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SHIRE OF BROOME

LOCAL GOVERNMENT ACT 1995

**STANDING ORDERS AMENDMENT
LOCAL LAW 2012**

**PARKING AND PARKING FACILITIES
LOCAL LAW 2012**

**TRADING, OUTDOOR DINING AND
STREET ENTERTAINMENT AMENDMENT
LOCAL LAW 2012**

DOG ACT 1976

DOGS LOCAL LAW 2012

BUSH FIRES ACT 1954

**BUSH FIRE BRIGADES AMENDMENT
LOCAL LAW 2012**

LOCAL GOVERNMENT ACT 1995**SHIRE OF BROOME****STANDING ORDERS AMENDMENT LOCAL LAW 2012**

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the Shire of Broome resolved on 14 June 2012 to make the following local law.

1. Citation

This local law is the *Shire of Broome Standing Orders Amendment Local Law 2012*.

2. Commencement

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

3. Principal local law amended

The *Shire of Broome Standing Orders Local Law 2003* as published in the *Government Gazette* on 28 November 2003 and as amended and published in the *Government Gazette* on 30 July 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)—

- (a) in the definition for “Committee” delete “Committee” and insert “committee”;
- (b) in the definition for “Councillor” delete “Councillor” and insert “councillor”;
- (c) in the definition for “Employee” delete “Employee” and insert “employee”;
- (d) insert the following definitions in alphabetical order—
 - (i) “local government” means the Shire of Broome;
 - (ii) “member” means the President, Deputy President or a councillor and includes, in the case of a committee, a member of the committee who is not the President, Deputy President or a councillor;
 - (iii) “person presiding” means—
 - (a) in reference to a Council meeting the person who presides at the Council meeting in accordance with section 5.6 of the Act; and
 - (b) in reference to a committee, the presiding member.

5. Clause 2.2 amended

In clause 2.2(c) delete “Chief Executive Officer” and insert “CEO”.

6. Clause 2.5 amended

In clause 2.5—

- (a) delete “Chief Executive Officer” and insert “CEO”; and
- (b) delete all incidences of “Members” and insert “members”.

7. Clause 3.1 amended

In clause 3.1(3) delete “Committee” and insert “committee”.

8. Clause 3.2 amended

In clause 3.2—

- (a) delete subclause (1) and insert—

“(1) Unless otherwise decided by the Council the order of business for ordinary and special council meetings of Council shall be as determined by the President and CEO from time to time.”; and
- (b) in clause 3.2(3) delete “Committee” and insert “committee”.

9. Clause 3.4 amended

Delete clause 3.4 and insert—

3.4 Public Question Time

- (1) A member of the public who wishes to raise a question at a Council or committee meeting should submit the question in writing at least 72 hours before the meeting at the Shire Administration Office or either by email or facsimile.
- (2) For a member of the public to have their question recorded in the minutes they must be present at the meeting and announce their question, otherwise their question will be processed administratively by the CEO in due course.
- (3) A member of the public who raises a question during public question time, is to state his or her name and address.
- (4) A question may be taken on notice by the Council or committee for a later response.
- (5) When a question is taken on notice the CEO is to ensure that—
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council or committee as the case requires.
- (6) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (7) The person presiding may decide that a question shall not be responded to where—
 - (a) the same or similar question was asked at a previous meeting and a response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the person presiding has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the person presiding has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) The Council or committee, by resolution, may agree to extend public question time.
- (9) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

10. Clause 3.5 amended

In clause 3.5(1)(g)—

- (a) delete “Local Government (Constitution) Regulations 1998” and insert “*Local Government (Constitution) Regulations 1998*”;
- (b) delete sub-paragraph (ii); and
- (c) delete sub-paragraph (iii).

11. Clause 3.9 deleted

Delete clause 3.9

12. Clause 3.10 correction

In clause 3.10(4) delete “(b)” the second time it appears and insert “(c)”.

13. Clause 3.13 amended

Delete clause 3.13(2) and insert—

- (2) The President, if the request is to attend a Council meeting, or the presiding member of the committee if the request is to attend a meeting of a committee, may either—
 - (a) approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be; or
 - (b) instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.

14. Clause 4.2 amended

Delete clause 4.2(2) and insert—

- (2) A member in receipt of confidential information is not to disclose such information except to the extent permitted by Regulation 6(3) of the *Local Government (Rules of Conduct) Regulations 2007*.

15. Clause 5.3 amended

In clause 5.3 delete all incidences of “Member” and insert “member”.

16. Clause 5.4 amended

In clause 5.4 delete “of the Council”.

17. Clause 6.2 correction

In clause 6.2(1)(b) delete “the Standing Orders” and insert “these Standing Orders”.

18. Clause 8.1 amended

Delete clause 8.1 and insert—

8.1 Official Titles

(1) Members are to speak of each other in the Council or committee by their respective titles of President, councillor or member.

(2) Members in speaking of or addressing employees are to designate them by their respective official titles.

19. Clause 8.3 amended

Delete clause 8.3 and insert—

8.3 Adverse Reflection

(1) No member is to use offensive or objectionable expressions in reference to any member, employee, or any other person.

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

20. Clause 8.4 amended

In clause 8.4(1) delete “vocal” and insert “audio”.

21. Clause 8.6 amended

In clause 8.6—

(a) in subclause (1) delete “presiding member” and insert “person presiding”;

(b) delete subclauses (3) and insert—

(3) In the event of any such interruption—

(a) the person presiding may use discretion and without a vote, require the person or persons interrupting to immediately leave the chamber or meeting room; and

(b) this direction may not be challenged by moving dissent with the ruling; and

(c) delete subclause (4) and insert—

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

22. Clause 9.1 amended

Delete clause 9.1 and insert—

9.1 Members to Indicate Desire to Speak

(1) Every member wishing to speak is to indicate by show of hands or other method agreed upon by Council or committee.

(2) When invited, members are to address the Council or committee through the person presiding.

23. Clause 9.4 amended

In clause 9.4 delete “of the Council or a committee”.

24. Clause 9.5 amended

In clause 9.5—

(a) delete “council” and insert “Council”; and

(b) delete “Member” and insert “member”.

25. Clause 9.7 amended

In clause 9.7 delete “of the Council or a committee”.

26. Clause 9.8 amended

In clause 9.8 delete all incidences of “of the Council or a committee”.

27. Clause 9.9 amended

In clause 9.9 delete “of the Council or a committee”.

28. Clause 10.1 amended

Delete clause 10.1 and insert—

10.1 Motions to be stated

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

29. Clause 10.3 correction

In clause 10.3(1) delete “members” and insert “member”.

30. Clause 10.16 amended

Delete clause 10.16 and insert—

10.16 Personal explanation

(1) No member is to speak at any meeting of the Council or a committee, except upon the matter before the Council or committee, unless it is to make a personal explanation.

(2) Any member who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood.

(3) When a member makes a personal explanation, no reference is to be made to matters unnecessary for that purpose.

31. Clause 10.17 amended

In clause 10.17—

- (a) delete “of the Council or a committee”; and
- (b) delete all incidences of “of the Council or Committee”.

32. Clause 10.18 amended

In clause 10.18 delete “unless of motion” and insert “unless a motion”.

33. Clause 11.1 amended

In clause 11.1(h) delete all incidences of “Committee” and insert “committee”.

34. Clause 11.2 amended

Delete clause 11.2(3) and insert—

- (3) The mover of a motion stated in clause 11.1(h) may speak to the motion for not more than five minutes; and—
 - (a) the seconder shall not speak other than to formally second the motion;
 - (b) the presiding member of the committee concerned or in his or her absence a member thereof, may speak for not more than five minutes;
 - (c) the mover of the amendment to the committee recommendation (if any) then before the presiding member of the committee may speak for not more than five minutes; and
 - (d) in the event that no member has moved an amendment to the committee recommendation the presiding member may, in his or her absolute discretion, allow one other member to speak against the recommittal motion for not more than five minutes.

35. Clause 11.3 amended

In clause 11.3 delete “person” and insert “member”.

36. Clause 12.7 amended

In clause 12.7—

- (a) in subclause (2) delete “of the Council”; and
- (b) delete subclause (4) and insert—
 - (4) A member or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

37. Clause 13.1 amended

In clause 13.1 delete “of the Council or committee”.

38. Clause 14.1 amended

In clause 14.1(3)(b)—

- (a) delete “Council” and insert “local government”; and
- (b) delete “employee of the Council” and insert “employee”.

39. Clause 15.1 amended

In clause 15.1—

- (a) delete subclause (2) and insert—
 - (2) The person presiding may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member and may direct that member, if speaking, to discontinue and thereupon the member shall cease speaking. and
- (b) delete subclause (3) and insert—
 - (3) Every member shall be entitled to direct the attention of the person presiding to any infraction of these Standing Orders by any other member.

40. Clause 15.4 amended

In clause 15.4(c) delete “Local Government” and insert “local government”.

41. Clause 15.8 amended

In clause 15.8(1) delete “of the Council or committee”.

42. Clause 17.3 amended

Delete clause 17.3 and insert—

17.3 Presentation of Committee Reports

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

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

43. Clause 17.4 amended

Delete clause 17.4 and insert—

17.4 Reports of Committees—Questions

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

44. Clause 17.6 amended

In clause 17.6 delete “Clause 9.5” and insert “clause 9.5”.

45. Clause 18.3 added

After Clause 18.2 insert—

18.3 Enforcement

- (1) The person presiding at any Council or committee meeting is authorised to enforce these 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 local government to institute legal proceedings for an alleged breach of these Standing Orders unless by resolution of Council.
- (3) Council may resolve to deal with any alleged breach of these Standing Orders through the application of the procedures contained within the *Local Government (Rules of Conduct) Regulations 2007*.
- (4) Penalties for the breach of these Standing Orders are as per the Act and the Regulations.

Dated: 15 June 2012.

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

G. T. CAMPBELL, Shire President.
K. R. DONOHOE, Chief Executive Officer.

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LOCAL GOVERNMENT ACT 1995

SHIRE OF BROOME

PARKING AND PARKING FACILITIES LOCAL LAW 2012

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Broome resolved on 14 June 2012 to make the following local law.

PART 1—DEFINITIONS AND OPERATION

1.1 Title

This local law may be cited as the *Shire of Broome Parking and Parking Facilities Local Law 2012*.

1.2 Commencement

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

1.3 Definitions

In this local law unless the context otherwise requires—

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 means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor)—

(a) including a pedicab, penny-farthing and tricycle; but

(b) not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating);

bicycle path has the meaning given to it by the Code;

built-up area has the meaning given to it by the Code;

bus means a motor vehicle, built mainly to carry people, that seats over 12 adults (including the driver);

bus embayment means an embayment at the side of a carriageway, designed so that a public bus can be driven into it, for the purpose of allowing passengers to alight or enter, without impeding the flow of traffic on that carriageway, but does not include a bus lane;

bus stop means a length of carriageway commencing 20 metres on the approach side of, and ending 10 metres on the departure side of, a post indicating that public buses stop at that point;

bus zone has the meaning given to it by the Code;

caravan has the same meaning given to it by the *Caravan Parks and Camping Grounds Act 1995*;

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—

(a) for a two-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or

(b) 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 local government;

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;

Council means the Council of the Shire of Broome;

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 means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;

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 Broome;

mail zone has the meaning given to it by the Code;

median strip means any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicular traffic proceeding in opposing directions;

motorcycle means a motor vehicle that has 2 wheels and includes—

- (a) a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and
- (b) a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels,

but does not include any trailer;

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 or motorised scooter;

motorised scooter has the meaning given to it by the Code;

no parking area means—

- (a) a portion of carriageway to which a no parking sign applies; or
- (b) an area to which a no parking sign applies;

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 means—

- (a) a portion of carriageway to which a no stopping sign applies; or
- (b) an area to which a no stopping sign applies;

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—

- (a) 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;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

park means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of—

- (a) avoiding conflict with other traffic;
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (*for a maximum of 2 minutes*);

parking area means—

- (a) a portion of carriageway to which a permissive parking sign applies; or
- (b) an area to which a permissive parking sign applies;

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 area described in Schedule 1;
- parking stall** means a section or part of a thoroughfare or of a parking facility 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;
- 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—
- (a) which belongs to the local government; or
 - (b) of which the local government is the management body under the *Land Administration Act 1997*; or
 - (c) 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;
- scooter** has the meaning given to it by the Code;
- shared zone** means the network of roads in an area with—
- (a) a “shared zone” sign on each road into the area, indicating the same number; and
 - (b) an “end shared zone” sign on each road out of the area;
- 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 facility 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** means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;
- 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** means any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection, to guide vehicular traffic;
- 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;
- vehicle** includes—
- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks by any means; and
 - (b) where the context permits, an animal being driven or ridden;
- 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;
- wheeled recreational device** has the meaning given to it by the Code; and
- wheeled toy** has the meaning given to it by the Code.

1.4 Repeal

The *Shire of Broome Local Laws Relating to Parking and Use of Vehicles 2003* as published in the *Government Gazette* on 5 March 2004 and as amended and published in the *Government Gazette* on 8 June 2007 is repealed.

1.5 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.

1.6 Application

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

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

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

(4) A parking facility subject of an agreement under subclause (2) is to be identified in a Schedule to this local law and then the facility shall be deemed to be a parking facility 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).

(5) The provisions of Parts 2, 3, 4 and 5 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

1.7 Pre-existing signs

(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) An inscription or symbol on a sign referred to in subclause (1) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.

1.8 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.

1.9 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.

1.10 Powers of the local government

The Council 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.

PART 2—PARKING STALLS AND PARKING FACILITIES

2.1 Determination of parking stalls and parking facilities

(1) The Council may by resolution constitute, determine and vary—

(a) parking stalls;

(b) parking facilities;

(c) permitted time and conditions of parking in parking stalls and parking facilities which may vary with the locality;

(d) permitted classes of vehicles which may park in parking stalls and parking facilities;

(e) permitted classes of persons who may park in specified parking stalls or parking facilities; and

(f) the manner of parking in parking stalls and parking facilities.

(2) Where the Council makes a resolution under subclause (1) it shall erect signs to give effect to the determination.

2.2 Vehicles to be within parking stall on a thoroughfare

(1) Subject to subclauses (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.

2.3 Payment of fee to park in a parking facility

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

- (a) in the case of a parking facility having an authorised person on duty, the appropriate fee is paid when demanded; or
- (b) in the case of a parking facility 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.

2.4 Suspension of parking facility restrictions

The Council may by resolution declare that the provisions of clause 3.3 do not apply during periods on particular days in relation to particular parking facilities as specified in such resolution.

2.5 Vehicle not to be removed until fee paid

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

2.6 Entitlement to receipt

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

2.7 Parking ticket to be clearly visible

A driver of a vehicle in a parking facility 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.

2.8 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 facility, or an access way within a parking facility;
- (b) except with the permission of the local government or an authorised person park a vehicle on any part of a parking facility contrary to a sign referable to that part;
- (c) permit a vehicle to park on any part of a parking facility, 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.

PART 3—PARKING GENERALLY

3.1 Restrictions on parking in particular areas

(1) A person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking facility—

- (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) 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.

(3) 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".

(4) 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”.

3.2 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway other than in a parking stall shall park it—
- 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;
 - 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;
 - 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;
 - 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
 - so that it does not obstruct any vehicle on the carriageway,
- unless otherwise indicated on a parking regulation sign or markings on the carriageway.

(2) In this clause continuous dividing line means—

- a single continuous dividing line only;
- a single continuous dividing line to the left or right of a broken dividing line; or
- 2 parallel continuous dividing lines.

3.3 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—

- 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
- 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.

3.4 When angle parking applies

- (1) This clause does not apply to—
- a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
 - 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.

3.5 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 (3)(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—
- between any other stationary vehicles and the centre of the carriageway;
 - on or adjacent to a median strip;
 - 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;
 - alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
 - on or within 10 metres of any portion of a carriageway bounded by a traffic island;
 - on any footpath or pedestrian crossing;
 - between the boundaries of a carriageway and any double longitudinal line consisting of 2 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;
 - on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
 - 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 located on a thoroughfare, 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.

(4) 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.

(5) 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; or
- (b) a children’s crossing or pedestrian crossing.

(6) 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.

(7) A person shall not park on a verge unless that portion of the verge has been approved in writing by the local government as a parking area.

(8) Subclause (7) does not apply to a verge adjacent to a premises zoned residential under the local planning scheme if the person is the owner or occupier of the premises adjacent to that portion of the verge, or is a person authorised by the occupier to park on that portion of the verge.

3.6 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.

3.7 Authorised person may mark the tyres of a vehicle

(1) An authorised person may mark the tyres of a vehicle parked in a parking stall or 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.

3.8 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 2 hours.

3.9 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.

3.10 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 1.6(2); or
- (e) which is identified in a Schedule.

(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.

3.11 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.

3.12 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 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 4—PARKING AND STOPPING GENERALLY

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

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

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

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

(4) In this clause a driver leaves the vehicle unattended if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

PART 5—STOPPING IN ZONES FOR PARTICULAR VEHICLES

5.1 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 sign designating the loading zone; or
- (d) longer than 30 minutes if no time is indicated on the sign.

5.2 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.

5.3 Stopping in a mail zone

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

5.4 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.

PART 6—OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 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 stall and the driver is permitted to stop in the parking stall 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.

6.2 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) 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.

6.3 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.

6.4 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.

6.5 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.

6.6 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.
- (2) In this clause a driver leaves the vehicle unattended if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

6.7 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.

6.8 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.

6.9 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.

6.10 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.

6.11 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 pillar 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.

6.12 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.

6.13 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.

6.14 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.

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 Unauthorised signs and defacing of signs

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

- (a) 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.

7.3 Signs must be complied with

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.

7.4 General provisions about signs

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

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

7.5 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.

7.6 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 authorised 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 \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 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*; and
- (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 1.6(1)]

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(1)	Failure to park wholly within parking stall	60
2	2.2(4)	Failure to park wholly within parking area	60
3	2.8(1)(a)	Causing obstruction in a parking facility	50
4	2.8(1)(b)	Parking contrary to sign in a parking facility	50
5	2.8(1)(c)	Parking contrary to directions of authorised person	60

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
6	2.8(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	40
7	3.1(1)(a)	Parking wrong class of vehicle	40
8	3.1(1)(b)	Parking by persons of a different class	45
9	3.1(1)(c)	Parking during prohibited period	45
10	3.1(2)(a)	Parking in no parking area	60
11	3.1(2)(b)	Parking contrary to signs or limitations	60
12	3.1(2)(c)	Parking vehicle in motor cycle only area	60
13	3.1(3)	Parking motor cycle in stall not marked "M/C"	60
14	3.1(4)	Parking without permission in an area designated with a sign "Authorised Vehicles Only"	60
15	3.2(1)(a)	Failure to park on the left of two-way carriageway	60
16	3.2(1)(a)	Parking against the flow of traffic	60
17	3.2(1)(b)	Failure to park on boundary of one-way carriageway	60
18	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	45
19	3.2(1)(d)	Parking closer than 1 metre from another vehicle	40
20	3.2(1)(e)	Causing obstruction	60
21	3.3(b)	Failure to park at approximate right angle	60
22	3.4(2)	Failure to park at an appropriate angle	60
23	3.5(3)(a) and 6.2	Double parking	60
24	3.5(3)(b)	Parking on or adjacent to a median strip	60
25	3.5(3)(c)	Denying access to private drive or right of way	60
26	3.5(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	60
27	3.5(3)(e)	Parking within 10 metres of traffic island	60
28	3.5(3)(f)	Parking on footpath/pedestrian crossing	60
29	3.5(3)(g)	Parking contrary to continuous line markings	60
30	3.5(3)(h)	Parking on intersection	60
31	3.5(3)(i)	Parking within 1 metre of fire hydrant or fire plug	60
32	3.5(3)(j)	Parking within 3 metres of public letter box	60
33	3.5(3)(k)	Parking within 10 metres of intersection	60
34	3.5(4)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	60
35	3.5(5)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	60
36	3.5(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	60
37	3.5(7)	Parking on a verge that is not an approved parking area	60
38	3.6	Parking contrary to direction of authorised person	60
39	3.7(2)	Removing mark of authorised person	60
40	3.8	Moving vehicle to avoid time limitation	60
41	3.9(a)	Parking in thoroughfare for purpose of sale	60
42	3.9(b)	Parking unlicensed vehicle in thoroughfare	60
43	3.9(c)	Parking a trailer/caravan on a thoroughfare	60
44	3.9(d)	Parking in thoroughfare for purpose of repairs	60
45	3.10(2)	Parking on land that is not a parking facility without consent	60
46	3.10(3)	Parking on land not in accordance with consent	60

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
47	3.11	Driving or parking on reserve	60
48	4.1(1)	Stopping contrary to a no stopping sign	60
49	4.1(2)	Parking contrary to a no parking sign	60
50	4.1(3)	Stopping within continuous yellow lines	60
51	5.1	Stopping unlawfully in a loading zone	60
52	5.2	Stopping unlawfully in a taxi zone or bus zone	60
53	5.3	Stopping unlawfully in a mail zone	60
54	5.4	Stopping in a zone contrary to a sign	60
55	6.1	Stopping in a shared zone	60
56	6.3	Stopping near an obstruction	60
57	6.4	Stopping on a bridge or tunnel	60
58	6.5	Stopping on crests/curves etc	60
59	6.6	Stopping near fire hydrant	60
60	6.7	Stopping near bus stop	60
61	6.8	Stopping on path, median strip or traffic island	60
62	6.9	Stopping on verge	60
63	6.10	Obstructing path, a driveway etc	60
64	6.11	Stopping near letter box	60
65	6.12	Stopping heavy or long vehicles on carriageway	60
66	6.13	Stopping in bicycle parking area	60
67	6.14	Stopping in motorcycle parking area	60
68	7.6	Leaving vehicle so as to obstruct a public place	60

Dated: 15 June 2012.

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

G. T. CAMPBELL, Shire President.
K. R. DONOHOE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF BROOME

**TRADING, OUTDOOR DINING AND STREET ENTERTAINMENT
AMENDMENT LOCAL LAW 2012**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Broome resolved on 14 June 2012 to make the following local law.

1. Citation

This local law is the *Shire of Broome Trading, Outdoor Dining and Street Entertainment Amendment Local Law 2012*.

2. Commencement

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

3. Principal local law amended

The *Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003* as published in the *Government Gazette* on 5 March 2004 is referred to as the principal local law. The principal local law is amended.

4. General amendment

The principal local law is amended by—

- (a) deleting all instance of “eating house” and inserting “food premises”; and
- (b) deleting all instances of “authorized” and inserting “authorised”.

5. Clause 1.6 amended

In clause 1.6—

- (a) delete the definition for “authorized person” and insert—
“authorised person” means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;
- (b) insert the following definition in alphabetical order—
“food” has the same meaning as that in section 9 of the *Food Act 2008*;
- (c) delete the definition for “eating house” and insert—
“food premises” means a premises—
 - (a) on which a food business as defined by the *Food Act 2008* is carried out; or
 - (b) that is the subject of a hotel licence, limited hotel licence, special facility licence or restaurant licence granted under the *Liquor Control Act 1988*;
- (d) delete the definition for “Health Act”;
- (e) in the definition “Liquor Act” delete “*Liquor Licensing Act 1988*” and insert “*Liquor Control Act 1988*”;
- (f) insert the following definition in alphabetical order—
“local planning scheme” means a local planning scheme of the local government made under the *Planning and Development Act 2005*;
- (g) in the definition for “lot” delete “*Town Planning and Development Act 1928*” and insert “*Planning and Development Act 2005*”; and
- (h) delete the definition for “proprietor” and insert the following—
“proprietor” in relation to a food premises, means—
 - (a) the person carrying on the food business or if that person cannot be identified the person in charge of the food business; or
 - (b) the holder of a hotel licence, a limited hotel licence, a special facility licence or a restaurant licence granted under the *Liquor Control Act 1988* in relation to the food premises.

6. Clause 2.1 amended

In clause 2.1 delete “Shire of Broome Town Planning Scheme No. 4” and insert “local planning scheme”.

7. Clause 2.2 amended

In subclause 2.2.1(c) delete “clause 5.3” and insert “clause 5.5”.

8. Clause 2.3 amended

In subclause 2.3.2 delete paragraph “(g)”.

9. Clause 2.9 amended

In clause 2.9 delete “regulations 33 and 34” and insert “regulation 33”.

10. Clause 3.4 amended

In clause 3.4(c) delete all instances of “foodstuffs” and insert “food”.

11. Clause 3.5 amended

In subclause 3.5.1(a) delete “, as approved by the local government”.

12. Clause 3.7 amended

In subclause 3.7.1(a) delete “Health Act” and insert “*Food Act 2008*”.

13. Clause 3.8 amended

In subclause 3.8.1(h) delete “and shall not have any claim for compensation or damages as a result of any disruption to business or loss incurred due to such works”.

14. Clause 5.4 amended

In subclause 5.4.1 in the definition “charitable organisation” delete “expect” and insert “except”.

15. Clause 6.6 amended

Delete subclause 6.6.2(c) and insert—

(c) display—

(i) a sign with letters and numerals not less than 5 centimetres in height in a conspicuous place in the performance location, indicating the name of the licensee and the licence number; or

(ii) standard business cards;

16. Clause 6.7 amended

In clause 6.7 delete “clause 2.7, ,the local government” and insert “clause 2.7, the local government”.

17. Clause 7.2 amended

In subclause 7.2.2 delete “the local governmentin carrying out” and insert “the local government in carrying out”.

18. Clause 8.3 deleted

Delete clause 8.3.

19. First Schedule heading amended

In the First Schedule—

(a) delete “Trading in Public Places Local Law 2000” and insert “Trading, Outdoor Dining and Street Entertainment Local Law 2003”; and

(b) delete “30” in the Third Column of Item 78 and insert “60”.

Dated: 15 June 2012.

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

G. T. CAMPBELL, Shire President.
K. R. DONOHOE, Chief Executive Officer.

**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

SHIRE OF BROOME

DOGS LOCAL LAW 2012

ARRANGEMENT

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**PART 3—REQUIREMENTS AND LIMITATIONS ON THE
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Schedule 1—Application for a Licence for an Approved Kennel Establishment

Schedule 2—Conditions of a Licence for an Approved Kennel Establishment

Schedule 3—Offences in respect of which Modified Penalties Apply

**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

SHIRE OF BROOME

DOGS LOCAL LAW 2012

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Broome resolved on 14 June 2012 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Broome Dogs Local Law 2012*.

1.2 Application

This local law applies throughout the district.

1.3 Commencement

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

1.4 Definitions

In this local law unless the context otherwise requires—

Act means the *Dog Act 1976*;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

dangerous dog means a dog which is the subject of a declaration under section 33E of the Act declaring it to be a dangerous dog;

district means the district of the local government;

food premises means any premises or vehicle in which a food business, as defined in section 10 of the *Food Act 2008*, is being carried out;

food transport vehicle has the same meaning given to it in the *Food Act 2008*;

local government means the Shire of Broome;

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

Regulations means the *Dog Regulations 1976*;

Schedule means a schedule in this local law;

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

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 a part of the district.

1.5 Repeal

The *Shire of Broome By-laws relating to Dogs* as published in the *Government Gazette* on 15 December 1992 and as published and amended in the *Government Gazette* on 28 July 1998 and 23 September 2003 is repealed.

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 CEO.

2.3 Release of impounded dog

(1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the CEO.

(2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence—

- (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
- (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.4 No breaking into or destruction of pound

A person who—

- (a) unless he or she is the pound keeper or a person authorised 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, 2 dogs over the age of 3 months and the young of those dogs under that age.

PART 4—APPROVED KENNEL ESTABLISHMENTS

4.1 Interpretation

In this Part and in Schedule 2—

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

licensee means the holder of a licence;

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

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

4.2 Application for licence for approved kennel establishment

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

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

4.3 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—

- (a) once in a newspaper circulating in the district; and
- (b) to the owners and occupiers of any premises adjoining the premises.

(2) The notices in subclause (1) must specify that—

- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
- (b) the application and plans and specifications may be inspected at the offices of the local government.

(3) Where—

- (a) the notices given under subclause (1) do not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

4.4 Exemption from notice requirements

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

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a local planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(b) do not apply in respect of the application for a licence.

4.5 When application can be determined

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

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

4.6 Determination of application

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

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

4.7 Where application cannot be approved

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

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme; or

- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.8 Conditions of approval

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

4.9 Compliance with conditions of approval

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

Penalty: \$1,000 and a daily penalty of \$100.

4.10 Fees

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

4.11 Form of licence

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

4.12 Period of licence

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

4.13 Variation or cancellation of licence

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

4.14 Transfer of licence

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

4.15 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.13(1);

- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act.

4.16 Inspection of kennel

With the consent of the occupier, an authorised 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;
- (b) a theatre or picture garden;
- (c) a place of worship;
- (d) any shop, not being a pet shop or premise used for the purpose of the practice of a registered veterinary surgeon;
- (e) all food premises and food transport vehicles;
- (f) a public swimming pool, including all the area enclosed within the fencing of the pool grounds;
- (g) the beach foreshore area, bounded by the high and low water marks and from a line created by the westerly prolongation of the northern boundary of Lot 981 as it intersects the high and low water marks of the Indian Ocean to a parallel line 750 metres South of the same line as designated by signs;
- (h) the beach foreshore area, bounded by the high and low water marks and from a line created by the westerly prolongation of the northern boundary of Lot 981 as it intersects the high and low water marks of the Indian Ocean to a parallel line 1,000 metres North of that same line as designated by signs;
- (i) reserve No 36477, known as Cable Beach Reserve; and
- (j) reserve Nos 17132 (Lot 2813), 1643 (Lot 1327), 31340 (Lots 838 and 1328), 40158 (Lot 2070), 22705 (Lot 300), 38530 (Lot 1849), 37761 (Lot 1329) collectively known as Town Beach.

(2) Subject to subclause (3), 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.

(3) A person is not guilty of an offence by reason only that he takes a dog, either in a vehicle or controlled by means of a chain, cord, leash or harness of sufficient strength, by the most direct route through a prohibited area to access an area designated as a dog exercise area under clause 5.2.

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

5.2 Places which are dog exercise areas

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

- (a) the beach foreshore within the district with the exception of those specified in clauses 5.1(g) to 5.1(j).

(2) Subclause (1) does not apply to—

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

(3) It is an offence for a dog to be in a dog exercise area unless—

- (a) the dog is held by a person who is capable of controlling the dog by means of a chain, cord, leash or harness of sufficient strength; or
- (b) a competent person is in reasonable proximity to the dog.

PART 6—MISCELLANEOUS

6.1 Offence to excrete

(1) A dog must not excrete on—

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

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

Penalty: \$200.

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

PART 7—ENFORCEMENT

7.1 Interpretation

In this Part—

infringement notice means the notice referred to in clause 7.3; and

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

7.2 Modified penalties

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

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

(a) the dog is not a dangerous dog; or

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

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

7.3 Issue of infringement notice

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

7.4 Failure to pay modified penalty

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

7.5 Payment of modified penalty

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

7.6 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an 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 7.3 cannot sign or send a notice of withdrawal in relation to an infringement notice issued by him or her.

7.7 Service

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

Schedule 1

APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

[cl 4.2]

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.

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 A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

[cl 4.8]

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 200 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 zinalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

Schedule 3

OFFENCES IN RESPECT OF WHICH MODIFIED PENALTIES APPLY

[cl 7.2]

Offence	Nature of offence	Modified Penalty \$	Dangerous Dog Modified Penalty \$
2.4(a)	Attempting to or causing the unauthorised 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(2)	Failing to provide means for effectively confining a dog	50	200
3.2(2)	Keeping more than the prescribed number of dogs	100	
4.9	Failing to comply with the conditions of a kennel licence	100	
5.1(2)	Dog in place from which prohibited absolutely	200	400
5.2	Failure to control dog in exercise area	100	200
6.1(2)	Dog excreting in prohibited place	40	

Dated: 15 June 2012.

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

G. T. CAMPBELL, Shire President.
K. R. DONOHOE, Chief Executive Officer.

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

SHIRE OF BROOME

BUSH FIRE BRIGADES AMENDMENT LAW 2012

Under the powers conferred by the *Bush Fires Act 1954*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Broome resolved on 14 June 2012 to make the following local law.

1. Citation

This local law is the *Shire of Broome Bush Fire Brigades Amendment Local Law 2012*.

2. Commencement

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

3. Local law amended

The *Shire of Broome Bush Fires Brigades Local Law* as published in the *Government Gazette* on 28 November 2003 is referred to as the principal local law. The principal local law is amended.

4. Clause 1.2 amended

In clause 1.2(1) delete “as varied from time to time under clause 2.5”.

5. Clause 2.1 amended

In clause 2.1(1) after “bush fire” insert “brigade”.

6. Clause 2.5 deleted

Delete clause 2.5.

7. Clause 3.1 amended

In clause 3.1, delete “Council” and insert “local government”.

8. Clause 3.5 amended

In clause 3.5—

- (a) after “Chief Bush Fire Control Officer” insert “are to”;
- (b) replace full stop at the end of (b) with a semicolon; and
- (c) replace full stop at the end of (c) with a semicolon, followed by “and”.

9. Clause 3.9 amended

In clause 3.9—

- (a) in subclause (2)(b) delete “the” and insert “there”; and
- (b) delete “Following” and insert “following”.

10. Clause 3.10 amended

In clause 3.10—

- (a) insert the heading “**Function and Membership**”; and
- (b) delete “local governments” and insert “local government”.

11. Clause 3.11 amended

In clause 3.11 delete “form” and insert “from”.

12. Clause 4.1 amended

In clause 4.1—

- (a) insert a semicolon after “members” in subclauses (a) and (b); and
- (b) insert a full stop after “members” in subclause (d).

13. Clause 4.4 amended

In clause 4.4—

- (a) replace full stop at the end of (d) with a semicolon; and
- (b) insert “and” after the semicolon in (e).

14. First Schedule amended

The First Schedule is amended as follows—

14.1 in clause 1.1(2) in the definition “**absolute majority**”—

- (a) delete “fir” and insert “fire” in subclause (a);
- (b) delete “requires” and insert “required”; and
- (c) delete “meting” and insert “meeting” in subclause (b).

14.2 delete clause 2.4 and insert—

Clause 2.4 Application for membership

An application for membership is to be in writing and is to be submitted to the Secretary and is to be accompanied by a completed form in the form determined by the local government from time to time.

14.3 in clause 2.7—

- (a) delete “(1)”;
- (b) insert “or” after the semicolon in subclause (c);
- (c) delete “; or” and insert full stop in subclause (d); and
- (d) delete subclause (e).

14.4 in clause 2.9(1) delete “, or dismissal of member” and insert “or dismissal of a member”.

14.5 in clause 3.3(1)—

- (a) in subclause (f) insert “and” after the semicolon; and
- (b) in subclause (g)—
 - (i) delete “Provide” and insert “provide”; and
 - (ii) delete “in each” and insert “in each year”.

14.6 in clause 3.4 delete “Report” and insert “report” in subclause (f).

14.7 in clause 5.2 delete “Chief Executive Officer” and insert “Chief Bush Fire Control Officer” in subclause (2).

14.8 In clause 5.4(1) delete “member” and insert “members”.

14.9 in clause 5.5 delete “on” and insert “one”.

14.10 in clause 6.1(1) delete “things fit” and insert “determines”.

14.11 in clause 7.1(1) delete “be determine” and insert “be determined”.

14.12 in clause 7.5(1) delete “my” and insert “may”.

14.13 in clause 7.6(3) delete “may resolved any disagreements” and insert “may resolve any disagreement”.

14.14 in the clause 8.2(7)—

- (a) delete “Extraodinary” and insert “Extraordinary”; and
- (b) delete “Dated this....day of.....200” and Insert “Dated:”.

15 Schedules deleted

Delete Appendices I, II, and III.

Dated: 15 June 2012.

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

G. T. CAMPBELL, Shire President.
K. R. DONOHOE, Chief Executive Officer.
