

WESTERN AUSTRALIA

**LOCAL GOVERNMENT (FUNCTIONS
AND GENERAL) REGULATIONS 1996**

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SCHEDULE 1 — FORMS

LOCAL GOVERNMENT ACT 1995

**LOCAL GOVERNMENT (FUNCTIONS AND GENERAL)
REGULATIONS 1996**

Made by His Excellency the Governor in Executive Council.

PART 1 — PRELIMINARY**Citation**

1. These regulations may be cited as the *Local Government (Functions and General) Regulations 1996*.

Commencement

2. These regulations come into operation on 1 July 1996.

PART 2 — THOROUGHFARES**Additional persons who are to be notified of proposal to make private thoroughfare public — s. 3.49**

3. The persons prescribed for the purposes of section 3.49 of the Act are —
 - (a) any person providing a service by means of pipes, cables, or anything else under, on, or above the land used for the thoroughfare; and
 - (b) the chief executive officer of the department of the Public Service principally assisting in the administration of the *Land Act 1993*.

Persons who are to be notified of road closure — s. 3.50

4. (1) The persons prescribed for the purposes of section 3.50 of the Act are —

- (a) any person providing a service by means of pipes, cables, or anything else under, on, or above the land used for the thoroughfare whose access for purposes connected with the provision of that service would be impeded by the proposed closure;
- (b) the person having principal responsibility in the locality for ambulance services;
- (c) the person having principal responsibility in the locality for fire services; and
- (d) the occupier of land that will lose its access.

(2) The land that is prescribed for the purposes of section 3.50 of the Act is land that will lose its access.

(3) In this regulation —

“land that will lose its access” means land that abuts the thoroughfare at any point to which access would be precluded as a result of the closure.

Additional persons who are to be notified of certain other proposals — s. 3.51

5. The persons prescribed for the purposes of section 3.51 of the Act are —

- (a) if the land to which that section applies is occupied, the occupier; and
- (b) in relation to fixing or altering the level of, or the alignment of, a public thoroughfare, any person providing a service by means of pipes, cables, or anything else under, on, or above the land used for the thoroughfare.

Transitional provisions about road closures

6. (1) If, when the Act comes into operation, a thoroughfare —
- (a) has been obstructed by a local government under the former section 331B; or
 - (b) has been temporarily closed under the former section 334 on the application of a local government,

the local government is to be regarded as having ordered under section 3.50 that the thoroughfare be closed, either wholly or partially, as required to continue the obstruction or closure in effect as if the Act had not come into operation.

(2) Subregulation (1) does not apply so as to continue the obstruction or closure beyond the time when it would have continued if the Act had not come into operation, nor so as to continue it beyond 30 June 2002.

(3) The local government may, by local public notice, order that the closure be revoked or that it be varied in such a way as to be less restrictive.

(4) In this regulation —

“former section” means a section of the *Local Government Act 1960* as in force before the day on which the *Local Government Act 1995* comes into operation.

**PART 3 — COMMERCIAL ENTERPRISES BY
LOCAL GOVERNMENTS (s. 3.59)****Minimum value of “major land transaction”**

7. For a land transaction to be a major land transaction the total value of —
- (a) the consideration under the transaction; and
 - (b) anything done by the local government for achieving the purpose of the transaction,

has to be more, or worth more, than either \$500 000 or 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.

Transactions that cannot be major land transactions

8. (1) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —

- (a) without intending to produce profit to itself; and
- (b) without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.

(2) For the purposes of subregulation (1) (b) a person is given joint use of land if the land is to be jointly used for a common purpose by the local government and that person (whether or not other persons are also given joint use of the land).

Minimum expenditure involved in a “major trading undertaking”

9. (1) For a trading undertaking to be a major trading undertaking the expenditure by the local government that —

- (a) the undertaking involved in the last completed financial year; or
- (b) the undertaking is likely to involve in the current financial year or the financial year after the current financial year,

has to be more than either \$250 000 or 10% of the lowest operating expenditure described in subregulation (2).

(2) The lowest operating expenditure referred to in subregulation (1) is the lowest of —

- (a) the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;
- (b) the operating expenditure likely to be incurred by the local government from its municipal fund in the current financial year; and
- (c) the operating expenditure likely to be incurred by the local government from its municipal fund in the financial year after the current financial year.

Other matters of which details to be given in business plan

10. (1) If a local government is required to prepare a business plan because of a major trading undertaking or major land transaction that it is to carry on or enter into jointly with another person —

- (a) the business plan is to include details of the whole undertaking or transaction, even though the local government is not the only joint venturer; and
- (b) the business plan is to include details of —
 - (i) the identity of each joint venturer other than the local government;
 - (ii) the ownership of, and any other interests in, property that is involved in, or acquired in the course of, the joint venture;
 - (iii) any benefit to which a joint venturer other than the local government may become entitled under or as a result of the joint venture; and
 - (iv) anything to which the local government may become liable under or as a result of the joint venture.

(2) In subregulation (1) —

“joint venture” means the major trading undertaking or major land transaction that is to be jointly carried on or entered into;

“joint venturer” means the local government or another person with whom the local government is to carry on or enter into the joint venture.

PART 4 — TENDERS FOR PROVIDING GOODS OR SERVICES (s. 3.57)**Tenders to be invited for certain contracts**

11. (1) Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50 000 unless subregulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Part if —

- (a) the supply of the goods or services is obtained from expenditure authorized in an emergency under section 6.8 (1) (c) of the Act;
- (b) the supply of the goods or services is obtained through the Council Purchasing Service of WAMA;
- (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Part, publicly invited tenders for the supply of the goods or services but no tender was submitted that was thought to be satisfactory; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;
- (d) the contract is entered into by auction after being expressly authorized by a resolution of the council of the local government;
- (e) the goods or services are supplied by the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.

Anti-avoidance provision

12. If a local government enters into 2 or more contracts in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract, tenders are to be publicly invited according to the requirements of this Part before entering into any of the contracts regardless of the consideration.

Procedure when local government invites tenders though not required to do so

13. If a local government, although not required by this Part to invite tenders before entering into a contract for another person to supply goods or services, decides to invite tenders, the tenders are to be publicly invited according to the requirements of this Part.

Requirements for publicly inviting tenders

14. (1) When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.

(2) If the local government has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the local government is required to give notice of the invitation to each acceptable tenderer listed.

(3) The notice, whether under subregulation (1) or (2), is required to include —

- (a) a brief description of the goods or services required;
- (b) particulars identifying a person from whom more detailed information as to tendering may be obtained;
- (c) information as to where and how tenders may be submitted; and
- (d) the date and time after which tenders cannot be submitted.

Minimum time to be allowed for submitting tenders

15. (1) If the notice is published in the newspaper as part of giving Statewide public notice, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.

(2) If the notice is given to a person listed as an acceptable tenderer, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is given.

Receiving and opening tenders

16. (1) The CEO is responsible for keeping any tender submitted in safe custody, and for ensuring that it remains confidential.

(2) Tenders are not to be opened until the time after which further tenders cannot be submitted.

(3) When tenders are opened —

- (a) at least one and, if practicable, more than one employee of the local government is required to be present;
- (b) members of the public are entitled to be present; and
- (c) details of the tenders are to be immediately recorded in a register to be known as the tenders register.

Tenders register

17. (1) The CEO is responsible for keeping the tenders register and making it available for public inspection.

(2) The tenders register is to include, for each invitation to tender —

- (a) a brief description of the goods or services required;
- (b) particulars of the making of —
 - (i) the decision to invite tenders; and
 - (ii) if applicable, the decision to seek expressions of interest under regulation 21(1);
- (c) particulars of —
 - (i) any notice by which expressions of interests from prospective tenderers was sought;
 - (ii) any person who submitted an expression of interest; and
 - (iii) any list of acceptable tenderers that was prepared under regulation 23(4);

- (d) a copy of the notice of the invitation to tender;
- (e) the name of each tenderer whose tender has been opened and the amount of the consideration sought in the tender; and
- (f) the name of any successful tenderer.

Choice of tender

18. (1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.

(2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.

(3) If, under regulation 23(4), the local government has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.

(4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be considered by the local government and it is to decide which of them it thinks it would be most advantageous to the local government to accept.

(5) The local government may decline to accept any tender.

Tenderers to be notified of outcome

19. The local government is to give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted.

Variation of requirements before entry into contract

20. (1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.

(2) If —

- (a) the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or
- (b) the local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement,

that tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.

(3) In subregulation (1) —

“minor variation” means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.

Limitation may be placed on who can tender

21. (1) If a local government thinks that there is good reason to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.

(2) There is good reason to make a preliminary selection if, because of —

- (a) the nature of the goods or services required; or
- (b) the cost of preparing plans, specifications or other information for the purpose of adequately describing the goods or services required,

it would be advantageous to the local government if tenders were invited only from persons it considers to be capable of satisfactorily supplying the goods or services.

(3) If a local government decides to seek expressions of interest before inviting tenders, Statewide public notice that expressions of interest are sought is to be given.

(4) The notice is required to include —

- (a) a brief description of the goods or services required;

- (b) particulars identifying a person from whom more detailed information may be obtained;
- (c) information as to where and how expressions of interest may be submitted; and
- (d) the date and time after which expressions of interest cannot be submitted.

Minimum time to be allowed for submitting expressions of interest

22. The time specified in the notice as the time after which expressions of interest cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.

Choice of acceptable tenderers

23. (1) An expression of interest is required to be rejected unless it is submitted at a place, and within the time, specified in the notice.

(2) An expression of interest that is submitted at a place, and within the time, specified in the notice but that fails to comply with any other requirement specified in the notice may be rejected without considering its merits.

(3) Expressions of interest that have not been rejected under subregulation (1) or (2) are to be considered by the local government and it is to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services.

(4) The local government is to list each of those persons as an acceptable tenderer.

Persons expressing interest to be notified of outcome

24. The local government is to give each person who submitted an expression of interest notice in writing —

- (a) containing particulars of the persons it has listed as acceptable tenderers;
- (b) advising that it has decided not to invite tenders because no expression of interest that it considered was from a person who it

thinks would be capable of satisfactorily supplying the goods or services; or

- (c) informing the person of any other outcome if neither paragraph (a) nor (b) is appropriate.

PART 5 — OWNER ONUS AND INFRINGEMENT NOTICES

Form of notice to put onus on vehicle owner — s. 9.13

25. The form of a notice that may be given under section 9.13 of the Act to the owner of a vehicle that is involved in an offence against a regulation is the form set out in Form 1 in Schedule 1.

Form of infringement notice — s. 9.16

26. (1) The form of an infringement notice that may be given under section 9.16 of the Act for a prescribed offence against a regulation is the form set out in Form 2 in Schedule 1.

(2) Subregulation (1) applies whether the offence is made a prescribed offence by regulations or by a local law.

Form of withdrawal of infringement notice — s. 9.20

27. (1) The form of the notice that may be given under section 9.20 of the Act to withdraw an infringement notice for a prescribed offence against a regulation is the form set out in Form 3 in Schedule 1.

(2) Subregulation (1) applies whether the offence is made a prescribed offence by regulations or by a local law.

Transitional provision

28. (1) If, before 1 July 1996, a modified penalty was fixed for an offence by a continuing local law, then until 30 June 1998 —

- (a) the offence is taken to be prescribed for the purposes of regulation 9.16 of the Act, unless otherwise expressly provided; and

(b) section 9.17 (3) does not apply to the modified penalty that was fixed.

(2) In subregulation (1) —

“continuing local law” means a by-law under any Act that, on 1 July 1996, becomes a local law.

PART 6 — MISCELLANEOUS

Contraventions that may lead to impounding of goods — s. 3.37

29. (1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if —

- (a) it occurs in a public place; and
- (b) the presence of the goods —
 - (i) presents a hazard to public safety; or
 - (ii) obstructs the lawful use of any place.

(2) In subregulation (1) —

“public place” includes a place that is on private property that the public are allowed to use.

Dispositions of property to which section 3.58 of Act does not apply

30. (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

(2) A disposition of land is an exempt disposition if —

- (a) the land is disposed of to an owner of adjoining land (in this paragraph called **“the transferee”**) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;

- (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
 - (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth;
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;
 - (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or
 - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land.
- (3) A disposition of property other than land is an exempt disposition if —
- (a) its market value is less than \$20 000; or
 - (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.

Anti-avoidance provision about dispositions

31. If a local government disposes of property by means of 2 or more dispositions in circumstances such that the desire to exclude the application of section 3.58 of the Act is a significant reason for not dealing with the matter in a single disposition, the dispositions are not exempt dispositions.

Local government permitted to form incorporated association — s. 3.60

32. A local government may form or take part in forming an association that is to be incorporated under the *Associations Incorporation Act 1987* and may do things for the purpose of the incorporation of the association under that Act.

Objections made to local government — s. 9.5

33. (1) The form in which an objection may be made under section 9.5 of the Act is the form set out in Form 4 in Schedule 1.

(2) The manner in which the objection may, within the time permitted by section 9.5 of the Act, be lodged with the local government is by giving a copy of it to the CEO.

Appeals made to Minister or Local Court — s. 9.7

34. (1) The form in which an appeal may be made under section 9.7 of the Act is the form set out in Form 5 in Schedule 1.

(2) The manner in which the appeal may, within the time permitted by section 9.7 of the Act, be lodged is by giving a copy of it to the Minister or the Local Court, according to who is to deal with it.

Certain persons protected from liability for wrongdoing — s. 9.56

35. The functions in the performance of which a person appointed or engaged by a local government is a protected person under section 9.56 (1) (c) of the Act are —

- (a) any function expressly provided for in a written law that the person was appointed or engaged to perform; and
- (b) any function that the person is authorized to perform on behalf of the local government.

Form of warrant to enter — ss. 3.33 (1) and 8.8 (1)

36. The form in which a warrant may be granted under section 3.33 (1) or 8.8 (1) of the Act is the form set out in Form 6 in Schedule 1.

PART 7 — OTHER TRANSITIONAL PROVISIONS**By-laws resolved to be made but not published by 1 July 1996**

37. (1) If, when the Act comes into operation —
- (a) a local government has —
 - (i) resolved that a by-law be made under the former section 190; and
 - (ii) caused a notice of intention to submit the by-law for confirmation by the Governor to be published;
 - but
 - (b) the by-law has not been published in the *Gazette*,

the process of making, confirming, and publishing the by-law may be completed as if the Act had not come into operation.

(2) A by-law that is made, confirmed, or published in accordance with subregulation (1) becomes a local law as soon as it is published in the *Gazette*.

- (3) If, when the Act comes into operation —
- (a) a local government has resolved that a by-law be made under the former section 190; but
 - (b) a notice of intention to submit the by-law for confirmation by the Governor has not been published,

the resolution ceases to have effect as a resolution to make a by-law and instead has effect as if it were a resolution under the Act proposing to make a local law to the same effect.

- (4) In this regulation —

“**former section**” means a section of the *Local Government Act 1960* as in force before 1 July 1996.

- (5) This regulation has no effect after 31 December 1996.

Adoption of former model by-laws as local laws

38. (1) Unless a model local law dealing with the same subject matter has been published under section 3.9 of the Act, the text of a former draft model by-law may be adopted by a local law made under this Act.

(2) Section 3.8 (2) and (3) of the Act apply to the adoption of the text of a former draft model by-law.

(3) In the text adopted, a description of, or reference to, a provision of the text is to be read as if it had been modified to accord with the adoption of the text by a local law.

(4) In this regulation —

“former draft model by-law” means a draft model by-law published under section 258 of the *Local Government Act 1960* as in force before 1 July 1996.

SCHEDULE 1 — FORMS

Form 1

[reg. 25]

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date . . / . . / . . .

City/Town/Shire of

To: ⁽¹⁾

of: ⁽²⁾

It is alleged that on . . / . . / . . at ⁽³⁾

at ⁽⁴⁾ your vehicle ⁽⁵⁾

was involved in the commission of the following offence —

.
.
.

contrary to regulation of the ⁽⁶⁾

You are required under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless —

- (a) within 28 days after being served with this notice —
 - (i) you inform the chief executive officer, or another authorized officer, of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
 - (ii) you satisfy the chief executive officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

or

- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

Name and title of authorized person giving the notice

Signature

- (1) Name of owner or "owner of (*vehicle identification*)"
- (2) Address of owner (not required if owner not named)
- (3) Time at which offence allegedly committed
- (4) Place at which offence allegedly committed
- (5) Vehicle identification
- (6) Name of the regulations

Form 2

[reg. 26(1)]

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

INFRINGEMENT NOTICE

Serial No
Date . . / . . / . .

City/Town/Shire of

To: ⁽¹⁾
of: ⁽²⁾

It is alleged that on . . / . . / . . at ⁽³⁾
at ⁽⁴⁾
you committed the following offence —
.
.
contrary to regulation of the ⁽⁵⁾

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorized person at ⁽⁶⁾ within a period of 28 days after the giving of this notice.

Name and title of authorized person giving the notice

Signature

- (1) Name of alleged offender ["owner of (*vehicle identification*)" suffices if notice given with a notice under section 9.13 of the Act]
- (2) Address of alleged offender [not required if notice given with a notice under section 9.13 of the Act]
- (3) Time at which offence allegedly committed
- (4) Place at which offence allegedly committed
- (5) Name of the regulations
- (6) Place where modified penalty may be paid

Form 3

[reg. 27(1)]

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No

Date . . / . . / . .

City/Town/Shire of

To: ⁽¹⁾

of: ⁽²⁾

Infringement Notice No. dated . . / . . / . . for the alleged offence
of
.
has been withdrawn.

The modified penalty of \$

- * has been paid and a refund is enclosed.
- * has not been paid and should not be paid.
- * Delete as appropriate

Name and title of authorized person giving this notice

Signature

(1) Name of alleged offender to whom infringement notice was given
 (2) Address of alleged offender

Form 4

[reg. 33(1)]

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

OBJECTION UNDER SECTION 9.5 OF THE ACT

To the ⁽¹⁾

I, ⁽²⁾

of ⁽³⁾

.....

hereby object to the ⁽⁴⁾

.....

to ⁽⁵⁾

.....

.....

.....

The grounds of my objection are as follows:

⁽⁶⁾

.....

.....

.....

In support of my objection I attach the following:

⁽⁷⁾

.....

.....

.....

Dated the day of 19

⁽⁸⁾

Person objecting

- (1) name of local government
- (2) full name of person objecting
- (3) postal address of person objecting
- (4) identify decision to which objection is made
- (5) give details of decision
- (6) give details of grounds of objection
- (7) plans, specifications, letters, notices, or other documents (if appropriate)
- (8) signature of person objecting

Form 5

[reg. 34(1)]

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

APPEAL UNDER SECTION 9.7 OF THE ACT

To the ⁽¹⁾ Minister for Local Government/Clerk of the Court
 I, ⁽²⁾
 of ⁽³⁾

 hereby appeal against the ⁽⁴⁾

 to ⁽⁵⁾

The grounds of my appeal are as follows:

⁽⁶⁾

In support of my appeal I attach the following:

⁽⁷⁾

Dated the day of 19

⁽⁸⁾
Appellant

- (1) delete whichever does not apply
- (2) full name of appellant
- (3) postal address of appellant
- (4) identify decision against which appeal is made
- (5) give details of decision
- (6) give details of grounds of appeal
- (7) plans, specifications, letters, notices, or other documents (if appropriate)
- (8) signature of appellant

Form 6

[reg. 36]

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

WARRANT TO ENTER

I, ⁽¹⁾

of ⁽²⁾

in the State of Western Australia, Justice of the Peace, being satisfied that the entry is reasonably required but —

- ⁽³⁾ (a) entry has been refused or is opposed or prevented;
- ⁽³⁾ (b) entry cannot be obtained; or
- ⁽³⁾ (c) notice cannot be given under section ⁽³⁾ 3.32 / 8.6 (3) (b) of the Act without unreasonable difficulty or without unreasonably delaying entry,

hereby authorize ⁽⁴⁾ ⁽³⁾ by its employees, together with ⁽⁵⁾ or any police officer to enter ⁽⁶⁾ for the purpose of ⁽⁷⁾ using such force as is necessary.

Signed
Justice of the Peace

Dated

- (1) name of Justice of the Peace
- (2) address of Justice of the Peace
- (3) delete if not applicable
- (4) name of local government or authorized person to whom warrant is issued
- (5) name or description of any person authorized to assist in executing the warrant
- (6) address or description of land, premises, or thing to be entered
- (7) purpose for which entry may be made

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.