



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X PRINT POST APPROVED PP665002/00041



PERTH, TUESDAY, 8 FEBRUARY 2011 No. 18 SPECIAL

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

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SHIRE OF RAVENSTHORPE

LOCAL GOVERNMENT ACT 1995
STANDING ORDERS AMENDMENT LOCAL LAW 2010

PARKING AND PARKING FACILITIES LOCAL LAW 2010

AGRICULTURE AND RELATED RESOURCES
PROTECTION ACT 1976
PEST PLANT LOCAL LAW 2010

DOG ACT 1976
DOGS LOCAL LAW 2010

BUSH FIRES ACT 1954
BUSH FIRE BRIGADES LOCAL LAW 2010

LOCAL GOVERNMENT ACT 1995

SHIRE OF RAVENSTHORPE

STANDING ORDERS AMENDMENT LOCAL LAW 2010

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the Shire of Ravensthorpe resolved on 19 August, 2010 to make the following local law.

1. Citation

This local law may be cited as the *Shire of Ravensthorpe Standing Orders Amendment Local Law 2010*.

2. Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

3. Local law amended

The *Shire of Ravensthorpe Standing Orders Local Law 2003* as published in the *Government Gazette* on 11 May 2004 is referred to as the principal local law. The principal local law is amended.

4. Clause 1.3 amended

In clause 1.3(1), in alphabetical order of the terms being defined, insert the definitions—

“**Act**” means the *Local Government Act 1995*;

“**Local Government**” means the Shire of Ravensthorpe;

“**member**” means the President or a councillor and includes in the case of a committee, a member of the committee who is not the President or a councillor;

5. Clause 1.4 amended

Delete clause 1.4 and insert—

1.4 Repeal

The following local laws are repealed—

The Municipality of the Shire of Ravensthorpe By-laws Relating to Standing Orders published in the *Government Gazette* of 29 April 1983.

6. Clause 3.2 amended

Delete clause 3.2(1) and insert—

(1) The order of business at any ordinary meeting of the Council shall be as decided by the President and the CEO unless the Council resolves what the order of business shall be.

7. Clause 4.2 amended

In clause 4.2(2)—

(a) delete “employee of the Council” occurring twice and insert “employee of the Local Government” in each instance; and

(b) delete “Penalty \$5,000”.

8. Clause 8.4 amended

In clause 8.4(2)—

(a) delete “employee of the Council” and insert “employee of the Local Government”; and

(b) delete “Penalty \$1,000”.

9. Clause 12.7 amended

In clause 12.7(4) delete “Penalty \$5,000”.

10. Clause 14.1 amended

In clause 14.1(3)(b), delete “employee of the Council” and insert “employee of the Local Government”.

11. Clause 15.8 amended

In clause 15.8(1) delete “Penalty \$500”.

12. Clause 18.3 additional clause

After clause 18.2, add—

18.3 Enforcement

(1) The Presiding Member of any Council or committee meeting is authorised to enforce the Standing Orders during the course of the meeting and to liaise with the CEO where appropriate regarding the appropriate action to be taken for any breach.

(2) No action shall be taken by the Shire of Ravensthorpe to institute legal proceedings for an alleged breach of the Standing Orders unless by resolution of Council.

(3) Council may resolve to deal with any alleged breach of the Standing Orders through the application of the procedures contained within the *Local Government (Rules of Conduct) Regulations 2007*.

(4) Penalties under the Standing Orders are as per the Act and the Regulations.

Dated: 2 February 2011.

The Common Seal of the Shire of Ravensthorpe was affixed under the authority of a resolution of Council in the presence of—

Cr I. GOLDFINCH, Shire President.
P. DURTANOVICH, Chief Executive Officer.

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LOCAL GOVERNMENT ACT 1995

SHIRE OF RAVENSTHORPE

PARKING AND PARKING FACILITIES LOCAL LAW 2010

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Ravensthorpe resolved on 19 August, 2010 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Ravensthorpe Parking and Parking Facilities Local Law 2010*.

1.2 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.3 Definitions

In this local law unless the context otherwise requires—

“**ACROD sticker**” has the same meaning given to it by the Code;

“**Act**” means the *Local Government Act 1995*;

“**authorised person**” means a person appointed by the local government under section 9.10 of the Act, to perform any of the functions of an authorised person under this local law;

“**authorised vehicle**” means a vehicle authorised by the local government, CEO, authorised person or by any written law to park on a thoroughfare or parking facility;

“**bicycle**” has the meaning given to it by the Code;

“**bicycle path**” has the meaning given to it by the Code;

“**bus**” has the meaning given to it by the Code;

“**bus embayment**” has the meaning given to it by the Code;

“**bus stop**” has the meaning given to it by the Code;

“**bus zone**” has the meaning given to it by the Code;

“**caravan**” means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

“**carriageway**” means a portion of thoroughfare that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and where a thoroughfare has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately;

“**centre**” in relation to a carriageway, means a line or a series of lines, marks or other indications—

- (i) for a two-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or
- (ii) in the absence of any such lines, marks or other indications—the middle of the main, travelled portion of the carriageway;

“**children’s crossing**” has the meaning given to it by the Code;

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

“**Code**” means the *Road Traffic Code 2000*;

“**commercial vehicle**” means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

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

- “**driver**” means any person driving or in control of a vehicle;
- “**edge line**” for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;
- “**emergency vehicle**” has the meaning given to it by the Code;
- “**footpath**” has the meaning given to it by the Code;
- “**GVM**” (which stands for “gross vehicle mass”) has the meaning given to it by the Code;
- “**Loading Zone**” means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked “Loading Zone”;
- “**local government**” means the Shire of Ravensthorpe;
- “**mail zone**” has the meaning given to it by the Code;
- “**median strip**” has the meaning given to it by the Code;
- “**metered space**” means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;
- “**metered zone**” means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;
- “**motorcycle**” has the meaning given to it by the Code;
- “**motor vehicle**” means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;
- “**no parking area**” has the meaning given to it by the Code;
- “**no parking sign**” means a sign with the words “no parking” in red letters on a white background, or the letter “P” within a red annulus and a red diagonal line across it on a white background;
- “**no stopping area**” has the meaning given to it by the Code;
- “**no stopping sign**” means a sign with the words “no stopping” or “no standing” in red letters on a white background or the letter “S” within a red annulus and a red diagonal line across it on a white background;
- “**occupier**” has the meaning given to it by the Act;
- “**owner**”—
- where used in relation to a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Road Traffic Act;
 - where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
 - where used in relation to land, has the meaning given to it by the Act;
- “**park**”, in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of—
- avoiding conflict with other traffic; or
 - complying with the provisions of any law; or
 - taking up or setting down persons or goods (maximum of 2 minutes);
- “**parking area**” has the meaning given to it by the Code;
- “**parking facilities**” includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with the parking of vehicles;
- “**parking meter**” includes the stand on which the meter is erected and a ticket issuing machine;
- “**parking region**” means the whole of the district except for those areas, roads, bridges and subways under the control and direction of the Commissioner of Main Roads;
- “**parking stall**” means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered space;
- “**parking station**” means any land, or structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space;
- “**pedestrian crossing**” has the meaning given to it by the Code;
- “**public place**” means any place to which the public has access whether or not that place is on private property;
- “**reserve**” means any land—
- which belongs to the local government;
 - of which the local government is the management body under the *Land Administration Act 1997*; or which is an “otherwise unvested facility” within section 3.53 of the Act;
- “**Road Traffic Act**” means the *Road Traffic Act 1974*;
- “**Schedule**” means a Schedule to this local law;

“**shared zone**” has the meaning given to it by the Code;

“**sign**” includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

“**special purpose vehicle**” has the meaning given to it by the Code;

“**stop**” in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

“**symbol**” includes any symbol specified by Australian Standard 1742.11-1999 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;

“**taxi**” means a taxi within the meaning of the *Taxi Act 1994* or a taxi-car in section 47Z of the *Transport Co-ordination Act 1966*;

“**taxi zone**” has the meaning given to it by the Code;

“**thoroughfare**” has the meaning given to it by the Act;

“**ticket issuing machine**” means a parking meter which issues, as a result of money being inserted in the machine or such other form of payment as may be permitted to be made, a ticket showing the period during which it shall be lawful to remain parked in a metered space to which the machine is referable;

“**traffic island**” has the meaning given to it by the Code;

“**trailer**” means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

“**unattended**”, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle;

“**vehicle**” has the meaning given to it by the Code; and

“**verge**” means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

1.4 Application of particular definitions

(1) For the purposes of the application of the definitions “no parking area” and “parking area” an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

(2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

1.5 Application

(1) Subject to subclause (2), this local law applies to the parking region as described in Schedule 1.

(2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.

(3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

(4) Where a parking facility or a parking station is identified in Schedule 3, then the facility or station shall be deemed to be a parking station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).

1.6 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows—

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

1.7 Powers of local government

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

1.8 Determination of fees, charges and costs

All fees, charges and costs referred to in this local law shall be determined and imposed by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.

PART 2—SIGNS

2.1 Erection of signs

The local government may erect a sign for the purposes of this local law on any land, building or other structure within the parking region.

2.2 Compliance with signs

(1) A person shall comply with the direction on every sign displayed, marked, placed or erected pursuant to this local law.

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

2.3 Unauthorised signs and defacing of signs

A person shall not without the approval of the local government—

- (a) display, mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (b) remove, deface or misuse a sign or property set up or exhibited by the local government under this local law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to, or paint or write upon any part of a sign set up or exhibited by the local government under this local law.

2.4 General provisions about signs

(1) A sign marked, erected, set up, established or displayed on or near a thoroughfare or in a parking station is, in the absence of evidence to the contrary, deemed to be a sign marked, erected, set up, established or displayed under the authority of this local law.

(2) The first 3 letters of any day of the week when used on a sign indicate that day of the week.

(3) For the purpose of this local law, the local government may use (AS 1742.11-1999), as a guide for the development or marking of signs, but is not bound to do so and, where it does use it as a guide may vary any of the provisions of (AS 1742.11-1999) as it sees fit.

2.5 Application of this local law to pre-existing signs and private properties

(1) A sign that—

- (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law and;
- (b) relates to the parking of vehicles within the parking region,

shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.

(2) A sign that was erected on a private property prior to the coming into operation of this local law, and that states or stated to the effect that there was no unauthorised parking, shall be deemed for the purposes of this local law to have been erected under the authority of this local law.

(3) An inscription or symbol on a sign referred to in subclause (1) or (2) operates and has effect according to its tenor.

2.6 Part of thoroughfare to which sign applies

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which—

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

PART 3—METERED ZONES

3.1 Determination of metered zones

(1) The local government may by resolution constitute, determine and vary metered spaces and metered zones.

(2) In respect of metered spaces and metered zones the local government may by resolution determine—

- (a) permitted times and conditions of parking depending on and varying with the locality;
- (b) classes of vehicles which are permitted to park;
- (c) the amount payable for parking; and
- (d) the manner of parking.

(3) Where the local government makes a determination under subsections (1) and (2) it shall erect signs to give effect to the determination.

3.2 Parking fee to be paid

Subject to clause 3.5, a person shall not park a vehicle in a metered space unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

3.3 Limitation on parking in metered space

The payment of a fee under clause 3.2 shall entitle a person to park the vehicle in a metered space for the period shown on the parking meter, but does not authorize the parking of the vehicle during any time when parking in that space may be prohibited in accordance with this local law.

3.4 No parking when meter is expired

Subject to clause 3.5, a person shall not leave or permit a vehicle to remain parked in a metered space during the hours when a fee is payable to park the vehicle in the space when the parking meter referable to that space exhibits the sign "Expired" or a negative time.

3.5 Suspension of requirement to pay fee

The local government may from time to time by a resolution declare that the provisions of clauses 3.2 and 3.4 shall not apply during the periods and days specified in the resolution.

3.6 Vehicles to be within metered space

Subject to subclause (b)—

- (a) A person shall not park a vehicle in a metered space in a thoroughfare otherwise than parallel to and as close to the kerb as practicable and wholly within the space, provided that where a metered space is set out otherwise than parallel to the kerb the vehicle need only park wholly within the space.
- (b) If a vehicle is too long or too wide to fit completely within a single metered space then the person parking the vehicle shall do so within the minimum number of metered spaces needed to park that vehicle.
- (c) A person shall not park a vehicle partly within and partly outside a metered zone.

3.7 Permitted insertions in parking meters

- (1) A person shall not insert into a parking meter anything other than the designations of coin or banknote or such other permitted form of payment indicated by a sign on the parking meter.
- (2) The insertion of a coin or banknote into any parking meter or the making of payment in such other form as may be permitted shall be effected only in accordance with the instructions printed on that particular meter.

3.8 Parking ticket to be clearly visible

A driver of a vehicle left parked in a metered zone which is regulated by a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an authorised person examining the ticket from outside the vehicle.

3.9 One vehicle per metered space

A person shall not park or attempt to park a vehicle in a metered space in which another vehicle is parking.

3.10 No parking when hood on meter

Notwithstanding any other provision of this local law and notwithstanding any other sign or notice, a person shall not park a vehicle in a metered space if the parking meter referable to such metered space has a hood marked "No Parking", "Reserved Parking" or "Temporary Bus Stand" or equivalent symbols depicting these purposes except with the permission of the local government or an authorised person.

PART 4—PARKING STALLS AND PARKING STATIONS**4.1 Determination of parking stalls and parking stations**

- (1) The local government may by resolution constitute, determine and vary—
 - (a) parking stalls;
 - (b) parking stations;
 - (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
 - (d) permitted classes of vehicles which may park in parking stalls and parking stations;
 - (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
 - (f) the manner of parking in parking stalls and parking stations.
- (2) Where the local government makes a resolution under subsection (1) it shall erect signs to give effect to the determination.

4.2 Vehicles to be within parking stall on thoroughfare

- (1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—
 - (a) parallel to and as close to the kerb as is practicable;
 - (b) wholly within the stall; and
 - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Subject to subclause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.
- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A person shall not park a vehicle partly within and partly outside a parking area.

4.3 Payment of fee to park in parking station

A person shall not park a vehicle or permit a vehicle to remain parked in any parking station during any period for which a fee is payable unless—

- (a) in the case of a parking station having an authorised person on duty, the appropriate fee is paid when demanded; or
- (b) in the case of a parking station equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted.

4.4 Suspension of parking station restrictions

The local government may by resolution declare that the provisions of clause 4.3 do not apply during periods on particular days in relation to particular parking stations as specified in such resolution.

4.5 Vehicle not to be removed until fee paid

A person shall not remove a vehicle which has been parked in a parking station until there has been paid the appropriate fee for the period for which the vehicle has been parked.

4.6 Entitlement to receipt

A person paying a fee at a parking station is to be entitled to receive a receipt on demand showing the period of parking covered by such payment.

4.7 Parking ticket to be clearly visible

A driver of a vehicle in a parking station which is equipped with a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an authorised person examining the ticket from outside the vehicle.

4.8 Parking prohibitions and restrictions

(1) A person shall not—

- (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
- (b) except with the permission of the local government or an authorised person park a vehicle on any part of a parking station contrary to a sign referable to that part;
- (c) permit a vehicle to park on any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle; or
- (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked “M/C”, if the bicycle is parked in accordance with subclause (2).

(2) No person shall park any bicycle—

- (a) in a parking stall other than in a stall marked “M/C”; and
- (b) in such stall other than against the kerb.

(3) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that—

- (a) the driver’s vehicle displays an ACROD sticker; and
- (b) a person with disabilities to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

PART 5—PARKING GENERALLY

5.1 Restrictions on parking in particular areas

(1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—

- (a) if by a sign it is set apart for the parking of vehicles of a different class;
- (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
- (c) during any period when the parking of vehicles is prohibited by a sign.

(2) In this clause, “driver” means a driver where—

- (a) the driver’s vehicle displays an ACROD sticker; and
- (b) a disabled person to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle.
 - (i) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates for twice the period indicated on the sign.

(3) A person shall not park a vehicle—

- (a) in a no parking area;
- (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law;
- (c) in a stall marked “M/C” unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

(4) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked "M/C".

(5) A person shall not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating "Authorised Vehicles Only".

5.2 Parking vehicle on a carriageway

(1) A person parking a vehicle on a carriageway other than in a parking stall shall park it—

- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
- (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
- (e) so that it does not obstruct any vehicle on the carriageway,

unless otherwise indicated on a parking regulation sign or markings on the roadway.

(2) In this clause, "continuous dividing line" means—

- (a) a single continuous dividing line only;
- (b) a single continuous dividing line to the left or right of a broken dividing line; or
- (c) two parallel continuous dividing lines.

5.3 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words "angle parking" (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is—

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

5.4 When angle parking applies

(1) This clause does not apply to—

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
- (b) a person parking either a motor cycle without a trailer or a bicycle.

(2) Where a sign associated with a parking area is inscribed with the words "angle parking" (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

5.5 General prohibitions on parking

(1) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.

(2) Subclauses (2)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.

(3) Subject to any law relating to intersections with traffic control signals a person shall not park a vehicle so that any portion of the vehicle is—

- (a) between any other stationary vehicles and the centre of the carriageway;
- (b) on or adjacent to a median strip;
- (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
- (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
- (f) on any footpath or pedestrian crossing;
- (g) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
- (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;

- (j) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
- (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked,

unless a sign or markings on the carriageway indicate otherwise.

(3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of—

- (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
- (b) a children’s crossing or pedestrian crossing.

(4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of—

- (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
- (b) a children’s crossing or pedestrian crossing.

(5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

5.6 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it.

5.7 Authorised person may mark tyres

(1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.

(2) A person shall not remove a mark made by an authorised person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

5.8 No movement of vehicles to avoid time limitation

(1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.

(2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least two hours.

5.9 No parking of vehicles exposed for sale and in other circumstances

A person shall not park a vehicle on any portion of a thoroughfare—

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

5.10 Parking on private land

(1) In this clause a reference to “land” does not include land—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*;
- (c) which is an “otherwise unvested facility” within section 3.53 of the Act;
- (d) which is the subject of an agreement referred to in subclause 1.5(2); or
- (e) which is identified in Schedule 3.

(2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.

(3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

5.11 Parking on reserves

No person other than an employee of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

5.12 Suspension of parking limitations for urgent, essential or official duties

(1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an authorised person may, subject

to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.

(2) Where permission is granted under subclause (1), the local government, the CEO or an authorised person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

PART 6—PARKING AND STOPPING GENERALLY

Division 1—Parking and stopping generally

6.1 No stopping and no parking signs, and yellow edge lines

(1) No stopping—

A driver shall not stop on a length of carriageway, or in an area, to which a “no stopping” sign applies.

(2) No parking—

A driver shall not stop on a length of carriageway or in an area to which a “no parking” sign applies, unless the driver is—

- (a) dropping off, or picking up, passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

(3) No stopping on a carriageway with yellow edge lines—

A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

Division 2—Stopping in zones for particular vehicles

6.2 Stopping in a loading zone

A person shall not stop a vehicle in a loading zone unless it is—

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
- (b) a motor vehicle taking up or setting down passengers,

but, in any event, shall not remain in that loading zone—

- (c) for longer than a time indicated on the “loading zone” sign; or
- (d) longer than 30 minutes (if no time is indicated on the sign).

6.3 Stopping in a taxi zone or a bus zone

(1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.

(2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the “bus zone” sign applying to the bus zone.

6.4 Stopping in a mail zone

A person shall not stop a vehicle in a mail zone.

6.5 Other limitations in zones

A person shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

Division 3—Other places where stopping is restricted

6.6 Stopping in a shared zone

A driver shall not stop in a shared zone unless—

- (a) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law;
- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;
- (c) the driver is dropping off, or picking up, passengers or goods; or
- (d) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

6.7 Double parking

(1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.

(2) This clause does not apply to—

- (a) driver stopped in traffic; or
- (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

6.8 Stopping near an obstruction

A driver shall not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

6.9 Stopping on a bridge or in a tunnel, etc.

- (1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless—
 - (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) A driver shall not stop a vehicle in a tunnel or underpass unless—
 - (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
 - (b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

6.10 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

6.11 Stopping near a fire hydrant etc.

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless—
 - (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
 - (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.

6.12 Stopping at or near a bus stop

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless—
 - (a) the vehicle is a public bus stopped to take up or set down passengers; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) In this clause—
 - (a) distances are measured in the direction in which the driver is driving; and
 - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

6.13 Stopping on a path, median strip, or traffic island

The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver stops in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

6.14 Stopping on verge

- (1) A person shall not—
 - (a) stop a vehicle (other than a bicycle);
 - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.

(3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

6.15 Obstructing access to and from a path, driveway, etc.

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless—
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

(2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless—

- (a) the driver is dropping off, or picking up, passengers; or
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

6.16 Stopping near a letter box

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver—

- (a) is dropping off, or picking up, passengers or mail; or
- (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

6.17 Stopping on a carriageway—heavy and long vehicles

(1) A person shall not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes—

- (a) on a carriageway in a built-up area, for any period exceeding 1 hour, unless engaged in the picking up or setting down of goods; or
- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.

(2) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

6.18 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) shall not stop on a length of carriageway to which a “bicycle parking” sign applies, unless the driver is dropping off, or picking up, passengers.

6.19 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle shall not stop on a length of carriageway, or in an area, to which a “motor cycle parking” sign applies, or an area marked “M/C” unless—

- (a) the vehicle is a motor cycle; or
- (b) the driver is dropping off, or picking up, passengers.

6.20 Stopping in a parking stall for people with disabilities

(1) A driver shall not stop in a parking area for people with disabilities unless—

- (a) the driver’s vehicle displays an ACROD sticker; and
- (b) either the driver or the passenger in that vehicle is a person with disabilities.

(2) In this clause a “parking area for people with disabilities” is a length or area—

- (a) to which a “permissive parking” sign displaying a people with disabilities symbol applies;
- (b) to which a “people with disabilities parking” sign applies;
- (c) indicated by a road marking (a “people with disabilities road marking”) that consists of, or includes, a people with disabilities symbol; or
- (d) set aside within a parking region as a “parking stall for use of a person with a disability” under the *Local Government (Parking for Disabled Persons) Regulations 1988*.

PART 7—MISCELLANEOUS

7.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an authorised person.

7.2 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of—

- (a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and
- (b) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.

7.3 Vehicles not to obstruct a public place

(1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorized under any written law.

(2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

PART 8—PENALTIES**8.1 Offences and penalties**

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.2 Form of notices

For the purposes of this local law—

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Schedule 1**PARKING REGION**

[cl. 1.5]

The parking region is the whole of the district, but excludes the following portions of the district—

- (1) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (2) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (3) any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.

Schedule 2**PRESCRIBED OFFENCES**

[cl. 8.1(4)]

OFFENCES AND MODIFIED PENALTIES

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2	Failure to pay fee for metered space	55
2	2.3	Parking in excess of period shown on metered space	40
3	2.4	Parking when meter has expired	55
4	2.6(1)	Failure to park wholly within metered space	40
5	2.6(3)	Parking outside metered zone	40
6	2.7	Non-permitted insertion in parking meter	55
7	2.8	Failure to display ticket clearly in metered zone	50
8	2.9	Parking or attempting to park a vehicle in a metered space occupied by another vehicle	40
9	2.10	Parking contrary to a meter hood	50
10	3.2	Failure to park wholly within parking stall	60
11	3.2(4)	Failure to park wholly within parking area	60
12	3.3	Failure to pay parking station fee	55
13	3.5	Leaving without paying parking station fee	55
14	3.7	Failure to display ticket clearly in parking station	50
15	3.8(1)(a)	Causing obstruction in parking station	50
16	3.8(1)(b)	Parking contrary to sign in parking station	50
17	3.8(1)(b)	Parking a vehicle in a parking station for the disabled	120

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
18	3.8(1)(c)	Parking contrary to directions of Authorised Person	60
19	3.8(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	40
20	4.1(1)(a)	Parking wrong class of vehicle	40
21	4.1(1)(b)	Parking by persons of a different class	45
22	4.1(1)(c)	Parking during prohibited period	45
23	4.1(3)(a)	Parking in no parking area	60
24	4.1(3)(b)	Parking contrary to signs or limitations	60
25	4.1(3)(c)	Parking vehicle in motor cycle only area	60
26	4.1(4)	Parking motor cycle in stall not marked "M/C"	60
27	4.1(5)	Parking without permission in an area designated for "Authorised Vehicles Only"	60
28	4.2(1)(a)	Failure to park on the left of two-way carriageway	60
29	4.2(1)(b)	Failure to park on boundary of one-way carriageway	60
30	4.2(1)(a) or 4.2(1)(b)	Parking against the flow of traffic	60
31	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	45
32	4.2(1)(d)	Parking closer than 1 metre from another vehicle	40
33	4.2(1)(e)	Causing obstruction	60
34	4.3(b)	Failure to park at approximate right angle	60
35	4.4(2)	Failure to park at an appropriate angle	60
36	4.5(2)(a) and 7.2	Double parking	60
37	4.5(2)(b)	Parking on or adjacent to a median strip	60
38	4.5(2)(c)	Denying access to private drive or right of way	60
39	4.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	60
40	4.5(2)(e)	Parking within 10 metres of traffic island	60
41	4.5(2)(f)	Parking on footpath/pedestrian crossing	60
42	4.5(2)(g)	Parking contrary to continuous line markings	60
43	4.5(2)(h)	Parking on intersection	60
44	4.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	60
45	4.5(2)(j)	Parking within 3 metres of public letter box	60
46	4.5(2)(k)	Parking within 10 metres of intersection	60
47	4.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	60
48	4.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	60
49	4.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	60
50	4.6	Parking contrary to direction of authorised person	60
51	4.7(2)	Removing mark of authorised person	60
52	4.8	Moving vehicle to avoid time limitation	60
53	4.9(a)	Parking in thoroughfare for purpose of sale	60
54	4.9(b)	Parking unlicensed vehicle in thoroughfare	60
55	4.9(c)	Parking a trailer/caravan on a thoroughfare	60
56	4.9(d)	Parking in thoroughfare for purpose of repairs	60
57	4.10(1) or (2)	Parking on land that is not a parking facility without consent	60
58	4.10(3)	Parking on land not in accordance with consent	60
59	4.11	Driving or parking on reserve	60
60	5.1(1)	Stopping contrary to a "no stopping" sign	60
61	5.1(2)	Parking contrary to a "no parking" sign	60
62	5.1(3)	Stopping within continuous yellow lines	60

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
63	6.1	Stopping unlawfully in a loading zone	60
64	6.2	Stopping unlawfully in a taxi zone or bus zone	60
65	6.3	Stopping unlawfully in a mail zone	60
66	6.4	Stopping in a zone contrary to a sign	60
67	7.1	Stopping in a shared zone	60
68	7.3	Stopping near an obstruction	60
69	7.4	Stopping on a bridge or tunnel	60
70	7.5	Stopping on crests/curves etc	60
71	7.6	Stopping near fire hydrant	60
72	7.7	Stopping near bus stop	60
73	7.8	Stopping on path, median strip or traffic island	60
74	7.9	Stopping on verge	60
75	7.10	Obstructing path, a driveway etc	60
76	7.11	Stopping near letter box	60
77	7.12	Stopping heavy or long vehicles on carriageway	60
78	7.13	Stopping in bicycle parking area	60
79	7.14	Stopping in motorcycle parking area	60
80	7.15	Stopping in disabled parking area	120
81	8.6	Leaving vehicle so as to obstruct a public place	60
82		All other offences not specified	60

Schedule 3

DEEMED PARKING STATIONS

[cl. 1.5(4)]

PARKING STATIONS AND PARKING FACILITIES

Dated: 2 February 2011.

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

Cr I. GOLDFINCH, Shire President.
P. DURTANOVICH, Chief Executive Officer.

**AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976
LOCAL GOVERNMENT ACT 1995**

SHIRE OF RAVENSTHORPE

PEST PLANT LOCAL LAW 2010

Under the powers conferred by the *Agriculture and Related Resources Protection Act 1976* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Ravensthorpe resolved on 19 August, 2010 to make the following local law.

1. Citation

This local law may be cited as the *Shire of Ravensthorpe Pest Plant Local Law 2010*.

2. Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

3. Application

This local law applies throughout the district.

4. Definition

In this local law, unless the contrary intention appears—

“**district**” means the district of the Shire of Ravensthorpe;

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

5. Pest Plants

Every plant described in Schedule 1 is a pest plant.

6. Serving of a notice

(1) The local government may serve on the owner or occupier of private land within the district a duly completed notice in the form of Schedule 2 requiring the owner or occupier to destroy, eradicate or otherwise control any pest plant on that land.

(2) An owner or occupier served with a notice under subclause (1) of this clause shall comply with that notice within the time and in the manner specified therein.

7. Failure to comply with a notice

Where an owner or occupier fails to comply with a notice served under clause 6, the local government may—

- (a) without payment of any compensation in respect thereof, destroy, eradicate or control, as the case may be any pest plant the destruction, eradication or control of which was required by the notice; and
- (b) recover in a court of competent jurisdiction from the owner or occupier to whom the notice is directed, the amount of the expense of such destruction, eradication or control.

Schedule 1

Shire of Ravensthorpe

Pest Plant Local Law 2010

[cl. 5]

PEST PLANTS

Common Name	Scientific Name
Caltrop	<i>Tribulus Terrestris</i>
Afghan Thistle	<i>Solanum Hystrix</i> or <i>Solanum Hoplopetalum</i>

**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

SHIRE OF RAVENSTHORPE

DOGS LOCAL LAW 2010

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SCHEDULE 1—APPLICATION FOR LICENCE FORM

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SCHEDULE 3—OFFENCES AND MODIFIED PENALTIES

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DOG ACT 1976
LOCAL GOVERNMENT ACT 1995

SHIRE OF RAVENSTHORPE

DOGS LOCAL LAW 2010

Under the powers conferred by the *Dog Act 1976* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Ravensthorpe resolved on 19 August, 2010 to adopt the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Ravensthorpe Dogs Local Law 2010*.

1.2 Purpose and effect

- (1) The purpose of this local law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on a premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.
- (2) The effect of this local law is to extend the controls over dogs which exist under the *Dog Act 1976*.

1.3 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.4 Interpretation

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;

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

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

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

“**local planning scheme**” means a local planning scheme made by the local government under the *Planning and Development Act 2005* which applies throughout the whole or part of the district.

“**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;

“**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;

“**public building**” includes—

- (a) churches;
- (b) community, sporting and recreation centres and public swimming pools;
- (c) premises licensed under the *Liquor Control Act 1988*; and
- (d) public and private places of education;

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

“**transferee**” means a person who applies for the transfer of a licence to her or him under clause 4.13; and

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

1.5 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 to 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 Chief Executive Officer.

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 Chief Executive Officer.

(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 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 4.2;
- (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 4.9(1).

4.2 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.

4.3 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 4.1(b), 4.2 and 4.4(a) do not apply in respect of the application for a licence.

4.4 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 4.1;
- (b) the applicant submits proof that the notices referred to in clause 4.2(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 4.2(2)(a) on the proposed use of the premises.

4.5 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 4.6;
- (b) any written submissions received within the time specified in clause 4.2(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.

4.6 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.

4.7 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.

4.8 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.

4.9 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 to 6.19 of the *Local Government Act 1995*.

4.10 Form of licence

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

4.11 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 4.9(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.

4.12 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.

4.13 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 4.9(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 4.14(b), the transferee becomes the licensee of the licence for the purposes of this Local law.

4.14 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 4.12(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 4.12(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.12(2), which notice is to be given in accordance with section 27(6) of the Act.

4.15 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) Subject to section 8 of the Act and section 66J of the *Equal Opportunity Act 1984*, dogs are prohibited absolutely from entering or being in any of the following places—

- (a) a public building, unless permitted by a sign;
- (b) all premises or vehicles classified as food premises or food vehicles under the *Health (Food Hygiene) Regulations 1993*;
- (c) Hopetoun Primary School and Football Oval, Buckie and Chambers Street, Hopetoun—
 - (i) Whole of Reserve 35585, being Lot 3001 on Deposited Plan 49839; and
 - (ii) Portion of Reserve 35584, being portion of Lot 3000 on Deposited Plan 49839, incorporating the southern oval area bound by Reserve 35585, Chambers Street, Dawn Street and the roadway from Dawn Street along the western side of the southern oval;
- (d) West Beach Bathing Area, Canning Boulevard, Hopetoun—
 - (i) Portion of Reserve 35379, being portion of Hopetoun Town Lot 467, incorporating the beach foreshore area from the north-western boundary to Lot 3019 on Deposited Plan 50279 for a distance of 160 metres south-east; and
 - (ii) Portion of Lot 3019 on Deposited Plan 50279, incorporating the beach foreshore area; from 31 October to 1 April, between the hours of 8.00 a.m. and 6.00 p.m.;
- (e) Groyne Bathing Area, Veal Street, Hopetoun—
 - (i) Portion of Reserve 35379, being portion of Hopetoun Town Lot 467, incorporating the beach foreshore area and car park from the eastern boundary to Veal Street for a distance of 80 metres west;
 - (ii) Portion of Veal Street Road Reserve, incorporating the beach foreshore and car park from Esplanade south to the High Water Mark;
 - (iii) Portion of Reserve 22810, being the whole of Hopetoun Town Lot 245; and
 - (iv) Portion of Reserve 38997, being portion of Hopetoun Town Lot 562, incorporating the access road from Veal Street for a distance of 80 metres south;
- (f) Two Mile Beach Bathing Area, Southern Ocean Road, Hopetoun—
 - Portion of Reserve 28280, being portion of Lot 1035 on Plan 93629, incorporating the beach foreshore area for a distance of 170 metres north-east and 150 metres south-west from the prolongation of the Two Mile Beach access road, from 31 October to 1 April, between the hours of 8.00 a.m. and 6.00 p.m.;
- (g) Mason Bay Camping Area, Speciosa Road, Jerdacuttup—
 - Portion of Reserve 40157, being portion of Lot 1405 on Deposited Plan 216661, incorporating the beach foreshore area for a distance of 40 metres on each side of the boat launch area, from 31 October to 1 April, between the hours of 8.00 a.m. and 6.00 p.m.;
- (h) wildlife protection areas (where dogs are prohibited by a notice to that effect);
- (i) Ravensthorpe Sport and Recreation Ground, Reserve 7369.

(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 is a dog exercise area—

- (a) Hopetoun Cricket and Hockey Oval, Buckie and Veal Street, Hopetoun—
 - Portion of Reserve 35584, being portion of Lot 3000 on Deposited Plan 49839, incorporating the playing surface of the northern oval area adjacent to Veal Street.

(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; and
- (c) any public street or road reserve.

5.3 Places where dogs must be under control

(1) For the purpose of section 31(1) of the Act, where dogs are permitted in additional places outside townsites, dogs are required to be kept on a leash at all times.

(2) Section 31(1) of the Act will also apply to those areas described in Schedule 4.

(3) If a dog is not being held on a leash between the hours of 8.00 a.m. and 6.00 p.m. in the areas described in Schedule 4, every person liable for the control of a dog at that time commits an offence.

Penalty: Where the dog is a dangerous dog, \$4,000; otherwise \$1,000.

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 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.

7.2 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.

7.3 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.

7.4 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.

7.5 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, the authorised 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 authorised to issue an infringement notice under clause 7.2 cannot sign or send a notice of withdrawal.

7.6 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

APPLICATION FOR A LICENCE

[cl. 4.1]

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 the
in the keeping of dogs at the proposed kennel establishment.

Signature of applicant:

Date:

* delete where not applicable

Note: A licence if issued will have effect for a period of 12 months—section 27.5 of the *Dog Act 1976*.

OFFICE USE ONLY

Application fee paid on *[insert date]*

Schedule 2
CONDITIONS OF LICENCE

[cl. 4.7(1)]

CONDITIONS OF 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) 25 metres from the front boundary of the premises and 5 metres from any other boundary of the premises;
 - (ii) 10 metres from any dwelling; and
 - (iii) 25 metres 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 100 millimetres 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 75 millimetres 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 50 millimetres 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) 2 metres; 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 zincalume 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) on 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

OFFENCES AND MODIFIED PENALTIES

[cl. 7.1]

OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

Clause	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)	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
4.8	Failing to comply with the conditions of a licence	100	200
5.1(2)	Dog in place from which prohibited absolutely	200	400
5.3(3)	Dog not on a leash and not under control	100	200
6.1(2)	Dog excreting in prohibited place	40	

Schedule 4
ADDITIONAL PLACES

[cl. 5.3]

ADDITIONAL PLACES OUTSIDE TOWNSITES

Dogs are required to be on a leash and kept under control of the person liable for the dog in public places.

- (1) West Beach Bathing Area, Canning Boulevard, Hopetoun—
Portion of Reserve 48879, being portion of Lot 3500 on Deposited Plan 51740, incorporating the beach foreshore area.
- (2) Mary Ann Point and West Beach, Esplanade, Hopetoun—
Portion of Reserve 35379, being portion of Hopetoun Town Lot 467, incorporating the beach foreshore area from a point 160 metres south-east of the boundary to Lot 3019 on Deposited Plan 50279, east to a point 80 metres west of Veal Street.
- (3) Two Mile Beach, Esplanade, Hopetoun—
 - (a) Portion of Reserve 22810, being portion of Hopetoun Town Lot 245, incorporating the beach foreshore area; and
 - (b) Portion of Reserve 28280, being portion of Lot 692 on Deposited Plan 93629, incorporating the beach foreshore area from the south-western boundary to Reserve 22810 for a distance of 410 metres north-east.
- (4) Two Mile Beach Car Park and Picnic Area, Southern Ocean Road, Hopetoun —
Portion of Reserve 28280, being portion of Lot 1035 on Plan 93629, incorporating the car parking and picnic area.
- (5) Mason Bay Camping Area, Speciosa Road, Jerdacuttup—
Portion of Reserve 40157, being portion of Lot 1405 on Deposited Plan 216661, incorporating the camping area and beach foreshore from a point 40 metres west of the boat launching area to a point 200 metres west and from a point 40 metres east of the boat launching area to a point 110 metres east and then north to the northern boundary of Speciosa Road.
- (6) Starvation Boat Harbour Camping Area, Southern Ocean Road, Jerdacuttup—
 - (a) Portion of Reserve 40097, being portion of Oldfield Location 1445, incorporating the beach foreshore area from a point adjoining the eastern end of the Starvation Boat Harbour Road reserve for a distance of 330 metres north-west;
 - (b) Portion of Reserve 40097, being portion of Oldfield Location 1445, incorporating the camping ground area to the south-east of the intersection of Southern Ocean Road and Starvation Boat Harbour Road;
 - (c) Portion of Starvation Boat Harbour Road east of the intersection with Southern Ocean Road; and
 - (d) Portion of Southern Ocean Road southwest of the intersection with Starvation Boat Harbour Road.

Dated: 2 February 2011.

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

IAN GOLDFINCH, Shire President.
PASCOE DURTANOVICH, Chief Executive Officer.

**BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995**

SHIRE OF RAVENSTHORPE

BUSH FIRE BRIGADES LOCAL LAW 2010

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FIRST SCHEDULE**Rules Governing the Operation of Bush Fire Brigades**

**BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995**

SHIRE OF RAVENSTHORPE

BUSH FIRE BRIGADES LOCAL LAW 2010

Under the powers conferred by the *Bush Fires Act 1954* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Ravensthorpe resolved on 23 December, 2010 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Ravensthorpe Bush Fire Brigades Local Law 2010*.

1.2 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the local government district.

1.4 Definitions

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

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

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

“**brigade area**” means the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities;

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

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

“**Bush Fire Advisory Committee**” means the persons appointed to a bush fire advisory committee under and in accordance with section 67 of the Act;

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

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

“**CEO**” means the chief executive officer of the Shire of Ravensthorpe;

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

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

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

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

“**Rules**” means the Rules Governing the Operation of Bush Fire Brigades; and

“**station**” means a place approved by the Captain for the storage of all equipment and appliances of the bush fire brigade.

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

- (a) a Captain;
- (b) a First Lieutenant;
- (c) a Second Lieutenant;
- (d) any additional Lieutenants;

- (e) an Equipment Officer;
- (f) a Secretary.
- (g) a Treasurer; or
- (h) a Secretary / Treasurer combined,

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

PART 2—ESTABLISHMENT OF BUSH FIRE BRIGADES

Division 1—Establishment of a bush fire brigade

2.1 Establishment of a bush fire brigade

- (1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.
- (2) A bush fire brigade is established on the date of the local government's decision under subclause (1).

2.2 Name and officers of bush fire brigade

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

Division 2—Command at a fire

2.3 Ranks within the bush fire brigade

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

Division 3—Application of Rules to a bush fire brigade

2.4 Rules

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

Division 4—Transitional

2.5 Existing Bush Fire Brigades

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

*Division 5—Dissolution of bush fire brigade***2.6 Dissolution of bush fire brigade**

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

2.7 New arrangement after dissolution

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

PART 3—ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES*Division 1—Local government responsibility***3.1 Local government responsible for structure**

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

3.2 Officers to be supplied with Act

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

*Division 2—Chief Bush Fire Control Officer***3.3 Managerial role of Chief Bush Fire Control Officer**

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

3.4 Chief Bush Fire Control Officer may attend meetings

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

3.5 Duties of Chief Bush Fire Control Officer

The duties of the Chief Bush Fire Control Officer include—

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

*Division 3—Annual general meetings of bush fire brigades***3.6 Holding of annual general meeting**

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

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

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

3.8 Nomination of bush fire control officer to the local government

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

3.9 Minutes to be tabled before the Bush Fire Advisory Committee

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

*Division 4—Bush Fire Advisory Committee***3.10 Functions of Advisory Committee**

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

3.11 Advisory Committee to nominate bush fire control officers

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

3.12 Local government to have regard to nominees

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

3.13 Advisory Committee to consider bush fire brigade motions

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

PART 4—TYPES OF BUSH FIRE BRIGADE MEMBERSHIP**4.1. Types of membership of bush fire brigade**

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

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

4.2 Fire fighting members

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

4.3 Associate members

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

4.4 Cadet members

Cadet members are—

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

4.5 Honorary life member

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

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

4.6 Notification of membership

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

PART 5—APPOINTMENT DISMISSAL AND MANAGEMENT OF MEMBERS**5.1 Rules to govern**

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

PART 6—EQUIPMENT OF BUSH FIRE BRIGADES**6.1 Policies of local government**

The local government may make policies under which it—

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

6.2 Equipment in brigade area

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

6.3 Funding from local government budget

A request to the local government from the bush fire brigade for funding of protective clothing, equipment or appliance needs is to be received by the local government by 31 December in order to be considered in the next following local government budget, and is to be accompanied by the last audited financial statement and a current statement of assets and liabilities of the bush fire brigade.

6.4 Consideration in the local government budget

The local government may approve or refuse an application for funding depending upon the assessment of budget priorities for the year in question.

First Schedule RULES

[cl. 2.4(1)]

RULES GOVERNING THE OPERATION OF BUSH FIRE BRIGADES

Part 1—Preliminary

1.1 Interpretation

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

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

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

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

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

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

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

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

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

Part 2—Objects and Membership of Bush Fire Brigade

2.1 Objects of bush fire brigade

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

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

2.2 Committee to determine applications

Applications for membership are to be determined by the Committee.

2.3 Conditions of membership

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

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

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

2.4 Applications for membership

An application for membership is to be in writing and is to be submitted to the Secretary in the form as determined by the local government from time to time for the type of membership applied for.

2.5 Decision on application for membership

- (1) The Committee may—
- (a) approve an application for membership unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for membership.
- (2) If the Committee refuses to approve an application for membership, it is to give written reasons for the refusal, as soon as practicable after the decision is made, to the applicant and the advice that the applicant has the right to object to the local government.

2.6 FESA to be notified of registrations

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

2.7 Termination of membership

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

2.8 Suspension of membership

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

2.9 Existing liabilities to continue

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

2.10 Member has right of defence

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

2.11 Objection Rights

A person whose—

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

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

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

Part 3—Functions of Brigade Officers**3.1 Chain of command during fire fighting activities**

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

3.2 Duties of Captain

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

3.3 Secretary

- (1) The Secretary is to—
- (a) be in attendance at all meetings and keep a correct minute and account of the proceedings of the bush fire brigade in a book which shall be open for inspection by brigade members at any reasonable time;

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

3.4 Treasurer

The Treasurer is to—

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

3.5 Equipment Officer

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

3.6 Storage of equipment

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

3.7 Equipment Officer to report

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

Part 4—Committee

4.1 Management of bush fire brigade

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

4.2 Constitution of Committee

- (1) The Committee of the bush fire brigade is to consist of the brigade officers being the Captain, Secretary, Treasurer, Equipment Officer and the Lieutenants of the bush fire brigade.

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

Part 5—Meetings of Bush Fire Brigade

5.1 Ordinary meetings

- (1) Ordinary meetings may be called at any time by the Secretary by giving at least 7 days notice to all brigade members and to the Chief Fire Control Officer, for the purpose of—
- (a) organising and checking equipment;
 - (b) requisitioning new or replacement equipment;
 - (c) organising field excursions, training sessions, hazard reduction programs, and the preparation of fire-breaks;
 - (d) establishing new procedures in respect of any of the normal brigade activities; and
 - (e) dealing with any general business.
- (2) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting.
- (3) Business may be conducted at an ordinary meeting of the bush fire brigade notwithstanding that it was not specified in a notice given under subclause (1) in relation to that meeting.

5.2 Special meetings

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

5.3 Annual general meeting

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

5.4 Quorum

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

5.5 Voting

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

5.6 Auditor

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

Part 6—Meetings of Committee

6.1 Meetings of Committee

(1) The Committee is to meet for the despatch of business, adjourn and otherwise regulate its meeting as it thinks fit.

(2) The Captain or Secretary may convene a meeting of the Committee at any time.

6.2 Quorum

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

6.3 Voting

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

Part 7—General Administration Matters

7.1 Fees

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

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

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

7.2 Funds

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

7.3 Financial year

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

7.4 Banking

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

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

7.5 Disclosure of interests

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

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

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

7.6 Disagreements

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

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

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

Part 8—Notices and Proxies

8.1 Notices

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

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

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

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

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

Dated: 2 February 2011.

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

Cr I. GOLDFINCH, President.
P. DURTANOVICH, Chief Executive Officer.
