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**SHIRE OF DANDARAGAN  
LOCAL LAWS**

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**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007  
LOCAL GOVERNMENT ACT 1995**

SHIRE OF DANDARAGAN

**WASTE LOCAL LAW 2019**

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WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007  
LOCAL GOVERNMENT ACT 1995

SHIRE OF DANDARAGAN

WASTE LOCAL LAW 2019

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other enabling powers, the Council of the Shire of Dandaragan resolved on 22 August 2019 to make the following local law.

PART 1—PRELIMINARY

**1.1 Short title**

This is the *Shire of Dandaragan Waste Local Law 2019*.

**1.2 Commencement**

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

**1.3 Application**

This local law applies throughout the district.

**1.4 Repeal**

Division 2 of Part 4 of the *Shire of Dandaragan Health Local Laws 2005*, as published in the *Government Gazette* on 13 September 2005 and as amended on 19 September 2006 and 22 May 2007, is deleted.

**1.5 Meaning of terms used in this local law**

(1) In this local law—

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

**bicycle path** has the meaning given to it in the *Road Traffic Code 2000*;

**carriageway** has the meaning given to it in the *Road Traffic Code 2000*;

**collectable waste** means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

**collectable waste receptacle** means a receptacle for the deposit and collection of collectable waste that is—

- (a) a recycling waste receptacle;
- (b) a general waste receptacle; or
- (c) an organic waste receptacle;

**collection**, when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

**collection day** means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

**collection time** means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

**costs** of the local government include administrative costs;

**Council** means the council of the local government;

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

**footpath** has the meaning given to it in the *Road Traffic Code 2000*;

**general waste receptacle** means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

**LG Act** means the *Local Government Act 1995*;

**LG Regulations** means the *Local Government (Functions and General) Regulations 1996*;

**local government** means Shire of Dandaragan;

**local government waste** has the same meaning as in the WARR Act;

**non-collectable waste** has the meaning set out in Schedule 1;

**occupier** in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

**organic waste** means waste that decomposes readily, such as garden waste or food waste;

**organic waste receptacle** means a receptacle for the deposit and collection of organic waste;

**owner** has the same meaning as in the LG Act;

**public place** includes a place to which the public ordinarily have access, whether or not by payment of a fee;

**receptacle** means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

**recycling waste receptacle** means a receptacle for the deposit and collection of recycling waste;

**recycling waste** means—

- (a) paper and cardboard;
- (b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

**specified** means specified by the local government or an authorised person, as the case may be;

**street alignment** means the boundary between the land comprising a street and the land that abuts the street;

**WARR Act** means the *Waste Avoidance and Resource Recovery Act 2007*;

**waste** has the same meaning as in the WARR Act;

**waste facility** means a waste facility, as defined in the WARR Act, that is operated by the local government; and

**waste service** has the same meaning as in the WARR Act.

(2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

### 1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter—

- (a) local public notice, under section 1.7 of the LG Act, must be given of the matter determined;
- (b) the determination becomes effective only after local public notice has been given;
- (c) the determination remains in force for the period of one year after the date that local public notice has been given under subclause (a);
- (d) after the period referred to in subclause (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and
- (e) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

### 1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and section 6.16 and 6.17 of the LG Act.

### 1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

## PART 2—LOCAL GOVERNMENT WASTE

### 2.1 Supply of receptacles

(1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.

- (2) The owner of premises to which subclause (1) applies must—
- (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
  - (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

### **2.2 Deposit of waste in receptacles**

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.
- (2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

### **2.3 General waste receptacles**

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle—
- (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
  - (b) where the receptacle has any other capacity—more than the weight determined by the local government.
- (2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.
- (3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

### **2.4 Recycling waste receptacles**

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle—

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres—more than 70 kilograms of recycling waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

### **2.5 Organic waste receptacles**

An owner or occupier of premises must not deposit or permit to be deposited in an organic waste receptacle—

- (a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres—more than 70 kilograms of organic waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

### **2.6 Direction to place or remove a receptacle**

- (1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises—
- (a) to place a receptacle in respect of those premises for collection; or
  - (b) to remove a receptacle in respect of those premises after collection.
- (2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- (3) An owner or occupier of premises must comply with a direction given under this clause.

### **2.7 Duties of owner or occupier**

An owner or occupier of premises must—

- (a) except for a reasonable period before and after placing the receptacle on the verge adjoining the premises for collection, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is—
  - (i) within 1 metre of the carriageway;
  - (ii) not unduly obstructing any footpath, bicycle path, right-of-way or carriageway; and
  - (iii) facing squarely to the edge of and opening towards the carriageway,or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that the premises are provided with an adequate number of receptacles; and
- (d) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

### 2.8 Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).
- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause must state—
  - (a) the premises to which the exemption applies;
  - (b) the period during which the exemption applies; and
  - (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply—
  - (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
  - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.8(4)(a).

### 2.9 Damaging or removing receptacles

A person, other than the local government or its contractor, must not—

- (a) damage or destroy or interfere with a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

### 2.10 Verge collections

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste collection) a person, unless with and in accordance with the approval of the local government or an authorised person—
  - (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
  - (b) must otherwise comply with those terms and conditions.
- (2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 2.10(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

## PART 3—GENERAL DUTIES

### 3.1 Duties of an owner or occupier

An owner or occupier of premises must—

- (a) take reasonable steps to ensure that a sufficient number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) take all reasonable steps to ensure that each receptacle is kept in good condition and repair;
- (c) take all reasonable steps to—
  - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
  - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
  - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle.

### 3.2 Removal of waste from premises

- (1) A person must not remove any waste from premises unless that person is—
  - (a) the owner or occupier of the premises;
  - (b) authorised to do so by the owner or occupier of the premises; or
  - (c) authorised in writing to do so by the local government or an authorised person.
- (2) A person must not remove any waste from a receptacle without the approval of—
  - (a) the local government or an authorised person; or
  - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

### 3.3 Receptacles and containers for public use

A person must not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,

a receptacle provided for the use of the general public in a public place.



**PART 4—OPERATION OF WASTE FACILITIES****4.1 Operation of this Part**

This Part applies to a person who enters a waste facility.

**4.2 Hours of operation**

The local government may from time to time determine the hours of operation of a waste facility.

**4.3 Signs and directions**

- (1) The local government or an authorised person may regulate the use of a waste facility—
  - (a) by means of a sign; or
  - (b) by giving a direction to a person within a waste facility.
- (2) A person within a waste facility must comply with a sign or direction under subclause (1).
- (3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.
- (4) A person must comply with a direction under subclause (3).

**4.4 Fees and charges**

- (1) Unless subclause (3) applies, a person must, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.
- (2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.
- (3) Subclause (1) does not apply—
  - (a) to a person who disposes of waste in accordance with the terms of—
    - (i) a credit arrangement with the local government; or
    - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
  - (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

**4.5 Depositing waste**

- (1) A person must not deposit waste at a waste facility other than—
  - (a) at a location determined by a sign and in accordance with the sign; and
  - (b) in accordance with the direction of an authorised person.
- (2) The local government may determine the classification of any waste that may be deposited at a waste facility.

**4.6 Prohibited activities**

- (1) Unless authorised by the local government, a person must not—
  - (a) remove any waste or any other thing from a waste facility;
  - (b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;
  - (c) light a fire in a waste facility;
  - (d) remove, damage or otherwise interfere with any flora in a waste facility;
  - (e) remove, injure or otherwise interfere with any fauna in a waste facility; or
  - (f) damage, deface or destroy any building, equipment, plant or property within a waste facility.
- (2) A person must not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility.

**PART 5—ENFORCEMENT****5.1 Offences and general penalty**

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

**5.2 Other costs and expenses**

- (1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.1, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—
  - (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
  - (b) making good any damage caused to a waste facility.

(2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

### 5.3 Modified penalties

(1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

### 5.4 Form of notices

(1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations;

(2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations; and

(3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

## PART 6—OBJECTION AND APPEAL RIGHTS

### 6.1 Objection and appeal rights

Division 1 of Part 9 of the LG Act applies to a decision under the local law to grant, renew, vary or cancel—

- (a) an approval under clause 2.7(b);
- (b) an exemption under clause 2.8(2);
- (c) an approval under clause 2.9(b);
- (d) an approval under clause 2.10(1);
- (e) an authorisation under clause 3.2(1)(c);
- (f) an approval under clause 3.2(2); and
- (g) an approval under clause 3.3.

## SCHEDULE 1—MEANING OF ‘NON-COLLECTABLE WASTE’

[Clause 1.5]

*non-collectable waste* means—

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) ‘controlled waste’ for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government to be non-collectable waste.

## SCHEDULE 2—MODIFIED PENALTIES

[Clause 5.3]

Item No.	Clause No.	Description	Modified Penalty
1	2.1(2)(a)	Failing to pay fee or charge	\$350
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	\$350
3	2.2(1)	Depositing non-collectable waste in a receptacle	\$350
4	2.2(2)	Depositing waste in another receptacle without consent	\$350
5	2.3(1)	Exceeding weight capacity of a general waste receptacle	\$350
6	2.3(2) and (3)	Depositing unauthorised waste in a general waste receptacle	\$350

<b>Item No.</b>	<b>Clause No.</b>	<b>Description</b>	<b>Modified Penalty</b>
7	2.4(a)	Depositing unauthorised waste in a recycling waste receptacle	\$350
8	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	\$250
9	2.5(a)	Depositing unauthorised waste in an organic waste receptacle	\$350
10	2.5(b) and (c)	Exceeding weight capacity of an organic waste receptacle	\$350
11	2.6(3)	Failing to comply with a direction concerning placement or removal or a receptacle	\$250
12	2.7(a)	Failing to keep a receptacle in the required location	\$250
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	\$250
14	2.7(c)	Failing to provide a sufficient number of receptacles	\$250
15	2.7(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	\$50
16	2.9(a)	Damaging or destroying a receptacle	\$400
17	2.9(b)	Removing a receptacle from premises	\$400
18	2.10(1)	Failing to comply with a term or condition of verge waste collection	\$400
19	2.10(2)	Removing waste for commercial purposes	\$350
20	2.10(3)	Disassembling or tampering with waste deposited for collection	\$250
21	3.1(a)	Failing to provide a sufficient number of receptacles	\$250
22	3.1(b)	Failing to keep a receptacle clean and in a good condition and repair	\$250
23	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	\$350
24	3.1(c)(ii)	Failing to prevent the emission of offensive odours from a receptacle	\$350
25	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	\$350
26	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	\$300
27	3.2(1)	Unauthorised removal of waste from premises	\$250
28	3.2(2)	Removing waste from a receptacle without approval	\$250
29	4.3(2)	Failing to comply with a sign or direction	\$500
30	4.3(4)	Failing to comply with a direction to leave	\$500
31	4.4(1)	Disposing waste without payment of fee or charge	\$500
32	4.5(1)	Depositing waste contrary to sign or direction	\$500
33	4.6(1)(a)	Removing waste without authority in a waste facility	\$250
34	4.6(1)(b)	Depositing toxic, poisonous or hazardous waste at a waste facility	\$500
35	4.6(1)(c)	Lighting a fire in a waste facility	\$300
36	4.6(1)(d)	Removing or interfering with any flora in a waste facility	\$300
37	4.6(1)(e)	Interfering with any fauna without approval in a waste facility	\$300
38	4.6(1)(f)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility	\$500
39	4.6(2)	Acting in an abusive or threatening manner	\$300

The Common Seal of the Shire of Dandaragan was affixed in the presence of—

L. HOLMES, Shire President.  
B. BAILEY, Chief Executive Officer.

Dated: 23 August 2019.

Consented to—

MIKE ROWE, Chief Executive Officer,  
Department of Environment Regulation.

Dated: 31 July 2019.



**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF DANDARAGAN

**LOCAL GOVERNMENT (COUNCIL MEETINGS) LOCAL LAW 2019**

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## LOCAL GOVERNMENT ACT 1995

## SHIRE OF DANDARAGAN

## LOCAL GOVERNMENT (COUNCIL MEETINGS) LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Shire of Dandaragan resolved on 22 August 2019 to make the following local law.

## PART 1—PRELIMINARY

## 1.1 Citation

This local law may be cited as the *Shire of Dandaragan Local Government (Council Meetings) Local Law 2019*.

## 1.2 Commencement

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

## 1.3 Application and intent

- (1) This local law provides rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and this local law.
- (3) This local law is intended to result in—
  - (a) better decision-making by the Council and committees;
  - (b) the orderly conduct of meetings dealing with Council business;
  - (c) better understanding of the process of conducting meetings; and
  - (d) more efficient and effective use of time at meetings.

## 1.4 Interpretation

- (1) In this local law unless the context otherwise requires—
  - absolute majority** has the meaning given to it in the Act;
  - 75% majority** has the meaning given to it in the Act;
  - Act** means the *Local Government Act 1995*;
  - CEO** means the Chief Executive Officer of the Local Government;
  - committee** means a committee of the Council established under section 5.8 of the Act;
  - committee meeting** means a meeting of a committee;
  - Council** means the Council of the Shire of Dandaragan;
  - local government** means the Shire of Dandaragan;
  - meeting** means a meeting of the Council or a committee, as the context requires;
  - Member** has the meaning given to it in the Act;
  - officer** means an employee as defined in the Act or another person engaged by the local government in a contractual relationship;
  - President** means the President of the local government or other Presiding Member at a Council meeting under section 5.6 of the Act;
  - Presiding Member** means—
    - (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
    - (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;
  - Regulations** means the *Local Government (Administration) Regulations 1996*;
  - simple majority** means more than 50% of the members present and voting; and
  - 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 in this local law, the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

### **1.5 Repeal**

This local law repeals the *Shire of Dandaragan Standing Orders Local Law 2001* as published in the *Government Gazette* on 9 May 2001.

## **PART 2—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES**

### **2.1 Establishment of committees**

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include—
  - (a) the terms of reference of the committee;
  - (b) the number of council members, officers and other persons to be appointed to the committee;
  - (c) the names or titles of the council members and officers to be appointed to the committee;
  - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
  - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (3) This local law are to apply to the conduct of committee meetings.

### **2.2 Types of committees**

The types of committees are dealt with in the Act.

### **2.3 Delegation of some powers and duties to certain committees**

The delegation of some powers and duties to certain committees is dealt with in the Act.

### **2.4 Limits on delegation of powers and duties to certain committees**

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

### **2.5 Appointment of committee members**

The appointment of committee members is dealt with in the Act.

### **2.6 Tenure of committee membership**

Tenure of committee membership is dealt with in the Act.

### **2.7 Resignation of committee members**

The resignation of committee members is dealt with in the Regulations.

### **2.8 Register of delegations to committees**

The register of delegations to committees is dealt with in the Act.

### **2.9 Committees to report**

A committee—

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by the Council.

## **PART 3—CALLING AND CONVENING MEETINGS**

### **3.1 Ordinary and special Council meetings**

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

### **3.2 Calling Council meetings**

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

### **3.3 Convening Council meetings**

- (1) The convening of a Council meeting is dealt with in the Act.
- (2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
- (3) Where, in the opinion of the President or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

### **3.4 Calling committee meetings**

The CEO is to call a meeting of any committee when requested by the President, the Presiding Member of a committee or any two members of that committee.

### **3.5 Public notice of meetings**

Public notice of meetings is dealt with in the Regulations.

**PART 4—PRESIDING MEMBER AND QUORUM***Division 1—Who presides***4.1 Who presides**

Who presides at a Council meeting is dealt with in the Act.

**4.2 When the Deputy President can act**

When the Deputy President can act is dealt with in the Act.

**4.3 Who acts if no President**

Who acts if there is no President is dealt with in the Act.

**4.4 Election of Presiding Members of committees**

The election of Presiding Members of committees and their deputies is dealt with in the Act.

**4.5 Election of Deputy Presiding Members of committees**

The election of Deputy Presiding Members of committees is dealt with in the Act.

**4.6 Functions of Deputy Presiding Members**

The functions of Deputy Presiding Members are dealt with in the Act.

**4.7 Who acts if no Presiding Member**

Who acts if no Presiding Member is dealt with in the Act.

*Division 2—Quorum***4.8 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

**4.9 Reduction of quorum for Council meetings**

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

**4.10 Reduction of quorum for committee meetings**

The reduction of a quorum for committee meetings is dealt with in the Act.

**4.11 Procedure where no quorum to begin a meeting**

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

**4.12 Procedure where quorum not present during a meeting**

If at any time during a meeting a quorum is not present, the Presiding Member is—

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

**4.13 Names to be recorded**

At any meeting—

- (a) at which there is not a quorum present; or
- (b) which is adjourned for want of a quorum, the names of the Members then present are to be recorded in the minutes.

**PART 5—BUSINESS OF A MEETING****5.1 Business to be specified**

(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 Presiding Member or 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) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that—

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

(4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 8) at that ordinary meeting.

**5.2 Order of business**

(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—

1. Declaration of Opening/Announcement of Visitors
2. Announcements from the Presiding Member

3. Attendance
  - 3.1 Apologies
  - 3.2 Approved leave of absence
  - 3.3 Applications for leave of absence
4. Declaration of interest
5. Public Question Time
  - 5.1 Response to previous public questions taken on notice
  - 5.2 Public question time
6. Confirmation of minutes
7. Presentations
  - 7.1 Petitions
  - 7.2 Presentations
  - 7.3 Deputations
8. Reports
9. Councillor Information Bulletin
10. Motions of which previous notice has been given
11. New business of an urgent nature introduced by decision of the meeting
12. Meeting closed to public
  - 12.1 Matters for which the meeting may be closed
  - 12.2 Public reading of resolutions that may be made public
13. Closure

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

(3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

### 5.3 Motions of which previous notice has been given

(1) Unless the Act, Regulations or this 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 and which has been included on the agenda.

(2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.

(3) A notice of motion is to relate to the good governance of the district.

(4) The CEO—

- (a) may, with the concurrence of the President, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written law;
- (b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;
- (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
- (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

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

- (a) the Member who gave notice of it, or some other Member authorised by the originating Member 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.

(6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

### 5.4 New business of an urgent nature

(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.

### 5.5 Adoption by exception resolution

(1) In this clause ‘adoption by exception resolution’ means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.

(2) Subject to subclause (3), the Local Government may pass an adoption by exception resolution.

(3) An adoption by exception resolution may not be used for a matter—

- (a) that requires a 75% majority or a special majority;
- (b) in which an interest has been disclosed;
- (c) that has been the subject of a petition or deputation;
- (d) that is a matter on which a Member wishes to make a statement; or
- (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

**PART 6—PUBLIC PARTICIPATION****6.1 Meetings generally open to the public**

Meetings being generally open to the public is dealt with in the Act.

**6.2 Meetings not open to the public**

(1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.

(2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.

(3) If a resolution under subclause (2) is carried—

(a) the Presiding Member is to direct everyone to leave the meeting except—

(i) the Members;

(ii) the CEO; and

(iii) any officer specified by the Presiding Member; and

(b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.

(4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.

(5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.

(6) A resolution under this clause may be made without notice.

(7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.

**6.3 Question time for the public**

Question time for the public is dealt with in the Act.

**6.4 Question time for the public at certain meetings**

Question time for the public at certain meetings is dealt with in the Regulations.

**6.5 Minimum question time for the public**

Minimum question time for the public is dealt with in the Regulations.

**6.6 Procedures for question time for the public**

Procedures for question time for the public are dealt with in the Regulations.

**6.7 Other procedures for question time for the public**

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

(2) A question may be taken on notice by the Council for later response.

(3) When a question is taken on notice the CEO is to ensure that—

(a) a response is given to the member of the public in writing; and

(b) a summary of the response is included in the agenda of the next meeting of the Council.

(4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—

(a) declare that he or she has an interest in the matter; and

(b) allow another person to respond to the question.

(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) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.

(7) The Presiding Member may decide that a public question shall not be responded to where—

(a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;

(b) the member of the public uses public question time to make a statement, provided that the Presiding Member 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 Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

(8) A member of the public shall have two minutes to submit a question.

(9) The Council, by resolution, may agree to extend public question time.

(10) 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.

### 6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

### 6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council is to either—
  - (a) apply, before the meeting, to the CEO for approval; or
  - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may either—
  - (a) approve the request and invite the deputation to attend a meeting of the Council; or
  - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting—
  - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
  - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and
  - (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

### 6.10 Petitions

- (1) A petition is to—
  - (a) be addressed to the President;
  - (b) be made by electors of the district;
  - (c) state the request on each page of the petition;
  - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
  - (e) contain a summary of the reasons for the request; and
  - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the Local Government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition.
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
  - (a) the matter is the subject of a report included in the agenda; and
  - (b) the Council has considered the issues raised in the petition.

### 6.11 Presentations

- (1) In this clause, a **presentation** means the acceptance of a gift or an award by the Council on behalf of the Local Government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

### 6.12 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who—
  - (a) is entitled to attend a committee meeting;
  - (b) attends a committee meeting; and
  - (c) is not a member of that committee.
- (2) Without the consent of the Presiding Member, no person is to address a committee meeting.
- (3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.
- (5) A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

### 6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.

- (2) The CEO and the President shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall—
- (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
  - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
  - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) shall be conducted only to hear submissions and the Council shall not make resolutions at a meeting held to provide the opportunity to be heard.
- (5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
- (6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.
- (7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

#### **6.14 Public Inspection of agenda materials**

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the Shire of Dandaragan offices at 69 Bashford Street Dandaragan and on the Local Government's website.

#### **6.15 Confidentiality of information withheld**

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be—
- (a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";
  - (b) marked "*Confidential*" in the agenda; and
  - (c) kept confidential by officers and Members until the Council resolves otherwise.
- (2) A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

#### **6.16 Recording of proceedings**

- (1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member;
- (2) If the Presiding Member gives permission under subclause (1), the Presiding Member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

#### **6.17 Prevention of disturbance**

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.
- (3) A person observing a meeting shall not 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) A person shall not behave in a manner that is contrary to section 75 of the *Criminal Code*.

### **PART 7—QUESTIONS BY MEMBERS**

- (1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.
- (2) A Member requesting general information from an officer at a Council meeting may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that officer or another officer present at the meeting.

(3) Where possible the officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the officer may ask that—

- (a) the question be placed on notice for the next meeting of Council; and
- (b) the answer to the question be given to the Member who asked it within 14 days.

(4) Every question and answer—

- (a) is to be brief and concise; and
- (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.

(5) In answering any question, an officer may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

## **PART 8—CONDUCT OF MEMBERS**

### **8.1 Respect to the Presiding Member**

After the business of a Council has been commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member.

### **8.2 Titles to be used**

A speaker, when referring to the President, Deputy President or Presiding Member, or a Member or officer, is to use the title of that person's office.

### **8.3 Advice of entry or departure**

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time or entry or departure.

### **8.4 Members to indicate their intention to speak**

A Member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.

### **8.5 Priority of speaking**

(1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.

(2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.

(3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

### **8.6 Presiding Member may take part in debates**

The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with this local law.

### **8.7 Relevance**

(1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

(2) The Presiding Member, at any time, may—

- (a) call the attention of the meeting to—
  - (i) any irrelevant, repetitious, offensive or insulting language by a Member; or
  - (ii) any breach of order by a Member; and
- (b) direct that Member, if speaking, to discontinue his or her speech.

(3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

### **8.8 Speaking twice**

A Member is not to address the Council more than once on any motion or amendment except—

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

### **8.9 Duration of speeches**

(1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.

(2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

### **8.10 No speaking after conclusion of debate**

A Member is not to speak on any motion or amendment—

- (a) after the mover has replied; or
- (b) after the question has been put.



**8.11 No interruption**

A Member is not to interrupt another Member who is 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 8.12; or
- (d) to move a procedural motion that the Member be no longer heard.

**8.12 Personal explanations**

(1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.

(2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.

(3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

**8.13 No reopening of discussion**

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed.

**8.14 Adverse reflection**

(1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed unless the meeting resolves, without debate, that the matter before the meeting cannot otherwise be adequately considered.

(2) A Member is not—

- (a) to reflect adversely on the character or actions of another Member or officer; or
- (b) to impute any motive to a Member or officer,

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

(3) A Member is not to use offensive or insulting expressions in reference to any Member, officer or other person.

(4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes—

- (a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
- (b) the Council may, by resolution, decide to record those words in the minutes.

**8.15 Withdrawal of offensive language**

(1) A Member who, in the opinion of the Presiding Member, uses an expression which—

- (a) in the absence of a resolution under clause 8.14—
  - (i) reflects adversely on the character or actions of another Member or officer; or
  - (ii) imputes any motive to a Member or officer; or
- (b) is offensive or insulting, must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.

(2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

**PART 9—PRESERVING ORDER****9.1 Presiding Member to preserve order**

(1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.

(2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is to preserve strict silence so that the Presiding Member may be heard without interruption.

(3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.6, but to preserve order.

**9.2 Point of order**

(1) A Member may object, by way of a point of order, only to a breach of—

- (a) this local law; or
- (b) any other written law.

(2) Despite anything in this local law to the contrary, a point of order—

- (a) takes precedence over any discussion; and
- (b) until determined, suspends the consideration or discussion of any other matter.

**9.3 Procedures on a point of order**

- (1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.
- (2) A Member interrupted on a point of order is to resume his or her seat until—
  - (a) the Member raising the point of order has been heard; and
  - (b) the Presiding Member has ruled on the point of order, and, if permitted, the Member who has been interrupted may then proceed.

**9.4 Calling attention to breach**

A Member may, at any time, draw the attention of the Presiding Member to any breach of this local law.

**9.5 Ruling by the Presiding Member**

- (1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the Presiding Member on a point of order is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the Presiding Member rules that—
  - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
  - (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

**9.6 Continued breach of order**

If a Member—

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(3),

the Presiding Member may direct the Member to refrain from taking any further part in the debate of that item, other than by voting, and the Member is to comply with that direction.

**9.7 Right of Presiding Member to adjourn**

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

**PART 10—DEBATE OF SUBSTANTIVE MOTIONS****10.1 Motions to be stated and in writing**

Any Member who wishes to move a substantive motion or an amendment to a substantive motion—

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the Presiding Member, is to put the motion or amendment in writing.

**10.2 Motions to be supported**

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

**10.3 Unopposed business**

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
- (2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
- (4) If a Member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting (see Part 16).

**10.4 Only one substantive motion at a time**

- (a) When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted; and
- (b) The Council is not to consider more than one substantive motion at any time.

**10.5 Order of call in debate**

The Presiding Member 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 where possible; and
- (h) mover takes right of reply which closes debate.

**10.6 Limit of debate**

The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

**10.7 Member may require question to be read**

A 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 who is speaking.

**10.8 Consent of seconder required for alteration**

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

**10.9 Order of amendments**

Any number of amendments may be proposed to a substantive 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, carried or lost.

**10.10 Form of an amendment**

An amendment must add, delete, or substitute words to the substantive motion.

**10.11 Amendment must not negate original motion**

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

**10.12 Relevance of amendments**

Each amendment is to be relevant to the motion in respect of which it is moved.

**10.13 Mover of motion may speak on amendment**

Any Member may speak during debate on an amendment.

**10.14 Effect of an amendment**

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.

**10.15 Withdrawal of motion or amendment**

(1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.

(2) 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 Right of reply**

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion has a right of reply.
- (3) The right of the reply may only be exercised—
  - (a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or
  - (b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply—
  - (a) no other Member is to speak on the question; and
  - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

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

In addition to the right to move an amendment to a substantive motion (under Part 10), a Member may move the following procedural motions—

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with;
- (g) that the meeting be closed to the public; or
- (h) that the motion be deferred.

**11.2 No debate**

(1) The mover of a motion specified in subclauses (a), (b), (c), (f) or (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 specified in subclause (d) or (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.

**11.3 Who may move**

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, 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.

**11.5 Meeting to proceed to the next business**

The motion “that the meeting proceed to the next item of business”, if carried, has the effect that—

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

**11.6 Debate to be adjourned**

A motion “that the debate be adjourned”—

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

**11.7 Meeting now adjourn**

(1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.

(2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution.

(3) A motion “that the meeting now adjourn”—

- (a) is to state the time and date to which the meeting is to be adjourned; and
- (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.

(4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

**11.8 Question to be put**

(1) If the motion “that the question be now put”, is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.

(2) If the motion “that the question be now put” is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.

(3) This motion, if lost, causes debate to continue.

**11.9 Member to be no longer heard**

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

**11.10 Ruling of the Presiding Member to be disagreed with**

If the motion “that the ruling of the Presiding Member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

**11.11 The motion be deferred**

(1) If a motion “that the motion be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.

(2) A motion “that the motion be deferred” must not be moved in respect of the election of a Presiding Member or Deputy Presiding Member.

(3) A member must not, at the same meeting, move or second more than one motion “that the motion be deferred” in respect of the same item.

**PART 12—DISCLOSURE OF INTERESTS****12.1 Disclosure of interests**

Disclosure of interests is dealt with in the Act.

**PART 13—VOTING****13.1 Question—when put**

(1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member—

(a) is to put the question to the Council; and

(b) if requested by any Member, is to again state the terms of the question.

(2) A Member is not to leave the meeting when the Presiding Member is putting any question.

**13.2 Voting**

Voting is dealt with in the Act and the Regulations.

**13.3 Majorities required for decisions**

The majorities required for decisions of the Council and committees are dealt with in the Act.

**13.4 Method of taking vote**

(1) In taking the vote on any motion or amendment the Presiding Member—

(a) is to put the question, first in the affirmative, and then in the negative;

(b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;

(c) may accept a vote on the voices or may require a show of hands; and,

(d) is, subject to this clause, to declare the result.

(2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.

(3) If a member of Council or a committee specifically requests that there be recorded—

(a) his or her vote; or,

(b) the vote of all members present, on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

(4) If a Member calls for a division—

(a) those voting in the affirmative are to pass to the right of the Chair; and

(b) those voting in the negative are to pass to the left of the Chair.

(5) For every division, the CEO is to record—

(a) the name of each member who voted; and

(b) whether he or she voted in the affirmative or negative.

**PART 14—MINUTES OF MEETINGS****14.1 Keeping of minutes**

The keeping and confirmation of minutes are dealt with in the Act.

**14.2 Content of minutes**

(1) The content of minutes is dealt with in the Regulations.

(2) In addition to the matters required by regulation 11, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

**14.3 Public inspection of unconfirmed minutes**

The public inspection of unconfirmed minutes is dealt with in the Regulations.

#### 14.4 Confirmation of minutes

(1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the Local Government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.

(2) At the next ordinary meeting of the Council, the Member who provided the alternative wording shall, at the time for confirmation of minutes—

- (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.

(3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

### PART 15—ADJOURNMENT OF MEETING

#### 15.1 Meeting may be adjourned

The Council may adjourn any meeting—

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

#### 15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law—

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.8 [speaking twice] apply when the debate is resumed.

### PART 16—REVOKING OR CHANGING DECISIONS

#### 16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

#### 16.2 Limitations on powers to revoke or change decisions

(1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision—

- (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
- (b) where the decision is procedural in its form or effect.

(2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

#### 16.3 Implementing a decision

(1) In this clause—

- (a) **authorisation** means a licence, permit, approval or other means of authorising a person to do anything;
- (b) **implement**, in relation to a decision, includes—
  - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
  - (ii) take any other action to give effect to the decision; and
- (c) **valid notice of revocation motion** means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Local Laws and may be considered, but has not yet been considered, by the Council or a committee as the case may be.

(2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.

(3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.

(4) A decision made at a meeting is not to be implemented by the CEO or any other person—

- (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
- (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.

(5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation—

- (a) is to take effect only in accordance with this clause; and
- (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

## **PART 17—SUSPENSION OF LOCAL LAWS**

### **17.1 Suspension of Local Laws**

(1) A Member may at any time move that the operation of one or more of the provisions of this local law be suspended.

(2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.

(3) A motion under subclause (1) which is—

- (a) seconded; and
- (b) carried by an absolute majority, is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

### **17.2 Where Local Laws do not apply**

(1) In situations where—

- (a) one or more provisions of this local law have been suspended; or
- (b) a matter is not regulated by the Act, the Regulations or this Local Law, the Presiding Member is to decide questions relating to the conduct of the meeting.

(2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

### **17.3 Cases not provided for in Local Laws**

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this local law, the Act or the Regulations are silent and the decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.

## **PART 18—MEETINGS OF ELECTORS**

### **18.1 Electors' general meetings**

Electors' general meetings are dealt with in the Act.

### **18.2 Matters for discussion at electors' general meetings**

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

### **18.3 Electors' special meetings**

Electors' special meetings are dealt with in the Act.

### **18.4 Requests for electors' special meetings**

Requests for electors' special meetings are dealt with in the Regulations.

### **18.5 Convening electors' meetings**

Convening electors' meetings is dealt with in the Act.

### **18.6 Who presides at electors' meetings**

Who presides at electors' meetings is dealt with in the Act.

### **18.7 Procedure for electors' meetings**

(1) The procedure for electors' meetings is dealt with in the Act and the Regulations.

(2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to this local law.

### **18.8 Participation of non-electors**

A person who is not an elector of the Local Government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

### **18.9 Voting at electors' meetings**

Voting at electors' meetings is dealt with in the Regulations.

### **18.10 Minutes of electors' meetings**

Minutes of electors' meetings are dealt with in the Act.

### **18.11 Decisions made at electors' meetings**

Decisions made at electors' meetings are dealt with in the Act.

**PART 19—ENFORCEMENT****19.1 Penalty for breach**

A person who breaches a provision of this local law commits an offence.

Penalty: \$1,000.00 and where the offence is of a continuing nature, a daily penalty of \$100.00.

**19.2 Who can prosecute**

Who can prosecute is dealt with in the Act.

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The Common Seal of the Shire of Dandaragan was affixed in the presence of—

L. HOLMES, Shire President.  
B. BAILEY, Chief Executive Officer.

Dated: 23 August 2019.

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## LOCAL GOVERNMENT ACT 1995

## SHIRE OF DANDARAGAN

## SITE EROSION AND SAND DRIFT PREVENTION LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the Shire of Dandaragan resolved on 22 August 2019 to make the following local law.

## PART 1—PRELIMINARY

**1.1 Title**

This is the *Shire of Dandaragan Site Erosion and Sand Drift Prevention Local Law 2019*.

**1.2 Commencement**

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

**1.3 Repeal**

The *Shire of Dandaragan Sand Drift Prevention and Abatement Local Law 2009* as published in the *Government Gazette* on 18 December 2009 is repealed.

**1.4 Application**

This local law applies throughout the district.

**1.5 Terms used**

In this local law, unless the context otherwise requires—

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

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

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

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

**dust and sand** means granules or particles of rock, earth, clay, loam, silt and any other granular, or airborne particle or like material, and includes gravel;

**land** includes any building or structures on the land;

**local government** means the Shire of Dandaragan;

**occupier** means any person who, at the time a notice is served, is in control of any place or part of any place or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to a place to perform any work in relation to any place and includes a builder or contractor;

**Regulations** means the *Local Government (Functions and General) Regulations 1996*; and

**Schedule** means a schedule to this local law.

**1.6 Interpretation**

(1) A term used in this local law that is not defined in clause 1.5 is to have the meaning given to it in the Act.

(2) Where, under this local law a duty, obligation or liability is imposed on an 'owner or occupier', the duty is taken to be imposed jointly and severally on each owner and occupier.

(3) Where under this local law an act is required to be done or forbidden to be done in relation to any land, an owner or occupier of the land has the duty of causing to be done the act so required to be done, or preventing from being done the act forbidden to be done.

(4) Where this local law refers to the giving of a notice, other than the giving of an infringement notice, no particular form is prescribed and it is sufficient if the notice is in writing giving sufficient details to enable the owner or occupier to know the offence (if any) committed and the measures required to be taken or conditions to be complied with, as the case may be.

**PART 2—SITE EROSION AND DUST****2.1 Prevention of erosion and the escape of sand and dust**

An owner or occupier of land must take reasonable measures to—

- (a) stabilise sand on the land; and
- (b) ensure no sand or dust is released from or escapes from the land, whether by means of wind, water or any other cause.

**2.2 Notice may require specified action to prevent**

(1) Where the local government or an authorised person is satisfied that—

- (a) an owner or occupier of land has not complied with clause 2.1; or
- (b) sand or dust is escaping, being released or being carried, or is likely to escape, be released or be carried, from any land,

the local government or an authorised person may, by notice in writing, direct the owner or occupier, within a time specified in the notice—

- (c) to comply with clause 2.1;
- (d) clean up and make good any damage resulting from the release or escape of dust or sand from the land; or
- (e) take such other actions or comply with such other conditions as the local government or authorised person considers necessary to prevent or stop the escape, release or carriage of sand or dust from the land, as stipulated in the notice.

(2) An owner or occupier of land to whom a notice is issued under subclause (1) must comply with the requirements of the notice within the time specified in the notice.

**PART 3—OBJECTIONS AND REVIEW****3.1 Objections and review**

If the local government or an authorised person gives a person notice under clause 2.2(1), Division 1 of Part 9 of the Act and regulation 33 of the Regulations are to apply.

**PART 4—OFFENCES AND PENALTIES****4.1 Offences**

(1) Any person who—

- (a) fails to comply with a notice under clause 2.2(2);
- (b) fails to do anything required or directed to be done under this local law; or
- (c) does anything which under this local law that person is prohibited from doing,

commits an offence.

(2) Any person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

**4.2 Prescribed offences**

(1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The modified penalty for a prescribed offence is the amount specified adjacent to the clause in Schedule 1.

**4.3 Form of notices**

(1) The form of the infringement notice give under section 9.16 of the Act is Form 2 in Schedule 1 of the Regulations.

(2) The form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

**SCHEDULE—MODIFIED PENALTIES**

[Clause 4.2]

**Offences in respect of which modified penalties apply**

Clause	Description	Modified Penalty
4.1(1)(a)	Failure to comply with a notice	\$200
4.1(1)(b)	Failure to comply with a direction given	\$200
4.1(1)(c)	Prohibited action under local law	\$200

The Common Seal of the Shire of Dandaragan was affixed in the presence of—

L. HOLMES, Shire President.  
B. BAILEY, Chief Executive Officer.

Dated: 23 August 2019.

**BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007  
LOCAL GOVERNMENT ACT 1995**

SHIRE OF DANDARAGAN

**PEST PLANT LOCAL LAW 2019**

In accordance with the powers conferred by the *Biosecurity and Agriculture Management Act 2007*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Dandaragan resolved on the 22 August 2019 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Title**

This local law may be cited as the *Shire of Dandaragan Pest Plant Local Law 2019*.

**1.2 Commencement**

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

**1.3 Repeal**

The *Shire of Dandaragan Pest Plant Local Laws 2001* as published in the *Government Gazette* on 9 May 2001 are repealed.

**1.4 Interpretation**

In this local law, unless the contrary intention appears—

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

*district* means the district of the local government;

*local government* means the Shire of Dandaragan;

*local planning scheme* means a local planning scheme made by the local government under the *Planning and Development Act 2005*;

*occupier* has the meaning given to it by the Act;

*owner* has the meaning given to it by the Act;

*pest plant* means a plant described as a pest plant by clause 2.1 of this local law;

*Regulations* means the *Local Government (Functions and General) Regulations 1996*; and

*Schedule* means a schedule to this local law.

**1.5 Application**

This local law applies throughout the district.

**PART 2—PEST PLANTS**

**2.1 Pest Plants**

Every plant described in the Schedule 1 to this local law is a pest plant, where it is in that portion of the district indicated in column (3) of Schedule 1.

**2.2 Notice may require specified action to prevent**

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

(2) A person served with a notice under subclause (1) shall comply with that notice within the time and in the manner specified therein.

**PART 3—OBJECTIONS AND REVIEW**

**3.1 Objections and review**

If the local government or an authorised person gives a person notice under clause 2.2(1), Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the Regulations are to apply.

## PART 4—OFFENCES AND PENALTIES

## 4.1 Offences

(1) Any person who—

- (a) fails to comply with a notice under clause 2.2(2);
- (b) fails to do anything required or directed to be done under this local law; or
- (c) does anything which under this local law that person is prohibited from doing,

commits an offence.

(2) Any person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

## 4.2 Failure to comply with a notice

Where a person fails to comply with a notice under clause 2.2 of this local law served upon him, the local government may—

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

## SCHEDULE 1—PEST PLANTS

[Clause 2.1]

(1)	(2)	(3)
COMMON NAME	SCIENTIFIC NAME	DISTRICT FOR WHICH DESCRIBED
Afghan Thistle	<i>Solanum hystrix</i> , <i>R. Ba.</i> <i>Solanum hoplopetalum</i>	Whole of District
Mossman River Grass	<i>Cenchrus Echinatus</i>	Whole of District
Spiny Burrgrass	<i>Cenchrus Incertus</i>	Whole of District
Golden Crownbeard	<i>Verbesina encelioides</i>	Whole of District
African Boxthorn	<i>Lycium ferocissimum</i>	Whole of District
Doublegee	<i>Emex australis Steinh</i>	Townsites of Dandaragan, Badgingarra, Jurien Bay and Cervantes, and land which is zoned for rural development and special rural purposes under a local planning scheme

## SCHEDULE 2—PEST PLANT NOTICE

*Biosecurity and Agriculture Management Act 2007*  
*Shire of Dandaragan Pest Plant Local Law 2019*

No.

TO: ..... Full Name

OF: ..... Address

You are hereby given notice under the *Shire of Dandaragan Pest Plant Local Law 2019* that you are required to.....  
(specify whether required to destroy, eradicate or otherwise control) the pest plant .....

..... (common name) ..... (scientific name)

on ..... (specify the land)

of which you are the owner or occupier.

This notice may be complied with by .....

.....  
(specify manner of achieving destruction, eradication or control).

Such measures shall be commenced not later than ..... (date)

and shall be completed by ..... (date).

Upon failure to comply with this notice within the times specified the local government may destroy, eradicate or control, as the case may be, any specified plant at your expense, and if necessary recover the expense in a court of competent jurisdiction.

Date of service of notice .....

.....  
Signature of person authorised by the Shire of Dandaragan

The Common Seal of the Shire of Dandaragan was affixed in the presence of—

L. HOLMES, Shire President.  
 B. BAILEY, Chief Executive Officer.

Dated: 23 August 2019.

**DOG ACT 1976  
LOCAL GOVERNMENT ACT 1995**

SHIRE OF DANDARAGAN

**DOGS LOCAL LAW 2019**

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**DOG ACT 1976  
LOCAL GOVERNMENT ACT 1995**

SHIRE OF DANDARAGAN

**DOGS LOCAL LAW 2019**

Under the powers conferred by the *Local Government Act 1995*, the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Dandaragan resolved on 22 August 2019 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Dandaragan Dogs Local Law 2019*.

**1.2 Commencement**

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

**1.3 Repeal**

The *Shire of Dandaragan Dogs Local Law* as published in the *Government Gazette* on 9 May 2001 is repealed.

**1.4 Definitions**

In this local law unless the context otherwise requires—

*Act* means the *Dog Act 1976*;

*authorised person* means a person authorised 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* has the meaning given to it by the Act;

*district* means the district of the local government;

*dog management facility* means any facility, or any replacement facility, established as a dog management facility by the local government under section 11(1) of the Act;

*dog management facility operator* means a person authorised by the local government to perform all or any of the functions conferred on a “dog management facility operator” under this local law;

*kennel establishment* means any structure or land use for the boarding or breeding of dogs;

*local government* means the Shire of Dandaragan;

*local planning scheme* means a local planning scheme made by the local government under the *Planning and Development Act 2005*;

*owner* in relation to a dog means the person whom the dog is ordinarily kept by or a person who is deemed by section 3(2) of the Act to be the owner of the dog;

*Regulations* means the *Dog Regulations 2013*;

*schedule* means a schedule to this local law; and

*townsite* means the townsites of Dandaragan, Badgingarra, Jurien Bay Cervantes and Regans Ford which have been—

(a) constituted under section 26(2) of the *Land Administration Act 1997*; or

(b) referred to in clause 37 of Schedule 9.3 of the *Local Government Act 1995*.

**1.5 Application**

This local law applies throughout the district.

## PART 2—IMPOUNDING OF DOGS

### 2.1 Charges and costs

The following are to be imposed and determined by the local government under sections 6.16-6.19 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 dog management facility operator at facility

The dog management facility operator is to attend the dog management facility 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 dog management facility operator or in the absence of the dog management facility operator, to the CEO.

(2) The dog management facility operator is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the dog management facility operator, 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.

(3) Notwithstanding subclauses (1) and (2), the confinement of dangerous dogs is dealt with in the Act and the Regulations.

**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 of the local law as an approved kennel establishment; or
- (b) granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—

- (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
- (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

## PART 4—APPROVED KENNEL ESTABLISHMENTS

### 4.1 Interpretation

In this Part and in Schedule 2—

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

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

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

**transferee** means a person who applies for the transfer of a licence to her or him under clause 4.13.



#### **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 4.9(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(a) do not apply in respect of the application for a licence.

#### **4.5 When application can be determined**

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

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

#### **4.6 Determination of application**

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

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

#### **4.7 Where application cannot be approved**

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

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a 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 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 6.16-6.19 of the *Local Government Act 1995*.

#### 4.10 Form of licence

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

#### 4.11 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 4.9(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

#### 4.12 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence—
- (a) on the request of the licensee; or,
  - (b) following a breach of the Act, the Regulations or this local law.
- (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) paragraph (b) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

#### 4.13 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be—
- (a) made in the form determined by the local government;
  - (b) made by the transferee;
  - (c) made with the written consent of the licensee; and
  - (d) lodged with the local government together with—
    - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
    - (ii) the fee for the application for the transfer of a licence referred to in clause 4.9(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.14(b), the transferee becomes the licensee of the licence for the purposes of this local law.

#### 4.14 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.12(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.12(2)(a); and
- (g) a licensee of the cancellation of a licence under clause 4.12(2)(b), which notice is to be given in accordance with section 27(6) of the Act.

**4.15 Inspection of kennel**

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

**PART 5—ENFORCEMENT****5.1 Interpretation**

In this Part—

*infringement notice* means the notice referred to in clause 5.3; and

*notice of withdrawal* means the notice referred to in clause 5.6(1).

**5.2 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.

**5.3 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 determined by the local government from time to time.

**5.4 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.

**5.5 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.

**5.6 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 determined by the local government from time to time.

(2) A person authorised to issue an infringement notice under clause 5.3 cannot sign or send a notice of withdrawal in relation to an infringement issued by him or her.

**5.7 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.

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**SCHEDULE 1—APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

[clause 4.2]

**Shire of Dandaragan Dogs Local Law 2019**

Application for a licence for an approved kennel establishment

I/we (full name) .....

of (postal address) .....

(telephone number) .....

(facsimile number) .....

(E-mail address) .....

Apply for a licence for an approved kennel establishment at (address of premises) .....

.....

For (number and breed of dogs) .....

\* (insert name of person) ..... will be residing at the premises on  
and from (insert date) .....

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

Attached are—

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

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

Signature of applicant .....

Date .....

\* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months—section 27(5) of the *Dog Act 1976*.

---

OFFICE USE ONLY

Application fee paid on [insert date].....

## SCHEDULE 2—CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

[clause 4.8(1)]

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

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
  - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
  - (ii) 10m from any dwelling; and
  - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
  - (i) at least 100mm above the surface of the surrounding ground;
  - (ii) smooth so as to facilitate cleaning;
  - (iii) rigid;
  - (iv) durable;
  - (v) slip resistant;
  - (vi) resistant to corrosion;
  - (vii) non-toxic;
  - (viii) impervious;
  - (ix) free from cracks, crevices and other defects; and
  - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;

- (h) the kennel floor must have a durable up-stand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
- (i) 2m; or
  - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new 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.

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**SCHEDULE 3—MODIFIED PENALTIES**

[Clause 5.2]

Offence	Nature of offence	Modified penalty \$	Dangerous dog modified penalty \$
3.1(2)	Failing to provide means for effectively confining a dog	100	200

The Common Seal of the Shire of Dandaragan was affixed in the presence of—

L. HOLMES, Shire President.  
B. BAILEY, Chief Executive Officer.

Dated: 23 August 2019.

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**LOCAL GOVERNMENT ACT 1995  
CEMETERIES ACT 1986  
BUSH FIRES ACT 1954**

SHIRE OF DANDARAGAN

**GENERAL AMENDMENT LOCAL LAW 2019**

Under the powers conferred by the *Local Government Act 1995*, the *Cemeteries Act 1986*, the *Bush Fires Act 1954* and all other powers enabling it, the Council of the Shire of Dandaragan resolved on the 22 August 2019 to make the following local law.

**1. Citation**

The local law may be cited as the *Shire of Dandaragan General Amendment Local Law 2019*.

**2. Commencement**

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

**3. Repeal**

The *Shire of Dandaragan Local Law Relating to Beekeeping*, as published in the *Government Gazette* of 9 May 2001, is repealed.

**4. Shire of Dandaragan Local Government Property Local Law amended**

The *Shire of Dandaragan Local Government Property Local Law*, as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 4.1 In the Table of Contents after Schedule 1—Prescribed Offences insert the words “and Modified Penalties”;
- 4.2 In clause 1.2 delete the definition of “*liquor*” and insert—“ *liquor*” has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988*;”;
- 4.3 In clause 3.4(2)(h) delete the word “*Licensing*” and insert the word “*Control*”;
- 4.4 In clause 3.15(1)(a) delete the word “*Licensing*” and insert the word “*Control*”;
- 4.5 In clause 3.16(d) delete the word “*Licensing*” and insert the word “*Control*”; and
- 4.6 Delete Schedule 1 and insert the following—

**“SCHEDULE 1**

**PRESCRIBED OFFENCES AND MODIFIED PENALTIES**

Clause	Nature of offence	Modified penalty \$
2.4	Failure to comply with determination	300
3.6	Failure to comply with conditions of permit	300
3.13(1)	Failure to obtain a permit	300
3.14(3)	Failure to obtain permit to camp outside a facility	300
3.15(1)	Failure to obtain permit for liquor	300
3.16	Failure of permit holder to comply with responsibilities	300
4.2(1)	Behaviour detrimental to property	300
4.4	Under influence of liquor or prohibited drug	300
4.6(2)	Failure to comply with sign on local government property	300
5.3	Failure to comply with sign or direction on beach	300
5.4	Unauthorized entry to fenced or closed local government property	300
5.5	Gender not specified using entry of toilet block or change room	300
5.6(1)	Unauthorized presence of animal on aerodrome	300
5.6(2)	Animal wandering at large on aerodrome—person in charge	500

Clause	Nature of offence	Modified penalty \$
5.6(3)	Animal wandering at large on aerodrome—owner	500
6.1(1)	Unauthorized entry to function on local government property	300
9.1	Failure to comply with notice	400

### 5. *Shire of Dandaragan Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* amended

The *Shire of Dandaragan Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 5.1 In the Table of Contents after Schedule 1—Prescribed Offences insert the words “and Modified Penalties”;
- 5.2 In clause 1.2 delete the definition of “**built up area**” and insert—“ **“built up area**” has the meaning given to it in the *Road Traffic Code 2000*.”;
- 5.3 In clause 1.2 delete the definition of “**intersection**” and insert—“ **“intersection**” has the meaning given to it in the *Road Traffic Code 2000*.”;
- 5.4 In clause 1.2 delete the definition of “**liquor**” and insert—“ **“liquor**” has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988*.”;
- 5.5 In clause 1.2 insert the following definition in alphabetical order—“ **“local planning scheme**” means a local planning scheme of the local government made under the *Planning and Development Act 2005*.”;
- 5.6 In clause 1.2 delete the definition of “**lot**” and insert—“ **“lot**” has the meaning given to it in *Planning and Development Act 2005*.”;
- 5.7 In clause 1.2 delete the definition of “**town planning scheme**”;
- 5.8 In clause 2.1(a) delete the words “which exceeds or which may exceed 0.75m in height on a thoroughfare so that the plant is” and insert “(except grasses or a similar plant)”;
- 5.9 In clause 2.3(1)(a) delete the word “*Licensing*” and insert the word “*Control*”;
- 5.10 In clause 2.4(2)(a) delete “licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*” and insert “permit issued in accordance with the *Building Act 2011* and *Building Regulations 2012*”;
- 5.11 In clause 2.4(2)(b) delete “licence has been issued under the *Local Government (Miscellaneous Provisions) Act 1960*” and insert “permit has been issued in accordance with the *Building Act 2011* and *Building Regulations 2012*”;
- 5.12 In clause 2.6 delete the definition of “**acceptable material**” and insert—“ **“acceptable material**” means any of the following materials—
  - (a) brick, concrete, stone or other hard preformed paving materials;
  - (b) bitumen;
  - (c) cement-based materials, including concrete and poured limestone, and
  - (d) synthetic turf.”;
- 5.13 In clause 5.1 delete the definition of “**Roadside Conservation Committee**” and insert—“ **“Roadside Conservation Committee**” means the Roadside Conservation Committee appointed by the Minister for Environment; and”;
- 5.14 In clause 5.4 delete “ ‘Code of Practice for Roadside Conservation and Road Maintenance’ ” and insert “ ‘Handbook of Environmental Practice for Road Construction and Road Maintenance Works’ ”;
- 5.15 Delete clause 6.3(3);
- 5.16 In clause 6.8(1)(c) delete “*Weights and Measures Act 1915*” and insert “*National Measurement Act 1960 (Cth)*”;
- 5.17 In clause 6.8(2) delete paragraph (a) and renumber paragraphs (b) to (e) inclusive to “(a)” to “(d)” respectively;
- 5.18 Delete clause 6.11(a) and insert a new clause “6.11(a) the Facility is conducted in conjunction with and as an extension of a food business which abut on the Facility, and whether the applicant is the person conducting such food business”;
- 5.19 In clause 6.11(b) delete the word “premises” in both places where it appears and insert the word “business” and delete “*Health Act 1911*” and insert “*Food Act 2008*”;
- 5.20 Delete clause 6.11(c) and renumber paragraphs (d) to (f) inclusive to “(c)” to “(e)” respectively;
- 5.21 In clause 6.12(1)(a) delete the words “and any local law made under section 172 of the *Health Act 1911*”;
- 5.22 In clause 7.7(2)(b) delete the words “*mutatis mutandis*” and insert the words “with all the necessary changes as required.”;
- 5.23 In clause 8.1 delete the words “and regulations 33 and 34” and insert “regulation 33”; and



5.24 Delete Schedule 1 and insert the following—

**Schedule 1**  
**Prescribed Offences and Modified Penalties**

[Clause 10.4]

Clause	Nature of Offence	Modified Penalty \$
2.1(a)	Plant other than grass or a similar plant	300
2.1(b)	Damaging lawn or garden	300
2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	300
2.1(d)	Placing hazardous substance on footpath	300
2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	500
2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	300
2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	300
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	300
2.2(1)(b)	Throwing or placing anything on a verge without a permit	300
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	300
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	400
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	300
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	500
2.2(1)(h)	Felling tree onto thoroughfare without a permit	300
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	300
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	500
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	300
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	300
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	300
2.3(1)	Consumption or possession of liquor on thoroughfare	300
2.4(1)	Failure to obtain permit for temporary crossing	400
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	500
2.9(1)	Installation of verge treatment other than permissible verge treatment	400
2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	300
2.11	Failure to comply with notice to rectify a verge treatment	300
2.17(2)	Failure to comply with sign on public place	300
2.19(1)	Driving or taking a vehicle on a closed thoroughfare	500
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	300
3.2(3)	Erecting or placing of advertising sign in a prohibited area	300
4.1(1)	Animal or vehicle obstructing a public place or local government property	300
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	300
4.2(2)(b)	Animal on public place with infectious disease	300
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	300
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	300
5.6(1)	Driving a vehicle on other than the carriageway of a flora road	400
5.9	Planting in thoroughfare without a permit	400
5.11	Failure to obtain permit to clear a thoroughfare	500
5.13	Burning of thoroughfare without a permit	500
5.17	Construction of firebreak on thoroughfare without a permit	500
5.19	Commercial harvesting of native flora on thoroughfare	500

Clause	Nature of Offence	Modified Penalty \$
5.20(1)	Collecting seed from native flora on thoroughfare without a permit	500
6.2(1)	Conducting of stall in public place without a permit	500
6.3(1)	Trading without a permit	500
6.8(1)(a)	Failure of stallholder or trader to display or carry permit	300
6.8(1)(b)	Stallholder or trader not displaying valid permit	300
6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	300
6.8(2)	Stallholder or trader engaged in prohibited conduct	300
6.10	Conducting a facility without a permit.	500
6.12	Failure of permit holder of outdoor eating facility to comply with obligations	300
6.14(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	100
6.14(2)	Failing to leave a facility when requested to do so by permit holder	100
7.5	Failure to comply with a condition of a permit	300
7.9	Failure to produce permit on request of authorized person	300
10.1	Failure to comply with notice given under local law	300

#### 6. *Shire of Dandaragan Extractive Industries Local Law* amended

The *Shire of Dandaragan Extractive Industries Local Law*, as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 6.1 At the end of the Table of Contents delete the words “Part 9 Modified Penalties” and “Schedule” and insert “Schedule 1—Prescribed Offences and Modified Penalties”;
- 6.2 In clause 8.1 delete the words “and regulations 33 and 34” and insert “regulation 33”; and
- 6.3 Delete the existing Schedule of Prescribed Offences at the end of the local law and insert the following—

**“Schedule 1  
Prescribed Offences and Modified Penalties**

[Clause 9.1]

Clause	Nature of Offence	Modified Penalty \$
2.1	Carry on extractive Industry without licence or in breach of terms and conditions	500
6.1	Excavate near boundary	200
6.2(a)	Gateways not kept locked where required	500
6.2(b)	Warning signs not erected or maintained as required	300
6.2(c)	Excavation not drained as required	500
6.3(a)	Remove trees or shrubs near boundary without approval	500
6.3(b)	Store without required approval explosives or explosive devices	300
6.3(c)	Fill or excavate in breach of licence	500
6.4(1)(a)	Blasting without approval of the local government	400
6.4(1)(b)	Blasting outside times authorised	500
6.4(1)(d)	Blasting in breach of conditions imposed by the local government	400
6.4(2)	Blasting without approval on Saturday, Sunday or public holiday	300

#### 7. *Shire of Dandaragan, Local Laws Relating to Fencing* amended

The *Shire of Dandaragan, Local Laws Relating to Fencing*, as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 7.1 In clause 4 insert the following definition in alphabetical order—“**authorised person**” means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;
- 7.2 In clause 4 delete the definition of “**Building Surveyor**”;
- 7.3 In clause 4 insert the following definition in alphabetical order “**Local Planning Scheme**” means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

- 7.4 In clause 4 delete the definition of “*lot*” and insert—“*lot*” has the meaning given to it in and for the purposes of the *Planning and Development Act 2005*;
- 7.5 In clause 4 delete the definition of “*Special Rural Lot*” and insert—“*Special Rural Lot*” means a lot where a special rural use—
- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot; and
- 7.6 In clause 4 delete the definition of “*sufficient fence*” and insert—“*sufficient fence*” means a fence described in clause 6.
- 7.7 In clause 4 delete the definition of “*Town Planning Scheme*”;
- 7.8 In clause 6(4) and every subsequent place where they appear delete the words “the Building Surveyor” and insert “an authorised person”;
- 7.9 In clause 7(2) delete the words “The Building Surveyor” and insert “An authorised person”;
- 7.10 In clause 13(2) delete the year “1994” and insert “2002”; and
- 7.11 in clause 18(2) delete “\$100” and insert “\$300”.

#### 8. *Shire of Dandaragan, Parking and Parking Facilities Local Law 2010 amended*

The *Shire of Dandaragan, Parking and Parking Facilities Local Law 2010*, as published in the *Government Gazette* of 21 December 2010, is amended as follows—

- 8.1 In the Table of Contents after Schedule 2—Prescribed Offences insert the words “and Modified Penalties”;
- 8.2 In clause 1.2 delete the definition of ‘*symbol*’ and insert—‘*symbol*’ includes any symbol specified by Australian Standard 1742.11-2016 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;
- 8.3 In clause 6.15(2)(d) delete “*Local Government (Parking for Disabled Persons) Regulations 1988*” and insert “*Local Government (Parking for People with Disabilities) Regulations 2014*”;
- 8.4 Delete Schedule 2 and insert the following—

#### “Schedule 2

#### Prescribed Offences and Modified Penalties

[Clause 8.1]

Clause	Nature of Offence	Modified Penalty \$
2.2	Failure to park wholly within parking stall	50
2.2(3)	Failure to park wholly within parking area	50
2.3(1)(a)	Causing obstruction in parking station	70
2.3(1)(b)	Parking contrary to sign in parking station	70
2.3(1)(c)	Parking contrary to directions of Authorized Person	70
2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	50
3.1(1)(a)	Parking wrong class of vehicle	50
3.1(1)(b)	Parking by persons of a different class	60
3.1(1)(c)	Parking during prohibited period	60
3.1(3)(a)	Parking in no parking area	70
3.1(3)(b)	Parking contrary to signs or limitations	50
3.1(3)(c)	Parking vehicle in motor cycle only area	50
3.1(4)	Parking motor cycle in stall not marked ‘M/C’	50
3.1(5)	Parking without permission in an area designated for ‘Authorised Vehicles Only’	60
3.2(1)(a)	Failure to park on the left of two-way carriageway	50
3.2(1)(b)	Failure to park on boundary of one-way carriageway	50
3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	60
3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	60
3.2(1)(d)	Parking closer than 1 metre from another vehicle	50
3.2(1)(e)	Causing obstruction	70
3.3(b)	Failure to park at approximate right angle	50
3.4(2)	Failure to park at an appropriate angle	50

<b>Clause</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
3.5(2)(a) and 6.2	Double parking	60
3.5(2)(b)	Parking on or adjacent to a median strip	50
3.5(2)(c)	Denying access to private drive or right of way	60
3.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	70
3.5(2)(e)	Parking within 10 metres of traffic island	60
3.5(2)(f)	Parking on footpath/pedestrian crossing	70
3.5(2)(g)	Parking contrary to continuous line markings	60
3.5(2)(h)	Parking on intersection	60
3.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	70
3.5(2)(j)	Parking within 3 metres of public letter box	60
3.5(2)(k)	Parking within 10 metres of intersection	60
3.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	70
3.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	70
3.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	70
3.6	Parking contrary to direction of Authorized Person	70
3.7(2)	Removing mark of Authorized Person	80
3.8	Moving vehicle to avoid time limitation	50
3.9(a)	Parking in thoroughfare for purpose of sale	50
3.9(b)	Parking unlicensed vehicle in thoroughfare	50
3.9(c)	Parking a trailer/caravan on a thoroughfare	50
3.9(d)	Parking in thoroughfare for purpose of repairs	50
3.10(1) or (2)	Parking on land that is not a parking facility without consent	60
3.10(3)	Parking on land not in accordance with consent	50
3.11	Driving or parking on reserve	50
4.1(1)	Stopping contrary to a 'no stopping' sign	50
4.1(2)	Parking contrary to a 'no parking' sign	50
4.1(3)	Stopping within continuous yellow lines	50
5.1	Stopping unlawfully in a loading zone	50
5.2	Stopping unlawfully in a taxi zone or bus zone	50
5.3	Stopping unlawfully in a mail zone	50
5.4	Stopping in a zone contrary to a sign	50
6.1	Stopping in a shared zone	50
6.3	Stopping near an obstruction	60
6.4	Stopping on a bridge or tunnel	50
6.5	Stopping on crests/curves etc	80
6.6	Stopping near fire hydrant	80
6.7	Stopping near bus stop	60
6.8	Stopping on path, median strip or traffic island	50
6.9	Stopping on verge	50
6.10	Obstructing path, a driveway etc	50
6.11	Stopping near letter box	50
6.12	Stopping heavy or long vehicles on carriageway	60
6.13	Stopping in bicycle parking area	50
6.14	Stopping in motorcycle parking area	50
6.15	Stopping in disabled parking area	100
7.6	Leaving vehicle so as to obstruct a public place	70
	All other offences not specified	40

**9. Shire of Dandaragan Cemeteries Local Law 2001 amended**

The *Shire of Dandaragan Cemeteries Local Law 2001*, as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 9.1 In the title of the local law delete the words “Local Laws Relating to the” and insert “Local Law 2001” after the word “Cemeteries”;
- 9.2 In clause 1.1 after “Dandaragan” insert the words “Badgingarra, Dandaragan and Jurien Bay Public”;
- 9.3 In clause 1.2 at the end of each existing definition with a colon, delete the colon and insert a semicolon;
- 9.4 In clause 1.2 insert in the appropriate alphabetical order the following definition—“**Act**” means the *Cemeteries Act 1986*;
- 9.5 In clause 1.2 delete the definition of “**single funeral permit**” and insert—“ “**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;” ;
- 9.6 In clause 1.2 delete the definition of “**vault**” and insert—“ “**vault**” means a below ground lined grave with one or more sealed compartments constructed to specifications approved from time to time by the Board; and”;
- 9.7 In clause 1.2 insert in the appropriate alphabetical order the following definition—“ “**vehicle**” has the same meaning as is given to that word in the *Road Traffic (Administration) Act 2008* (as amended from time to time), and includes trail bikes, beach buggies and other recreational vehicles licenced or unlicensed, but excludes a wheelchair being used by a physically impaired person.”;
- 9.8 In Part 3 renumber clause “3.3” to “3.2” and each subsequent clause in numerical order;
- 9.9 In Part 5 renumber clause “5.12” to “5.7”; and
- 9.10 In Part 7 renumber clause “7.15” to “7.13” and each subsequent clause in numerical order.

**10. Shire of Dandaragan Bush Fire Brigades Local Law amended**

The *Shire of Dandaragan Bush Fire Brigades Local Law*, as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 10.1 In clause 1.2 delete the definition of “**Authority**”;
- 10.2 In clause 1.2 insert the following definition in alphabetical order—“ “**Department**” means the Department of the Public Service principally assisting in the administration of the *Fire and Emergency Services Act 1998*.” ;
- 10.3 In clause 4.4(f) delete “Authority’s” and insert “Department’s”;
- 10.4 In the heading of clause 2.6 of the First Schedule delete “FESA” and insert “Department”;
- 10.5 In clause 2.6 of the First Schedule delete “Authority” in both places that it appears and insert “Department”;
- 10.6 In clause 3.3(1)(e) of the First Schedule delete “Authority” in both places that it appears and insert “Department”.

The Common Seal of the Shire of Dandaragan was affixed in the presence of—

L. HOLMES, Shire President.  
B. BAILEY, Chief Executive Officer.

Dated: 23 August 2019.