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SHIRE OF HALLS CREEK

CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995

**CEMETERIES LOCAL
LAW 2015**

DOG ACT 1976
LOCAL GOVERNMENT ACT 1995

DOGS LOCAL LAW 2015

LOCAL GOVERNMENT ACT 1995

**STANDING ORDERS LOCAL
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**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

SHIRE OF HALLS CREEK

CEMETERIES LOCAL LAW 2015

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**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

SHIRE OF HALLS CREEK

CEMETERIES LOCAL LAW 2015

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Halls Creek resolved on 18 June 2015 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Halls Creek Cemeteries Local Law 2015*.

1.2 Application

This local law applies to all cemeteries within the district as defined in section 3 of the *Cemeteries Act 1986*.

1.3 Commencement

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

1.4 Interpretation

In this local law unless the context otherwise requires—

Act means the *Cemeteries Act 1986*;

ashes means so much of the remains of a dead body after the due processes of cremation as may be contained in a standard sized cremation urn;

authorised person means an employee of the Board—

- (a) appointed by the Board under section 9.10 of the *Local Government Act 1995* for the purposes of performing any function or exercising any power, other than the giving of infringement notices, conferred upon an authorised person by this local law; or
- (b) authorised under section 64 of the Act in writing signed by the chairman of the Board to give infringement notices;

CEO means the chief executive officer for the time being, of the Board;

coffin means a coffin or other receptacle used for the transportation of a dead body to the grave site;

district means the district of the Shire of Halls Creek;

Funeral Director means a person holding a current funeral director's licence;

Board means the Shire of Halls Creek;

monumental mason's licence means a licence issued under clause 7.16;

personal representative means the administrator or executor of an estate of a deceased person;

set fee refers to fees and charges set by a resolution of the Board and published in the *Government Gazette*, under section 53 of the Act;

single funeral permit means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit; and

1.5 Repeal

The *Shire of Halls Creek Cemeteries Local Law 2002* as published in the *Government Gazette* on 2 October 2002 is repealed.

PART 2—ADMINISTRATION

2.1 Powers and functions of CEO

Subject to any directions given by the Board, the CEO shall exercise all the powers and functions of the Board in respect of the cemetery.

PART 3—APPLICATION FOR FUNERALS**3.1 Application for burial**

(1) A person may apply for approval to bury a dead body in the cemetery in the form determined by the Board from time to time.

(2) An application under subclause (1) is to be accompanied by the set fee.

3.2 Applications to be accompanied by certificates etc

All applications referred to in clause 3.1 shall be accompanied by either a medical certificate of death or a Coroner's order of burial, and a certificate issued under clause 3.3, in respect of the body.

3.3 Certificate of identification

(1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form determined by the Board from time to time, unless—

- (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body.

(2) A Funeral Director shall complete a certificate in the form determined by the Board from time to time, where—

- (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body.

3.4 Minimum notice required

All bookings to hold a funeral shall be made with the Board at least 48 hours prior to the time proposed for burial on the application, otherwise an extra charge may be made.

PART 4—FUNERAL DIRECTORS**4.1 Funeral Director's licence expiry**

A Funeral Director's licence shall expire on 30 June of each year.

4.2 Single funeral permits

Every application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

4.3 Application refusal

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, either the coffin specifications or the details of the vehicle transporting the dead body to the gravesite are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

PART 5—FUNERALS*Division 1—General***5.1 Requirements for funerals and coffins**

A person shall not bring a dead body into a cemetery unless—

- (a) the Board has approved an application for the burial of that dead body in accordance with Part 3 of this local law;
- (b) it is enclosed in a coffin which in the opinion of the Board is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid; and
- (c) under the plate referred to in paragraph (b), there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10mm in height.

5.2 Funeral processions

The time fixed by the Board for any burial shall be the time at which the funeral procession is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 3.1 shall pay the set fee for being late.

5.3 Vehicle entry restricted

(1) Subject to clause 5.3(2), every funeral procession shall enter by the principal entrance, and no vehicle except the hearse, and official mourning coaches, shall be permitted to enter the cemetery.

(2) This clause shall not apply to vehicles approved by the CEO or an authorised person or to persons using wheelchairs or motorised wheelchairs.

5.4 Vehicle access and speed limitation

(1) A person shall drive a vehicle on a vehicular access way or the constructed roadway or other areas designated for the use of vehicles within the cemetery, unless otherwise authorised by the CEO.

(2) A person driving a vehicle, within a cemetery, shall not exceed the speed limit of 25 km per hour, and shall comply with the signs and directions in the cemetery.

5.5 Offenders may be ordered to leave

(1) A person committing an offence under clause 5.4 may be ordered to leave the cemetery by the CEO or an authorised person.

5.6 Conduct of funeral by the Board

When conducting a funeral under section 22 of the Act the Board may—

- (a) require a written request for it to conduct a funeral to be lodged with it;
- (b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;
- (c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;
- (d) specify an area in the cemetery where the dead body is to be buried or the ashes placed;
- (e) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law;
- (f) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

*Division 2—Placement of Ashes***5.7 Disposal of ashes**

(1) The personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or otherwise, for permission to dispose of the ashes in the cemetery and upon payment of the set fee the Board may grant permission for the ashes to be disposed of by one of the following methods, if that method is available—

- Niche Wall
- Memorial Wall
- Garden of Remembrance
- Ground Niche
- Memorial Rose, Tree or Shrub
- Family Shrub
- Memorial Desk
- Granite Seat
- Family Grave
- Book of Remembrance
- Scattering in an area approved by the Board
- Memorial Gardens
- Other memorials approved by the Board

(2) Subject to sub-clauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.

(3) An authorised person or licensed Funeral Director may place the ashes of a deceased person in a cemetery in accordance with the Board approval provided—

- (a) the person requesting the placement of the ashes has the permission of the Board; and
- (b) the ashes are placed within an area set aside for that purpose by the Board.

(4) An authorised person or licensed Funeral Director may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

PART 6—BURIALS**6.1 Depth of graves**

(1) A person shall not bury a dead body within the cemetery so that the distance from the top of the dead body to the original surface of the ground is—

- (a) subject to paragraph (b), less than 1600 mm, unless that person has the permission of an authorised person; or
- (b) in any circumstances less than 1100 mm.

(2) The permission of the authorised person in sub-clause (1)(a) will only be granted where in the opinion of the authorised person exceptional circumstances require granting of that permission.

(3) An authorised person shall not give permission for the burial of more than 2 dead bodies per grave.

PART 7—MEMORIALS AND OTHER WORK*Division 1—General***7.1 Application for monumental work**

A Board may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

7.2 Placement of monumental work

Every memorial shall be placed on proper and substantial foundations.

7.3 Removal of rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

7.4 Operation of work

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised person shall direct.

7.5 Removal of sand, soil or loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Board.

7.6 Hours of work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 6.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Board.

7.7 Unfinished work

Should any work by masons or others be not completed before 6.00pm on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised person.

7.8 Use of wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave, other than as a temporary marker and with the prior written approval of the Board.

7.9 Plants and trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved in writing by the CEO.

7.10 Supervision

All workers, whether employed by the Board or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised person and shall obey such directions as the CEO or an authorised person may give.

7.11 Australian war graves

Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves—

- (a) may place a memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

7.12 Placing of glass domes and vases

A person shall not place glass domes, vases or other grave ornaments—

- (a) outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40(2) of the Act; or
- (b) on the lawn in an area set aside by the Board as a lawn or a memorial plaque section.

7.13 Specification on monuments

(1) All monuments in the cemetery shall—

- (a) Comply with the following specifications—
 - (i) unless a greater height is approved in writing by the CEO, the overall height of a monument above the original surface of the grave shall not exceed 1.05m;
 - (ii) the height of the base of the monument above the original surface of the grave shall not be less than 150 mm nor more than 450 mm;
 - (iii) the dimensions of a base shall be 1.20 m by 2.40 m; and
 - (iv) the depth of the base of the monument shall not exceed 300 mm; and
- (b) a base shall have footings extending to the natural surface of the ground.

(2) An admiralty bronze memorial plaque may be attached to a monument erected or being erected within the cemetery.

(3) A person shall not display any trade names or marks upon any monument erected within the cemetery.

7.14 Headstones

In the cemetery, that part of a headstone above its base shall not extend horizontally beyond that base.

*Division 2—Memorial Plaque Section***7.15 Requirements of a memorial plaque**

- (1) All memorial plaques placed in a memorial plaque section of the cemetery shall—
 - (a) be made of admiralty bronze or any other material approved by the Board; and
 - (b) not be less than the dimensions 380 mm x 280 mm, nor more than 560 mm x 305 mm; and
- (2) All memorial plaques made of admiralty bronze shall—
 - (a) not exceed 20 mm in thickness; and
 - (b) be placed upon a base mounting approved by the Board.
- (3) All memorial plaques made of stone shall—
 - (a) not exceed 50 mm in thickness placed upon a base mounting approved by the Board; or
 - (b) not be less than 100 mm in thickness if it is not to be placed upon a base mounting.

*Division 3—Licensing of Monumental Masons***7.16 Monumental mason's licence**

- (1) The Board may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.
- (2) A licence issued under subclause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this local law and such conditions as the Board shall specify upon the issue of that licence.

7.17 Expiry date, non-transferability

A monumental mason's licence—

- (a) shall be valid from the date specified therein until 30 June next following; and
- (b) is not transferable.

7.18 Carrying out monumental work

A person shall not carry out monumental work within the cemetery unless that person—

- (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.16; or
- (b) is an employee of a person who holds such a licence; or
- (c) is authorised by the Board to do so.

7.19 Responsibilities of the holder of a monumental mason's licence

The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within the cemetery pursuant to that licence with all the requirements and conditions of the licence, this local law, the Act and any other written law which may affect the carrying out of monumental works.

7.20 Cancellation of a monumental mason's licence

- (1) The Board may by notice in writing to the holder of a monumental mason's licence terminate the licence on any of the following grounds—
 - (a) that the holder of the licence has committed a breach of the requirements and conditions of the licence, this local law, the Act or any other written law which may affect the carrying out of monumental works;
 - (b) that, in the opinion of the Board, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
 - (c) that the holder of the licence has purported to transfer the licence issued to that holder.
- (2) Upon the termination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the Board.
- (3) A person whose licence has been terminated under subclause (1) may apply for a review of the decision of the Board in accordance with section 19(2) of the Act.

PART 8—GENERAL**8.1 Animals**

Subject to clause 8.2, a person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than with the approval of the CEO or an authorised person.

8.2 Assistance animals

Clause 8.1 shall not apply to a person with a disability where the animal is an assistance animal as defined under the *Disability Discrimination Act 1992*

8.3 Damaging and removing of objects

Subject to clause 8.4, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

8.4 Withered flowers

A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Board for that purpose.

8.5 Littering and vandalism

A person shall not—

- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery; or
- (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

8.6 Advertising

(1) A person shall not advertise or carry on any trade, business or profession within the cemetery without the prior written approval of the Board.

(2) The Board may consider and grant approval subject to such conditions as the Board thinks fit.

8.7 Obeying signs and directions

A person shall obey all signs displayed, marked, placed or erected by the Board within the cemetery and any other lawful direction by the CEO or an authorised person.

8.8 Removal from the cemetery

Any person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Board, the CEO or an authorised person is inappropriate in the cemetery may in addition to any penalty provided by this local law be ordered to leave the cemetery by the Board, the CEO or an authorised person.

PART 9—OFFENCES AND MODIFIED PENALTIES**9.1 General**

A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and if the offence is a continuing one to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence has continued.

9.2 Modified penalties

- (1) The offences specified in Schedule 1 are offences which may be dealt with under section 63 of the Act.
- (2) The modified penalty payable in respect of an offence specified in Schedule 1 is set out in the fourth column of Schedule 1.
- (3) The prescribed form of the infringement notice referred to in section 63(1) of the Act is set out in Schedule 2.
- (4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is set out in Schedule 3.

Schedule 1
MODIFIED PENALTIES

[clause 9.2(1)]

Item No	Clause	Nature of Offence	Penalty \$
1	5.3	Unauthorised use—driving of vehicles	50.00
2	5.4	Excessive speed	50.00
3	7.3	Placing and removal of rubbish and surplus materials	50.00
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	50.00
5	8.1	Unauthorised animal on cemetery	50.00
6	8.5	Littering and vandalism	50.00
7	8.6	Unauthorised advertising, and/or trading	50.00
8	8.7	Disobeying sign or lawful direction	50.00

Schedule 2
INFRINGEMENT NOTICE

[clause 9.2(3)]

To:
(Name)

.....
(Address)

It is alleged that at : hours on day of 20.....
at.....

you committed the offence indicated below by an (x) in breach of clause of the Shire of Halls
Creek Cemeteries Local Law 2015.

.....
(Authorised Person)

Offence—

- Dumping rubbish
- Excessive speed in vehicle
- Leaving uncompleted works in an untidy or unsafe condition
- Non removal of rubbish
- Unauthorised advertising or trading
- Unauthorised animal on cemetery
- Unauthorised vehicle use
- Disobeying sign or lawful direction

Other Offence \$.....

you may dispose of this matter by payment of the penalty as shown within 21 days of the date of this
notice (or the date of the giving of this notice if that is a different date) to the Chief Executive Officer
of the Shire of Halls Creek at 71 Thomas Street, Halls Creek between the hours of 8am to 4.00pm
Monday to Friday.

Please make cheques payable to Shire of Halls Creek. Payments by mail should be addressed to—

The Chief Executive Officer
Shire of Halls Creek
PO Box 21, HALLS CREEK WA 6007

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be
made and heard and determined by a court.



Schedule 3
WITHDRAWAL OF INFRINGEMENT NOTICE

[clause 9.2(4)]

No.....

Date/...../.....

To ⁽¹⁾

Infringement Notice No dated/...../..... for the alleged offence of ⁽²⁾
.....

Penalty ⁽³⁾ \$..... is withdrawn.

(Delete whichever does not apply)

- * No further action will be taken.
- * It is proposed to institute court proceedings for the alleged offence.

⁽¹⁾ Insert name and address of alleged offender.

⁽²⁾ Insert short particulars of offence alleged.

⁽³⁾ Insert amount of penalty prescribed.

.....
(Authorised Person)



Dated 29 June 2015.

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

MALCOLM EDWARDS, Shire President.
RODGER KERR NEWELL, Chief Executive Officer.

**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

SHIRE OF HALLS CREEK

DOGS LOCAL LAW 2015

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**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

SHIRE OF HALLS CREEK

DOGS LOCAL LAW 2015

Under the powers conferred by the *Dog Act 1976* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Halls Creek resolved on the 18 June 2015 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Halls Creek Dogs Local Law 2015*.

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;

local government means the Shire of Halls Creek;

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 2013*; *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 Halls Creek Dogs Local Law* as published in the *Government Gazette* on 2 October 2002 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.

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 (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) 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: \$5000 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) If a licensee wishes to renew 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

- (1) When an application for a licence is approved under this local law, the local government will issue a licence to the applicant.
- (2) A licence is to be in the form determined by the local government from time to time.

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 in the opinion of the CEO 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—MISCELLANEOUS

5.1 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 6—ENFORCEMENT

6.1 Interpretation

In this Part—

infringement notice means the notice referred to in clause 6.3; and *notice of withdrawal* means the notice referred to in clause 6.6(1).

6.2 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.

6.3 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 prescribed by section 9.17 of the Local Government Act 1995 and regulation 26(2) of the Local Government (Functions and General) Regulations 1996.

6.4 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.

6.5 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.

6.6 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 prescribed by section 9.17 of the Local Government Act 1995 and regulation 26(2) of the Local Government (Functions and General) Regulations 1996.

(2) A person authorised to issue an infringement notice under clause 6.3 cannot sign or send a notice of withdrawal in relation to an infringement notice issued by him or her.

6.7 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 zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition; (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an 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 \$
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	200	
6.1(2)	Dog excreting in prohibited place	20	

Dated 29 June 2015.

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

MALCOLM EDWARDS, Shire President.
RODGER KERR NEWELL, Chief Executive Officer.

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LOCAL GOVERNMENT ACT 1995**SHIRE OF HALLS CREEK****STANDING ORDERS LOCAL LAW 2015**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Halls Creek resolved on 18 June 2015 to make the following local law.

PART 1—PRELIMINARY**1.1 Citation**

(1) This Local Law may be cited as the Shire of Halls Creek Standing Orders Local Law 2015.

1.2 Application

All meetings of the Council and its committees, meetings of electors and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and this local law.

1.3 Interpretation

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

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

“Chamber” means the Meeting Room known as the Council Chamber;

“CEO” means the Chief Executive Officer for the time being of the Shire of Halls Creek;

“committee” means a committee of the Council;

“Council” means the Council of the Shire of Halls Creek;

“councillor” means a person who holds the office of Councillor on the Council;

“employee” means a person employed by the Shire in accordance with the Act;

“local government” means the Shire of Halls Creek;

“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;

“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.

“Presiding member” means the presiding member of a committee or the deputy presiding member, or a member of the committee when performing a function of the presiding member in accordance with the Act;

“Regulations” means the *Local Government (Administration) Regulations 1996*;

“Simple Majority” is more than 50% of the members present and voting;

“substantive motion” means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

(2) Unless otherwise defined herein the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

PART 2—CALLING MEETINGS**2.1 Calling Council meetings**

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

2.2 Calling Committee meetings

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

(a) if called for in a verbal or written request to the CEO by the presiding member of the committee, setting out the date and purpose of the proposed meeting;

(b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or

(c) if so decided by the Council, the committee or the CEO.

(2) An ordinary meeting of the committee is for the purpose of considering and dealing with the ordinary business of the Council or committee.

(3) A special meeting of the committee is held for the purpose of considering and dealing with Council or committee business that is urgent, complex in nature, for a particular purpose or confidential.

2.3 Notice of Special Council meetings

(1) Subject to subclause (2), the CEO is to convene a special meeting of the Council by giving each Council member at least 72 hours' notice of the date, time, place and purpose of the meeting.

(2) Where there is a need to meet urgently, in the opinion of the President, the CEO may give a lesser period of notice of a special meeting than mentioned in subclause (1).

2.4 Failure to receive notice not to invalidate proceedings

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

2.5 Late reports

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

PART 3—BUSINESS OF THE MEETING

3.1 Business to be specified on notice paper

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

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

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

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

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

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

3.2 Order of business

(1) The order of business at any ordinary and special council meetings of Council shall be as determined by the President and CEO from time to time.

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

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

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

3.3 Leave of absence

Leave of absence is dealt with in the Act.

3.4 Public question time

(1) 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.

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

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

(4) 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 Council or committee as the case requires.

(5) 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.

(6) 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, in which case the member of the public will be directed to the relevant minutes of that meeting;

- (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 it not offensive or defamatory.
- (7) The Council or committee, by resolution may agree to extend public question time.
- (8) 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.

3.5 Petitions

- (1) A Petition, in order to be effective, is to—
- (a) be addressed to the President of the Shire of Halls Creek;
 - (b) be made by residents and/or electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the names, addresses and signatures of the residents and/or electors making the request, and the date each resident and/or elector signed;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
 - (g) be in the form prescribed by the Act and *Local Government (Constitution) Regulations 1998* if it is—
 - (i) a proposal to change the method of filling the office of President;
 - (ii) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.
 - (h) not contain any language that is disrespectful to the Council or likely to be defamatory to any person
- (2) A member of the Council presenting a petition shall be limited to presenting the following information—
- (a) a statement from the parties from whom it comes;
 - (b) the number of signatures attached to it;
 - (c) the material issues contained in it; and
 - (d) the reading of the preamble to the petition.
- (3) It shall be incumbent on the member of Council presenting the petition to be familiar with the nature and contents of the petition, and to ascertain that it is in the form prescribed by subclause (1).

3.6 Confirmation of minutes

- (1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to—
- (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

3.7 Announcements by the person presiding without discussion

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

3.8 Matters for which meeting may be closed

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

3.9 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given at least four (4) clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO—
- (a) with the concurrence of the President, may exclude from the notice paper any notice of motion if the inclusion of the motion would be contrary to a provision of this local law.
 - (b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
 - (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

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

(6) A motion of which notice has been given is to lapse unless—

(a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or

(b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

(7) If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

3.10 Questions by members of which due notice has been given

(1) A question on notice is to be given by a member in writing to the CEO at least four (4) clear working days before the meeting at which it is raised.

(2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.

3.11 Urgent business approved by the person presiding or by decision

(1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.

(2) In subclause (1), ‘cases of extreme urgency or other special circumstances’ means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the Local Government and must be considered and dealt with by the Council before the next meeting.

3.12 Deputations

(1) A deputation wishing to be received by the Council or a committee is to apply in writing to the CEO who is to forward the written request to the President, or the Presiding Member as the case may be.

(2) The President, if the request is to attend a Council meeting, or the presiding member of the committee if the request is to attend a meeting of a committee, may either—

(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.

(3) A deputation invited to attend a Council or committee meeting—

(a) is not to exceed five persons, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and

(b) is not to address the Council or the committee for a period exceeding 15 minutes without the agreement of the Council or the committee as the case requires.

(4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

PART 4—PUBLIC ACCESS TO AGENDA MATERIAL

4.1 Inspection entitlement

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

4.2 Confidentiality of information withheld

(1) Information withheld by the CEO from members of the public under Regulation 14.2, of the Regulations, is to be—

(a) identified in the agenda of a Council or committee meeting under the item “Matters for which meeting may be closed”; and

(b) marked “confidential” in the agenda.

(2) A member 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*.

PART 5—DISCLOSURE OF INTERESTS

5.1 Disclosure of member’s Interests

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

5.2 Meeting to be informed of disclosures

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

5.3 Disclosure of interest in matter raised without notice

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

5.4 Separation of committee recommendations

Where a member has disclosed an interest in a matter, at a committee meeting, and the matter is contained in the recommendations of the committee to an ordinary meeting of Council or to another committee meeting that will be attended by the member, the recommendation concerned is to be separated on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, to enable the member concerned to declare the interest and leave the room prior to consideration of that matter only.

5.5 Member with an interest may ask to be present

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

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

5.6 Member with an Interest may ask permission to participate

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

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

5.7 Invitation to return to provide information

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

5.8 Disclosures by employees

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

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

PART 6—QUORUM

6.1 Quorum to be present

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

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

6.2 Loss of quorum during a meeting

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

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

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

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

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

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

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

(b) in the case of a Council meeting—

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

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

PART 7—KEEPING OF MINUTES**7.1 Content of minutes**

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

7.2 Preservation of minutes

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

PART 8—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS**8.1 Official titles**

(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.

8.2 Leaving meetings

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

8.3 Adverse reflection

(1) A Member is not to—

- (a) reflect adversely on the character or actions of another Member or local government employee; or
- (b) use offensive expressions in reference to any Member, local government employee or other person,

unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.

(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.

8.4 Recording of proceedings

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

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

8.5 Distinguished visitors

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

8.6 Prevention of disturbance by members of the public

(1) A reference to this clause to a person is of a person other than a member.

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

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

(4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council.

(5) 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

(6) 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.

PART 9—CONDUCT OF MEMBERS DURING DEBATE**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.

9.2 Priority

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

9.3 The person presiding to take part in debates

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

9.4 Relevance

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

9.5 Limitation of number of speeches

No member of the Council is to address the Council more than once on any motion or amendment before the Council except—

- (a) the mover of a substantive motion to exercise a right to reply;
- (b) to raise a point of order,
- (c) to make a personal explanation; or
- (d) to ask a question.

9.6 Limitation of duration of speeches

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

9.7 Members not to speak after conclusion of debate

No member is to speak to any question after it has been put by the person presiding.

9.8 Members not to interrupt

No member is to interrupt another member whilst speaking unless—

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

9.9 Re-opening discussion on decisions

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

PART 10—PROCEDURES FOR DEBATE OF MOTIONS**10.1 Motions to be stated**

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

10.2 Motions to be supported

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

10.3 Unopposed business

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

10.4 Only one substantive motion considered

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

10.5 Breaking down of complex questions

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

10.6 Order of call in debate

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

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

10.7 Limit of debate

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

10.8 Member may require questions to be read

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

10.9 Consent of seconder required to accept alteration of wording

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

10.10 Order of amendments

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

10.11 Amendments must not negate original motion

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

10.12 Mover of motion not to speak on amendment

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

10.13 Substantive motion

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

10.14 Withdrawal of motion and amendments

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

10.15 Limitation of withdrawal

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

10.16 Personal explanation

(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.

10.17 Personal explanation—when heard

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

10.18 Ruling on questions of personal explanation

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

10.19 Right of reply

- (1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.
- (2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

10.20 Right of reply provisions

The right of reply is governed by the following provisions—

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

PART 11—PROCEDURAL MOTIONS**11.1 Permissible procedural motions**

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

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

11.2 No debate on procedural motions

- (1) The mover of a motion stated in each of paragraphs (a), (b), (c), (f) and (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in each of paragraphs (d) and (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (3) The mover of a motion stated in paragraph (h) or clause 11.1 may speak to the motion for not more than five minutes; and
- (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 re-committal motion for not more than five minutes.

but no other debate shall be allowed.

11.3 Procedural motions—closing debate—who may move

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

11.4 Procedural motions—right of reply on substantive motion

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

PART 12—EFFECT OF PROCEDURAL MOTIONS**12.1 Council (or Committee) to proceed to the next business—effect of motion**

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

12.2 Question to be adjourned—effect of motion

- (1) The motion “that the question be adjourned”, if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.
- (2) If the motion is carried at a meeting of the Council—
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 9.5 apply when debate is resumed.

12.3 Council (or Committee) to now adjourn—effect of motion

- (1) The motion “that the Council (or committee) now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the person presiding or a simple majority of members upon vote, determine otherwise.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1)—
 - (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council meeting—
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.5 apply when the debate is resumed.

12.4 Question to be put—effect of motion

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

12.5 Member to be no longer heard—effect of motion

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

12.6 Ruling of the person presiding disagreed with—effect of motion

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

12.7 Council (or committee) to meet behind closed doors—effect of motion

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

PART 13—MAKING DECISIONS**13.1 Question—when put**

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

13.2 Question—method of putting

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

PART 14—IMPLEMENTING DECISIONS**14.1 Implementation of a decision**

- (1) If a notice of motion to revoke or change a decision of the Council or a committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or

give effect to that decision until such time as the motion of revocation or change has been dealt with, except that—

- (a) if a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under Regulation 10 of the Regulations indicate their support for the notice of motion at that meeting; and
 - (b) if a notice of motion to revoke or change a decision of the Council or a committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under Regulation 10 of the Regulations.
- (2) Implementation of a decision is only to be withheld under subclause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.
- (3) The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given—
- (a) action has been taken to implement the decision; or
 - (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate has been put into effect by the local government in writing to the applicant or the applicant's agent by an employee authorised to do so;

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

PART 15—PRESERVING ORDER

15.1 The person presiding to preserve order

- (1) The person presiding is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.
- (2) Every member shall be entitled to direct the attention of the person presiding to any infraction of this local law by any other member.
- (3) If a member persists in any conduct that the person presiding has ruled is out of order under clause 15.1, the person presiding may direct the member to refrain from taking any further part in the debate of that item, other than by voting, and the member must comply with that direction.

15.2 Points of order—when to raise—procedure

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

15.3 Points of order—when valid

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

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

15.4 Points of order—ruling

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

15.5 Points of order—ruling conclusive, unless dissent motion is moved

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

15.6 Points of order take precedence

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

15.7 Precedence of person presiding

- (1) When the person presiding wishes to speak during the progress of a debate, every member present shall preserve strict silence so that the person presiding may be heard without interruption.
- (2) Subclause (1) is not to be used by the person presiding to exercise the right provided in clause 9.3, but to preserve order.

15.8 Right of the person presiding to adjourn without explanation to regain order

- (1) If a meeting ceases to operate in an orderly manner, the person presiding may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order.

- (2) Upon resumption, debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the person presiding has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.
- (4) Where debate of motion is interrupted by an adjournment under subclause (1), in the case of a Council meeting—
 - (a) the names and members who have spoken in the matter prior to the adjournment are to be recorded; and
 - (b) the provisions of clause 9.5 apply when debate is resumed.

PART 16—ADJOURNMENT OF MEETING

16.1 Meeting may be adjourned

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

16.2 Limit to moving adjournment

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

16.3 Unopposed business—motion for adjournment

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

16.4 Withdrawal of motion for adjournment

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

16.5 Time to which adjourned

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

PART 17—COMMITTEES OF THE COUNCIL

17.1 Establishment and appointment of committees

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

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

17.2 Appointment of deputy committee members

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

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

17.3 Presentation of committee reports

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

- (a) the presiding member of the committee if the presiding member is a 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.

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.

17.5 Permissible motions on recommendation from committee

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

- (a) rejected by the Council and replaced by an alternative decision; or

- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to the committee for further consideration.

17.6 Local law applies to committees

Where not otherwise specifically provided, this local law applies generally to the proceedings of committees, except that clause 9.5, limitation on the number of speeches, does not apply to the meeting of a committee.

PART 18—ADMINISTRATIVE MATTERS

18.1 Suspension of local laws

- (1) The Council or a committee may decide, by an absolute majority vote, that the operation of one or more of the provisions of these local laws be suspended.
- (2) The mover of a motion under subclause (1) is to state the clause or clauses to be suspended, and the purpose of the suspension, but no other discussion is to take place.

18.2 Cases not provided for in this local law

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

18.3 Enforcement

- (1) The person presiding at any Council or committee meeting is authorised to enforce this local law 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 this local law unless by resolution of Council.
- (3) Council may resolve to deal with any alleged breach of this local law through the application of the procedures contained within the *Local Government (Rules of Conduct) Regulations 2007*.
- (4) Penalty for breach

A person who breaches a provision of these Local Laws commits an offence.

Penalty: \$1,000.00 and a modified penalty of \$100.00.

PART 19—COMMON SEAL

19.1 The Council's common seal

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

Dated 29 June 2015.

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

MALCOLM EDWARDS, Shire President.
RODGER KERR NEWELL, Chief Executive Officer.
