to approvals

Term and validity of approval

3.4 An approval remains valid until—

- (a) the expiration date and time stated in the approval is reached;
- (b) the activity or function for which the approval was issued is changed to the extent that it is no longer consistent with the original purpose or intent for which the approval was given;
- (c) the approval is cancelled by the local government under clause 3.5; or
- (d) the public liability or indemnity insurance required as a condition of an approval lapses, is cancelled or is no longer current.

Cancellation of approval

3.5 (1) The local government may cancel an approval if—

- (a) anything purporting to be done in accordance with the approval is not done in conformity with the conditions of the approval;
- (b) the approval holder is convicted of an offence against this local law; or
- (c) the approval holder fails to comply with a notice given under clause 12.1 in relation to a breach of the approval or a condition of the approval.

(2) Notwithstanding subclause (1), where an approval relates to the hiring of local government property, the local government may cancel the approval at any time.

(3) Where the local government cancels an approval for the hire of local government property under subclause (2), then the local government shall not be liable to the approval holder for any loss or damage sustained by the approval holder arising from the cancellation.

Fees

3.6 (1) All fees applicable under this local law shall be as determined by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.

(2) In the event of the cancellation of an approval, a refund of any fees paid by the approval holder may be made by the local government.

PART 4—ACTIVITIES WHICH ARE RESTRICTED OR PROHIBITED ON LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES

Division 1—Activities only permitted under an approval or by a sign

Activities requiring an approval

4.1 (1) A person shall not on any local government property or public place within the Broome townsite area, without first having obtained an approval from the local government to do so—

- (a) consume any liquor;
 - (b) erect a structure for public amusement or for any performance for personal gain or otherwise;
 - (c) conduct any function;
 - (d) light or set off any fireworks or conduct a fireworks display;
 - (e) light any fire except in a facility provided for that purpose;
 - (f) erect any tent, camp, hut, building or other structure, other than a beach umbrella or other portable item used for protection from the elements between sunrise and sunset on any day;
 - (g) coach, teach, instruct or train any person for a fee;
 - (h) charge a person for entry to local government property;
 - (i) operate any broadcasting or public address system or apparatus, other than those used by a life saving club in the performance of its functions;
 - (j) erect any sign;
 - (k) walk, lead, ride, herd or drive any large animal;
 - (l) play or use any musical instrument or any other similar device; or
 - (m) pursue a use on local government property set aside for that purpose under clause 5.1 where the local government has specified under clause 5.1(3)(g) that the use is to be pursued under an approval.
- (2) Subject to subclause (3), a person shall not on or in local government property—
- (a) remove any fixtures, fittings, chattels or things provided for the safety or enjoyment of or use by another person;
 - (b) damage, destroy, deface or interfere with in any way, any local government property;
 - (c) plant any plant or sow any seeds;
 - (d) make an excavation on, or erect or remove, any fence or other structure;
 - (e) cut, break, injure, deface, pull up, pick, collect seeds or take cuttings from, remove, or destroy any tree, shrub, flower, grass or plant of any kind; or
 - (f) cut, collect, or remove any timber, firewood, stone, sand or other materials.
- (3) Subclause (2) does not apply to—
- (a) a person who has first obtained an approval to do the prohibited thing;
 - (b) a local government appointed contractor carrying out a contracted duty; or
 - (c) a person using any lifesaving or fire fighting equipment during an emergency, or where permitted or directed to do so by an authorised person.

Activities prohibited by a sign

4.2 (1) Certain activities can be prohibited on any local government property or public place by a sign being placed on the property or place by the local government which indicating the prohibited activity and the area within which it is prohibited

(2) The local government may, by resolution, determine particular activities which are to be prohibited by the placing of signs on particular local government property or public places.

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

(4) A sign marked, erected, set up, established or displayed on or near local government property or a public place is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this Local Law.

Division 2—Prohibited activities

No injurious behaviour

4.3 (1) A person on or in any local government property or public place shall not behave in a manner which—

- (a) is likely to cause injury to or interrupt, disturb or interfere with the enjoyment of any other person who may use the local government property or public place;
 - (b) causes injury to or interrupts, disturbs or interferes with the enjoyment of any other person using the local government property or public place; or
 - (c) endangers or may endanger herself or himself or any person.
- (2) In this clause, “person” includes an authorised person performing a function.

Adequate clothing and loitering outside toilets

4.4 (1) A person over the age of 6 years shall not on any local government property or public place—

- (a) be present unless decently dressed except where the local government property is set aside for the wearing of no clothes under clause 5.1;

- (b) loiter outside or act in an unacceptable manner, in any portion of a toilet or dressing room designated for the opposite or same sex; or
- (c) without the consent of the occupier, enter or attempt to enter any dressing room or other compartment which is already occupied.

(2) Where an authorised person considers that a person on local government property is not decently dressed, the authorised person may direct that person to put on clothing so that the person is decently dressed, and that person shall comply with the direction immediately.

Treatment of animals

4.5 Unless authorised under a written law to do so, a person shall not, on or in any local government property—

- (a) kill, injure or interfere with any fauna;
- (b) take on to, set or use or attempt to take on to, set or use any animal trap, bird trap, fish trap, net or similar device; or
- (c) take on to or allow any animal to enter or remain on, unless that class or type of animal is permitted on that property by any written law.

No liquor, volatile matter, smoking, drugs or firearms

4.6 While on or in any local government property, a person shall not—

- (a) sell or supply liquor unless a liquor licence has been obtained under the *Liquor Licensing Act 1988* for that sale or supply;
- (b) be under the influence of liquor, unless under an approval obtained under clauses 3.2(1)(b) and 4.1(a);
- (c) be under the influence of a prohibited drug;
- (d) use any volatile, explosive or flammable matter;
- (e) smoke inside a building;
- (f) take any drug onto, or consume or use any drug where the use or possession of that drug is prohibited under any written law; or
- (g) carry firearms unless specifically authorised to do so under the *Firearms Act 1973*.

Entry to local government property

4.7 A person, other than an authorised person performing a function or contractor of the local government carrying out a contracted duty, shall not—

- (a) enter or leave any local government property other than by the public entrance or exit, except in an emergency;
- (b) enter or remain on any local government property except on those days and during those times when access is available to the public; or
- (c) enter any place that has been fenced off or closed to the public.

Division 3—Fees for use of local government property

Payment of applicable fees for entry or participation

4.8 Where a fee is payable for entry to local government property or participation in an activity on or in any 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.

No refund of fees

4.9 A person shall not be entitled to a refund of any fee paid for—

- (a) bathing or using any facilities provided for public use in a pool premises; or
- (b) the hire of local government property where that hire is cancelled,
but the local government may authorise repayment of a part or all of the amount paid.

PART 5 – SETTING ASIDE OF LOCAL GOVERNMENT PROPERTY

Setting aside of local government property

5.1 (1) The local government may set aside any local government property for a specific use and may make conditions relating to that use, and shall designate by a sign that use and any conditions relating to that use.

(2) The uses and conditions of use for which a local government may set aside local government property include, but are not limited to, setting aside any local government property as an area where—

- (a) the entry of persons is restricted or prohibited;
- (b) bathing by a person is permitted at all times or is restricted or prohibited;
- (c) a person may wear no clothing;
- (d) the use by a person of a boat, personal watercraft or surf board, either generally or of a particular class is permitted, restricted or prohibited;

- (e) a boat or personal watercraft may be launched or retrieved by a person;
 - (f) the driving, use or taking on of a vehicle by a person is permitted, restricted, or prohibited;
 - (g) the speed at which a person may drive or ride a vehicle is restricted;
 - (h) persons of a specified age are permitted, restricted or prohibited from playing on children's play equipment;
 - (i) a motorised model aeroplane may be flown by a person;
 - (j) the practice or playing of a game of any type by a person is permitted, restricted or prohibited;
 - (k) the riding of a bicycle, skateboard, rollerblades, sandboard or a similar device by a person is permitted, restricted or prohibited; and
 - (l) fishing by a person is permitted, restricted or prohibited.
- (3) A local government may specify the extent to which and the manner in which a use in subclause (1) may be pursued and in particular—
- (a) the days and times during which the use may be pursued;
 - (b) that a use may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that a use is taken to be prohibited on all local government property other than that set aside for the specific use;
 - (d) may limit the use to a class of vehicles, boats, equipment or things or may extend it to all vehicles, boats, equipment or things;
 - (e) may specify that the use can be pursued by a class of persons or by all persons;
 - (f) may distinguish between different classes of use or activity; and
 - (g) may specify that the use is to be pursued under an approval.
- (4) Where local government property has been set aside for a specific use in accordance with subclause (1) a person shall not use that property other than for its specific use and in accordance with any conditions made by the local government in relation to that use.
- (5) The local government may allow a person to temporarily use local government property used by a person for a use other than that for which it has been set aside under subclause (1), provided that an approval is first obtained by that person from the local government for that temporary use.
- (6) A person who uses local government property for a use where the local government property has been set aside for the pursuit of that use under an approval, without first obtaining an approval, commits an offence.
- (7) A condition of use made by the local government specified on a sign erected under subclause (1)—
- (a) is not to be inconsistent with any provision of this local law; and
 - (b) is for the purpose of giving notice of the effect of a provision of this local law.

PART 6—HIRING OF LOCAL GOVERNMENT PROPERTY

Application for hire

6.1 (1) The local government may hire local government property to a person who makes an application for an approval for the hire of the local government property under clause 3.1 and who pays the hire fee, if the local government approves the application under clause 3.2(1)(b).

(2) The local government may determine that the requirements of subclause (1) do not apply to the hiring of particular local government property or a class of local government property.

Decision on application where two or more applicants

6.2 In the event of two or more applications being made for the hire of the same local government property for the same date and time, the local government may determine which, if any, applicant shall be granted an approval to hire.

Conditions of hire and use

6.3 The conditions that may relate to an approval for hire of local government property include—

- (a) when fees and charges are to be paid and the amount of them;
- (b) the purpose for which the local government property may be used;
- (c) the duration of the hire;
- (d) payment of a bond against possible damage, cleaning or other expenses;
- (e) restrictions on the erection of decorations inside and outside any building which is local government property;
- (f) restrictions on use of furniture, plants and effects;
- (g) the number of persons that may attend any function in a building which is local government property;
- (h) the right of the local government to cancel a booking at any time during the course of an annual or seasonal booking;
- (i) the prohibition of the consumption of liquor unless an approval has been issued by the local government;

- (j) the prohibition of the sale and supply of liquor unless a liquor licence has been obtained under the *Liquor Licensing Act 1988* for that purpose;
- (k) securing and locking up local government property at the end of each hire period;
- (l) the prohibition of gaming unless a gaming approval has been obtained under the *Gaming Commission Act 1987*;
- (m) restrictions on the type of container (whether of glass, metal, plastic or other) that drinks may be provided and served in or consumed from;
- (n) requiring that the amplification of any noise or any noise emitted during the hire complies at all times with the *Environmental Protection (Noise) Regulations 1997*; and
- (o) any other condition that the local government considers fit.

Responsibilities of hirer

6.4 The approval holder in relation to an approval for the hire of local government property shall—

- (a) maintain law and order and decent behaviour by all in attendance at any function for which the local government property has been hired;
- (b) make good any damage to the local government property which occurs during the hire, or at the option of the local government, pay to the local government the costs of the repair and replacement of any such property;
- (c) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the local government property or enforcing any provision of this local law;
- (d) prevent overcrowding;
- (e) leave the local government property in a clean and tidy condition after its use;
- (f) prevent the sale and consumption of any liquor unless a licence has been obtained under the *Liquor Licensing Act 1988* for that purpose, and the local government has issued an approval for the consumption;
- (g) report any damage or defacement to the local government property to the local government; and
- (h) comply with all conditions that are imposed on the hire of the local government property under clauses 3.2(1)(b) and 6.3.

PART 7—SWIMMING POOLS

Powers of Manager or Attendant

7.1 The Manager or Attendant of a pool premises may—

- (a) set aside the pool premises for the use of certain persons to the exclusion of others;
- (b) temporarily suspend admission to, direct to leave or remove from the pool premises all persons or any person, if in her or his opinion such action is necessary or desirable;
- (c) refuse admission to, direct to leave or remove, or cause to be removed from the pool premises any person who, in the opinion of the Manager or Attendant;
 - (i) is a child of the age of 10 years or under who is unaccompanied by a responsible person over the age of 16 years;
 - (ii) is committing a breach of any provision of this local law;
 - (iii) is by reason of her or his past, or present conduct, within or about the pool premises, undesirable;
 - (iv) is under, or apparently, under the influence of intoxicating liquor or drugs; or
 - (v) is apparently suffering from a contagious, infectious or cutaneous disease or skin complaint; and
- (d) suspend admission for a maximum period of two weeks to any person who has committed a breach of any provision of this local law in relation to the pool premises; and
- (e) direct a person as to that person's use of the pool premises.

Person to comply with direction

7.2 If a Manager or an Attendant of a pool premises has refused admission to a person, directed a person to leave the pool premises or otherwise directed a person in relation to her or his use of the pool premises, then that person shall comply with that refusal or direction.

Decency

7.3 If a person appears in public who in the opinion of the Manager or Attendant, is not decently dressed, the Manager or Attendant shall direct that person to put on a bathing costume or other clothing so that the person is decently dressed, and that person shall comply with that direction immediately.

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

7.4 (1) Where a Manager or Attendant refuses admission to a person or directs a person to leave pool premises under clause 7.1(c), 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 7.1(d).

Carnivals

7.5 (1) A person, club, organisation or association shall not conduct controlled swimming events, carnivals or competitions without the prior consent of the Manager.

(2) The Manager may grant such consent subject to any conditions considered fit by the Manager and may, at any time, withdraw that consent.

(3) A person, club, organisation or association conducting a carnival or event at the pool premises shall be responsible for the conduct of the competitors and spectators during the carnival or event and shall prevent overcrowding and ensure that no damage is done to the buildings or fencing or any other portion of the pool premises and that this local law is observed by all competitors, officials and spectators attending the carnival or event.

Closure of pool premises

7.6 (1) The local government may, for such periods and reasons that it determines, close a pool premises on giving 7 days' local public notice under section 1.7 of the Act.

(2) Subclause (1) does not apply where the local government considers that the condition of the pool premises may affect the health of any person, in which case it may close the pool premises without giving any notice.

Limitations on use

7.7 A person shall not—

- (a) enter any portion of the pool premises set apart exclusively for the opposite sex except for a person of or under the age of six years;
- (b) in any way interfere with any other person in or upon the pool premises or with any other person's use of the pool premises or interfere with or damage any towel or bathing costume belonging to another person;
- (c) play any ball games or take any action whatsoever which shall in any way limit the enjoyment of the users of the pool premises, but this prohibition does not apply to the playing of any games or aquatic sports organized and conducted on the pool premises by any club, organization or association or other person under and in accordance with the Manager's approval;
- (d) permit any animal of which he or she is the owner or for which he or she is liable for the control of to enter or remain in or about the pool premises unless the animal is a dog and the person is a person referred to in section 8 of the *Dog Act 1976* acting in accordance with that section;
- (e) undress or remove any part of their bathing costume except in a dressing room or enclosure provided for that purpose;
- (f) use any soap or shampoo in any part of the pool premises other than in a shower recess or bathroom;
- (g) climb up or upon any roof, fence, wall, grandstand railings or partition on the pool premises;
- (h) use indecent, obscene, offensive or abusive language or expectorate or spit in the pool or on any part of the pool premises or in any way commit any nuisance on or in any part of the pool premises;
- (i) bring onto or deposit in any part of the pool premises any filth or rubbish except in receptacles set aside for that purpose (see sections 23 and 24 of the *Litter Act 1979* and Regulations 4, 5 and 6 of the *Litter Regulations 1981*);
- (j) consume any foodstuffs or drinks in any area in which that consumption is prohibited;
- (k) wastefully use the water or leave any taps flowing in the dressing rooms or elsewhere in the pool premises;
- (l) use any substance or preparation whereby the water of the swimming pool becomes discoloured or rendered turbid or otherwise unfit for the proper use of persons;
- (m) foul or pollute water in a shower, swimming pool, or soil, damage, injure, destroy, use improperly, disfigure or write in or upon any dressing room, cubicle or compartment or any part of the pool premises or any furniture or other article or equipment on the pool premises;
- (n) while suffering from a contagious, infectious or cutaneous disease or skin complaint or whilst in an unclean condition enter or use or attempt to enter or use the swimming pool or pool premises; or
- (o) smoke in the pool premises.

Ticket or membership card not transferable

7.8 No ticket, token, licence, membership card or receipt issued by or under the authority of the local government in respect of the use of or admission to the pool premises is transferable to another person.

PART 8—BEACHES AND BATHING**Sandboarding and sand dune protection**

8.1 A person shall not—

- (a) use a sandboard or any other board or thing to slide down sand dunes on local government property;

- (b) take onto any sand dunes a sandboard or other thing used for sliding down sand dunes on local government property;
- (c) traverse sand dunes on local government property except along pathways designated by signs or fences for the purpose; or
- (d) unless authorised to do so by the local government or permitted by a sign, take a vehicle onto any beach or sand dunes on local government property.

Boat Launching

8.2 (1) A person shall not launch a boat or personal watercraft from—

- (i) local government property unless that has been set aside for the purpose under clause 5.1; or
- (ii) a beach within the Broome townsite area unless that launching is permitted by a sign.

(2) Any prohibition in subclause (1) does not apply to any member of a surf life saving club or life saving patrol in the course of her or his duties, training or while in competition.

Surf lifesaving activities

8.3 The local government may appoint a person as a beach inspector and authorise members of surf life saving clubs or any local government employee to perform all or any of the following functions in the interests of maintaining safety at beaches in the district—

- (a) patrol any beach;
- (b) take onto any beach any life saving gear including vehicles or boats that are for use in life saving activities;
- (c) indicate by signs or patrol flags, any areas of a beach and the adjacent water beyond the beach, where bathing is permitted;
- (d) indicate by signs any areas of a beach and the adjacent water beyond the beach where—
 - (i) the riding of surfboards or use of any other bathing appliance is prohibited;
 - (ii) the driving of boats or personal watercraft is prohibited; or
 - (iii) fishing is prohibited;
- (e) regulate, prohibit, restrict or set aside by a sign, rope, wire, cloth or other flexible sheeting, or thing, any areas of a beach for any one or more of the following activities—
 - (i) entry or exit by any person;
 - (ii) playing of games;
 - (iii) conduct of training or surf club carnivals; and
 - (iv) establishing a first aid or command post; and
- (f) direct any person to—
 - (i) bathe within the permitted bathing area indicated by signs or patrol flags under paragraph (c); or
 - (ii) leave the water adjacent to a beach during any period of potential dangerous conditions or the sighting of a shark or crocodile.

Identification of life saving patrol

8.4 (1) A member of a life saving patrol on duty at any beach shall wear a red and yellow quartered swimming cap while he or she is on patrol.

(2) A person who is not a member of an on duty life saving patrol shall not wear a red and yellow quartered swimming cap or give the impression they are a member of an on duty life saving patrol.

Compliance with signs and directions

8.5 A person attending at any beach shall—

- (a) comply with any sign erected on the beach;
- (b) comply with any lawful direction given by an authorised person, beach inspector, member of a surf life saving club or local government employee under clause 8.3(f); and
- (c) not enter any area designated for any life saving activity, training, competition or carnival conducted by a life saving club unless that person is a member of the club or has obtained permission to enter that area from the club.

Fishing

8.6 (1) A person shall not fish on or from any local government property or public place—

- (a) where fishing is prohibited and the prohibition is designated by a sign; or
- (b) in any permitted bathing area indicated by signs or patrol flags under clause 8.3(c).

(2) A person shall not, whether fishing is permitted or not—

- (a) leave or deposit dead fish or fish offal on any beach; or
- (b) leave or deposit dead fish or fish offal in the sea within 200 metres of any part of a beach; or
- (c) fish for sharks by the use of set or buoyed lines or use blood, offal or any other lure for the purpose of attracting sharks within 200 metres of any part of a beach.

Surfboards and boats

8.7 (1) A person shall not ride a surfboard or drive a personal watercraft or boat in any permitted bathing area indicated by signs or patrol flags under clause 8.3(c);

(2) A person shall not drive or ride on any personal watercraft within 50 metres of any person bathing.

PART 9—ACTIVITIES IN THOROUGHFARES

Division 1—Verge treatments

Interpretation

9.1 In this Division, the following terms have the following meaning—

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

“permissible verge treatment” means a verge treatment specified in clause 9.3.

Verge treatment

9.2 The owner or occupier of land adjacent to a verge shall not install or maintain a verge treatment on the verge which is not a permissible verge treatment and in any event shall not—

- (a) alter the finished level of the verge; or
- (b) cover, obstruct or otherwise adversely affect the intended purpose of any manhole, inspection pit, constructed drain or other facility or installation placed or constructed by a public body in any part of or adjacent to a thoroughfare.

Permissible verge treatments

9.3 For the purpose of clause 9.1, the permissible verge treatments are as follows—

- (a) Treatment 1
Plant and maintain a lawn; or
- (b) Treatment 2
Plant and maintain a garden provided that—
 - (i) no part of the garden (or plant, or other vegetation making up the garden) restricts the clear sight visibility of pedestrians or motorists in the vicinity of intersection corners and bends in the adjoining thoroughfare;
 - (ii) no plant or other vegetation making up the garden is of a thorny or poisonous nature or which may otherwise create a hazard for pedestrians;
 - (iii) pedestrians must have a 2 metre wide path or accessway established and kept clear of vegetation at all times adjacent to the edge of the carriageway where there is no made footpath; and
 - (iv) no water pipes or connections protrude above the surface of the garden; or
- (c) Treatment 3
Install an acceptable material provided that storm water run off generated from the resulting hard surface is not likely to cause a hazard or damage to any property; or
- (d) Treatment 4
Install an acceptable material over a portion of the verge (excluding any crossover) and plant and maintain either a lawn or a garden on the balance in accordance with paragraph (a) or (b) respectively.

Owner's or occupier's responsibilities for verge treatments

9.4 An owner or occupier of land adjacent to a verge who installs or maintains a permissible verge treatment on the verge shall—

- (a) keep the verge treatment in good and tidy condition and ensure, where the verge treatment is a garden or lawn, that no obstruction of any sort (physical, sight or other) is caused to any accessway, footpath, pavement or carriageway;
- (b) create a hard surface with an acceptable material only;
- (c) not place any obstruction on or around any verge treatment;
- (d) not water or maintain a verge treatment in such a manner as to cause a nuisance or hazard to any person using the adjacent footpath, accessway or carriageway; and
- (e) not extend the verge treatment beyond the verge immediately adjacent to the land owned or occupied by the owner or occupier, without the written approval of the owner of the adjoining property, immediately adjacent to the verge to be treated.

Enforcement

9.5 The local government may give a notice under clause 12.1, requiring the owner or occupier of any land adjacent to a verge to—

- (a) make good within the time period specified in the notice any breach of a provision of this Division; or
- (b) within the time specified in the notice, give a satisfactory reason to the local government why the verge treatment should be retained without alteration, or why the owner or occupier should be given extra time in which to comply with the notice.

Public works on verges

9.6 (1) For the purpose of carrying out any works, the local government or any authority empowered by law to dig up a thoroughfare or carry out any other works, may without notice and without being

liable to compensate any person, dig up all or part of a thoroughfare and disturb any verge treatment including a permissible verge treatment, placed there by an owner or occupier of adjacent land.

(2) Where the local government digs up or carries out any works in a verge which has a permissible verge treatment, then the local government shall use its best endeavours to—

- (a) replace and restore any reticulation pipes and sprinklers; and
- (b) back fill with sand any garden or lawn, but otherwise shall not be liable to replace or restore any verge treatment and in particular any plant, or other vegetation or any surface or acceptable material and, in any event, shall not be liable to any person for any damage or disturbance caused.

Division 2—Vehicle crossings

Vehicle crossing treatment

9.7 Vehicle crossings are dealt with in regulations 12 to 16 of the *Local Government (Uniform Local Provisions) Regulations 1996*.

Standard vehicle crossings

9.8 For the purpose of regulation 15 of the *Local Government (Uniform Local Provisions) Regulations 1996*, a standard crossing in the district is as follows—

- (a) where the land to which access will be provided from a thoroughfare is zoned residential a vehicle crossing will be a standard crossing if it—
 - (i) is constructed from either brick paving, bitumen seal or concrete in accordance with the local government's residential vehicle crossing specifications as determined by the local government and varied by it from time to time; and
 - (ii) has a minimum width of 2.8 metres at the boundary line between the verge and the adjacent property and a minimum of 7 metres at the edge of the carriageway;
- (b) where land to which access will be provided from a thoroughfare is zoned industrial/commercial/mixed use, a vehicle crossing will be a standard crossing if it—
 - (i) is constructed from brick paving, bitumen seal or concrete in accordance with the local government's commercial/industrial vehicle crossing specifications as determined by the local government and varied by it from time to time; and
 - (ii) has a width at the boundary line between the verge and the adjacent property and at the edge of the carriageway in accordance with Main Roads Western Australia standards as adopted by the local government; or
- (c) where land to which access will be provided from a thoroughfare is zoned rural a vehicle crossing will be a standard crossing if it—
 - (i) is constructed from either asphalt, chip seal, concrete or brick paving in accordance with the local government's rural vehicle crossing specifications as determined by the local government and varied by it from time to time; and
 - (ii) has a minimum width of 3 metres at the boundary line between the verge and the adjacent property and a minimum of 9 metres at the edge of the carriageway.

Division 3—Protection of footpaths

Footpath protection

9.9 (1) The owner, occupier, licensee or contractor who undertakes works on land adjacent to a footpath, shall—

- (a) take all necessary precautions to ensure that the footpath is not damaged during the course of the works; and
- (b) notify the local government of any existing damage to the footpath prior to the commencement of the works.

(2) A person who carries out any building or other operations or works necessitating the crossing of a footpath with vehicles that may cause damage to the footpath, shall ensure that—

- (a) all reasonable precautions are taken to prevent damage to the footpath during the course of the works; and
- (b) heavy vehicles that access the land, are to cross the footpath at the designated area for the proposed vehicle crossing.

(3) Any person who causes damage to a footpath during works undertaken on the land or works within the thoroughfare shall pay the costs of the local government to repair the damage.

Division 4—Damage to thoroughfares

Notice to repair damage to thoroughfare

9.10 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.

*Division 5—No driving on closed thoroughfares***Act and Regulations deal with closing of thoroughfares**

9.11 Sections 3.50 and 3.50A of the Act and regulations 4 to 6 of the *Local Government (Functions and General) Regulations 1996* and the *Road Traffic Act 1974* deal with the closing of certain thoroughfares to vehicles.

No access without consent

9.12 A person shall not drive or take a vehicle on or cause a vehicle to be driven or taken on a closed thoroughfare—

- (a) unless that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
- (b) without an approval.

PART 10—SHOPPING TROLLEYS**Name of owner of shopping trolley**

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

Shopping trolleys in public places

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

Shopping trolley to be removed by retailer

10.3 Where a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, and the retailer whose name is marked on the trolley has been advised verbally or in writing of its location by the local government, the retailer shall remove the shopping trolley from the public place within 24 hours of being advised.

Retailer taken to own shopping trolley

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

PART 11—SECURED SUM**Security for restoration and reinstatement**

11.1 (1) The local government may require payment of a bond for a sum determined by the local government for the purpose of ensuring that—

- (a) hired local government property, including fixtures and fittings in a building can be cleaned or repaired;
- (b) a footpath damaged during the construction of any building on an adjacent lot, can be repaired or reinstated; or
- (c) conditions of an approval, in so far as they relate to local government property or a public place, are complied with.

(2) A bond required under subclause (1) is to be paid into an account established by the local government for the purpose of this clause.

PART 12—REMEDY FOR BREACH**Notice requiring works to be done**

12.1 (1) Where the local government requires works to be done to rectify a breach of any approval or a condition of an approval or a provision of this local law, the local government may give a notice in writing to the approval holder or person who has breached this local law—

- (a) advising details of the breach of the approval, condition or local laws and of the works required to rectify the breach;
- (b) requiring the approval holder or person to do the works required within the time specified in the notice; and
- (c) advising that where the approval holder or person fails to comply with the requirements of the notice within the time specified, the local government may do the required works.

(2) An approval holder or person shall comply with a notice given to her or him under subclause (1).

(3) Where the approval holder or person referred to in subclause (1) fails to comply with the requirements of a notice given under subclause (1), the local government may by its employees, agents or contractors carry out all works and do all things necessary to comply with the requirements of the notice.

(4) The local government may recover the expenses incurred in carrying out the works under subclause (3)—

- (a) as a charge against any secured sum lodged for the purpose by the approval holder or person who has breached this local law under clause 11.1; or
- (b) from the approval holder or person who has breached this local law in a court of competent jurisdiction.

Limit on liability

12.2 An approval holder or person is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed contractor or other person authorised by the local government, to carry out all or part of the works and do all things necessary that the approval holder or person was required to do to comply with a notice given under clause 12.1.

PART 13—MISCELLANEOUS**Public liability insurance and indemnity**

13.1 (1) Where, as a condition of an approval, an approval holder or person is required to obtain public liability insurance, indemnifying the local government against all actions, suits, claims, damages, losses and expenses made against or incurred by the local government arising from any activity, action or thing performed or erected in accordance with the approval, and to keep that insurance current for the duration of the approval, the approval holder or person shall—

- (a) enter into an agreement with the local government to provide and maintain the required public liability insurance;
- (b) take out a public liability insurance policy in the name of the approval holder or person and the local government, for a minimum value of \$5 million or such other amount as the local government considers appropriate for the risk involved;
- (c) include a clause in the policy under paragraph (b) which prevents the policy from being cancelled without the written consent of the local government;
- (d) include a clause in the policy under paragraph (b) which requires both the approval holder or person and the insurance company, to advise the local government if the policy lapses, is cancelled or is no longer in operation; and
- (e) on the request of an authorised person, provide for inspection, a certificate of currency for the insurance policy required under paragraph (b).

(2) approval holder or person who refuses or cannot provide a certificate of currency within 2 working days of a request under subclause (1)(a) commits an offence.

Directions of authorised person

13.2 (1) An authorised person may direct any person on local government property or a public place to—

- (a) stop doing anything which the authorised person considers on reasonable grounds the person on the property or place is in the process of doing, which is contrary to this local law or any other local law applying in the district;
- (b) leave that property or place; or
- (c) assist the authorised person or another person in the case of an emergency.

(2) A person who is given a lawful direction under subclause (1) shall comply with that direction.

Disposal of lost and found property

13.3 (1) This clause does not apply to an article which is subject to Subdivision 4 of Division 3 of Part 3 of the Act.

(2) A person finding an article left on or in local government property or a public place shall give that article to the local government, an authorised person or a manager or attendant.

(3) The local government shall register a description of the article and all particulars relating to it in a lost property register to be kept for that purpose.

(4) A person claiming the article who satisfies the local government, an authorised person, or manager or attendant that he or she is the lawful owner of the article shall, on return of the article, by way of acknowledging its receipt, write her or his name and address and provide their signature in the lost property register.

(5) An article not claimed within a period of three months from the date it is entered in the lost property register shall be disposed of by the local government as it considers fit and the proceeds from any sale shall belong to the local government.

(6) Neither the local government, a manager, attendant or any authorised person shall in any way be responsible for any article lost, stolen, damaged or destroyed while on or in any local government property or public place.

(7) Where an article which is perishable is given to the local government, an authorised person or a manager or attendant under subclause (2), the local government may dispose of that article at any time without entering that in the register under subclause (3).

PART 14—OFFENCES AND PENALTIES**Offences**

14.1 (1) Any person who fails to do anything required, directed or ordered to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

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

(3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding the maximum penalty specified in section 3.10(1) of the Act and, if the offence is of a continuing nature, to an additional penalty not exceeding the maximum continuing offence penalty specified in section 3.10(2) of the Act for each day or part of each day during which the offence continues.

Infringement and infringement withdrawal notices

14.2 For the purposes of this local law—

- (a) the form of the infringement notice given under section 9.16(1) of the Act is that of Form 1 in the Second Schedule of the Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003;
- (b) where a vehicle is involved in the commission of an offence, the form of the—
 - (i) notice referred to in section 9.13 of the Act that requires an owner to identify the driver of a vehicle, is that of Form 2; and
 - (ii) infringement notice given under section 9.16(1) of the Act is that of Form 3 in the Second Schedule of the Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003; and
- (c) the form of the notice to withdraw an infringement notice referred to in section 9.20 of the Act is Form 4 in the Second Schedule of the Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003.

Offence description and modified penalty

14.3 The amount appearing in the final column of the Schedule directly opposite an offence described in the Schedule is the modified penalty for that offence.

Records to be kept

14.4 The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

Schedule

Shire of Broome

LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES LOCAL LAW 2003

OFFENCES AND MODIFIED PENALTIES

Item No	Clause No	General Description of Offence	Modified Penalty \$
1	3.3(1)	Failing to comply with conditions of approval	100
2	3.3(2)	Failing to comply with conditions as varied	100
3	4.1(1)	Failing to obtain a written approval	100
4	4.1(2)	Carrying out prohibited act on local government property	100
5	4.2(a)	Playing/practicing golf, archery, pistol or rifle shooting	100
6	4.2(b)	Riding a skateboard or roller blades or similar device	100
7	4.3(1)(a)	Behaviour likely to interrupt, disturb or interfere with enjoyment of other persons	100
8	4.3(1)(b)	Behaviour which interrupts, disturbs or interferes with enjoyment of other persons	100
9	4.4(1)(c)	Without consent of the occupier, entering or attempting to enter a dressing room already occupied	100
10	4.5(a)	Killing, injuring or interfering with any fauna	100
11	4.5(b)	Taking onto, setting or using any animal, bird or fish trap while on any local government property.	100
12	4.5(c)	Taking onto, or allowing any animal to remain on any local government property unless permitted by other written law	100
13	4.6(b)	Under the influence of liquor	100
14	4.6(c)	Under the influence of a prohibited drug	100
15	4.6(d)	Using any volatile, explosive or flammable matter	50
16	4.6(e)	Smoking inside a building	100
17	4.7(a)	Entering or leaving any local government property or building other than by the public entrance or exit	50
18	4.7(b)	Entering or remaining on any local government property except during times access is available to the public	50
19	4.7(c)	Entering any place that has been fenced off, or closed to the public	100

Item No	Clause No	General Description of Offence	Modified Penalty \$
20	4.8	Entering local government property without first paying the applicable fee or charge	50
21	6.4	Failing to meet responsibilities of hirer of local government property	100
22	7.2	Failing to leave pool premises when directed to do so	50
23	7.7	Failing to meet limitations on use of swimming pool	100
24	8.1(a)	Using a sandboard, other board or thing to slide down sand dunes	100
25	8.1(c)	Traversing sand dunes other than along designated paths	100
26	8.1(d)	Taking a vehicle onto any beach or sand dunes	100
27	8.2(1)	Launching a boat into sea from area not approved or not permitted by signs	100
28	8.5(a)	Failing to comply with a sign erected on a beach	100
29	8.6(1)(a)	Fishing in an area where fishing is prohibited and designated by signs	100
30	8.6(1)(b)	Fishing in a permitted bathing area	100
31	8.6(2)(a)	Leaving or depositing dead fish or fish offal on any beach	50
32	8.6(2)(b)	Leaving or depositing dead fish or fish offal in the sea within 200m of any beach	50
33	8.7(1)	Riding a surfboard, driving a personal watercraft or boat in a designated permitted bathing area	100
34	9.2(b)	Covering or obstructing any manholes, gullies or inspection pits on a verge	100
35	9.2	Installation of verge treatment other than permissible verge treatment	100
36	9.4(b)	Failing to keep verge treatment in good and tidy condition and avoid obstruction of any sort	100
37	9.4(d)	Placing any obstruction on or around any verge treatment	100
38	9.4(e)	Watering or maintaining a verge treatment so as to cause a nuisance or hazard to a person using footpath, accessway or carriageway	100
39	9.9(1)(a)	Failing to take necessary precautions to ensure footpath is not damaged during works	100
40	9.9(1)(b)	Failing to notify local government of existing footpath damage prior to commencement of works	50
41	9.12	Driving on a closed thoroughfare	100
42	10.2	Leaving a shopping trolley in a public place not set aside for storage of trolleys	50
43	10.3	Failure of owner to remove shopping trolley within 24 hours of being advised by local government	100
44	12.1(2)	Failing to comply with a notice	100
45	13.3(2)	Failing to comply with a lawful direction of an authorised person	100
46		Other offences not specified	100

Dated this 20 day of October 2003.

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

TOM VINNICOMBE, Shire President.
GREG POWELL, Chief Executive Officer.

BUSH FIRES ACT 1954

SHIRE OF BROOME

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 Broome resolved on 14 October 2003 to make the following local law.

PART 1—PRELIMINARY**1.1 Citation**

This local law may be cited as the Shire of Broome Bush Fires Brigades Local Law.

1.2 Definitions

(1) In this local law unless the context otherwise requires—

“**Act**” means the *Bush Fires Act 1954*;

“**Authority**” means the Fire and Emergency Services Authority of Western Australia established by section 4 of the Fire and Emergency Services Authority of Western Australia Act 1998;

“**brigade area**” is defined in clause 2.2(a)(b);

“**brigade member**” means a fire fighting member, associate member or a cadet member of a bush fire brigade;

“**brigade officer**” means a person holding a position referred to in clause 2.2(1)(c), whether or not he or she was appointed by the local government or elected at an annual general meeting of a bush fire brigade or otherwise appointed to the position;

“**bush fire brigade**” is defined in section 7 of the Act;

“**Bush Fire Operating Procedures**” means the Bush Fire Operating Procedures adopted by the local government as amended from time to time;

“**CEO**” means the Chief Executive Officer of the Shire of Broome;

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

“**fire fighting member**” is defined in clause 4.2;

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

“**Regulations**” means Regulations made under the Act; and

“**Rules**” means Rules Governing the Operation of Bush Fire Brigades set out in the First Schedule as varied from time to time under clause 2.5.

(2) In this local law, unless the context otherwise requires, a reference to—

- (a) a Captain;
- (b) a First Lieutenant;
- (c) a Second Lieutenant;
- (d) any additional Lieutenants;
- (e) an Equipment Officer;
- (f) a Secretary;
- (g) a Treasurer; or
- (h) a Secretary/ Treasurer combined;

means a person holding that position in a bush fire brigade.

1.3 Application

This local law applies throughout the district.

PART 2—ESTABLISHMENT OF BUSH FIRE BRIGADE*Division 1—Establishment of a bush fire brigade***2.1 Establishment of a Bush Fire Brigade**

(1) The local government may establish a bush fire for the purpose of carrying out normal brigade activities.

(2) A bush fire brigade is established on the date of the local government’s decision under subclause (1).

2.2 Name and officers of bush fire brigade

- (1) On establishing a bush fire brigade under clause 2.1(1) the local government is to—
 - (a) give a name to the bush fire brigade;
 - (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities (the “brigade area”) and
 - (c) appoint—
 - (i) a Captain
 - (ii) a First Lieutenant
 - (iii) a Second Lieutenant
 - (iv) additional Lieutenants if the local government considers it necessary;
 - (v) an Equipment Officer
 - (vi) a Secretary; and
 - (vii) A Treasurer; or
 - (viii) A Secretary/ Treasurer combined.
- (2) When considering the appointment of persons to the positions in subclause (1)(c), the local government is to have regard to the qualifications and experience which may be required to fill each position.
- (3) A person appointed to a position in subclause (1)(c) is to be taken to be a brigade member.
- (4) The appointments referred to in subclause (1)(c) expire at the completion of the first annual general meeting of the bush fire brigade.
- (5) If a position referred to in subclause (1)(c) becomes vacant prior to the completion of the first annual general meeting, then the local government is to appoint a person to fill the vacancy in accordance with subclause (2).

Division 2—Command at a Fire

2.3 Ranks with the bush fire brigade

- (1) Where under the Act and Bush Fire Operating Procedures members of the bush fire brigade have command of a fire, unless a bushfire control officer is in attendance, the Captain has full control over other persons fighting the fire, and is to issue instructions as to the methods to be adopted by the firefighters. In the absence of the Captain, the first Lieutenant, and in the absence of the first, the second Lieutenant and so on, in the order of seniority determined, is to exercise all the powers and duties of the Captain.
- (2) Where a bushfire control officer is in attendance at a fire which the members of the bush fire brigade have command of under the Act and the Bush Fire Operating Procedures, the most senior bushfire control officer has full control over other persons fighting the fire and is to issue instructions as to the methods to be adopted by the fire fighters.

Division 3—Applications of Rules to a bush fire brigade

2.4 Rules

- (1) The Rules govern the operation of a bush fire brigade.
- (2) A bush fire brigade and each brigade member is to comply with the Rules.

2.5 Variation of Rules

- (1) The local government may vary the Rules in their application to all bush fire brigades or in respect of a particular bush fire brigade.
- (2) The Rules, as varied, have effect on and from the date of a decision under subclause (1).
- (3) The local government is to notify a bush fire brigade of any variation to the Rules as soon as practicable after making a decision under subclause (1).

Division 4—Transitional

2.6 Existing Bush Fire Brigades

- (1) Where a local government has established a bush fire brigade prior to the commencement date—
 - (a) the bush fire brigade is to be taken to be a bush fire brigade established under and in accordance with this local law;
 - (b) the provisions of this local law apply to the bush fire brigade save for clause 2.2; and
 - (c) any rules governing the operation of the bush fire brigade are to be taken to have been repealed and substituted with the Rules.
- (2) In this clause—

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

Division 5—Dissolution of bush fire brigade

2.7 Dissolution of bush fire brigade

In accordance with section 41(3) of the Act, the local government may cancel the registration of a bush fire brigade if it is of the opinion that the bush fire brigade is not complying with the Act, this local law, the Bush Fire Operating Procedures or the Rules, or is not achieving the objectives for which it was established.

2.8 New arrangement after dissolution

If a local government cancels the registration of a bush fire brigade, alternative fire control arrangements are to be made in respect of the brigade area.

PART 3—ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES

Division 1—Local government responsibility

3.1 Local government responsible for structure

The Council is to ensure that there is an appropriate structure through which the organisation of bush fire brigades is maintained.

3.2 Officers to be supplied with Act

The local government is to supply each brigade officer with a copy of the Act, The Regulations, the Bush Fire Operating Procedures, this local law and any other written laws which may be relevant to the performance of the brigade officers' functions, and any amendments which are made thereto from time to time.

Division 2—Chief Bush Fire Control Officer

3.3 Managerial role of Chief Bush Fire Control Officer

Subject to any directions by local governments the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

3.4 Chief Bush Fire Control Officer may attend meetings

The Chief Bush Fire Control Officer or her or his nominee (who is to be a bush fire control officer) may attend as a non-voting representative of the local government at any meeting of a bush fire brigade.

3.5 Duties of Chief Bush Fire Control Officer

The duties of the Chief Bush Fire Control Officer—

- (a) provide leadership to volunteer bush fire brigades;
- (b) monitor bush fire brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year to the local government.
- (c) liaise with the local government concerning fire prevention/ suppression matters generally and directions to be issued by the local government to bush fire control officers (including those who issue permits to burn) bush fire brigades or brigade officers.
- (d) ensure that bush fire brigades are registered with the local government and that lists of brigade members are maintained.

Division 3—Annual general meetings of bush fire brigades

3.6 Holding of annual general meeting

A bush fire brigade is to hold its annual general meeting during the month of March each year.

3.7 Nomination of bush fire control officers to Bush Fire Advisory Committee

At the annual general meeting of a bush fire brigade, one brigade member is to be nominated to the Bush Fire Advisory Committee to serve as the bush fire control officer for the brigade area until the next general meeting.

3.8 Nomination of bush fire control officer to the local government

If the local government has not established a Bush Fire Advisory Committee, then at the annual general meeting of a bush fire brigade, the bush fire brigade is to nominate one brigade member to the local government to serve as the bush fire control officer for the brigade area until the next annual general meeting.

3.9 Minutes to be tabled before the Bush Fire Advisory Committee

- (1) The Secretary is to forward a copy of the minutes of the annual general meeting of a bush fire brigade to the Chief Bush Fire Control Officer within one month after the meeting.
- (2) The Chief Bush Fire Control Officer is to table the minutes of a bush fire brigade's annual general meeting at the next meeting of the—
 - (a) Bush Fire Advisory Committee; or
 - (b) Council, if there is no Bush Fire Advisory CommitteeFollowing their receipt under subclause (1)

Division 4—Bush Fire Advisory Committee

3.10 The Bush Fire Advisory Committee is to have the functions set out in section 67 of the Act and is to include such number of nominees of the bush fire brigades as is determined by the local governments.

3.11 Advisory Committee to nominate bush fire control officers

As soon as practicable after the annual general meeting of each bush fire brigade in the district, the Bush Fire Advisory Committee is to nominate to the local government from the persons nominated by each bush fire brigade a person for the position of a bush fire control officer for the brigade area.

3.12 Local government to have regard to nominees

When considering persons for the positions of a bush fire control officer, the local government is to have regard to those persons nominated by the Bush Fire Advisory Committee, but is not bound to appoint the persons nominated.

3.13 Advisory Committee to consider bush fire brigade motions

The Bush Fire Advisory Committee is to make recommendations to the local government on all motions received by the Bush Fire Advisory Committee from bush fire brigades.

PART 4—TYPES OF BUSH FIRE BRIGADE MEMBERSHIP

4.1 Types of membership of bush fire brigade

The membership of a bush fire brigade consists of the following—

- (a) fire fighting members
- (b) associated members
- (c) cadet members; and
- (d) honorary life members

4.2 Fire fighting members

Fire fighting members are those persons being at least 16 years of age who undertake all normal bush fire brigade activities.

4.3 Associate members

Associate members are those persons who are willing to supply free vehicular transport for fire fighting members or fire fighting equipment, or who are prepared to render other assistance required by the bush fire brigade.

4.4 Cadet members

Cadet members are—

- (a) to be aged 11 – 15 years;
- (b) to be admitted to membership only with the consent of their parents or guardian;
- (c) admitted for the purpose of training and are not to attend or be in attendance at an uncontrolled fire or other emergency incident;
- (d) to be supervised by a fire fighting member when undertaking normal brigade activities as defined by paragraphs (c), (d), (e), (f) and (g) of section 35A of the Act.
- (e) ineligible to vote at bush fire brigade meetings;
- (f) not to be assigned ranks under the Authority's rank structure.

4.5 Honorary life member

(1) The bush fire brigade may by a simple majority resolution appoint a person as an honorary life member in recognition of services by that person to the bush fire brigade.

(2) No membership fees are to be payable by an honorary life member.

4.6 Notification of membership

No later than 31 May in each year, the bush fire brigade is to report to the Chief Fire Control Officer the name, contact details and type of membership of each brigade member.

PART 5—APPOINTMENT DISMISSAL AND MANAGEMENT OF MEMBERS

5.1 Rules to govern

The appointment, dismissal and management of brigade members by the bush fire brigade are governed by the Rules.

PART 6—EQUIPMENT OF BUSH FIRE BRIGADES

6.1 Policies of Local Government

The local government may make policies under which it—

- (a) provides funding to bush fire brigades for the purchase of protective clothing, equipment and appliances; and
- (b) keeps bush fire brigades informed of opportunities for funding from other bodies.

6.2 Equipment in brigade areas

Not later than 31 May in each year, the bush fire brigade is to report to the local government the nature, quality and quantity of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the brigade area (or at a station of the bush fire brigade).

6.3 Funding

A request to the local government from the bush fire brigade for funding of protective clothing, equipment or appliance needs is to be received by the local government by 31 March in order to be considered in the next following budget.

First Schedule
RULES GOVERNING THE OPERATION OF BUSH FIRE BRIGADES
Part 1—Preliminary

1.1 Interpretation

(1) In these Rules, unless the context otherwise requires, where a term is used in these Rules and is defined in the local law, the Act or the Regulations, then the term is to be taken to have the meaning assigned to it in the local law, the Act or the Regulations, as the case may be.

(2) In these Rules, unless the context otherwise requires—

“**absolute majority**” means a majority of more than 50% of the number of—

- (a) brigade members of the bush fire brigade, whether in attendance at the meeting or not, if the majority is required at a meeting of the bush fire brigade; or
- (b) brigade officers of the bush fire brigade, whether in attendance at the meeting or not, if the majority is required at a meeting of the Committee.

“**Committee**” means the Committee of the bush fire brigade;

“**local law**” means the Shire of Broome Bush Fire Brigades Local Law; and

“**normal brigade activities**” is defined by section 35A of the Act.

(3) Subject to these Rules, where a decision is to be made by the bush fire brigade, then the decision may be made by a resolution passed by a simple majority of the brigade members who are present in person or by proxy at the meeting.

(4) Subject to these Rules, where a decision is to be made by the Committee, then the decision may be made by a resolution passed by a simple majority of the brigade officers who are present in person or by proxy at the meeting.

Part 2—Objects and Membership of Bush Fire Brigade

2.1 Objects of bush fire brigade

The objects of the bush fire brigade are to carry out—

- (a) the normal brigade activities; and
- (b) the functions of the bush fire brigade which are specified in the Act, the Regulations and the local law.

2.2 Committee to determine applications

Applications for membership are to be determined by the Committee

2.3 Conditions of Membership

In relation to any type of membership, as described in Part 4 of the local law, the bush fire brigade may establish policies pertaining to—

- (a) the qualifications required;
- (b) fees payable, if any;
- (c) a requirement to serve a probationary period;
- (d) procedures to be employed by the committee prior to approval of an application for membership,

and the Committee is to act within the parameters of any such policy in determining applications for membership.

2.4 Applications for membership

An application for membership is to be in writing and is to be submitted to the Secretary and in the case of—

- (a) an application for firefighting membership is to be accompanied by a completed form in the form of that in Appendix I;
- (b) an application for associate membership is to be accompanied by a completed form in the form of that in Appendix II;
- (c) an application for cadet membership is to be accompanied by a completed form in the form of that in Appendix III.

2.5 Decision on application for membership

(1) The Committee may—

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

(2) If the Committee refuses to approve an application for membership, it is to give written reasons for the refusal, as soon as practical after the decision is made, to the applicant and the advice that the applicant has the right to object to the local government.

2.6 FESA to be notified of registrations

If any application for membership is approved, the Secretary of the bush fire brigade is to supply registration details to the Authority within 14 days of a person being admitted to membership in the form required by the Authority from time to time.

2.7 Termination of membership

- (1) Membership of the bush fire brigade terminates if the member—
- (a) dies;
 - (b) gives written notice of resignation to the Secretary;
 - (c) is, in the opinion of the Committee, permanently incapacitated by mental or physical ill health;
 - (d) is dismissed by the Committee; or
 - (e) ceases to be a member or is taken to have resigned under subclause (2).

2.8 Suspension of Membership

- (1) Membership of the bush fire brigade may be suspended at any time if, in the opinion of the Committee, circumstances warrant suspending the member.
- (2) The period of suspension shall be at the discretion of the Committee.
- (3) Upon the expiry of the period of suspension the Committee may—
- (a) extend the period of suspension;
 - (b) terminate the membership; or
 - (c) reinstate the membership.

2.9 Existing liabilities to continue

- (1) The resignation, or dismissal of member under clause 2.7 does not affect liability of the brigade member arising prior to the date of resignation or dismissal.

2.10 Member has right of defence

A brigade member is not to be dismissed under clause 2.7(1)(d) without being given the opportunity to meet with the Committee and answer any charges which might give grounds for dismissal.

2.11 Objection Rights

A person whose—

- (a) application for membership is refused under clause 2.5(1)(b);
- (b) membership is terminated under clause 2.7(1)(d) or clause 2.8(3)(b); or
- (c) membership is suspended under clause 2.8(1) or clause 2.8(3)(a),

has the right of objection to the local government which may dispose of the objection by—

- (a) dismissing the objection;
- (b) varying the decision objected to; or
- (c) revoking the decision objected to, with or without—
 - (i) substituting for it another decision; or
 - (ii) referring the matter, with or without directions, for another decision by the Committee.

PART 3—FUNCTIONS OF THE BRIGADE OFFICERS**3.1 Chain of command during fire fighting activities**

Subject to the act and the local law, the command procedures to apply during fire fighting activities are as detailed in the local government's Bush Fire Operating Procedures.

3.2 Duties of Captain

- (1) Subject to subclause (2) below, the Captain is to preside at all meetings.
- (2) In the absence of the Captain, the meeting may elect another person to preside at the meeting.

3.3 Secretary

- (1) The Secretary is to—
- (a) be in attendance at all meetings and keep a correct minutes and account of the proceedings of the bush fire brigade in a book which shall be open for inspection by brigade members at any reasonable time;
 - (b) answer all correspondence or direct it appropriately, and keep a record of the same;
 - (c) prepare and send out all necessary notices of meeting;
 - (d) receive membership fees, donations and other monies on behalf of the bush fire brigade and remit them to the Treasurer upon receipt;
 - (e) complete and forward an incident report form in the form required by the Authority to the bush fire brigade at an incident;
 - (f) maintain a register of all current brigade members which includes each brigade member's contact details and type of membership;
 - (g) Provide no later than 31 May in each, a report to the Chief Bush Fire Control Officer detailing the name, contact details and type of membership of each brigade member.
- (2) Where a bush fire brigade attends an incident on more than one day, the incident report form is to be completed and forwarded under subclause (1)(e) within 14 days after the last day of attendance.

3.4 Treasurer

The Treasurer is to—

- (a) receive donations and deposits from the Secretary, and deposit all monies to the credit of the bush fire brigade's bank account;
- (b) pay accounts as authorised by the Committee;
- (c) keep a record of all monies received and payments made, maintain the accounts and prepare the balance sheet for each financial year;
- (d) be the custodian of all monies of the bush fire brigade;
- (e) regularly inform the Secretary of the names of those brigade members who have paid their membership fees; and
- (f) Report on the financial position at meetings of the bush fire brigade or Committee.

3.5 Equipment Officer

The Equipment Officer is responsible for the custody and maintenance in good order and condition of all protective clothing, equipment and appliances provided by the local government to the bush fire brigade (or of the bush fire brigade).

3.6 Storage of Equipment

- (1) The Equipment Officer may store all of the equipment of the bush fire brigade at a place approved by the Captain (the "station").
- (2) If there is to be more than one station in the brigade area, the Equipment Officer is to appoint in respect of each station a person who is responsible for the custody and maintenance in good order and condition of all equipment and appliances at the station, subject to any direction of the Equipment Officer.

3.7 Equipment Officer to Report

The Equipment Officer is to provide, no later than 31 May of each year, a report to the local government and bush fire captain describing the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the bush fire brigade area (or at a station of the bush fire brigade).

PART 4—COMMITTEE

4.1 Management of bush fire brigade

- (1) Subject to the provisions of these Rules, the administration and management of the affairs of the bush fire brigade are vested in the Committee.
- (2) Without limiting the generality of subclause (1), the Committee is to have the following functions—
 - (a) to recommend to the local government amendments to these Rules;
 - (b) to draft the annual budget for the bush fire brigade and present it at the annual general meeting of the bush fire brigade;
 - (c) to propose a motion for consideration at any meeting of the bush fire brigade;
 - (d) to recommend to the local government equipment which needs to be supplied by the local government to the bush fire brigade;
 - (e) to invest or place on deposit any of the funds of the bush fire brigade not immediately required to perform the normal brigade activities;
 - (f) to delegate to a person, as from time to time thought fit, any functions (being less than the total functions of the Committee) on any conditions it thinks fit;
 - (g) to do all things necessary or convenient in order to perform any of its functions and to secure the performance of the normal brigade activities by the bush fire brigade; and
 - (h) deal with membership applications, grievances, disputes and disciplinary matters.

4.2 Constitution of Committee

- (1) The Committee of the bush fire brigade is to consist of brigade officers being the Captain, Secretary, Treasurer, Equipment Officer and the Lieutenants of the bush fire brigade.
- (2) The brigade officers are to—
 - (a) be elected at the annual general meeting of the bush fire brigade;
 - (b) hold office until the next annual general meeting; and
 - (c) be eligible for re-election at the next annual general meeting.
- (3) Any brigade officer may be removed from office by an absolute majority decision of the brigade members present in person or by proxy at a special meeting called for such a purpose.
- (4) The Committee may appoint a brigade member to fill a vacancy in any office arising from a resolution under subclause (3) or which has arisen for any other reason.

PART 5—MEETINGS OF BUSH FIRE BRIGADE

5.1 Ordinary meetings

- (1) Ordinary meetings may be called at any time by the Secretary by giving at least 7 days notice to all brigade members and to the Chief Fire Control Officer, for the purpose of—
 - (a) organising and checking equipment;

- (b) requisitioning new or replacement equipment;
 - (c) organising field excursions, training sessions, hazard reduction programs, and the preparation of fire breaks;
 - (d) establishing new procedures in respect of any of the normal brigade activities; and
 - (e) dealing with any general business.
- (2) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting;
- (3) Business may be conducted at an ordinary meeting of the bush fire brigade notwithstanding that it was not specified in a notice given under subclause (1) in relation to that meeting.

5.2 Special meetings

- (1) The Secretary is to call a special meeting when 5 or more brigade members request one in writing.
- (2) At least 2 days notice of a special meeting is to be given by the Secretary, to all brigade members and to the Chief Executive Officer.
- (3) In a notice given under subclause (2) the Secretary is to specify the business which is to be conducted at the meeting.
- (4) No business is to be conducted at a special meeting beyond that specified in a notice given under subclause (2) in relation to that meeting.

5.3 Annual general meeting

- (1) At least 7 days notice of the annual general meeting is to be given by the Secretary to all brigade members and to the Chief Bush Fire Control Officer.
- (2) At the annual general meeting the bush fire brigade is to—
- (a) elect the brigade officers from among the brigade members;
 - (b) consider the Captain's report on the year's activities;
 - (c) adopt the annual financial statements;
 - (d) appoint an Auditor for the ensuing financial year in accordance with clause 5.6; and
 - (e) deal with any general business.
- (3) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting.
- (4) Business may be conducted at an annual general meeting notwithstanding that it was not specified under subclause (1) in relation to that meeting.

5.4 Quorum

- (1) The quorum for a meeting of the bush fire brigade is at least 50% of the number of offices (whether vacant or not) of member of the bush fire brigade.
- (2) No business is to be transacted at a meeting of the bush fire brigade unless a quorum of brigade members is present in person or by proxy.

5.5 Voting

Each brigade member is to have one vote, however in the event of an equality of votes, the Captain (or person presiding) may exercise a casting vote.

5.6 Auditor

- (1) At the annual general meeting a person, not being a brigade member, is to be appointed as the Auditor of the bush fire brigade for the ensuing financial year.
- (2) The Auditor is to audit the accounts of the bush fire brigade not less than 7 days before the annual general meeting and to certify their correctness or otherwise and present a report at the annual general meeting.

PART 6—MEETING OF COMMITTEE

6.1 Meeting of Committee

- (1) The Committee is to meet for the despatch of business, adjourn and otherwise regulate its meeting as it things fit.
- (2) The Captain or Secretary may convene a meeting of the Committee at any time.

6.2 Quorum

No business is to be transacted at a meeting of the Committee unless a quorum of 3 brigade officers are present in person.

6.3 Voting

Each brigade officer is to have one vote, however in the case of an equality of votes, the Captain (or person presiding) may exercise a casting vote.

PART 7—GENERAL ADMINISTRATION MATTERS

7.1 Fees

- (1) The membership fees, if any, for each type of member for the ensuing 12 months are to be determined by the bush fire brigade at the annual general meeting.

(2) Subject to subclause (3), a member is to pay the membership fees for her or his type of membership on or before 1 May.

(3) The bush fire brigade may exempt a brigade member, or a class of membership, from the payment of membership fees, for such period and on such conditions as the bush fire brigade may determine.

7.2 Funds

The funds of the bush fire brigade are to be used solely for the purpose of promoting the objects of the bush fire brigade.

7.3 Financial year

The financial year of the bush fire brigade is to commence on 1 July and is to end on 30 June of the following year.

7.4 Banking

(1) The funds of the bush fire brigade are to be placed in a bank account and are to be drawn on only by cheques signed jointly by any 2 of the Captain, Secretary or Treasurer.

(2) If the Secretary/Treasurer is a combined position, the Captain and Secretary/Treasurer are to sign the cheques referred to in subclause (1).

7.5 Disclosure of Interests

(1) A brigade member shall disclose to the bush fire brigade or Committee any financial interest (whether direct or indirect) he or she may have in any matter being considered by the bush fire brigade or Committee, as appropriate.

(2) If a financial interest has been disclosed under subclause (1), then the bush fire brigade or Committee, as appropriate, is to decide, in the absence of the brigade member who disclosed that interest, whether or not the brigade member is to be permitted to vote on that matter.

(3) Where the bush fire brigade or Committee, as appropriate, decides under subclause (2), that a brigade member is not to be permitted to vote on a matter, and the brigade member votes on the matter, then her or his vote is to be taken to have no effect and is not to be counted.

7.6 Disagreements

(1) Any disagreement between brigade members may be referred to either the Captain or to the Committee.

(2) Where a disagreement in subclause (1) is considered by the Captain or the Committee to be of importance to the interests of the bush fire brigade, then the Captain or the Committee, as the case may be, is to refer the disagreement to the annual general meeting, an ordinary meeting or a special meeting of the bush fire brigade.

(3) The local government is the final authority on matters affecting the bush fire brigade, and may resolve any disagreements which is not resolved under subclause (1) or (2).

PART 8—NOTICES AND PROXIES

8.1 Notices

(1) Notices of meetings of the bush fire brigade are to be in writing and sent by ordinary post to the registered address of each brigade member.

(2) Notices of meetings of the Committee may be given in writing in accordance with subclause (1) or by such other means as the Committee may decide (by an absolute majority) at a meeting of the Committee.

(3) Any accidental omission to give notice of a meeting to, or non-receipt by a person entitled to receive such notice, is not to invalidate the meeting the subject of the notice or any resolutions passed at the meeting.

(4) Where any notice other than a notice of meeting is to be given under these Rules, the notice is to be—

- (a) in writing;
- (b) unless otherwise specified, given to or by the Secretary;
- (c) given by—
 - (i) personal delivery;
 - (ii) post; or
 - (iii) facsimile transmission;
- (d) taken to have been received, as the case may be—
 - (i) at the time of personal delivery;
 - (ii) 2 business days after posting; or
 - (iii) on the printing of the sender's transmission report.

8.2 Proxies

(1) Where under these Rules a brigade member may vote by proxy, in order for the proxy to so vote, the brigade member or the proxy shall give a notice in the form of that appearing in this clause, to the Secretary or the person presiding at the meeting before the start of the meeting at which the proxy is to be used.

- (2) A proxy is to be valid for the meeting for which it is given and for any adjournments of that meeting.
- (3) A proxy shall be valid for the number of votes to which the brigade member is entitled.
- (4) If the donor of the proxy does not give any indication of the manner in which the proxy is to vote, the proxy shall be entitled to vote or not vote as he or she thinks fit.
- (5) A proxy shall be entitled to speak on behalf of the donor of the proxy.
- (6) All forms appointing proxies deposited under subclause (1) are to be retained by the Secretary for not less than 28 days after the conclusion of the meeting to which they relate but if there is any objection to the validity of any vote at the meeting, they are to be retained until the determination of that objection.
- (7) The form appointing a proxy shall be in writing and signed by the brigade member appointing the proxy and shall be in or substantially in the form set out below—

“PROXY”

BROOME BUSH FIRE BRIGADE

Annual / Extraordinary General Meeting to be held on
 I being a brigade member appoint
 to be my proxy and vote on my
 behalf a the meeting of the bush fire brigade to be held on
 and at any adjournment of it. The proxy shall vote as follows—

Motion	For	Against	Abstain
1			
2			
3			
4			

If there is no instruction to the proxy as to the way to vote, the proxy shall exercise her or his discretion as to how to vote or whether to vote at all. In respect of any vote taken at the meeting on a matter which does not appear on the agenda, the proxy shall exercise her or his discretion as to the way he or she casts the vote or whether it is cast at all.

Date:

Signed:

Note : To be valid this proxy must be completed and returned to the Secretary of the bush fire brigade (or the presiding member) prior to the commencement of the meeting for which the proxy is valid.

Dated this day of 200

APPENDIX I

APPLICATION FOR MEMBERSHIP—FIRE FIGHTING MEMBER

I make application to be a fire fighting member of the Bush Fire Brigade.

Applicant's Name:

My private address is:

My business address is:

Usual Occupation:

I can be contacted on:

Telephone No: Home Work Mobile

Fax No: Home Work

CB Radio: Channel Call Sign

If needed, I can provide my own transport to the scene of any outbreak (This line to be struck out if not applicable)

I hold a current driver's licence No Classes

I declare that I am at least 16 years of age and in good health and with no known medical conditions which might limit my capacity to fight fires.

I give these undertakings—

- (1) to promote the objects of the bush fire brigade as far as is in my power;
- (2) to be governed by the provisions of the *Bush Fires Act 1954* and the Regulations made under that Act, and the local law and policies of the Shire of Broome relevant to fire control and bush fire brigades;
- (3) to use my best endeavours to give assistance in fire fighting measures when called upon and on such occasions to obey all orders and instructions issued by duly authorised officers of the bush fire brigade of the local government.

(4) to comply with the Rules of the bush fire brigade

Date: Applicants Signatures:

Please list here any fire fighting equipment owned by you.

- 1.
- 2.
- 3.

<p>Bush Fire Brigade Use Only: APPROVED / DECLINED</p> <p>Signed:</p> <p style="text-align: center;">Brigade Captain</p>
--

APPENDIX II

APPLICATION FOR MEMBERSHIP—ASSOCIATE MEMBER

I make application to be an associate member of the Bush Fire Brigade.

- (a) I am prepared to offer to transport fire fighting members and/ or equipment to the scene of any outbreak when called upon. I have a motor vehicle of the following type available for such purpose.
- (b) I am prepared to offer my services in the following capacity—

.....
.....
(paragraph (a) or (b) above may be struck out is not applicable)

Applicants Name:

My private address is:

My business address is

I can be contacted on:

Telephone No: Home Work Mobile

Fax No: Home Work

CB Radio: Channel Call Sign

I give these undertakings—

- (1) to promote the objects of the bush fire brigade as far as is in my power;
- (2) to be governed by the provisions of the *Bush Fires Act 1954* and any Regulation made under the Act and the local law and policies of the Shire of Broome relevant to fire control and bush fire brigades.
- (3) to use my best endeavours to assist in normal bush fire brigade activities as an associate member when called upon;
- (4) to comply with the Rules of the bush fire brigade

Date: Applicants Signatures:

<p>Bush Fire Brigade Use Only: APPROVED / DECLINED</p> <p>Signed:</p> <p style="text-align: center;">Brigade Captain</p>
--

APPENDIX III

APPLICATION FOR MEMBERSHIP—CADET MEMBER

I make application to be a cadet member of the Bush Fire Brigade.

Applicant's Name:

My private address is:

I can be contacted on:

Telephone No: Home Work Mobile

Fax No: Home Work

CB Radio: Channel Call Sign

I declare that I am years of age and in good health.

Date of Birth:

I give these undertakings—

- (1) to promote the objects of the bush fire brigade as far as is in my power;
- (2) to be governed by the provisions of the Bush Fires Act 1954 and the Regulations made under that Act, and the local law and policies of the Shire of Broome relevant to fire control and bush fire brigades;
- (3) to use my best endeavours to give assistance in fire fighting measures when called upon and on such occasions to obey all orders and instructions issued by duly authorised officers of the bush fire brigade of the local government.
- (4) to comply with the Rules of the bush fire brigade

Date: Applicants Signatures:

Dated this 20 day of October 2003.

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

T. VINNICOMBE, Shire President.
G. POWELL, Chief Executive Officer.

