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SHIRE OF BOYUP BROOK

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HEALTH LOCAL LAWS 2003

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REPEAL LOCAL LAW 2003

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HEALTH ACT 1911**SHIRE OF BOYUP BROOK****HEALTH LOCAL LAWS 2003**

Made by the Council of the Shire of Boyup Brook under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These Local Laws may be cited as the “*Shire of Boyup Brook Health Local Laws 2003*”.

Incorporation by Reference

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

Repeal

3. (1) The Health Local Laws adopted by the Upper Blackwood Road Board [now the Shire of Boyup Brook] and published in the *Government Gazette* on 2 November 1934, and amended from time to time are repealed.
- (2) The Health Local Laws adopted by the Upper Blackwood Road Board [now the Shire of Boyup Brook] on 17 April 1952 and published in the *Government Gazette* on 27 June 1952, and amended from time to time are repealed.
- (3) The Health Local Laws adopted by the Upper Blackwood Road Board [now the Shire of Boyup Brook] on 21 September 1960 and published in the *Government Gazette* on 25 November 1960, and amended from time to time are repealed.
- (4) The Health Local Laws adopted by the Shire of Upper Blackwood [now the Shire of Boyup Brook] on 20 May 1964 and published in the *Government Gazette* on 11 August 1964, and amended from time to time are repealed.

SCHEDULE

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

Item	Sections Affected	Description
1.	Preliminary	Delete the definition of “Council” in subsection 1.3(1) and, except in subsection 1.3(1) in the definition of “water”, delete “Council” wherever it appears in the Local Laws and substitute “local government” or “the local government” as appropriate.
2.	1.1	Delete Section 1.1 and substitute the following— “1.1 These Local Laws may be cited as the “ <i>Shire of Boyup Brook Health Local Laws 2003</i> ”.”
3.	1.2	Delete Section 1.2.
4.	1.3(1) and Schedules 1-11	Delete “Shire of Koorda” wherever it occurs and substitute “Shire of Boyup Brook”.
5.	1.3(1)	(a) In the definition of “CEO”, delete “Shire” and substitute “local government”. (b) Insert, in the appropriate alphabetical position, the definition— “ “local government” means the Shire of Boyup Brook;”.
6.	1.3(1) & 8.2 11(8)(a)	In both of these subsections delete “AS 1530.3:1999” and substitute “AS/NZS 1530.3: 1999”.
7.	1.3(1) & 3.2.4(2)(b)	In both of these subsections delete “AS 1668.2-1991” and substitute “AS1668.2-2002”.
8.	1.3(1) & 3.2.4(3)(a)	In both of these subsections delete “AS/NZS 3666.2-1995” and substitute “AS/NZS 3666.2-2002”.

Item	Sections Affected	Description
9.	1.3(1)	In the definition of "AS/NZS 3666.2-2002" delete "AS/AZS 3666.2-2002" in the second line and substitute "AS/NZS 3666.2-2002".
10.	1.3(1)	In the definition of "water", delete the comma after the word "as" and insert a comma after the year "1996".
11.	2.1.6	Delete the word "very" in the first line and substitute the word "every".
12.	3.1.2	Delete paragraph (b), "—", "(a)", "; and" and add "." after the word "obstruction".
13.	4.1.4	Delete the word "other" in the fifth line and substitute the words "of the".
14.	4.2.1	Delete the definition of "building line".
15.	4.2.2.(d)	Delete paragraph (d) and substitute— “(d) on each collection day at or prior to 6.00am, place the receptacle out in the street adjoining the premises, in a position prescribed by the Council, where it is visible from the carriageway and is positioned with the handle facing away from the kerb line, or placed in such other position as is approved by Council.
16.	4.2.16	Delete section 4.2.16 and substitute— “The townsite of Boyup Brook is the prescribed area within which the provisions of Section 112A of the Act shall operate and have effect.”
17.	5.3.2(1)	In subsection (1), delete the words and comma “large animal,” and in the second line insert the words “or other large animal” after the word “goats”.
18.	5.6.4	In Table 3, delete the row heading “50 to 500 pigs” and substitute the heading “50 to 499 pigs”.
19.	6.1.5(1)(b)	In the first line of paragraph (b), insert a comma after the word “requirement”.
20.	8.2.2(a)	Before the existing subparagraphs insert a new subparagraph (i) as follows— “(i) cooking appliances;” and then renumber the existing subparagraphs from “(i)” and “(ii)” to “(ii)” and “(iii)” respectively.
21.	10.1.1 & 10.1.2	Delete the whole of Part 10— ITINERANT FOOD VENDORS.
22.	Schedule 14 & 15	Delete Schedule 14 & 15.

Made at a meeting of the Council of the Shire of Boyup Brook held on 20 November, 2003.

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

T. J. GINNANE, President.
W. PEARCE, Chief Executive Officer.

on this 31st day of July, 2003.

Consented to—

MARGARET STEVENS, Executive Director,
Public Health.

Dated this 9th day of September, 2003.

DOG ACT 1976

SHIRE OF BOYUP BROOK

DOGS LOCAL LAW

Under the powers conferred by the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Boyup Brook resolved on 20th day of November 2003 to make the following local law—

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

1. Preliminary

Wherever the “Shire of Moora” is mentioned in the local law substitute “Shire of Boyup Brook”.

2. Clause 1.2—Repeal

Delete clause 1.2.

3. Clauses in Part 1 renumbered

Renumber clauses 1.3 and 1.4 to 1.2 and 1.3 respectively.

4. Clause 5.1—Places where dogs are prohibited absolutely

Delete subclause (1) and substitute—

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

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

5. Clause 5.2—Places which are dog exercise areas

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

Recreation Reserves 1454 & 23783 (Lots 189, 190,191 & 195) Beatty Street, Boyup Brook (excluding Tennis Courts and Swimming Pool grounds)

Dated this 8th day of December 2003.

The Common Seal of the Shire of Boyup Brook was affixed in the presence of—

T. J. GINNANE, President.
W. PEARCE, Chief Executive Officer.

CEMETERIES ACT 1986

SHIRE OF BOYUP BROOK

BOYUP BROOK CEMETERY LOCAL LAW 2003

Under the powers conferred by the Cemeteries Act 1986, the Shire of Boyup Brook resolved on the 20th day of November 2003 to adopt the Model Local Law (Cemeteries) 1998 published in the *Government Gazette* on 12 May 1998 in relation to the Boyup Brook Cemetery, with such modifications as are here set out.

1. Preliminary

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

1.2 Wherever the name of the Local Government is to be inserted, insert "Shire of Boyup Brook".

1.3 Wherever the name of the Local Law is to be inserted, insert "Boyup Brook Cemetery Local Law 2003".

1.4 Wherever the address of the Local Government is to be inserted, insert "Abel Street, Boyup Brook".

2. Application clause inserted

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

2.2 Insert the following new clause—

"1.2 Application

This Local Law applies to the Boyup Brook Cemetery, being Reserve 11653."

3. Renumbered Clause 1.4 Repeal

After "The following Local Law is repealed:—" insert "Upper Blackwood Cemetery (Reserve 11653)—By-Laws, published in the *Government Gazette* of 12 September 1956, as amended by publication in the *Government Gazettes* of 20 May 1971, 26 November 1976, 10 December 1976, 23 March 1984 and 1 March 1985."

4. Clause 3.2—Application for Cremation

4.1 Delete the whole of this clause.

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

4.3 In renumbered clause 3.2—

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

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

5. Clause 3.3—Certificate of Identification

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

6. Clause 4.2—Single Funeral Permits

Delete ". or crematorium".

7. Clause 4.3—Application refusal

Delete "or crematorium,"

8. Clause 5.1—Requirements for Funerals and Coffins

In paragraph (a) delete "or cremation".

9. Clause 5.2—Funeral Processions

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

10. Clause 5.6—Conduct of Funeral by Board

Delete paragraph (d).

11. Part 5, Division 2—Cremation

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

12. Part 5, Division 3—Placement of Ashes

In Part 5—

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

13. Clause 7.12—Placing of Glass Domes and Vases

Delete all words after the heading and substitute—

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

14. Part 7, Division 2—Lawn Section

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

15. Part 7, Division 3—Memorial Plaque Section

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

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

In Part 7—

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

17. Second Schedule

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

Dated this 8th day of December 2003.

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

T. J. GINNANE, President.
W. PEARCE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF BOYUP BROOK

ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Boyup Brook resolved on 20th November 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 Boyup Brook, with the modifications which follow.

1. Preliminary

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

1.2 Wherever the “Shire of Kojonup” is mentioned in the local law substitute “Shire of Boyup Brook”.

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 townsite of Boyup Brook which is—

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

3. Clause 1.4—Repeal

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

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

“By-laws made by the Shire of Upper Blackwood Relating to—

- (a) Numbering of Houses, published in the *Government Gazette* of 23 November 1955;
- (b) Prevention of Damage to Streets, published in the *Government Gazette* of 16 December 1965.

By-laws made by the Shire of Boyup Brook Relating to—

- (c) Control of Hawkers, published in the *Government Gazette* of 24 April 1981;
- (d) Removal and Disposal of Obstructing Animals or Vehicles, published in the *Government Gazette* of 30 July 1982; and
- (e) Road Reserves, published in the *Government Gazette* of 29 June 1984, as amended by publication in the *Government Gazettes* of 1 March 1985 and 15 November 1991.”

4. In the heading to **PART 2**, delete “**ON**” and substitute “**IN**”.

5. Clause 2.1—General prohibitions

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

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

In subclause (1)—

- (a) in paragraph (b) after “only” insert “in accordance with the terms and conditions and”; and
- (b) in paragraph (i) after “installing” insert “, or in order to maintain,”.

7. Part 4, Shopping Trolleys

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

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

7.3 Immediately after the heading to Part 4, delete the heading “*Division 1—Animals and vehicles*”.

8. Clause 5.7—Designation of special environmental areas

In paragraph (a) delete “as” and insert “has”.

9. Clause 6.1—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.”.

10. Clause 6.4—No permit required to sell newspaper

After “newspaper” insert “only”.

11. Clause 6.5—Relevant considerations in determining application for permit

In subclause (2)—

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

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

12. Clause 6.8—Conduct of stallholders and traders

In subclause (2)—

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

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

13. Part 6—Division 2—Street Entertainers

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

14. Clause 6.21—Temporary removal of Facility may be requested

In subclause (1) delete “in the event of an emergency”.

15. Clause 7.10—Cancellation of permit

Delete subclause (1) and substitute—

- “(1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a—
- (i) condition of the permit; or
 - (ii) provision of any written law which may relate to the activity regulated by the permit.”.

16. Schedule 1

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

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

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

17. Forms

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

Dated this 8th day of December 2003.

The Common Seal of the Shire of Boyup Brook was affixed in the presence of—

T. J. GINNANE, President.
W. PEARCE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF BOYUP BROOK

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Boyup Brook resolved on 20th November 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 Boyup Brook, with the modifications which follow.

1. Preliminary

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

1.2 Wherever the “Shire of Exmouth” is mentioned in the local law substitute “Shire of Boyup Brook”.

2. Clause 1.4—Application

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

3. Clause 1.5—Repeal

Delete clause 1.5(1) and substitute—

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

- (a) Swimming Pool By-laws, published in the *Government Gazette* of 12 June 1981, as amended by publication in the *Government Gazette* of 18 June 1982; and
- (b) By-laws for the Management and Use of the Boyup Brook Town Hall and Community Centre, published in the *Government Gazette* of 26 June 1981, as amended by publication in the *Government Gazette* of 18 June 1982.

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 “;”;
- (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 “2” to “4” respectively.

5.2 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.”.

5.3 Delete renumbered Division 4, “Aerodrome (airport)”.

6. Schedule 1—Prescribed offences

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

- (a) insert in the appropriate numerical position—
“5.4 Consuming food or drink in prohibited area

(b) delete—	
“5.4 Failure to comply with sign or direction on beach	100
5.7(1) Unauthorized presence of animal on aerodrome	300
5.7(2) Animal wandering at large on aerodrome— person in charge	300
5.7(3) Animal wandering at large on aerodrome— owner	300”

7. Schedule 2—Determinations

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

Dated this 8th day of December 2003.

The Common Seal of the Shire of Boyup Brook was affixed in the presence of—

T. J. GINNANE, President.
W. PEARCE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF BOYUP BROOK

LOCAL LAW RELATING TO FENCING

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Boyup Brook resolved on 20th November 2003 to make the following local laws—

The Shire of Dandaragan Local Laws Relating to Fencing as published in the *Government Gazette* on 9 May 2001 are adopted as local laws of the Shire of Boyup Brook, with the modifications which follow.

1. Preliminary

Wherever the Shire of Dandaragan is mentioned in the local laws substitute “Shire of Boyup Brook”.

2. Clause 1(a) of the Third Schedule—Delete

Delete the wording—

“and not less than 2.5mm”

3. Clause 2—Repeal

Delete the whole of clause 2 and substitute—

“The Shire of Boyup Brook Local Laws Relating to Fencing published in the *Government Gazette* of 15 July 1970, are repealed.”.

4. Clause 4—Interpretation

In the definition of “dangerous”, in relation to any fence, in paragraph (a) delete “Part 6” and substitute “Part 5”.

5. Clause 6(1)—Insert

Insert the wording—

“written” in clause 6(1) after the word “by”.

6. Clause 9—Maintenance of Fences

In clause 9, delete the subclause designation (1) and delete subclause (2).

7. First Schedule—Specifications for a Sufficient Fence on a Residential Lot

In item C, in the preamble, delete “which satisfies the following specifications:” and substitute “erected to the manufacturer’s specifications or relevant Australian Standard or which otherwise satisfies the following specifications:”.

Dated this 8th day of December 2003.

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

T. J. GINNANE, President.
W. PEARCE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF BOYUP BROOK

PARKING AND PARKING FACILITIES LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the Shire of Boyup Brook resolved to make the following Local Law on the 20th day of November 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 Boyup Brook, 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 Boyup Brook”.

2. Clause 1.2—Repeal

Delete clause 1.2 and substitute—

“The Shire of Boyup Brook Local Laws Relating to Parking Facilities, published in the *Government Gazette* of 26 June 1981, 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 3.7(2)

After the word “mark” add “, deface or alter”.

8. Clause 8.1—Offences and penalties

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

9. 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).

10. Schedule 2—Prescribed Offences

Delete Schedule 2 and substitute the following—

“

*Schedule 2***PRESCRIBED OFFENCES****PARKING AND PARKING FACILITIES LOCAL LAW**

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

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
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, deface or alter the 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
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
48	4.1(2)	Parking contrary to a 'no parking' sign	35
49	4.1(3)	Stopping within continuous yellow lines	35

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
50	5.1	Stopping unlawfully in a loading zone	35
51	5.2	Stopping unlawfully in a taxi zone or bus zone	35
52	5.3	Stopping unlawfully in a mail zone	35
53	5.4	Stopping in a zone contrary to a sign	35
54	6.1	Stopping in a shared zone	35
55	6.3	Stopping near an obstruction	40
56	6.4	Stopping on a bridge or tunnel	35
57	6.5	Stopping on crests/curves etc	50
58	6.6	Stopping near fire hydrant	50
59	6.7	Stopping near bus stop	40
60	6.8	Stopping on path, median strip or traffic island	35
61	6.9	Stopping on verge	35
62	6.10	Obstructing path, a driveway etc	35
63	6.11	Stopping near letter box	35
64	6.12	Stopping heavy or long vehicles on carriageway	40
65	6.13	Stopping in bicycle parking area	35
66	6.14	Stopping in motorcycle parking area	35
67	6.15	Stopping in disabled parking area	40
68	7.6	Leaving vehicle so as to obstruct a public place	45
69		All other offences not specified	30

”.

11. Schedule 3

11.1 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”.

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

Dated this 8th day of December 2003.

The Common Seal of the Shire of Boyup Brook was affixed in the presence of—

T. J. GINNANE, President.
W. PEARCE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF BOYUP BROOK

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 Boyup Brook resolved to make the following local law on the 20th day of November 2003.

Repeal

The following local laws are repealed—

By-laws made by the Upper Blackwood Road Board—

Brick Area, published in the *Government Gazette* of 28 January 1938, as amended by publication in the *Government Gazette* of 17 March 1939;

Straying Stock, published in the *Government Gazette* of 22 February 1946;

Long Service Leave, published in the *Government Gazette* of 22 July 1949, as amended by publication in the *Government Gazettes* of 25 March 1960 and 17 November 1972;

Brick Area (Shops), published in the *Government Gazette* of 21 October 1949;

Regulating the Flow of Poisonous or Offensive Waters from Factories and other Works and Undertakings, published in the *Government Gazette* of 23 April 1954;

Requiring Owners or Occupiers of Land to Keep Roads abutting on such Land Clear of Poisonous Plants, published in the *Government Gazette* of 5 March 1958;

Old Refrigerators and Cabinets, published in the *Government Gazette* of 8 November 1962;

Signs, Hoardings and Bill Posting, published in the *Government Gazette* of the 23 March 1965;

Deposit of Refuse and Litter, published in the *Government Gazette* of 16 December 1965;

Petrol Pumps, published in the *Government Gazette* of 13 July 1966;

Construction, Establishment, Operation and Maintenance of Motels, published in the *Government Gazette* of 19 July 1966;

Sick Leave, published in the *Government Gazette* of 19 February 1969;

By-laws made by the Shire of Boyup Brook—

Storage of Inflammable Liquid, published in the *Government Gazette* of 15 July 1970;

Caravan Parks and Camping Grounds, published in the *Government Gazette* of 23 June 1971;

Standing Orders, published in the *Government Gazette* of 24 April 1981; and

Pest Plants, published in the *Government Gazette* of 18 November 1983, as amended by publication in the *Government Gazette* of 19 April 1990.

Dated this 8th day of December 2003.

The Common Seal of the Shire of Boyup Brook was affixed in the presence of—

T. J. GINNANE, President.
W. PEARCE, Chief Executive Officer.

BUSH FIRES ACT 1954

SHIRE OF BOYUP BROOK

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 Boyup Brook resolved on the 20th day of November 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 Boyup Brook with the modifications which follow.

1. Preliminary

1.1. Wherever the “Shire of Bridgetown-Greenbushes” is mentioned in the local law substitute “Shire of Boyup Brook”.

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

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

2. Clause 1.3—Repeal

Delete clause 1.3 and substitute—

“All previous local laws of the Shire of Boyup Brook relating to the Organisation, Establishment, Maintenance and Equipment of Bush Fire Brigades, are repealed.”.

3. Clause 2.3—Insert

Insert clause 2.3(3) which states—

“The Authority may, at the request of Local Government, authorise a Bush Fire Liaison Officer to take control of all operations in relation to that fire.”.

4. First Schedule—Rules Governing the Operation of Bush Fire Brigades**4.1 Clause 2.4—Applications for membership**

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

4.2 Clause 2.9—Existing liabilities to continue

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

4.3 Clause 3.6—Holding of annual general meeting

Amend by adding words “or April” after the word “March”.

4.4 Delete Appendixes I and II.

Dated this 8th day of December 2003.

The Common Seal of the Shire of Boyup Brook was affixed in the presence of—

T. J. GINNANE, President.
W. PEARCE, Chief Executive Officer.



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