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SHIRE OF WYNDHAM-EAST KIMBERLEY

LOCAL GOVERNMENT ACT 1995

LOCAL LAWS RELATING TO FENCING 2003

**ACTIVITIES IN THOROUGHFARES
AND PUBLIC PLACES AND TRADING LOCAL LAW 2003**

PARKING AND PARKING FACILITIES LOCAL LAW 2003

STANDING ORDERS LOCAL LAW 2003

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2003

EXTRACTIVE INDUSTRIES LOCAL LAW 2003

REPEAL LOCAL LAW 2003

DOG ACT 1976

DOGS LOCAL LAW 2003

BUSH FIRES ACT 1954

BUSH FIRE BRIGADES LOCAL LAW 2003

CEMETERIES ACT 1986

CEMETERIES LOCAL LAW 2003

LOCAL GOVERNMENT ACT 1995

SHIRE OF WYNDHAM-EAST KIMBERLEY

LOCAL LAWS RELATING TO FENCING 2003

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LOCAL GOVERNMENT ACT 1995

SHIRE OF WYNDHAM-EAST KIMBERLEY

LOCAL LAWS RELATING TO FENCING 2003

Under the powers conferred by the *Local Government Act 1995* and by all other powers the Council of the Shire of Wyndham-East Kimberley resolved to make the following local laws on the 21st October 2003.

PART 1—PRELIMINARY

1.1 Citation

These Local Laws may be cited as the Shire of Wyndham-East Kimberley Local Laws Relating to Fencing.

1.2 Application of Local Laws

These Local Laws apply throughout the district.

1.3 Interpretation

In these Local Laws, unless the context requires otherwise—

“**boundary**” means the cadastral boundary of a lot or lots and includes any boundary on a strata title lot;

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

“**dangerous**” in respect of a fence means a fence or part of a fence which presents a danger or risk of injury to persons and may include a fence which is perilous, hazardous, unsafe or potentially injurious; and without limiting the generality of the foregoing includes a fence which is likely to collapse or fall, by reason of its faulty design, location or construction, deterioration of materials, damage by termites, decay, changes in ground level or other cause whatsoever; but does not include an electric fence which is constructed in accordance with these Local Laws;

“**dividing fence**” has the meaning given to it in and for the purposes of the *Dividing Fences Act 1961*;

“**fence**” includes a wall, fence, enclosure, barrier, freestanding wall or retaining wall, abutting a thoroughfare on or near a boundary;

“**front setback area**” means that portion of a lot situated within 6m of the thoroughfare alignment, including a secondary thoroughfare alignment;

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

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

“**Industrial and Commercial Zone**” means the portions of the district classified in a Town Planning Scheme in the following zones: Town Centre, Mixed Business, Light Industry, Local Centre, Tourist, Composite Industry, Industrial and Special Site zone;

“**local government**” means the Shire of Wyndham-East Kimberley;

“**Residential Zone**” means the portions of the district classified in a Town Planning Scheme as a Residential or Residential Development zone;

“**Rural Zone**” means the portions of the district classified in a Town Planning Scheme in the following zones: Rural, General Rural, Rural Agriculture, Rural Pastoral, Rural Living, and Special Rural zone;

“**sheet**” in relation to the materials used in the construction of fencing, means material in the form of panels such as fibre cement or pressed metal and includes the term “sheeting”, but is not restricted to such materials;

“**thoroughfare alignment**” means the boundary between the land comprising a thoroughfare and the land that abuts thereon, unless a new thoroughfare alignment is prescribed under the provisions of a Town Planning Scheme or a Local Law under the provisions of the *Town Planning Act 1928* or a Local Law under the provisions of the *Local Government Act 1995*, in which case that new thoroughfare alignment so prescribed prevails;

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

1.4 Objectives

The objectives of these Local Laws are to—

- (a) prescribe minimum standards for fencing within the district for the purposes of the *Dividing Fences Act 1961*; and
- (b) ensure that adequate standards of safety, structural sufficiency and amenity in relation to fencing are maintained throughout the district.

1.5 Licence Fees and Charges

All licence fees and charges applicable under these Local Laws shall be as determined by the local government from time to time in accordance with section 6.16 of the *Local Government Act 1995*.

1.6 Savings

(1) A fence that was erected and maintained lawfully under previous Local Laws of the Shire of Wyndham-East Kimberley shall not become unlawful merely by reason of the repeal of those Local Laws.

(2) Nothing in these Local Laws shall be deemed to interfere with the right of the Crown or any Statutory Authority or Agency to carry out a power or duty authorised by law.

PART 2—SUFFICIENT FENCES

2.1 Sufficient Fence—Minimum Standard

(1) For the purposes of the *Dividing Fences Act 1961*—

- (a) a fence constructed in accordance with the specifications set out in the First Schedule is hereby prescribed as a sufficient fence within Residential Zones;
- (b) a fence constructed in accordance with the specifications set out in the Second Schedule is hereby prescribed as a sufficient fence within the Industrial and Commercial Zones;
- (c) a fence constructed in accordance with the specifications set out in the Third Schedule is hereby prescribed as a sufficient fence within the Rural Zones;
- (d) a boundary fence between a Residential Zone and another zone shall comply with the standard prescribed for the Residential Zone unless the local government has otherwise approved in writing;
- (e) where a fence is erected on the boundary between Industrial or Commercial Zones, and Rural Zones, a sufficient fence shall comply with the specification contained in either the Second or Third Schedule as determined by the local government.

(2) A fence may be constructed to a higher specification than that prescribed for a sufficient fence in the relevant zone provided that the fence is constructed and maintained in accordance with these Local Laws

PART 3—GENERAL

3.1 Dangerous Fences

An owner of land on which a fence is erected or in relation to which a boundary fence is erected shall not permit the erection or continued presence of a dangerous fence.

3.2 Height of Fencing

(1) In a Residential Zone a person shall not, without the prior approval of the local government in writing erect or commence to erect—

- (a) a fence higher than 1000mm on the thoroughfare alignment or within the front setback area;
- (b) a dividing fence behind the front setback area, higher than 1.8m; or
- (c) a fence adjoining a vehicular access way onto any allotment exceeding 1000mm in height for a distance of 1.8m, measured from the point of intersection of the access way and thoroughfare alignment as depicted in the diagram in the Fourth Schedule.

(2) No person shall erect on land situated at the intersection of two thoroughfares a fence on or adjacent to the thoroughfare alignment greater than 1000mm in height, within 6m of that thoroughfare intersection without the prior approval of the local government. The local government shall not grant its approval under this subclause unless it is satisfied that there are adequate sight lines for both pedestrians and vehicular traffic.

(3) No person shall erect a fence of a height exceeding the height specified in sub clause (1) of this clause and in the Schedule applicable to the zone in which the land is situated, without the approval of the local government. The local government shall not grant its approval under this subclause unless it is satisfied that the proposed fence will complement the streetscape and not detract from the amenity of the locality. In any case the maximum height of a fence within the front setback area shall be 1.8m.

3.3 Materials and Construction

(1) A person shall not, without the prior approval of the local government in writing, erect or commence to erect a fence—

- (a) constructed of a material other than timber, fibre-cement, brick, concrete, masonry, wrought iron, tubular steel, colorbond, bound brushwood or any other material specified in whichever of the First, Second or Third Schedules related to the zone in which the fence is to be erected;
- (b) constructed of pre-used material.

(2) Notwithstanding subclause (1)(a) of this clause, a fence shall not be constructed of sheeting in a Rural Zone.

(3) The local government shall not grant its approval under subclause (1)(a) unless it is satisfied that the proposed fence will complement the streetscape and not detract from the amenity of the locality.

(4) Sheet material shall not be used in the construction of front fencing unless it takes the form of infill panels between columns with a maximum spacing of 4 metres, and which otherwise accords with a form of fencing approved by the local government.

(5) No person shall erect a fence wholly or partially constructed of barbed wire or other similar wire except—

- (a) on land in a Rural Zone; or
- (b) on land in an Industrial Zone where such wire is at a height of not less than 1.8m.

(6) No person shall erect an electric fence in the district unless—

- (a) it is on land within the Rural, Industrial or Commercial zones;
- (b) the prior approval of the local government has been granted if in the Industrial or Commercial Zone;
- (c) any conditions imposed by the approval granted pursuant to paragraph (b) of this subclause have been complied with; and
- (d) the fence is constructed and maintained in accordance with—
 - (i) Australian Standard 3129/1989;
 - (ii) Australian Standard 3014 in the case of an electric fence on land in a Rural zone; or
 - (iii) Australian Standard 3016 in the case of an electric fence on land in an Industrial or Commercial zone.

3.4 Maintenance of Fences

The owner of land on which a fence is erected shall maintain the fence so as to prevent it from becoming dangerous, in need of repair, dilapidated, unsightly or in the opinion of the local government, prejudicial to the amenity or value of property in the neighbourhood.

PART 4—NOTICES

4.1 Notices to Owners

(1) The local government may give notice in writing to the owner of any land upon which is erected a fence which is—

- (a) in the opinion of the local government, dangerous, in need of repair, dilapidated; or
- (b) in the opinion of the local government unsightly or prejudicial to the amenity or value of property in the neighbourhood; or
- (c) erected or maintained contrary to the provisions of these Local Laws,

requiring the owner to pull down, remove, repair, paint or otherwise maintain the fence within a time stipulated in the notice.

PART 5—OFFENCES

5.1 Offences and Penalties

(1) An owner who fails to comply with a notice under clause 4.1 (1) commits an offence and is liable upon conviction to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

(2) A person who fails to comply with or who contravenes any provision of these Local Laws commits an offence and is liable to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

5.2 Modified Penalties

(1) An offence against any provision of these Local Laws is a prescribed offence for the purposes of section 9.16 (1) of the *Local Government Act 1995*.

(2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of these Local Laws is \$100.

5.3 Form of Notices

For the purposes of these Local Laws—

- (a) the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is to be in or substantially in the form of Form 2 of the Schedule 1 of the Local Government (Functions and General) Regulations 1996.
- (b) The form of notice referred to in section 9.20 of the *Local Government Act 1995* is to be in or substantially in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

FIRST SCHEDULE**Residential Zone**

For the purposes of the *Dividing Fences Act 1961*, a sufficient fence within a Residential Zone is a corrugated metal fence (Neetascreen or similar) erected as follows—

- (a) an above ground height of 1.5 m behind the front setback area;
- (b) a minimum in-ground length of 33 percent of the total length of the post with a minimum in-ground length of 850mm;
- (c) corrugated metal sheets are to be lapped, and capped with a “snap-fit” type capping in accordance with the manufacturers’ specifications:

SECOND SCHEDULE**Industrial and Commercial Zones**

For the purposes of the *Dividing Fences Act 1961*, a sufficient fence within the Industrial or Commercial Zones shall accord with the following specifications—

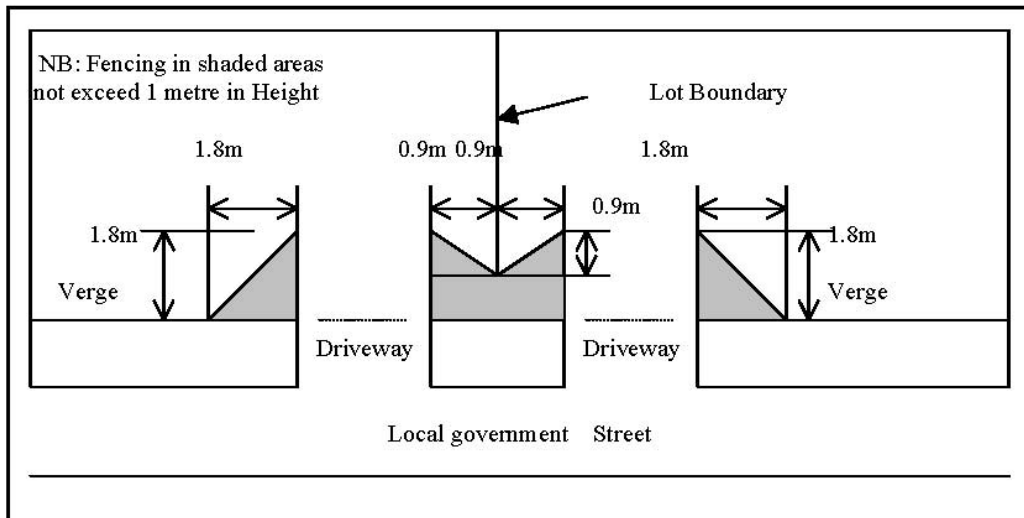
- (a) a fence consisting of rail-less link mesh to a height of 1.8m above finished ground level supported by galvanised steel posts and bracing stays encased in concrete footings. Specification of materials and construction in accordance with *Australia Standard 1725-75*;
- (b) link mesh shall be poly vinyl chloride coated or galvanised 2.5mm wire, formed into a uniform 50mm mesh. The link shall be strained and neatly secured and laced to supporting members in accordance with *Australian Standard 1725-75*;
- (c) vehicle entry gates shall be covered with link mesh to match the fence and strained and neatly laced to the frame. The gates shall be constructed and fitted to gateposts in accordance with *Australian Standard 1725-75* and restrained from opening by 16mm galvanised drop bolts in keepers set in concrete:

THIRD SCHEDULE**Rural Zones**

For the purposes of the *Dividing Fences Act 1961*, a sufficient fence within the rural Zones shall accord with the following specifications—

- (a) the fence shall be constructed of sawn, split or round wooden posts set not less than 600mm in the ground and spaced not more than 3600mm apart with strainer posts set 1000mm in the ground and suitably and securely strutted at all corners, gateways and fence-line angles. Wire shall be wrapped around the strainer and strained tight. Posts are to be threaded with not less than 5 plain galvanised wires through evenly spaced 12mm diameter holes;
 - (b) star pickets or concrete posts may be used instead of wooden posts. Installation shall be the same as for wooden posts;
 - (c) the height of the fence shall be 1.2m above finished ground level;
 - (d) the materials used must accord with the following specifications—
 - (i) wire shall be steel galvanised wire of not less than 2.5mm diameter;
 - (ii) posts if of timber, shall be cut not less than 1800mm long by 100mm diameter at the small end if round or 125mm x 50mm if split or sawn;
 - (iii) strainer posts to be not less than 2250mm long and 150mm diameter at the small end and shall be cut from treated pine or indigenous timbers unless otherwise approved by the Building Surveyor:
-

FOURTH SCHEDULE



Dated this 28th day of October 2003.

The Common Seal of the Shire of Wyndham-East Kimberley was affixed in the presence of—

B. JOHNSON, President.
C. ADAMS, CEO.

LOCAL GOVERNMENT ACT 1995

SHIRE OF WYNDHAM-EAST KIMBERLEY

ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING 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 Wyndham-East Kimberley resolved on 21 October 2003 to make the following local law:

The Shire of Kojonup Activities On Thoroughfares And Trading In Thoroughfares and Public Places Local Law as published in the *Government Gazette* of 16 May 2000, is adopted as a local law of the Shire of Wyndham-East Kimberley, with the modifications which follow:

1. Preliminary

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

1.2 Wherever the “Shire of Kojonup” is mentioned in the local law substitute “Shire of Wyndham-East Kimberley”.

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

2. Clause 1.2—Definitions

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

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

2.3 Delete the definition of “townsite” and substitute—

“townsite” means the townsites of Kununurra and Wyndham which are—

- (a) constituted under section 26(2) of the *Land Administration Act 1997*; or
- (b) referred to in clause 37 of schedule 9.3 of the Act.

3. Clause 1.4—Repeal

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

3.2 In subclause (1) delete paragraphs (a) and (b) and substitute—

“Made by the Wyndham Road Board

- (a) Relating to Control of Hawkers, published in the *Government Gazette* of 5 January 1961, as amended in the *Government Gazettes* of 27 October 1966 and 22 August 1975;

Made by the Shire of Wyndham-East Kimberley

- (b) Relating to Prevention of Damage to Streets, published in the *Government Gazette* of 27 February 1962;
- (c) Relating to Street Lawns and Gardens, published in the *Government Gazette* of 6 February 1964 as amended in the *Government Gazette* of 5 September 1975;
- (d) Relating to Removal and Disposal of Obstructing Animals and Vehicles, published in the *Government Gazette* of 10 March 1964; and
- (e) Relating to Stalls, published in the *Government Gazette* of 6 September 1985.

4. Clause 2.1—General prohibitions

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

5. Part 5 (Roadside Conservation) and Part 6 Division 2 (Street Entertainers) deleted

Delete the whole of Part 5 and Part 6, Division 2.

6. Parts and clauses renumbered

6.1 Renumber Parts 6 to 10 inclusive to 5 to 9 respectively.

6.2 In renumbered Parts, renumber each clause so that the first number of each clause corresponds with the Part number and in Part 5 renumber Division 3 to 2.

6.3 Renumber clauses 5.15 to 5.21 inclusive to 5.9 to 5.15 respectively.

7. Clause cross-references renumbered

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

7.2 In clause 2.2(1)(g), delete “or under a permit issued under clause 5.13”.

7.3 In clause 5.9—

(a) in the definition of “permit holder”, delete “6.16” and substitute “5.10”; and

(b) in the definition of “public place”, delete “6.1” and substitute “5.1”.

7.4 In clause 5.11, delete “6.16” and substitute “5.10”.

7.5 In clauses 6.4(1) and 6.4(2), delete “ 7.2(1)(a)” in each place where it occurs and substitute “6.2(1)(a)”.

7.6 In clause 6.4(3), delete “7.2(2)” and substitute “6.2(2)”.

7.7 In clause 6.6(b), delete “7.10” and substitute “6.10”.

7.8 In clause 6.10(1), delete “8.1” and substitute “7.1”.

7.9 In clause 7.1(a), delete “7.2(1)” and substitute “6.2(1)”.

7.10 In clause 9.2, delete “10.1” and substitute “9.1”.

8. Part 5 (Trading In Thoroughfares and Public Places) modified

8.1 Clause 5.1—Interpretation

In the definition of “trading”—

(a) in paragraph (c) delete subparagraph (iii) and in subparagraph (ii) delete; or “ and substitute “ , “;

(b) renumber paragraphs (d) to (g) inclusive to (e) to (h) respectively;

(c) insert in the appropriate alphabetical position the following new paragraph—

“(d) the delivery of pre-ordered goods or services to the purchaser of those goods or services or to the person nominated by the purchaser of those goods or services whether or not payment for those goods or services is accepted on delivery; or the taking of further orders for goods or services from the purchaser of those pre-ordered goods or services or from the person nominated by the purchaser of those pre-ordered goods or services when those orders are taken at the same time as a previous order is being delivered, whether or not payment is made for those goods or services at the time of taking the order;” and

(d) in the last line, insert “only” before “sold”.

8.2 Clause 5.5—Relevant considerations in determining application for permit

In subclause (2)—

(a) after “;” in subparagraph (iii) of paragraph (c) delete “or”;

(b) renumber paragraph (d) to (e);

(c) insert a new paragraph (d) as follows—

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

8.3 Clause 5.8—Conduct of stallholders and traders

In subclause (2)—

(a) renumber paragraphs (a) to (d) inclusive to (b) to (e) respectively;

(b) insert a new paragraph (a) as follows—

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

9. Schedule 1

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

9.2 Under the column headed “Clause”, after the clause designation 2.2 wherever it occurs insert the subclause designation “(1)” before each paragraph designation.

9.3 Under the columns headed “Clause”, “Description” and “Modified Penalty \$”, delete the prescribed offences applicable to deleted clauses 5.6(1), 5.9, 5.11, 5.13, 5.17, 5.19, 5.20(1), 6.10, 6.11(2) and 6.14.

9.4 Under the column headed “Clause”—

(a) delete “6” where it appears as the first number of a clause designation and substitute “5”;

(b) delete “7” where it appears as the first number of a clause designation and substitute “6”; and

(c) delete “10” where it appears as the first number of a clause designation and substitute “9”;

(d) delete the clause designations 5.16, 5.18, 5.20(1) and 5.20(2) and substitute the designations 5.10, 5.12, 5.14(1) and 5.14(2) respectively.

10. Forms

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

Dated this 28th day of October 2003.

The Common Seal of the Shire of Wyndham-East Kimberley was affixed in the presence of—

B. JOHNSON, President.
C. ADAMS, CEO.

LOCAL GOVERNMENT ACT 1995

SHIRE OF WYNDHAM-EAST KIMBERLEY

PARKING AND PARKING FACILITIES LOCAL LAW 2003

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the Shire of Wyndham-East Kimberley resolved to make the following Local Law on the 21 day of October 2003.

The Town of Cottesloe Parking and Parking Facilities Local Law as published in the *Government Gazette* of 10 December 2001 is adopted as a local law of the Shire of Wyndham-East Kimberley, with the modifications which follow.

1. Preliminary

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

1.2 Where the 'Town of Cottesloe' is mentioned in the Local Law substitute 'Shire of Wyndham-East Kimberley'.

2. Clause 1.2—Repeal

Delete clause 1.2 and substitute—

'The Local Laws of the Shire of Wyndham-East Kimberley Relating to Parking Facilities, published in the *Government Gazette* of 23 February 1990, are repealed.'

3. Clause 1.3—Interpretation

3.1 Delete the definitions of 'metered space', 'metered zone', 'parking meter' and 'ticket issuing machine'.

3.2 In the definition of 'parking facilities', delete 'metered zones, metered spaces,' and 'with or without charge'.

3.3 In the definition of 'parking stall', delete ', but does not include a metered space'.

3.4 In the definition of 'parking station', delete 'with or without charge, but does not include a metered zone or metered space'.

4. Clause 1.6—Classes of vehicles

Delete the paragraph designations (c), (d), (e) and (f) and substitute (b), (c), (d) and (e).

5. Parts deleted and renumbered

5.1 Delete the whole of Parts 2 and 8.

5.2 Renumber Parts 3 to 7 inclusive to 2 to 6 respectively and 9 and 10 to 7 and 8 respectively.

6. Clauses renumbered

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

6.2 Delete clause 2.3 to 2.7 inclusive and renumber clause 2.8 to 2.3.

7. Clause 8.1—Offences and penalties

In subclause (3) delete '\$5000' and substitute '\$1000' and delete '\$500' and substitute '\$100'.

8. Schedule 1—Parking Region

After the first four words delete 'divided into two sectors, Sector A and Sector B, that together are' ; and

delete all words and the plan which follow paragraph (3).

9. Schedule 2—Prescribed Offences

Delete Schedule 2 and substitute the following—

Schedule 2
PARKING AND PARKING FACILITIES LOCAL LAW
PRESCRIBED OFFENCES

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2	Failure to park wholly within parking stall	35
2	2.2(4)	Failure to park wholly within parking area	35
3	2.3(1)(a)	Causing obstruction in parking station	45
4	2.3(1)(b)	Parking contrary to sign in parking station	45
5	2.3(1)(c)	Parking contrary to directions of Authorized Person	45
6	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	35
7	3.1(1)(a)	Parking wrong class of vehicle	35
8	3.1(1)(b)	Parking by persons of a different class	40
9	3.1(1)(c)	Parking during prohibited period	40
10	3.1(3)(a)	Parking in no parking area	45
11	3.1(3)(b)	Parking contrary to signs or limitations	35
12	3.1(3)(c)	Parking vehicle in motor cycle only area	35
13	3.1(4)	Parking motor cycle in stall not marked 'M/C'	35
14	3.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	40
15	3.2(1)(a)	Failure to park on the left of two-way carriageway	35
16	3.2(1)(b)	Failure to park on boundary of one-way carriageway	35
17	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	40
18	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	40
19	3.2(1)(d)	Parking closer than 1 metre from another vehicle	35
20	3.2(1)(e)	Causing obstruction	45
21	3.3(b)	Failure to park at approximate right angle	35
22	3.4(2)	Failure to park at an appropriate angle	35
23	3.5(2)(a) and 6.2	Double parking	40
24	3.5(2)(b)	Parking on or adjacent to a median strip	35
25	3.5(2)(c)	Denying access to private drive or right of way	40
26	3.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	45
27	3.5(2)(e)	Parking within 10 metres of traffic island	40
28	3.5(2)(f)	Parking on footpath/pedestrian crossing	45
29	3.5(2)(g)	Parking contrary to continuous line markings	40
30	3.5(2)(h)	Parking on intersection	40
31	3.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	45
32	3.5(2)(j)	Parking within 3 metres of public letter box	40
33	3.5(2)(k)	Parking within 10 metres of intersection	40
34	3.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	45
35	3.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	45
36	3.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	45
37	3.6	Parking contrary to direction of Authorized Person	45
38	3.7(2)	Removing mark of Authorized Person	50
39	3.8	Moving vehicle to avoid time limitation	35
40	3.9(a)	Parking in thoroughfare for purpose of sale	35
41	3.9(b)	Parking unlicensed vehicle in thoroughfare	35
42	3.9(c)	Parking a trailer/caravan on a thoroughfare	35
43	3.9(d)	Parking in thoroughfare for purpose of repairs	35

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
44	3.10(1) or (2)	Parking on land that is not a parking facility without consent	50
45	3.10(3)	Parking on land not in accordance with consent	35
46	3.11	Driving or parking on reserve	35
47	4.1(1)	Stopping contrary to a 'no stopping' sign	35
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10. Schedule 3

10.1 In each of Forms 2 and 3 insert the designation '(7)' on the last line immediately before 'Name and title of the authorised person giving notice'.

10.2 In Form 4 insert the designation '(4)' on the last line immediately before 'Name and title of the authorised person giving notice'.

Dated this 28th day of October 2003.

The Common Seal of the Shire of Wyndham-East Kimberley was affixed in the presence of—

B. JOHNSON, President.
C. ADAMS, CEO.

LOCAL GOVERNMENT ACT 1995

SHIRE OF WYNDHAM-EAST KIMBERLEY

STANDING ORDERS LOCAL LAW 2003

Under the powers conferred by the Local Government Act 1995, the Council of the Shire of Wyndham-East Kimberley hereby records having resolved on the 21st of October 2003, to adopt the Model Local Law (Standing Orders) 1998 published in the *Government Gazette* on 3 April, 1998, with such modifications as are here set out—

1. Preliminary

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

1.2 Wherever the name of the local government is to be inserted, insert “ Shire of Wyndham-East Kimberley “.

1.3 Wherever the year is to be inserted, insert “2003”.

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

1.5 Delete clause 1.4.

2. Parts deleted and renumbered

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

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

3. Clauses renumbered

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

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

3.3 Delete clause 12.8 and renumber clause 12.9 to 12.8.

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

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

4.2 Clause 7.8—Members Not to Interrupt

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

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

4.3 Clause 9.2—No Debate on Procedural Motions

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

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

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

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

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

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

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

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

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

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

4.8 Clause 14.6—Standing Orders Apply to Committees

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

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

4.9 Clause 15.2—Cases not Provided for in Standing Orders

Delete “11.1(f)” and substitute “9.1 (f)”.

5 Clause 2.2—Order of Business

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

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

6. Clause 2.3—Public Question Time

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

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

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

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

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

9. Clause 7.1—Members to Rise

Delete the heading “Members to Rise” and substitute “Members Wishing to Speak” and delete the whole of the second sentence.

10. Clause 8.16—Personal Explanation

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

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

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

11.2 Insert in the appropriate numerical position the following subclauses—

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

12. Clause 11.2—Question—Method of Putting

12.1 After the heading, before “If” insert the subclause designation (1).

12.2 After subclause (1) insert the following subclause—

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

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

Delete “and be seated”.

14. Clause 12.4—Points of Order—When Valid

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

15. Clause 14.6—Standing Orders Apply to Committees

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

16. Clause 16.1—The Council's Common Seal

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

Dated this 28th day of October 2003.

The Common Seal of the Shire of Wyndham-East Kimberley was affixed in the presence of—

B. JOHNSON, President.

C. ADAMS, CEO.

LOCAL GOVERNMENT ACT 1995

SHIRE OF WYNDHAM-EAST KIMBERLEY

LOCAL GOVERNMENT PROPERTY 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 Wyndham-East Kimberley resolved on 21 October 2003 to make the following local law.

The Shire of Exmouth Local Government Property Local Law as published in the *Government Gazette* of 10 July 2000, is adopted as a local law of the Shire of Wyndham-East Kimberley, with the modifications which follow.

1. Preliminary

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

1.2 Wherever the "Shire of Exmouth" is mentioned in the local law substitute "Shire of Wyndham-East Kimberley".

2. Clause 1.4—Application

In clause 1.4(1) delete all words and brackets after "district" where it first occurs and substitute, and to the following areas outside the district—

- (a) lakes, rivers, water courses, tidal and non-tidal waters, including the area between high water mark and low water mark, which adjoin local government property; and
- (b) in the sea adjoining the district for a distance of 200 metres seaward from the western district boundary, which is bounded by the shores of the Indian Ocean.

3. Clause 1.5—Repeal

Delete clause 1.5(1) and substitute—

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

Relating to—

- (a) Aerodromes, published in the *Government Gazette* of 11 September 1970, as amended in the *Government Gazettes* of 22 February 1974, 18 July 1980, and 6 April 1984.
- (b) Control and Management of Halls, Recreation Centres, Multipurpose Centres, Equipment and Property, published in the *Government Gazette* of 31 August 1990;
- (c) Swimming Pools, published in the *Government Gazette* of 9 November 1990; and
- (d) the Use of Reserves and Foreshores, published in the *Government Gazette* of 2 August 1991."

4. Clause 3.13—Activities needing a permit

4.1 In subclause (1)—

- (a) In paragraph (g) subparagraph (ii) delete "stand" and substitute "stop".
- (b) In paragraph "(n)", after "," delete "or";
- (c) In paragraph "(o)" delete "." and substitute "; or "; and
- (d) Insert the paragraph—
"(p) conduct or take part in any gambling game or contest, or bet, or offer to bet, publicly."

5. Part 5—Matters Relating to Particular Local Government Property

5.1 Delete the whole of Division 2 and renumber Divisions 3 to 5 inclusive to "4" to "6" respectively.

5.2 In Division 1, clause 5.1(a) subparagraph (i) delete "6 years" and "14 years" and substitute "12 years" and "15 years" respectively.

5.3 In Division 1, immediately after clause 5.1 insert—

"When entry may be refused

5.2 A Manager or an authorized person may suspend admission for any period to any person who has committed a breach of any provision of this local law in relation to a pool area.

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

5.3(1) Where a Manager or an authorised person refuses admission to a person or directs a person to leave a pool area under clause 5.1 or clause 8.2 that refusal or direction is a decision to which Division 1 of Part 9 of the Act applies and the person is an affected person for the purposes of that Division.

(2) Subclause (1) does not apply to a refusal or direction under Clause 5.2.

Consumption of food or drink may be prohibited

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

5.4 Renumber clauses 5.5 to 5.7 inclusive to 5.20 to 5.22 respectively

5.5 Immediately after Division 1 insert the following—

Division 2—Water activities, ocean and other waterways

Application

5.5 This division applies to local government property and to the following areas outside the district—

- (a) lakes, rivers, water courses, tidal and non-tidal waters, including the area between high water mark and low water mark, which adjoin local government property; and
- (b) in the sea adjoining the district for a distance of 200 metres seaward from the western district boundary which is bounded by the shores of the Indian Ocean.

Interpretation

5.6 In this division, unless the context otherwise requires—

“**bathing**” means the act of entering the sea, 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;

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

“**foreshore**” means all the land adjacent to local government property which lies between the low water mark and the high water mark;

“**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
- (c) is designed to be steered by means of handlebars by a person sitting, standing or kneeling on the vessel and not within it.

Bathing areas may be indicated

5.7 The local government may indicate by signs or flags, any areas where bathing is permitted.

Prohibited activities may be indicated

5.8 The local government may indicate, by signs or flags, any areas where—

- (a) bathing is prohibited;
- (b) the riding of surfboards or use of any other bathing appliance is prohibited;
- (c) the driving of boats or personal watercraft is prohibited; or
- (d) fishing is prohibited.

A person to comply with signs

5.9 A person shall not do any thing in contravention of a sign erected under clause 5.8.

Fishing

5.10(1) A person shall not fish in any permitted bathing area indicated by signs under clause 5.7.

(2) A person shall not, whether fishing is permitted or not, leave or deposit dead fish or fish offal on local government property or foreshore or water adjacent thereto within 200 metres of any part of a foreshore.

Surfboards and boats

5.11(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 5.7.

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

Division 3—Jetties

Interpretation

5.12(1) This Division applies to jetties which are local government property, whether within the district or in the sea adjoining the district, for a distance of 200 metres seaward from the western district boundary which is bounded by the shores of the Indian Ocean.

(2) In this Part—

“jetty” means any jetty, pier, wharf or landing place which is local government property.

When use of jetty is prohibited

5.13 A person shall not land at, use or go on any part of a jetty which is—

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

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

Method of mooring boat

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

When boat may remain moored

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

- (a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;
- (b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior consent of the local government; or
- (c) the loading, or discharging of cargo or other goods is in progress and then not for a consecutive period exceeding 2 hours without the prior consent of the local government.

Authorised person may order removal of boat

5.16 Notwithstanding anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside a jetty shall remove it immediately upon being directed to do so by an authorised person.

No obstruction on jetty

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

Polluting surrounding area

5.18 A person shall not tip or deposit anything on to a jetty so as to pollute the surrounding area.

Limitation on fishing

5.19 A person shall not fish from a jetty so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or so as to unreasonably interfere with the use of the jetty by any other person.”.

5.6 In renumbered Division 6, renumber clause 5.22 to 5.25 and insert the following—

“ Application

5.22 This Division applies to each airport which is local government property within the district.

Use by aircraft

5.23 (1) The owner of every aircraft, upon payment of the set fee and compliance with this local law and other written law, shall be entitled to use the airport for the landing, servicing and departure of their aircraft and the embarkment and disembarkment of passengers and freight.

(2) The local government may close the airport to aircraft movements if it considers the surface of the airport to be unsafe.

Right of entry to airport

5.24 (1) Except as herein provided, a person other than;

- (a) a person lawfully employed upon duties in or about the supervision and control of the airport, or acting under a permit or other agreement of or with the local government, in or about the arrival, departure and servicing of or other attention to aircraft lawfully using the airport; or
- (b) a passenger or intending passenger of an aircraft lawfully using the airport; or
- (c) a person greeting or seeing off a passenger or intending passenger of an aircraft lawfully using the airport;

shall not enter or remain upon the airport or any part thereof without the approval of the local government first had and obtained.

(2) The local government may from time to time designate or set apart any specified part to or parts of the Airport—

- (a) to which only persons from time to time designated by the local government shall be admitted;
- (b) to which persons other than those mentioned in subclause (1) shall not be admitted;
- (c) to which the general public, or any limited classes of the general public, may be admitted, either at all times or at specified times, or for limited periods and generally upon such terms and conditions as the local government may resolve;
- (d) to which no vehicle may be admitted or to which a limited class of vehicles may be admitted or to which vehicles may be admitted only on such terms and conditions as the local government may resolve;
- (e) to which no aircraft may be admitted or to which a limited class of aircraft may be admitted or to which aircraft may be admitted only on such terms and conditions as the local government resolves.

(3) Signs, markings or notices may be placed by the local government at the airport indicating the limits of any part of the airport set apart for any special or limited use under subclause (2).

(4) Notwithstanding the provisions of this clause the local government may on special occasions, for instance, an aerial pageant or other event of public interest, make such arrangements for the control of the airport as it may by resolution impose.”.

5.7 Immediately after Division 6 insert the following—

“Division 7—Refuse and recycling facilities

Interpretation

5.26 In this division—

“facility” means the property and buildings at any landfill site which is local government property; and

“waste” means all manner of material discarded as being no longer required by the person owning or in possession of that material.

Fees and charges to be paid

5.27 A person shall not enter the facility to dispose of or dump waste without paying the appropriate admission fee or charge unless authorised to do so by the local government.

Speed limits to be observed

5.28 The driver of a vehicle entering the facility shall observe the speed limits as depicted on standard signs erected in proximity to the access roadways.

Dumping in authorised areas only

5.29 A person shall place or dispose of waste at the facility in a place designated for the placement or disposal of that class of waste by signs, or on the instructions of an authorised person.

Waste not to be removed

5.30 A person shall not remove or carry away from the facility any waste unless authorised to do so by an authorised person.

Certain materials prohibited

5.31 A person shall not dispose of or dump at the facility—

(a) any septic tank sewerage waste liquid, toxic or hazardous waste; or

(b) tyres of any kind;

which do not comply with the licence for the facility issued by the Department of Environmental Protection.”.

6. Schedule 1—Prescribed offences

6.1 Under the headings “Clause”, “Description” and “Modified Penalty \$”—

(a) delete—

“5.4 Failure to comply with sign or direction on breach 100”;

(b) insert in the appropriate numerical position—

“5.4 Consuming food or drink in prohibited area 100

5.9 Failure to comply with sign prohibiting water activities 100

5.10(1) Fishing in permitted bathing area 100

5.10(2) Unlawfully depositing dead fish or offal 100

5.11(1) Driving or riding surfboard, personal watercraft or boat in permitted bathing area 100

5.11(2) Driving or riding personal watercraft within 50 metres of person bathing 100

5.13 Unauthorized use of any part of jetty which is closed or under repair or construction 100

5.14 Mooring of boats in unauthorized manner 100

5.15 Unauthorized mooring of a boat to jetty 100

5.16 Failure to remove moored boat on direction of authorized person 100

5.17 Causing obstruction on jetty 200

5.19 Fishing from jetty so as to obstruct a boat or another person 100”.

6.2 Under the heading “Clause” delete the number 5.5, 5.6 5.7(1), 5.7(2) and 5.7(3) and substitute “5.20”, “5.21”, “5.25(1)”, “5.25(2)” and “5.25(3)” respectively.

6.3 Under the headings “Clause”, “Description” and “Modified Penalty \$” insert in the appropriate numerical position—

“5.27 Unauthorized entry to facility without paying fee or charge 100

5.28 Exceeding speed limit within facility 100

5.29 Placement or disposal of waste in a place not designated for that class of waste 200

5.30 Unauthorized removal of waste 100

5.31 Disposal or dumping of unauthorized waste 200”.

7. Schedule 2—Determinations

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

Dated this 28th day of October 2003.

The Common Seal of the Shire of Wyndham-East Kimberley was affixed in the presence of—

B. JOHNSON, President.
C. ADAMS, CEO.

LOCAL GOVERNMENT ACT 1995**SHIRE OF WYNDHAM-EAST KIMBERLEY****EXTRACTIVE INDUSTRIES 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 Wyndham-East Kimberley resolved on 21st October 2003 to make the following local law.

The Shire of Dandaragan Extractive Industries Local Law as published in the *Government Gazette* of 9 May 2001, is adopted as a local law of the Shire of Wyndham-East Kimberley, with the modifications which follow.

1. Preliminary

Delete "Shire of Dandaragan" wherever it occurs and substitute "Shire of Wyndham-East Kimberley".

2. Clause 1.1—Definitions

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

3. Clause 1.3—Repeal

Delete clause 1.3 and substitute "The Shire of Wyndham-East Kimberley Local Laws Relating to Extractive Industries published in the *Government Gazette* of 23 January 1968, are repealed".

4. Clause 2.3—Application for Licence

Delete subclause (3) and substitute—

- "(3) Where, in relation to a proposed excavation—
- (a) the surface area is not to exceed 2000m²; and
 - (b) the extracted material is not to exceed 2000m³;

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

Dated this 28th day of October 2003.

The Common Seal of the Shire of Wyndham-East Kimberley was affixed in the presence of—

B. JOHNSON, President.
C. ADAMS, CEO.

LOCAL GOVERNMENT ACT 1995

SHIRE OF WYNDHAM-EAST KIMBERLEY

REPEAL LOCAL LAW 2003

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the local government of the Shire of Wyndham-East Kimberley resolved to make the following local law on the 21st of October 2003.

Repeal

The following local laws are repealed—

Made by the Wyndham Road Board

Relating to—

Building, published in the *Government Gazette* of 19 December 1960;

Requiring Removal of Refuse etc, published in the *Government Gazette* of 22 June 1961;

Made by the Shire of Wyndham-East Kimberley

Relating to—

Old Refrigerators and Cabinets, published in the *Government Gazette* of 6 February 1964, as amended in the *Government Gazette* of 5 September 1975;

Long Service Leave, published in the *Government Gazette* of 10 June 1965;

Petrol Pumps, published in the *Government Gazette* of 27 October 1966, as amended in the *Government Gazette* of 5 September 1975;

Depositing and Removal of Refuse, Rubbish, Litter and Disused Materials, published in the *Government Gazette* of 21 December 1966;

Holiday Accommodation, published in the *Government Gazette* of 6 December 1974, as amended by publication in the *Government Gazette* of 4 May 1990;

Depositing and Removal of Refuse, Rubbish, Litter, Old Car Bodies and Disused Material, published in the *Government Gazette* of 16 March 1979;

Motels, published in the *Government Gazette* of 19 March 1982, as amended in the *Government Gazette* of 4 May 1990;

Signs, Hoardings and Bill Postings, published in the *Government Gazette* of 29 November 1991, as amended in the *Government Gazettes* of 15 December 1992, 5 February 1993 and 2 April 1993;

the Payment of Rates and Charges, published in the *Government Gazette* of 12 November 1993;

Control And Storage of Old And Disused Motor Vehicles and Machinery, published in the *Government Gazette* of 6 December 1996; and

Consolidated Local Government Laws, published in the *Government Gazette* of 9 August 2001.

Dated this 28th day of October 2003.

The Common Seal of the Shire of Wyndham-East Kimberley was affixed in the presence of—

B. JOHNSON, President.
C. ADAMS, CEO.

DOG ACT 1976

SHIRE OF WYNDHAM-EAST KIMBERLEY

DOGS LOCAL LAW 2003

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DOG ACT 1976

SHIRE OF WYNDHAM-EAST KIMBERLEY

DOGS LOCAL LAW 2003

Under the powers conferred by the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Wyndham-East Kimberley resolved on the 21st day of October 2003 to make the following local law.

PART 1—PRELIMINARY**1.1 Citation**

This local law may be cited as the Shire of Wyndham-East Kimberley Dogs Local Law 2003.

1.2 Repeal

The By-Laws Relating to the Control of Dogs and Relating to Dog Kennels and the Breeding of Dogs, published in the *Government Gazette* on 25 June, 1976, are repealed.

1.3 Definitions

In this local law unless the context otherwise requires—

“**Act**” means the *Dog Act 1976*;

“**authorized person**” means a person authorized by the local government to perform all or any of the functions conferred on an authorized person under this local law;

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

“**local government**” means the Shire of Wyndham-East Kimberley;

“**pound keeper**” means a person authorized by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;

“**Regulations**” means the *Dog Regulations 1976*;

“**thoroughfare**” has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

“**town planning scheme**” means a town planning scheme made by the local government under the *Town Planning and Development Act 1928* which applies throughout the whole or a part of the district.

1.4 Application

This local law applies throughout the district.

PART 2—IMPOUNDING OF DOGS**2.1 Charges and costs**

The following are to be imposed and determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of pound keeper at pound

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the CEO.

2.3 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the CEO.
- (2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence—
 - (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.4 No breaking into or destruction of pound

A person who—

- (a) unless he or she is the pound keeper or a person authorized to do so, releases or attempts to release a dog from a pound; or

- (b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof—
 - (i) any pound; or
 - (ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog, commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

Penalty: Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
 - (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—
 - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
 - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

PART 4—APPROVED KENNEL ESTABLISHMENTS

4.1 Interpretation

In this Part and in Schedule 2—

“**licence**” means a licence to keep an approved kennel establishment on premises;

“**licensee**” means the holder of a licence;

“**premises**”, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

“**transferee**” means a person who applies for the transfer of a licence to her or him under clause 4.14.

4.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with—

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.3;
- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (e) the fee for the application for a licence referred to in clause 4.10(1).

4.3 Notice of proposed use

- (1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—
 - (a) once in a newspaper circulating in the district; and
 - (b) to the owners and occupiers of any premises adjoining the premises.
- (2) The notices in subclause (1) must specify that—
 - (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and

- (b) the application and plans and specifications may be inspected at the offices of the local government.

(3) Where—

- (a) the notices given under subclause (1) do not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises, then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

4.4 Exemption from notice requirements

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements, under a town planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

4.5 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

4.6 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.7;
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.7 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a town planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.8 Conditions of approval

(1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.

(2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

4.9 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

Penalty: Where a dog involved in the contravention is a dangerous dog, \$2,000 and a daily penalty of \$200; otherwise \$1,000 and a daily penalty of \$100.

4.10 Fees

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*.

4.11 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

4.12 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 4.10(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.13 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence—
 - (a) on the request of the licensee;
 - (b) following a breach of the Act, the Regulations or this local law; or
 - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of—
 - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.14 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be—
 - (a) made in the form determined by the local government;
 - (b) made by the transferee;
 - (c) made with the written consent of the licensee; and
 - (d) lodged with the local government together with—
 - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
 - (ii) the fee for the application for the transfer of a licence referred to in clause 4.10(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.15 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act.

4.16 Inspection of kennel

With the consent of the occupier, an authorized person may inspect an approved kennel establishment at any time.

PART 5—DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

- (1) Dogs are prohibited absolutely from entering or being in any of the following places—
 - (a) where so indicated by a sign, a public building;
 - (b) all premises or vehicles classified as food premises or food vehicles under the *Health (Food Hygiene) Regulations 1993*;
 - (c) a public swimming pool.
- (2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

5.2 Places which are dog exercise areas

(1) Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, the following are dog exercise areas—

- (a) Within the townsite of Kununurra the areas known as Lot 2370 Celebrity Tree Park,
- (b) Lot 2420 Lakeside of Casuarina Way-East of Lakeside Resort
- (c) Lots 1321 & 1296 Vacant Blocks adjacent to the Kununurra Cemetery on the corner of Barringtonia Street and Hidden Valley Way; and
- (d) Lot 972, on the corner of Ivanhoe Road and Coolibah Drive up to the Agricultural Society stables.
- (e) Within the townsite of Wyndham the area known as Lot 1236, Wyndham Oval.

(2) Subclause (1) does not apply to—

- (a) land which has been set apart as a children's playground;
- (b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or
- (c) a car park.

PART 6—MISCELLANEOUS

6.1 Offence to excrete

(1) A dog must not excrete on—

- (a) any thoroughfare or other public place; or
- (b) any land which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: \$200.

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 7—ENFORCEMENT

7.1 Interpretation

In this Part—

“**infringement notice**” means the notice referred to in clause 7.3; and

“**notice of withdrawal**” means the notice referred to in clause 7.6(1).

7.2 Modified penalties

(1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the third column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if—

- (a) the dog is not a dangerous dog; or
- (b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.

(3) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

7.3 Issue of infringement notice

Where an authorized person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations.

7.4 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

7.5 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

7.6 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorized person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.

(2) A person authorized to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.

7.7 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

Schedule 1

(clause 4.2)

LOCAL LAWS RELATING TO DOGS**APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

I/we (full name).....
 of (postal address).....
 (telephone number).....
 (facsimile number).....
 (E-mail address).....
 Apply for a licence for an approved kennel establishment at (address of premises).....

 For (number and breed of dogs).....
 * (insert name of person) will be residing at the premises on and from (insert date)
 * (insert name of person) will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at
 (insert address of residence)
 on and from (insert date).

Attached are—

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside—
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as, in the keeping of dogs at the proposed kennel establishment.

Signature of applicant.....

Date.....

* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months—section 27.5 of the Dog Act.

OFFICE USE ONLY

Application fee paid on [insert date].

Schedule 2

(clause 4.8(1))

CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
 - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
 - (ii) 10m from any dwelling; and
 - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;

- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
 - (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
 - (f) the upper surface of the kennel floor must be—
 - (i) at least 100mm above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
 - (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
 - (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
 - (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
 - (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
 - (i) 2m; or
 - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
 - (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zinalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
 - (l) all external surfaces of each kennel must be kept in good condition;
 - (m) the roof of each kennel must be constructed of impervious material;
 - (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorized person;
 - (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
 - (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
 - (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
 - (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.
-

Schedule 3

(clause 7.2)

OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

Offence	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
2.4(a)	Attempting to or causing the unauthorized release of a dog from a pound	200	400
2.4(b)&(c)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	200	
3.1	Failing to provide means for effectively confining a dog	50	200
4.9	Failing to comply with the conditions of a licence	100	200
5.1(2)	Dog in place from which prohibited absolutely	200	400
6.1(2)	Dog excreting in prohibited place	40	

Dated this 28th day of October 2003.

The Common Seal of the Shire of Wyndham-East Kimberley was affixed by authority of a resolution of the Council in the presence of—

B. JOHNSON, President.
C. ADAMS, CEO.

BUSH FIRES ACT 1954

SHIRE OF WYNDHAM-EAST KIMBERLEY

BUSH FIRE BRIGADES LOCAL LAW 2003

Under the powers conferred by the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the Shire of Wyndham-East Kimberley resolved on the day of 21 October 2003 to make the following local law.

The Bush Fire Brigades Local Law of the Shire of Bridgetown-Greenbushes published in the *Government Gazette* of 20 October 2000, is adopted as a local law of the Shire of Wyndham-East Kimberley with the modifications which follow:

1. Preliminary

1.1. Wherever the “Shire of Bridgetown-Greenbushes” is mentioned in the local law substitute “Shire of Wyndham-East Kimberley”.

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

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

2. Clause 1.3—Repeal

Delete clause 1.3 and substitute—

“ By-laws relating to the establishment, maintenance and equipment of Bush Fire Brigades, published in the *Government Gazette* of 22 November 1985, are repealed.”.

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

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

3.2 Clause 2.9—Existing liabilities to continue

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

3.3 Delete Appendixes I and II.

Dated this 28th day of October 2003.

The Common Seal of the Shire of Wyndham-East Kimberley was affixed in the presence of—

B. JOHNSON, President.
C. ADAMS, CEO.

CEMETERIES ACT 1986

SHIRE OF WYNDHAM-EAST KIMBERLEY

CEMETERIES LOCAL LAW 2003

Under the powers conferred by the Cemeteries Act 1986, the Shire of Wyndham-East Kimberley resolved on the 21st October 2003 to adopt the Model Local Law (Cemeteries) 1998 published in the *Government Gazette* on 12 May 1998, with such modifications as are here set out.

1. Preliminary

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

1.2 Wherever the name of the Local Government is to be inserted, insert "Shire of Wyndham-East Kimberley".

1.3 Wherever the name of the Local Law is to be inserted, insert "Wyndham-East Kimberley Cemeteries Local Law 2003".

1.4 Wherever the address of the Local Government is to be inserted, insert "115 Coolibah Drive, Kununurra".

2. Application clause inserted

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

2.2 Insert the following new clause—

"1.2 Application

This Local Law applies to each of the following cemeteries—

Kununurra Cemetery—Reserve 26765 (Lot 241);

Wyndham Cemetery—Reserve 20359 (Lot 441);

Wyndham Cemetery—Reserve 27725 (Lot 1262)."

3. Renumbered Clause 1.4 Repeal

After "The following Local Law is repealed:-" insert "The Shire of Wyndham-East Kimberley By-laws Relating to Cemeteries, published in the *Government Gazette* of 17 March 1966, as amended ".".

4. Clause 3.2 Application for Cremation

4.1 Delete the whole of this clause.

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

4.3 In renumbered clause 3.2—

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

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

5. Clause 3.3 Certificate of Identification

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

6. Clause 4.2 Single Funeral Permits

Delete "or crematorium".

7. Clause 4.3 Application refusal

Delete "or crematorium,".

8. Clause 5.1 Requirements for Funerals and Coffins

In paragraph (a) delete "or cremation".

9. Clause 5.2 Funeral Processions

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

10. Clause 5.6 Conduct of Funeral by Board

Delete paragraph (d).

11. Part 5, Division 2—Cremation

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

12. Part 5, Division 3—Placement of Ashes

In Part 5—

- (a) renumber Division 3 to “Division 2”;
- (b) renumber clause 5.12 to “5.7”;
- (c) in subclause (1) of renumbered clause 5.7 delete—
“Memorial Wall
Garden of Remembrance
Ground Niche
Memorial Rose, Tree or Shrub
Family Shrub
Memorial Desk
Granite Seat
Book of Remembrance
Memorial Gardens”;
- (d) delete clauses 5.13 and 5.14.

13. Clause 7.12 Placing of Glass Domes and Vases

In paragraph (b) delete “or a memorial plaque”.

14. Part 7, Division 2—Lawn Section

- (a) In Part 7, Division 2—
renumber clauses 7.13 and 7.14 to 7.14 and 7.15 respectively;
- (b) insert a new clause—
“**7.13 Application**

This Division applies to the Kununurra Cemetery (Reserve 26765) only.”.

15. Part 7, Division 3—Memorial Plaque Section

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

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

In Part 7, renumber Division 4 to “Division 3”;

17. Second Schedule

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

Dated this 28th day of October 2003.

The Common Seal of the Shire of Wyndham-East Kimberley was affixed by authority of a decision of the Council in the presence of—

B. JOHNSON, President.
C. ADAMS, CEO.

