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LOCAL GOVERNMENT ACT 1995

CITY OF BUNBURY

PARKING LOCAL LAW 2023

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Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the City of Bunbury resolved on 23 May 2023 to make the following local law.

PART 1—PRELIMINARY

1.1 Repeal

The *City of Bunbury Parking and Parking Facilities Local Law 2018* published in the *Government Gazette* on 15 January 2019 is repealed.

1.2 Citation

This local law may be cited as the *City of Bunbury Parking Local Law 2023*.

1.3 Commencement

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

1.4 Definitions

In this local law unless the context otherwise requires—

Act means the *Local Government Act 1995*;

AS means an Australian Standard as published by Standards Australia and amended from time to time;

authorised person means a person authorised 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 and where the context requires, any member of the Western Australian Police Service;

authorised vehicle means a vehicle authorised by the local government, CEO or authorised person, or by any written law, to stop or park in a parking facility;

bicycle crossing means any portion of a carriageway near each end of which may be erected, on each side of the carriageway, bicycle crossing signs or lights;

bicycle crossing lights means a device designed to show, at different times, a green, yellow or red bicycle crossing light;

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

bus embayment has the same meaning given to it in the *Road Traffic Code 2000*;

caravan means a vehicle that is fitted or designed to allow human habitation;

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

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

CEO means the Chief Executive Officer of the City of Bunbury;

charter bus means any bus which is used, hired or chartered for any purpose but does not include a public bus;

charter bus zone means a parking bay designated for use by a charter bus;

City means the City of Bunbury;

clause means a clause of this local law;

commercial vehicle means a vehicle specifically designed, constructed and used primarily for the conveyance therein or thereon of goods (not being a trailer or a vehicle to which a trailer is attached);

Council means the council of the local government;

delivery vehicle means a motor vehicle on which a business name as defined in the *Business Names Act 1962* or a trade mark as defined in the *Trade Marks Act 1995* is permanently affixed and readily legible which is being used for the conveyance of goods therein or thereon;

disability parking permit has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

disabled parking bay means a part of a parking facility which is identified or marked by painted lines, symbols, inscriptions or signs as a bay for the parking of vehicles driven by or carrying a person with a disability;

district means the district of the local government;

driver means any person driving or in control of or in charge of a vehicle or any person driving, leading or in control of or in charge of any animal;

edge line for a carriageway, means any line marked along the carriageway at or near the far left or far right side of the carriageway;

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

footpath includes every footpath, lane or other place—

- (a) intended for the use of pedestrians only or, in the case of a dual use path, for the use of pedestrians and bicyclists only; or
- (b) ordinarily used by pedestrians and not by vehicles or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicycles;

Keep Clear Area means a portion of a carriageway that lies—

- (a) between 2 consecutive signs inscribed with the words "KEEP CLEAR" and each with an arrow pointing generally towards the other; or
- (b) between a sign inscribed with the words "KEEP CLEAR" and whichever of the following that lies in the general direction indicated by an arrow inscribed on the sign—
 - (i) the end of the carriageway; or
 - (ii) an area in which stopping is prohibited; or
 - (iii) the furthest point of "KEEP CLEAR" markings;

kerb means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;

loading zone means a parking bay or length of carriageway to which a loading zone sign applies and is designated for the use by commercial vehicles or delivery vehicles or an authorised vehicle for the purpose of delivering or collecting goods;

local government means the City of Bunbury;

marked foot crossing has the meaning given to it in the *Road Traffic Code 2000*;

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

metered space means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in any way to indicate where a vehicle may be parked on payment of a fee or charge;

metered zone means any road or reserve, or part of any road or reserve, in which parking meters regulate the stopping or parking of vehicles;

motor cycle means a motor vehicle designed to travel on two wheels but shall not include a motor vehicle to which a sidecar is attached;

motor vehicle means a self-propelled vehicle that is not operated on rails, and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle or motor scooter;

no parking area means a portion of carriageway that lies—

- (a) between two consecutive signs inscribed with the words or symbol denoting "No Parking" and each with an arrow pointing generally towards the other of them; or
- (b) between a sign, inscribed with the words or symbol denoting "No Parking" and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

no stopping area means a portion of a carriageway that lies—

- (a) between 2 consecutive signs inscribed with the symbol denoting "No Stopping" and each with an arrow pointing generally towards the other; or
- (b) between a sign inscribed with the symbol denoting "No Stopping" and whichever of the following that lies in the general direction indicated by an arrow inscribed on the sign—
 - (i) the end of the carriageway; or
 - (ii) an area in which stopping is prohibited; or
- (c) adjacent to a continuous yellow edge line;

obstruct means to interfere with, impede or hinder the passage of any vehicle or person;

occupier has the meaning given to it in the Act;

owner—

- (a) where used in relation to a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Road Traffic Act;
- (b) where used in relation to any other vehicle, means the person who owns the vehicle or who is in possession of the vehicle or is entitled to possession of the vehicle; and
- (c) where used in relation to land, has the meaning give to it by the Act;

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

parking area means a portion of a carriageway—

- (a) between two consecutive signs, inscribed with the words "Parking", each with an arrow pointing generally towards the other of them;
- (b) extending, from a sign inscribed with the word, "Parking" in the general direction indicated by an arrow inscribed on the sign, to any other sign inscribed with the words "No Parking" or "No Standing" or to a dead end or an area in which the parking or standing of vehicles is prohibited and is in that half of the carriageway nearest to the sign;

parking bay means a section or part of a parking facility, road, reserve or parking station that is marked or defined by painted lines or similar devices for the purpose of indicating where a vehicle may stop or park with or without payment of a fee;

parking facility—

- (a) includes land, buildings, shelters, signs, notices and other facilities open to the public generally for the parking of vehicles with or without charge; and
- (b) includes a road, reserve, parking area, metered zone, ticket machine zone, truck zone, work zone, taxi zone, bus zone, charter bus zone, public bus zone, bicycle zone, parking bay, parking station, attended parking station and any other facility available to the public generally or a specified class of persons or a specified class of vehicle for the parking of a vehicle, whether or not a fee is charged;

parking policy means a policy adopted by the Council under Part 9;

parking region means the whole of the district of the local government of the City of Bunbury excluding the following portions of the district—

- (a) any road proclaimed to be a main road under provisions of the *Main Roads Act 1930*;
- (b) the approach and departure prohibition areas of all traffic signal installations; and
- (c) prohibition areas applicable to all bridges and subways;

parking session means the period in which a user is parked at a parking location and is measured from when a User starts parking in a parking location and stops parking in a parking location, or the time paid for by a user expires.

parking station means any land, building or other structure providing for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered stall or private garage;

parking meter means a machine/application which is designed to accept payment and/or register a parking session.;

parking permit means a card, permit or voucher which is purchased from the local government and which authorises the parking of a vehicle in a parking stall, parking station or part of a parking station;

pedestrian has the same meaning as in the *Road Traffic Code 2000*;

pedestrian crossing has the same meaning as in the *Road Traffic Code 2000*;

penalty unit has the meaning given in the *City of Bunbury Penalty Units Local Law 2018*;

person includes a propriety limited company or association;

properly displayed means displayed inside a vehicle on the dashboard and clearly visible to and able to be read from outside the vehicle through the windscreen or either front window by an authorised person at all times while the vehicle remains parked;

property line means the lateral boundary of a road;

public bus means any bus available to the general public in the course of general transport services but does not include a charter bus;

public bus zone means a parking bay designated for use by a public bus;

reserve includes any land—

- (a) owned by the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an "otherwise unvested facility" in terms of section 3.53 of the Act;

road includes a highway, road, lane, thoroughfare, carriageway or similar place, or part thereof, which is within the parking region of the local government, which the public are allowed to use and includes every part of the highway, lane, thoroughfare or similar place and other things including bridges and culverts appurtenant thereto and includes all of the land lying between the property lines including the road verge and footpath;

road verge means a portion of a road which lies between the boundary of a carriageway and the property line adjacent thereto, and includes any park or reserve or any other land proclaimed by the local government for any purpose whatsoever and also includes the term "nature strip" and also includes any crossover, but does not include the footpath;

Schedule means a Schedule to this local law;

shared zone means the network of roads in an area with—

- (a) "shared zone" signage on each road into the area; and
- (b) an "end shared zone" sign on each road out of the area;

sign includes a traffic sign, permissive parking sign, inscription, mark, painted line, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed or erected on or near a road, reserve or parking station for the purpose of prohibiting, regulating, guiding, directing or regulating the stopping or parking of vehicles and any sign bearing a reasonable likeness of any representation of a traffic sign or permissive parking sign contained within the *Road Traffic Code 2000*;

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

street has the same meaning as road;

symbol includes any symbol specified by the *Road Traffic Code 2000*;

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

thoroughfare has the meaning given to it in the Act;

T-Intersection means an intersection where the end of a road intersects with the continuous side of a continuing road;

traffic island means any physical provision, other than lines marked on a carriageway, to guide vehicular traffic;

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

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

truck bay means a parking bay designated for use by trucks only;

unattended means the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle;

valve stem reading means a method of recording the position of the tyre valves in relation to the kerb or road surface; and

vehicle includes—

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels or tracks, by any means; and
- (b) where the context permits, an animal being driven or ridden.

PART 2—ADMINISTRATION

2.1 Application of particular definitions

- (1) For the purposes of the application of the definitions of no parking area, no stopping area, and parking area, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken to be pointing in the general direction in which it would point if the signs were viewed from the centre of the road, perpendicular to the sign post.
- (2) A reference to a word or expression inscribed on a sign includes a reference to a symbol depicting that word or expression.
- (3) A reference to a parking station or metered zone includes a reference to part of the parking station or part of the metered zone.

2.2 Undefined terms

Where a term is used but is not defined in the Act or in this local law and that term is defined in the *Road Traffic Act 1974* or the *Road Traffic Code 2000* then, unless the context otherwise requires, the term is to have the meaning given to it in the *Road Traffic Act 1974* or the *Road Traffic Code 2000*.

2.3 Delegation

- (1) In this local law a reference to the local government having the power to do something in its discretion, and whether or not subject to any condition it thinks fit, shall be deemed to include a reference to the CEO and a committee to which the local government has delegated the power of doing the thing or exercising the discretion.
- (2) In this local law a reference to the local government having power to do something in its discretion, shall be deemed to include a reference to any employee of the local government to whom the CEO has delegated to exercise any of the CEO's powers or the discharge of any of the CEO's duties in relation to this local law.

2.4 Determination of fees and charges

In this local law any fees and charges shall be determined from time to time by resolution of the local government in accordance with the provisions of the Act.

2.5 Application of local law

- (1) This local law applies to the parking region and all parking stations and parking facilities in the parking region and include a parking facility or parking station that—
 - (a) is owned, controlled or occupied by the local government; or
 - (b) is owned by the local government but is leased to another person, persons or company; or
 - (c) is owned or occupied by another person, persons or company whom have a current agreement with the local government to enforce these local laws.

2.6 Sign erected by the Commissioner of Main Roads

- (1) Any sign that—
 - (a) was erected by the Commissioner of Main Roads prior to the coming into operation of this local law; and
 - (b) relates to the restriction, parking or standing of vehicles,shall be deemed, for the purposes of this local law, to have been erected by the local government under the authority of this local law.

2.7 Application of signs

- (1) This local law applies to the stopping or parking of vehicles within the district which is controlled by a sign. Such sign shall be read as applying to that part of the road or road verge which—
 - (a) lies beyond the sign; or
 - (b) lies between the sign and the next sign beyond that sign; and
 - (c) is that half or side of the carriageway of the road or road verge nearest to the sign.
- (2) For the purposes of this local law a sign may, by the use of any symbol or other traffic control device specified in accordance with AS 1742.11-2016—
 - (a) prohibit or regulate parking and stopping; or
 - (b) specify maximum times; or
 - (c) specify permitted classes of vehicles.

2.8 Class of vehicles

- (1) For the purpose of this local law vehicles are divided into classes as follows—
 - (a) buses;
 - (b) commercial vehicles;
 - (c) motor cycles;
 - (d) bicycles;
 - (e) taxis; and
 - (f) all other vehicles not otherwise classified, which includes motor cycles with sidecars attached.

PART 3—STOPPING AND PARKING GENERALLY**3.1 Power to prohibit and regulate**

- (1) The local government may by resolution prohibit or regulate by signs or otherwise the stopping and parking of any vehicle or class of person and vehicle, or both, but is to do so consistently with the provisions of this local law.
- (2) The local government may by resolution establish, determine, vary and indicate by signs—
 - (a) parking facilities; or
 - (b) permitted times and conditions of stopping and parking which may vary with the locality; or
 - (c) permitted persons who may stop or park their vehicles; or
 - (d) permitted classes of vehicles which may stop or park; and
 - (e) the manner of stopping or parking.
- (3) Where the local government makes a determination under this clause it shall erect signs to give effect to the determination.
- (4) Notwithstanding clause 2.3, a decision under this clause will not be delegated by the Council.

3.2 Stopping or parking in accordance with signs

- (1) A person must not stop or park a vehicle in a parking facility—
 - (a) if by a sign it is set apart for the stopping or parking of vehicles of a different class; or
 - (b) if by a sign it is set apart for the stopping or parking of vehicles by persons of a different class; or
 - (c) during any period when the stopping or parking of vehicles is prohibited by a sign—
 - (i) other than wholly within a parking bay or metered space; or
 - (ii) if a vehicle is too wide or long to fit completely within a single parking bay, the person stopping the vehicle shall park with the vehicle within the minimum number of parking bays needed to park that vehicle; or
 - (d) otherwise than in accordance with a sign applying to the place where the vehicle is stopping or parked.
 - (e) for more than the maximum time specified by a sign unless—
 - (i) the vehicle displays a disability parking permit, and the person with the disability is either the driver or the passenger, in which case the vehicle may be parked (except in a parking area for people with disabilities) in accordance with regulation 174(2) of the Code;
 - (ii) The vehicle displays a current permit issued by the City.
 - (f) that is designated by a sign as a loading dock—unless, in respect of the vehicle, a person is actively engaged in loading or unloading goods or materials used in any trade, business, industry or other work.
- (2) A person must not stop or park a vehicle—
 - (a) in a no stopping area; or
 - (b) partly within and partly outside a parking area; or
 - (c) in a bay marked 'M/C' unless it is a motorcycle without a sidecar; or
 - (d) in a bus lane; or

- (e) in a transit lane; or
 - (f) in a truck lane; or
 - (g) in a bicycle lane,
- unless the person is driving a public bus or taxi and is immediately dropping off or picking up passengers.
- (3) A person must not park a vehicle in a no parking area.
 - (4) A person must not stop a vehicle at the side of a carriageway marked with a continuous yellow edged line.
 - (5) A person must not stop or park a vehicle on or in an area of a carriageway signed or marked as a keep clear area.
 - (6) If there is no sign referable to a parking bay or metered space marked 'M/C' a person must not stop or park a vehicle longer than the maximum period shown on the parking sign applicable to that parking bay or metered space.
 - (7) Unless authorised by the local government, a person must not stop or park a vehicle in an area designated by a sign inscribed "Authorised Vehicles Only".
 - (8) Unless authorised by the local government, a person must not stop or park a vehicle in a parking area for longer than the time period indicated by a sign, unless—
 - (a) clause 3.16 applies; or
 - (b) if the vehicle displays a disability parking permit, the vehicle may park continuously for twice the period indicated on a sign, except in a parking area set aside for people with disabilities.
 - (9) A person must not park a vehicle in a parking facility, carriageway or verge within an area designated as road closed without the permission of an authorised person.

3.3 Parking without consent

- (1) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.
- (2) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land other than in accordance with the consent given.

3.4 Parking positions

- (1) Where the signs referable to a parking area are not inscribed with the words "angle parking" then unless a sign referable to the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position—
 - (a) where the parking area is adjacent to the boundary of a carriageway, a person stopping or parking a vehicle in the parking area must stop or park it as near as practicable to and parallel with that boundary; and
 - (b) where the parking area is at or near the centre of the carriageway, a person stopping or parking a vehicle in that parking area must stop or park it at approximately right angles to the centre of the carriageway.
- (2) A person must park or stop a vehicle wholly within the painted lines on the road surface where lines are marked.

3.5 Angle parking

- (1) Where a sign referable to a parking area is inscribed with the words "angle parking" a person stopping or parking a vehicle in the area must stop or park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the sign or by marks on the carriageway.
- (2) Where a sign referable to a parking area is inscribed with the words "angle parking" a person stopping or parking a vehicle in the area must stop or park the vehicle in such a manner that the front of the vehicle is closest to the kerb or side of the road, in the same direction as the adjacent traffic lane, unless otherwise instructed on adjacent signage.

3.6 Loading zone

- (1) A person must not stop or park a vehicle in a loading zone unless—
 - (a) the vehicle is a commercial vehicle or delivery vehicle or a vehicle authorised by permit that is current and prominently displayed; and
 - (b) a person is continuously engaged in loading or unloading goods to or from that vehicle.
- (2) A person must not stop or park a commercial vehicle or a delivery vehicle or an authorised vehicle in a loading zone for longer than shown on adjacent signage, and if no time is shown on adjacent signage, a limit of 30 minutes shall apply.

3.7 Parking or stopping on reserves

- (1) A person, other than an employee of the local government in the course of his or her duties or a person authorised by the local government, must not drive, stop or park a vehicle on or over any portion of a reserve other than an area specifically set aside for that purpose.
- (2) Unless authorised by the local government, a person—
 - (a) must not, for the purposes of conducting a business, stop or park a vehicle on any part of a reserve; or

- (b) must not stop or park a vehicle or part of a vehicle on or over any footpath constructed across a reserve.

3.8 Occupied parking bays

A person must not stop or park or attempt to stop or park a vehicle in a parking bay or metered space in which another vehicle is stopping or parked.

3.9 Operation of parking meters

A person must not operate a parking meter except in accordance with the operating instructions appearing on the parking meter.

3.10 Alternative methods of payment for parking

- (1) The local government may allow a person to pay for parking in advance or in arrears by issuing, for example, a permit, card, invoice, ticket or pass or any other system of payment that may be determined by the local government from time to time and referred to in this clause as "alternative methods of payment".
- (2) A person who has been permitted by the local government to make alternative methods of payment for parking is exempt from paying fees at the parking station providing that he or she complies with the terms of the alternative method of payment including displaying the current approved permit (where applicable) so that the extent of the permit is fully visible from the outside of the vehicle.
- (3) An alternative method of payment may not be used by any person other than the person who received authorisation from the local government or from an agent or representative authorised by the local government.

3.11 Set aside parking facilities

- (1) Where a parking facility has been set aside under clauses 3.1(2)(c) or (d) the local government—
 - (a) may issue a written permit to the relevant person or vehicles of the class; and
 - (b) may vary or revoke a permit at any time.
- (2) Except with the permission of an authorised person, a person must not stop or park a vehicle in a parking facility set aside under subclause (1) unless—
 - (a) the permit is properly displayed;
 - (b) the permit bears a valid date; and
 - (c) the person or the class of vehicle as specified in the permit is specified on the sign which sign sets aside a part or all the parking facility.

3.12 Miscellaneous areas

A person must not stop in a parking bay or metered space that has been established for a purpose other than the parking of vehicle.

3.13 Urgent, essential or official duties

- (1) Where by a sign the stopping or parking of vehicles is prohibited or permitted for a limited time in a parking facility, the local government may permit a person to stop or park a vehicle, belonging to an authorised service authority and/or their approved agent, in a parking facility although not otherwise permitted or for longer than the permitted time so that the person may carry out urgent, essential or official duties.
- (2) Where authorisation is given under subclause (1) the local government may prohibit, for the duration of that authorisation, the use by any other vehicle of that portion of the parking facility to which the authorisation relates.
- (3) A permit issued under subclause (1) may—
 - (a) authorise the stopping or parking of the vehicle continuously for a specified period or periods or between specified times or from time to time during a specified period; and
 - (b) be revoked or suspended at any time by the local government before the expiration of any time or period specified in the permit without resulting in a refund of any applicable fees.
- (4) A person must not stop or park a vehicle in respect of which a permit has been issued under subclause (1)—
 - (a) except at the times or during the period specified in the permit;
 - (b) for any purpose other than the purpose specified in the permit; or
 - (c) at any time after the cancellation, revocation or suspension of the permit.

3.14 Direction to move vehicle

A person must not stop or park a vehicle after being directed by an authorised person or a police officer to move the vehicle.

3.15 Selling or hiring in a parking facility

A person must not sell, bail, hire or give away any goods or thing or erect an advertisement in a parking facility or parking bay without the written authorisation of the local government.

3.16 Obstruction of a parking facility

A person must not stop or park a vehicle in a parking facility so as to obstruct any entrance, exit, carriageway, passage or thoroughfare of the parking facility without the written authorisation of the local government or the approval of the facility owner.

3.17 Behaviour in a parking facility

- (1) A person must not remain in a parking facility after having been directed to leave by an authorised person or a police officer.
- (2) A person must not loiter in a parking facility.

3.18 Damage to parking facilities

- (1) A person must not remove, damage, deface, misuse or interfere with any part of a parking facility.
- (2) A person shall not remove, damage, deface, misuse or interfere with any parking meter, ticket issuing machine, or pay station, or cause, attempt, suffer, permit or allow any such act.

3.19 Removal and impounding of vehicles

The powers of the local government to remove and impound goods including vehicles are set out in Part 3 Division 3 Subdivision 4 of the Act.

PART 4—STOPPING AND PARKING ON ROADS AND OTHER AREAS**4.1 Stopping and parking on a carriageway**

- (1) Subject to clause 3.2, a person stopping or parking a vehicle on a carriageway must stop or park the vehicle—
 - (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopping or parked; or
 - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopping or parked; or
 - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or between the vehicle and a vehicle stopping or parked on the opposite side of the carriageway; or
 - (d) so that it is more than 1.2 metres from any other vehicle, except a motorcycle without a trailer stopping or parked in accordance with this local law; and
 - (e) headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopping or parked.

4.2 Median strips and traffic islands

- (1) A person must not stop or park a vehicle on any part of a road so that any portion of the vehicle is—
 - (a) on a median strip; or
 - (b) adjacent to a median strip other than in a parking bay or metered space.
 - (c) On or within 10 metres of any portion of a carriageway bounded by a traffic island

4.3 Prohibited parking of vehicles

- (1) A person must not park a vehicle on any portion of a road—
 - (a) if that vehicle is not licensed under the Road Traffic Act or any corresponding law of another State or Territory or of the Commonwealth; or
 - (b) if that vehicle is a trailer or caravan unattached to a motor vehicle; or
 - (c) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a road.
- (2) A person may advertise a vehicle for sale on a road only when—
 - (a) the vehicle is located on the verge of the vehicle owner's residence and does not obstruct any vehicles or pedestrians passing the vehicle for sale; or
 - (b) the vehicle is within a parking facility for a period not exceeding 12 continuous hours; and
 - (c) the vehicle is parked in accordance with all parking signs and local laws of that location; and
 - (d) the advertisement does not exceed one (1) A4 size piece of paper (297mm x 210mm) per side of the vehicle; and
 - (e) the advertisement is not displayed on the front windscreen.

4.4 Traffic obstructions

- (1) This clause does not apply to—
 - (a) a vehicle stopping or parked in a parking bay or metered space established by the local government; or
 - (b) a bicycle in a bicycle rack established by the local government.
- (2) Subclauses (3)(b) and (3)(d) do not apply to a vehicle stopping or parked in a bus embayment.

- (3) A person must not stop or park a vehicle so that any portion of the vehicle is—
- (a) on any road so as to cause an obstruction on the road unless it is a public bus stopping next to a sign inscribed with the words "Bus Zone"; or
 - (b) obstructing a thoroughfare or so close as to deny vehicles reasonable access to or egress from—
 - (i) a driveway to a private residential or business property; or
 - (ii) an access road to a private or public carpark; or
 - (iii) any gate or access point to parks and reserves; or
 - (c) on an intersection except adjacent to a carriageway boundary that is not broken by an intersecting carriageway; or
 - (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals, unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop or park at that place in accordance with this local law; or
 - (e) on a carriageway so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped or parked unless the vehicle stops or parks—
 - (i) at a place on a carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop or park at that place under this local law; or
 - (ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection; or
 - (iii) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked;
 - (f) alongside or opposite any excavation, work, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic; or
 - (g) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians; or
 - (h) on a bridge or other elevated structure or within a tunnel or underpass; or
 - (i) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line.
 - (j) Within the head of a cul-de-sac

4.5 Double parking

- (1) A person shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) Subclause (1) does not apply to—
- (a) a person stopped in traffic; or
 - (b) a person angle parked on the side of the carriageway or in a median strip parking area, in accordance with this local law.

4.6 Verge parking

- (1) A person must not—
- (a) stop or park a bus or trailer or caravan unattached to a motor vehicle, so that any portion of it is on a road verge; or
 - (b) stop or park a vehicle so that any portion of the vehicle is on a road verge during any period when the stopping or parking vehicles on the road verge is prohibited by a sign adjacent and referable to that road verge; or
 - (c) stop or park a vehicle on a road verge in a manner that obstructs pedestrians; or
 - (d) stop or park a vehicle on a verge for a period of time or in a manner that causes damage to that verge.
- (2) Subject to subclause (1) a person must not stop or park a vehicle if any portion of the vehicle is on the verge unless he or she—
- (a) is the owner or occupier of the premises adjacent to that verge; or
 - (b) is a person authorised by the occupier of those premises to do so.

4.7 Parking near fire hydrant or post box

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

- (b) within 3 metres of a public post box, unless the vehicle—
 - (i) is being used for the purpose of dropping off or picking up passengers or collecting postal articles from the post box; or
 - (ii) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop or park at that place under this local law.

4.8 Bus stops, pedestrian, children and train crossings

- (1) Subject to subclause (4), a person must not stop or park a vehicle on a level crossing or on a carriageway so that any portion of the vehicle is within 20 metres of the approach side or within 20 metres of the departure side of the nearest rail of a railway level crossing.
- (2) Subject to subclause (4), a person must not stop or park a vehicle so that any portion of the vehicle is within 20 metres of the approach side or within 10 metres of the departure side, of—
 - (a) a bus embayment or a sign inscribed with the words "Bus Zone" unless the vehicle is a bus stopped to take up or set down passengers; or
 - (b) a pedestrian crossing; or
 - (c) a children's crossing.
- (3) Subject to subclause (4), a person must not stop a vehicle so that any portion of the vehicle is within 10 metres of the approach side or within 3 metres of the departure side of—
 - (a) a marked foot crossing, that is not at an intersection; or
 - (b) a bicycle crossing equipped with bicycle crossing lights, that is not at an intersection.
- (4) Subclauses (1), (2) or (3) do not apply if—
 - (a) the vehicle is stopping or parked in a marked bay to which a parking sign applies; or
 - (b) the driver of the vehicle is prevented from proceeding by circumstances beyond his or her control; or
 - (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

4.9 No parking within 1 hour

- (1) Where stopping or parking on a road is permitted for a limited time, a person must not move a vehicle within that section of road so that the total time of parking exceeds the maximum time permitted, unless—
 - (a) the vehicle has first been removed from that road for at least 1 hour; or
 - (b) there is between the place where the vehicle had been parked and the place where the vehicle is subsequently parked, another road that meets or intersects that road.
- (2) A person who removes a vehicle from a parking stall must not stop or park that vehicle within 50 metres of that parking stall for at least 1 hour after the removal.

4.10 Public bus bays

A person must not stop or park a vehicle other than a public bus in a parking bay set aside for use by a public bus.

4.11 Charter bus bays

A person must not stop or park a vehicle other than a charter bus in a parking bay set aside for use by a charter bus.

4.12 Bus parking

- (1) Unless otherwise stated on a sign—
 - (a) a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers; and
 - (b) a charter bus must not stop or park in a bus embayment, other than a layover bay, except to pick up or set down passengers and, in any event, for no more than 20 minutes.

4.13 Construction site vehicle parking

- (1) In this clause unless the context otherwise requires—
 - builder** has the meaning given to it in the *Building Regulations 1989*;
 - construction site** means any land subject to development;
 - construction site vehicle** means a commercial vehicle or a heavy goods vehicle;
 - daily fee** means the daily fee set by local government from time to time in accordance with the provisions of the Act determined by Council;
 - development** means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on land of any excavation or other works;
 - eligible person** means an owner or occupier of a construction site or any builder carrying out work on a construction site;
 - establishment fee** means those fees set by local government from time to time in accordance with the provisions of the Act;
 - heavy goods vehicle** means a vehicle which is defined in the First Schedule of the *Road Traffic Act 1974* as a tractor (prime mover type) or a tractor (other than prime mover type) and includes any other vehicle constructed primarily for the conveyance of goods which is attached to a heavy goods vehicle;

- work zone** means any road or part of a road, whether or not marked as a metered space, parking bay or ticket machine zone, which is set aside by the local government by the use of a sign, for a period specified on the sign, for the stopping or parking of construction site vehicles.
- (2) An eligible person seeking to establish a work zone adjacent to a construction site may apply in writing to the local government, which may approve or refuse the application.
 - (3) Where the local government approves an application, it is to give the applicant written notice specifying—
 - (a) the number and location of work zones the applicant may use;
 - (b) the period during which the stopping or parking of construction site vehicles is permitted in the work zone; and
 - (c) the amount of the establishment fee.
 - (4) The local government is to set aside a work zone in accordance with the notice referred to in subclause (3) within 14 days from the date of payment of the establishment fee.
 - (5) An eligible person must, in addition to the establishment fee, pay to the local government a daily fee for each day that a work zone is set aside.
 - (6) The daily fee is payable monthly in advance.
 - (7) If the daily fee is at any time in arrears (whether or not any formal or legal demand is made), the local government may remove any signs used to set aside the work zone.
 - (8) A person must not stop or park a vehicle in a work zone unless—
 - (a) the vehicle is a construction site vehicle; or
 - (b) the vehicle is stopping or parked during a period in which the stopping or parking of a construction site vehicle in that zone is permitted by a sign; and
 - (c) a person is continuously engaged in loading or unloading goods—
 - (i) to or from the construction site vehicle; or
 - (ii) to or from the construction site.
 - (9) A person must not stop or park a vehicle in a shared zone unless the vehicle—
 - (a) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop at that place under this local law; or
 - (b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law; or
 - (c) the vehicle is dropping off, or picking up, passengers or goods; or
 - (d) the vehicle is engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage.

4.14 Stopping on a carriageway—heavy and long vehicles

- (1) A person shall not park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is more than 7.5 metres in length or exceeds a GVM of 4.5 tonnes—
 - (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
 - (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.
- (2) Nothing in this clause mitigates the limitations or conditions imposed by any other regulation or traffic sign relating to the parking or stopping of vehicles.

PART 5—OBSTRUCTIONS AND ABANDONED VEHICLES

5.1 Vehicles not to Obstruct a Public Place

- (1) A person must not park or leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.
- (2) A vehicle which is parked in any portion of a public place where vehicles may be lawfully parked, is deemed to cause an obstruction and may be impounded where—
 - (a) the vehicle is parked for any period exceeding 24 hours;
 - (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign; or
 - (c) the vehicle is abandoned, unregistered or disused.

PART 6—PARKING STATIONS

6.1 Fees in paid parking areas

- (1) A person must not leave a vehicle unattended in a paid parking station unless—
 - (a) the vehicle is an authorised local government vehicle; or
 - (b) the driver is a police officer/parking officer and is in the course of his or her duties; or

- (c) the designated fee has been paid using either the provided parking meter or associated payment application; or
 - (d) a valid permit is clearly displayed; or
 - (e) the parking session is not in excess of the time permitted by a sign
- (2) A person must not remain parked in a paid parking station in excess of—
- (a) the parking session that has been paid for; or
 - (b) the time permitted by a sign.

6.2 Stopping or parking in a parking station

- (1) A person must not stop or park a vehicle in—
- (a) a paid parking station, unless the appropriate fee as indicated by a sign is paid; or
 - (b) A parking station with a posted time restriction, for any period exceeding the time allowable on the sign, unless;
 - (i) The vehicle has left the parking station for at least one hour; or
 - (ii) the parking station allows additional time beyond the time restriction posted when a fee is payable for additional time and the fee has been paid.

6.3 Removal of vehicles

A person must not remove a vehicle which has been stopping or parked in a parking station until that person or another person has paid the appropriate fee for the period for which the vehicle has been stopping or parked.

6.4 Maximum parking period in parking stations

Where the stopping or parking of vehicles in a parking station is permitted for a limited time, a person must not stop or park a vehicle for a period exceeding the maximum time permitted, unless the vehicle has first been removed from that parking station for at least 1 hour.

6.5 Parking station closure

At the expiration of the hours of operation the local government whether or not any vehicle remains parked in a parking station may lock the parking station or otherwise prevent the movement of any vehicle within, to or from the parking station.

6.6 Elected Member parking permit

- (1) The local government may issue to any member of the Council an Elected Member parking permit and may vary or revoke a permit at any time.
- (2) The holder of an Elected Member parking permit is exempt from those clauses of this local law specified in the permit.
- (3) The exemptions conferred by subclause (2) apply only—
- (a) if the Elected member parking permit is displayed in the vehicle or affixed to the windscreen of the vehicle so as to be properly displayed; and
 - (b) if the Elected Member parking permit is valid; and
 - (c) if the holder of the Elected member parking permit is carrying out his or her duties or performing his or her functions as a member of the Council.
- (4) An Elected Member parking permit ceases to be valid—
- (a) when the holder of the permit ceases to be a member of the Council; or
 - (b) after the expiry date specified in the permit; or
 - (c) when revoked by the local government.

PART 7—RESIDENTIAL AND VISITOR PARKING PERMITS

7.1 Interpretation

In this part unless the context otherwise requires—

dwelling unit means a building or part of a building used for self-contained living quarters;

eligible person means a single house occupier, a single house owner, a unit occupier or a unit owner;

parking permit means a residential parking permit and a visitor parking permit issued by the Council pursuant to clause 7.3;

residential unit means a dwelling unit in a building which is adjacent to a part of a road whereon the standing of vehicles is prohibited for more than a period specified by a sign referable thereto which is adjacent to a metered space and which contains—

- (a) two or more dwelling units; or
- (b) in addition to the dwelling unit, one or more non-residential uses;

single house means a dwelling unit constructed on its own lot and used for self-contained living quarters and which is adjacent to a part of a road whereon the standing of vehicles is prohibited for more than a period specified by a sign referable thereto or which is adjacent to a metered space;

unit occupier means a person who is an occupier of a residential unit but does not include a unit owner; and

unit owner means a person who is an owner and occupier of a residential unit.

7.2 Conditions of exemption for residential parking permits and visitors parking permits

- (1) Where the stopping or parking of a vehicle on any part of a road within the district, whether such part be marked as a parking bay or not is prohibited for more than a specified time, the holder of a Residential Parking Permit is exempted from such prohibition, and the driver of a vehicle who is visiting a dwelling the occupant of which is the holder of a Visitor's Parking Permit is exempted from such prohibition, provided that such exemption shall apply only—
 - (a) to the road, roads or parking station specified in the permit, but excluding areas of road adjacent to retail premises or other public facilities, where parking of all classes of vehicles are subject to time restrictions;
 - (b) if such Residential Parking Permit or Visitor's Parking Permit is properly displayed;
 - (c) if the period in respect of which the permit was issued has not expired; and
 - (d) if the holder of the permit at the time of stopping or parking such vehicle still resides in the premises in respect of which the permit was granted.
- (2) The exemption conferred by subclause (1) shall not apply during any period in which the standing of vehicles is prohibited in the road or the part of a road specified in the residential parking permit.

7.3 Issue of permits

- (1) The local government may upon the written application of an eligible person and upon payment of the fee referred to in clause 7.10 issue a parking permit.
- (2) Subject to clause 7.4—
 - (a) The local government shall not issue more than two residential parking permits or two visitor parking permits to any single house occupier where the single house is situated on land having no provision for parking;
 - (b) The local government shall not issue more than one residential parking permit or one visitor parking permit to any single house occupier where the single house is situated on land which has provision of parking of one vehicle only; and
 - (c) The local government shall not issue a residential parking permit or a visitor parking permit to any single house occupier where the single house is situated on land having provision for parking of two or more vehicles.

7.4 Restrictions on issue of permits to unit owners

- (1) Where no parking is available to a unit owner on the land upon which the residential unit is situated the local government shall not issue more than two residential parking permits or two visitor parking permits to the unit owner.
- (2) Where parking for one vehicle only is available to a unit owner on the land upon which the residential unit is situated the local government shall not issue more than one residential parking permit or one visitor parking permit to the unit owner.
- (3) Where parking for two or more vehicles is available to a unit owner on the land upon which the residential unit is situated the local government shall not issue a residential parking permit or a visitor parking permit to the unit owner.

7.5 Restrictions on issue of permits to unit occupiers

- (1) Where no parking is available to a unit occupier on the land upon which the residential unit is situated the local government shall not issue more than two residential parking permits or two visitor parking permits to the unit occupier.
- (2) Where parking for one vehicle only is available to a unit occupier on the land upon which the residential unit is situated the local government shall not issue more than one residential parking permit or one visitor parking permit to the unit occupier.
- (3) Where parking for two or more vehicles is available to a unit occupier on the land upon which the residential unit is situated the local government shall not issue a residential parking permit or a visitor parking permit to the unit occupier.

7.6 Restrictions on number of permits

The local government shall not issue more than two residential parking permits or two visitor parking permits in respect of any single house or residential unit.

7.7 Validity of permits

- (1) A residential parking permit or visitor parking permit shall cease to be valid—
 - (a) upon the expiry of a period of 12 months from and including the date on which it is issued; or
 - (b) upon the holder of such permit ceasing to be an eligible person; or
 - (c) where the permit is revoked in accordance with clause 7.8.
- (2) The holder of a residential parking permit or visitor parking permit shall forthwith upon such permit ceasing to be valid remove such permit from the vehicle in which it is properly displayed where—
 - (a) no fee has been paid; or
 - (b) dates shown on supplied permit are no longer current; or

- (c) as directed in writing from the City.

7.8 Revocation of parking permits

- (1) Where the local government is satisfied that a parking permit is not being used in accordance with Part 8 of this local law, the local government may revoke a permit.
- (2) The local government may give a person to whom a permit has been issued in accordance with clause 7.3 of this local law a notice—
 - (a) indicating that the permit may be revoked;
 - (b) explaining the reason why the permit may be revoked; and
 - (c) requiring the person to notify the local government within 14 days of any reason why the permit should not be revoked.
- (3) After the expiry of 14 days from the date of service of the notice referred to in subclause (2) on the person to whom the permit has been issued, whether or not a response has been received, the local government may revoke the permit.
- (4) Where the local government revokes a permit, it is to notify the person that the permit has been revoked.
- (5) A holder of a permit which is revoked by the local government shall forthwith remove such permit from the vehicle to which it is affixed and shall forthwith return such permit to the local government.

7.9 Removal of residential or visitor parking permit from vehicle

A holder of a residential parking permit or visitor parking permit who changes their place of residence or changes their vehicle, which is subject to a residential parking permit or visitor parking permit, shall forthwith remove such permit from the vehicle to which it is affixed and shall forthwith return such permit to the local government.

7.10 Fees for residential parking permit and visitor's parking permits

Fees payable for residential parking permits and visitor's parking permits shall be set by Council from time to time in accordance with the Act.

PART 8—MISCELLANEOUS

8.1 Authorised person—certificate of appointment

An authorised person shall be issued a certificate of his or her appointment in the form determined by the local government.

8.2 Authorised persons

No offence under this local law is committed by an authorised person while carrying out his or her duties.

8.3 Necessary power

An authorised person has all necessary power for the purpose of performing all duties vested in or imposed on him or her by the Act and this local law.

8.4 Impersonating an authorised person

A person who is not an authorised person must not impersonate an authorised person.

8.5 Obstructing of an authorised person

A person must not obstruct or hinder an authorised person in the execution of his or her duties.

8.6 Removal of notices

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

8.7 Display of signs

- (1) A person must not without the authorisation of the Council—
 - (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law; or
 - (b) remove, deface or misuse a sign or property set up by the local government under this local law; or
 - (c) affix a board, sign, placard, notice, cover or other thing to or paint or write on any part of a sign, parking meter, ticket issuing machine or fee collecting machine.

8.8 Marking vehicles

- (1) An authorised person may in a parking area, parking bay or parking facility—
 - (a) mark the face of tyres of a vehicle with chalk or any other non-indelible substance; or
 - (b) record the position of a vehicle; or
 - (c) take a valve stem reading of a vehicle; or
 - (d) record vehicle details and vehicle registration numbers; for a purpose connected with his or her duties or powers.

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

8.9 Exemption when complying with directions

A person who complies with a direction given by a police officer or an authorised person does not commit an offence against this local law while complying with that direction.

8.10 Sign presumed to have been established by the local government

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

8.11 Power of an authorised person

- (1) An authorised person is hereby authorised by the local government to—
- (a) carry into effect the provisions of this local law;
 - (b) report to the local government on the working effectiveness and functioning of this local law;
 - (c) make inquiries and investigations concerning any alleged, purported or actual offences against any of the provisions of this local law, with power to interview, question and obtain particulars from person(s) wheresoever living in respect of offences and suspected offences within the parking region;
 - (d) recommend to the local government the institution of prosecutions; and
 - (e) institute and conduct prosecutions as directed by the local government or the CEO, from time to time.

8.12 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of a special purpose vehicle or an emergency vehicle may, only in the course of his or her duties and when it is reasonable to do so, stop or park the vehicle in any place at any time.

PART 9—PARKING POLICY

9.1 Policy

- (1) The Council may make a policy in accordance with clause 9.2 in specifying—
- (a) any matter which may be the subject of a Council resolution under this local law; and
 - (b) any matter ancillary or necessary to give effect to a policy.

9.2 Procedure for making a policy

- (1) The local government is to give local public notice of its intention to make a parking policy.
- (2) The local public notice referred to in subclause (1) is to state that—
- (a) the local government intends to make a parking policy, the purpose and effect of which is summarised in the notice; and
 - (b) a copy of the proposed parking policy may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed parking policy may be lodged with the local government within 14 days after the day of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to—
- (a) give local public notice that the proposed parking policy has effect as a policy on and from the date of publication; or
 - (b) amend the proposed parking policy, in which case subclause (5) will apply; or
 - (c) not continue with the proposed parking policy.
- (4) If submissions are received in accordance with subclause (2)(c), the Council is to—
- (a) consider those submissions; and
 - (b) decide—
 - (i) whether or not to amend the proposed parking policy; or
 - (ii) not to continue with the proposed parking policy.
- (5) If the Council decides to amend the proposed parking policy, it is to give local public notice—
- (a) of the effect of the amendments; and
 - (b) that the proposed policy has effect as a policy on and from the date of publication.
- (6) If the Council decides not to amend the proposed parking policy, it is to give local public notice that the proposed parking policy has effect as a policy on and from the date of publication.
- (7) A proposed policy is to have effect as a policy on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclauses (3) or (4) is not to be delegated by the Council.

9.3 Register of the parking policy

- (1) The local government is to keep a register of the parking policy made under clause 9.1 and of any amendments to or revocations of the parking policy made under clause 9.4.

- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose, the register is to be taken to be information within section 5.94(u)(i) of the Act.

9.4 Amendment or revocation of the parking policy

- (1) The Council may amend or revoke the parking policy.
- (2) The provisions of clause 9.2 are to apply to an amendment of the parking policy as if the amendment were a proposed parking policy.
- (3) If the Council revokes the parking policy it is to give local public notice of the revocation and the parking policy is to cease to have effect on the date of publication.

PART 10—OFFENCES AND PENALTIES

10.1 Offences

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any 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 an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (3) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

10.2 Infringement and infringement withdrawal notices

- (1) For the purposes of this local law—
- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the infringement notice referred to in section 9.17 of the Act is form 2 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is form 3 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*.

10.3 Modified penalty

- (1) Subject to subclause (3), a person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the modified penalty payable for the particular offence.
- (2) The amount appearing in the final column of the table in Schedule 1 directly opposite an offence described in the Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.
- (3) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit, as specified in the *City of Bunbury Penalty Units Local Law 2018*, by the number of penalty units specified in this local law.
- (4) Where the time period within which a person may stop or park a vehicle on a road is controlled by a sign and a person commits an offence under this local law by stopping or parking a vehicle for a time period which exceeds that shown on the sign—
- (a) the amount of the modified penalty shall be the amount referred to in subclause (2) where the time period during which the vehicle was stopped or parked in excess of the time period shown on the sign was not greater than that shown on the sign; and
- (b) the amount of the modified penalty shall again be payable in respect of each successive time period during which the vehicle continues to be parked or stopped in excess of the time period shown on the sign, to a maximum of \$500.00 on the amount of modified penalties payable for each offence.

10.4 Court proceedings

A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of appropriate jurisdiction.

10.5 Records

The local government must keep adequate records of all infringement notices served and modified penalties received.

10.6 Transitional provisions

Schedule 2 to this local law, which contains transitional provisions, has effect.

SCHEDULE 1—MODIFIED PENALTIES

[Clause 10.3]

Item No.	Clause	Nature of Offence	Modified Penalty Units
1	3.2(1)	Stop or park vehicle contrary to signs	6
2	3.2(2)(a)	Stop or park vehicle in no stopping area	6
3	3.2(2)(b)	Stop or park a vehicle not wholly within a parking area	6
4	3.2(2)(c)	Stop or park vehicle in motorcycle stall	6
5	3.2(2)(d)	Stop or park vehicle in a bus lane	6
6	3.2(2)(h)	Stop or park vehicle in a bicycle lane	6
7	3.2(3)	Park vehicle in no parking area	6
8	3.2(4)	Stop vehicle contrary to yellow edge line	6
9	3.2(7)	Stop or Park in Authorised Vehicle Only Bay	6
10	3.2(8)	Stop or park longer than permitted	6
11	3.2(9)	Park vehicle within road closed area	10
12	3.3(1)	Stop or park on private property	6
13	3.3(2)	Park vehicle on private property contrary to signs	6
14	3.4(2)	Failure to Park wholly within a parking bay	6
15	3.5(2)	Parking contrary to traffic flow in signed angle bay	6
16	3.6(1)	Stop or park a non-commercial vehicle in loading zone	5
17	3.6(2)	Stop or park a vehicle for over 30 minutes in loading zone	5
18	3.7(1)	Stop or park a vehicle on a reserve	15
19	3.8	Stop or Park a vehicle in a Bay occupied by another vehicle	6
20	3.12	Stop or park vehicle in area bay not intended for vehicles	6
21	3.14	Fail to move vehicle when directed by authorised person	6
22	3.15	Unauthorised sale/hire of goods within parking facility	6
23	3.16	Obstruct Vehicle in parking facility	6
24	3.17(1)	Remaining in Parking Facility when directed to leave by authorised person	6
25	3.17(2)	Loitering in parking facility	6
26	3.18	Damage to Parking Facility or Parking equipment	6
27	4.1(1)(a)	Failure to park on the left of two-way carriageway	6
28	4.1(1)(b)	Failure to park on boundary of one-way carriageway	6
29	4.1(1)(c)	Stop or Park a vehicle within 3m of centre of road	6
30	4.1(1)(e)	Stop or park a vehicle facing wrong direction	6
31	4.2(1)(a)	Stop or Park a vehicle on a median strip	6
32	4.2(1)(b)	Stop or Park a Vehicle Adjacent to a median strip	6
33	4.2(1)(c)	Stop or Park Vehicle within 10m of a Traffic Island	6
34	4.3(1)(a)	Stop or park unlicensed vehicle	6
35	4.3(1)(b)	Stop or Park unattached trailer or caravan	6
36	4.3(1)(c)	Stop or Park vehicle to effect repairs	6
37	4.3(2)	Display Vehicle for Sale in Street	6
38	4.4(3)(a)	Obstruction—Street or Roadway	6
39	4.4(3)(b)	Obstruction—Right of Way/ Private Drive	6
40	4.4(3)(d)	Stop or park a vehicle within 20m of Traffic Lights	6
41	4.4(3)(e)	Stop or park a vehicle within 10m of an intersection	6
42	4.4(3)(f)	Stop or Park opposite excavation, work, scaffolding that would cause obstruction	6
43	4.4(3)(g)	Stop or Park a vehicle on a footpath or pedestrian crossing	6
44	4.4(3)(h)	Stop or Park on Bridge or Tunnel	6
45	4.4(3)(j)	Stop or Park Vehicle within the head of a cul-de-sac	6

Item No.	Clause	Nature of Offence	Modified Penalty Units
46	4.5(1)	Double parked	6
47	4.6(1)	Stop or park unattached trailer or caravan on verge	6
48	4.6(2)	Stop or Park vehicle on Verge without consent	6
49	4.7(1)(a)	Stop or park vehicle within 1 metre of fire hydrant	6
50	4.7(1)(b)	Stop or Park vehicle within 3 metres of public post box	6
51	4.8(2)(a)	Stop or Park within 20m of bus bay	6
52	4.8(2)(b)	Stop or Park within 20m of pedestrian crossing	6
53	4.8(2)(c)	Stop or Park with 20m of children's crossing	6
54	4.9	Park same vehicle in same zone within 1 hour	6
55	4.10	Stop or park vehicle in Bus Bay	6
56	4.13(8)	Stop or Park unauthorised vehicle in work zone	6
57	4.14(1)(a)	Park long/heavy vehicle in built up area for more than 1 hour	6
58	5.1	Vehicle causing an obstruction in a public place	6
59	6.1	Unattended vehicle in parking station	6
60	6.2(1)(a)	Failure to pay appropriate fee	6
61	6.2(1)(b)	Parking session expired	6
62	6.4	Park in same area within 1 hour of previous expired session	6
63	7.7(1)	Display invalid parking permit	6
64	7.8(5)	Display a revoked parking permit	6
65	8.5	Obstruction of authorised person	6
66	8.6	Unauthorised removal of notice on vehicle	6
67	8.7(1)(a)	Erect or display unauthorised sign	6
68	8.7(1)(b)	Unauthorised removal of sign	6
69	8.7(1)(c)	Unauthorised covering of sign	6
70	8.8(2)	Unauthorised removal of Chalk/mark from tyre	6
71		All other offences not specified	6

SCHEDULE 2—TRANSITIONAL PROVISIONS

[Clause 10.6]

- In this Schedule, unless the context otherwise requires—
local law refers to the local law relating to City of Bunbury Parking and Parking Facilities Local Law to which this Schedule is attached;
permit includes a permit granted by the City of Bunbury under the repealed local law;
infringement includes an infringement issued by the City of Bunbury under the repealed local law;
approval means any Approval, Licence, Consent Order or other permission issued by the City of Bunbury permitting any activity, conduct or recreation upon any land or area within the District of the City of Bunbury;
prohibition includes any ban, barring order, prohibition or regulation of any activity, conduct or recreation upon any land or part thereof located within the District of the City of Bunbury; and
the repealed local laws means the repealed City of Bunbury local laws stated in clause 1.1 of this local law.
- This Schedule does not limit the operation of the *Interpretation Act 1984*.
- Any reference, whether express or implied or having effect as such a reference, in any written Law or document to any provision of the repealed local laws shall be construed as a reference to this local law or, as the case may be, to the specific corresponding provisions of this local law.
- Any notice given or thing done, or having effect as being made, given or done under a provision of the repealed local laws which corresponds to a provision of this local law shall have effect as if it had been made, given or done under the corresponding provision of this local law.
- Any licence, permit approval or consent given by the local government under the repealed local laws corresponding to a type of consent approval or permission under this local law, shall if in force immediately before the date of gazettal of this local law be deemed converted into an approval consent or permission under this local law by operation of this Schedule.

6. Any infringement issued under the repealed local laws shall be dealt with in the same manner as if it were an infringement issued under the corresponding provisions of this local law.
7. A conviction imposed by any competent Court under the repealed local laws shall for the purposes of this local law—
 - (a) be treated as though it had been imposed, made or ordered under this local law where a provision of this local law corresponds with a provision of the repealed local laws concerned; and
 - (b) be taken into account for the purposes of assessing appropriate penalty.

Dated 23 May 2023.

The Common Seal of the City of Bunbury was affixed by authority of a resolution of the City in the presence of—

JAYSEN MIGUEL, Mayor.
MAL OSBORNE, Chief Executive Officer.



PERTH, MONDAY, 19 JUNE 2023 No. 79 SPECIAL

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LOCAL GOVERNMENT ACT 1995

CITY OF SWAN

PARKING LOCAL LAW 2023

LOCAL GOVERNMENT ACT 1995**CITY OF SWAN****PARKING LOCAL LAW 2023****CONTENTS****PART 1—PRELIMINARY**

- 1.1 Citation
- 1.2 Commencement
- 1.3 Consolidated Local Laws 2005 amended
- 1.4 Application
- 1.5 Interpretation
- 1.6 Application of particular definitions
- 1.7 Pre-existing signs
- 1.8 Classes of vehicles
- 1.9 Part of thoroughfare to which sign applies
- 1.10 Powers of the local government

PART 2—PARKING BAYS AND PARKING STATIONS

- 2.1 Determination of parking bays and parking stations
- 2.2 Parking on thoroughfares
- 2.3 Parking prohibitions and restrictions
- 2.4 Parking where fees are payable
- 2.5 Methods of payment
- 2.6 Use of counterfeit or altered parking tickets
- 2.7 Hooded ticket issuing machines

PART 3—PARKING GENERALLY

- 3.1 Restrictions on parking in particular areas
- 3.2 Parking vehicle on a carriageway
- 3.3 When parallel and right-angled parking apply
- 3.4 When angle parking applies
- 3.5 General prohibitions on parking
- 3.6 Authorised person may order vehicle on thoroughfare to be moved
- 3.7 Authorised person
- 3.8 Restrictions on avoiding time limitations
- 3.9 No parking of vehicles exposed for sale and in other circumstances
- 3.10 Parking on private land
- 3.11 Parking on reserves
- 3.12 Event Parking

PART 4—PARKING AND STOPPING GENERALLY

- 4.1 No stopping and no parking signs, and yellow edge lines
- 4.2 Stopping at intersections

PART 5—STOPPING IN ZONES FOR PARTICULAR VEHICLES

- 5.1 Stopping in a loading zone
- 5.2 Stopping in a taxi zone or a bus zone
- 5.3 Stopping in a mail zone
- 5.4 Other limitations in zones

PART 6—OTHER PLACES WHERE STOPPING IS RESTRICTED

- 6.1 Stopping in a shared zone
- 6.2 Double parking
- 6.3 Stopping near an obstruction
- 6.4 Stopping in a bus lane, transit lane or truck lane
- 6.5 Stopping on a bridge, ramp or in a tunnel
- 6.6 Stopping on crests, curves, etc.
- 6.7 Stopping near a fire hydrant etc.
- 6.8 Stopping at or near a bus stop

- 6.9 Stopping on a path, median strip, traffic island, painted island or dividing strip
- 6.10 Stopping on a verge
- 6.11 Stopping in a road side rest area
- 6.12 Stopping on a carriageway—heavy and long vehicles
- 6.13 Stopping on a carriageway with motor cycle parking sign
- 6.14 Stopping in a closed area

PART 7—PERMITS

- 7.1 Determination of classes of parking permits
- 7.2 Application for parking permit
- 7.3 Issue of parking permit
- 7.4 Exemption for permit holders
- 7.5 When permit ceases to be valid
- 7.6 Use of counterfeit or altered parking permit
- 7.7 Revoking a permit
- 7.8 Removal of invalid permit from vehicle
- 7.9 Parking facilities where permit required

PART 8—MISCELLANEOUS

- 8.1 Impersonating an authorised person
- 8.2 Obstructing an authorised person
- 8.3 Removal of notices from a vehicle
- 8.4 Unauthorised signs and defacing signs
- 8.5 Signs must be complied with
- 8.6 General provisions about signs
- 8.7 Special purpose and emergency vehicles
- 8.8 Vehicles not to obstruct a public place

PART 9—PENALTIES

- 9.1 Offences and penalties
- 9.2 Form of notices

SCHEDULE 1—PRESCRIBED OFFENCES

LOCAL GOVERNMENT ACT 1995**CITY OF SWAN****PARKING LOCAL LAW 2023**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Swan resolved on 12 April 2023 to make the following local law.

PART 1—PRELIMINARY**1.1 Citation**

This local law may be cited as the *City of Swan Parking Local Law 2023*.

1.2 Commencement

This local law comes into operation on 1 July 2023.

1.3 Consolidated Local Laws 2005 amended

The *City of Swan Consolidated Local Laws 2005* as published in the *Government Gazette* on 16 February 2005 and as amended in the *Government Gazette* on 19 September 2008, 22 January 2010 and 27 January 2023 are amended as follows—

- (a) Part 8—Parking and Parking Facilities is deleted;
- (b) Schedules 8.1 to 8.5 inclusive are deleted; and
- (c) references to Part 8 and Schedules 8.1 to 8.5 in the Table of Contents are deleted.

1.4 Application

- (1) Except as set out in this clause, this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) The provisions of this local law do not apply to a bicycle parked at a bicycle rail or bicycle rack.

1.5 Interpretation

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

Act means the *Local Government Act 1995*;

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

authorised vehicle means a vehicle authorised by the local government or an authorised person under this local law or by another written local law to park on (or on part of) a thoroughfare or parking facility;

bicycle has the meaning given to it by the Code;

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

bus has the meaning given to it by the Code;

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

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

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

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

carriageway has the meaning given to it by the Code;

centre has the meaning given to it by the Code;

children's crossing has the meaning given to it by the Code;

CEO means the Chief Executive Officer of the local government;

Code means the *Road Traffic Code 2000*;

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

Council means the Council of the local government;

crossover means an area of the verge, constructed and used for the purpose of enabling a vehicle to access the adjacent property;

disability parking permit has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

district means the district of the local government;

dividing line has the meaning given to it by the Code;

dividing strip has the meaning given to it by the Code;

driver means any person driving or in control of a vehicle;

edge line has the meaning given to it by the Code;

emergency vehicle has the meaning given to it by the Code;

footpath has the meaning given to it by the Code;

intersection has the meaning given to it by the Code;

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

local government means the City of Swan;

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

median strip has the meaning given to it by the Code;

motor cycle has the meaning given to it by the Code;

motor vehicle means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

no parking area means a portion of a carriageway or any other land to which a "no parking sign" applies which—

- (a) lies beyond the sign;
- (b) lies between that sign and either the next sign beyond that sign or a dead end or an area in which parking is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

no parking sign means a sign with the words 'no parking' in red letters on a white background, or the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area means a portion of a carriageway or any other land to which a "no stopping sign" applies which—

- (a) lies beyond the sign;
- (b) lies between that sign and either the next sign beyond that sign or a dead end or an area in which stopping is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

no stopping sign means a sign with the words 'no stopping' or 'no standing' in red letters on a white background, or the letter 'S' within a red annulus and a red diagonal line across it on a white background;

obstruction has the meaning given to it by the Code;

occupier has the meaning given to it by the Act;

owner where used in relation to—

- (a) a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Act;
- (b) any other vehicle, means the person who owns, or is entitled to possession of the vehicle; and
- (c) land, has the meaning given to it by the Act;

painted island has the meaning given to it by the Code;

park has the meaning given to it by the Code;

parking bay means a section or part of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices, for the purpose of indicating where a vehicle may park;

parking facility means any land, buildings, shelters, parking bays, parking station or other facility open to the public generally for the parking of vehicles;

parking permit means a permit issued under this local law;

parking region means the whole of the district except—

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

parking station means any land, building or other structure provided for the purpose of stopping or parking of vehicles, whether or not a fee is charged;

parking ticket means a ticket, whether printed or electronic, that—

- (a) is issued from a ticket issuing machine;
- (b) authorises the parking of a vehicle in a parking bay or a parking facility or part of a parking facility; and
- (c) includes the date and time that the authorisation expires;

path has the meaning given to it by the Code;

pedestrian crossing has the meaning given to it by the Code;

property line means the boundary between the land comprising a road and the land that abuts the road;

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an "otherwise unvested facility" as defined in section 3.53(1) of the Act;

road has the meaning given to it by the *Road Traffic (Administration) Act 2008*;

Road Traffic Act means the *Road Traffic Act 1974*;

road side rest area has the meaning given to it in the *Caravan Parks and Camping Grounds Regulations 1997*;

Schedule means a Schedule to this local law;

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

sign includes a traffic sign, sign, inscription, mark, structure or other device approved by the local government on which may be shown words, numbers, expressions or symbols for the purpose of prohibiting, regulating, guiding, directing or restricting the stopping or parking of vehicles;

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

stop has the meaning given to it by the Code;

taxi has the meaning given to it by the Code;

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

thoroughfare has the meaning given to it in the Act;

ticket issuing machine means a machine or device, authorised by the local government, which issues a parking ticket, whether or not the payment of a fee is required;

traffic island has the meaning given to it by the Code;

traffic sign has the meaning given to it by the Code;

trailer has the meaning given to it by the Code;

unattended, in relation to a vehicle, means that the person has left the vehicle so that the driver is no more than 3 meters from the closest point of the vehicle;

valve stem reading means a method of recording the position of the tyre valve in relation to the kerb or road surface;

vehicle has the meaning given to it in the *Road Traffic (Administration) Act 2008*; and

verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath. Where there is no clear delineation between a footpath and a verge, the area is taken to be a verge.

1.6 Application of particular definitions

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

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

1.7 Pre-existing signs

(1) A sign that—

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

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

(2) An inscription or a symbol on a sign referred in in subclause (1) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping or parking of vehicles, it is to be taken to operate and have effect as if it related to the parking of vehicles.

1.8 Classes of vehicles

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

- (a) buses;
- (b) commercial vehicles;
- (c) motor cycles and bicycles;
- (d) taxi; and
- (e) all other vehicles.

1.9 Part of thoroughfare to which sign applies

(1) This clause does not apply to a "no parking area" or "no stopping area".

(2) Where under this local law the stopping or parking of a vehicle in a thoroughfare is controlled by a sign, the sign must be read as applying to that part of the road which—

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

1.10 Powers of the local government

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

PART 2—PARKING BAYS AND PARKING STATIONS

2.1 Determination of parking bays and parking stations

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

- (a) parking bays;
- (b) parking stations;
- (c) permitted times and conditions of stopping and parking in parking bays and parking stations which may vary with the locality;
- (d) permitted classes of persons which may stop or park in parking bays and parking stations and their vehicles;
- (e) permitted classes of vehicles which may stop or park in specified parking bays or parking stations; and
- (f) the manner of stopping and parking in parking bays and parking stations.

(2) Where the local government makes a determination under subclause (1) it must erect one or more signs to give effect to the determination.

2.2 Parking on thoroughfares

(1) Subject to subclause (2), (3) and (4), a person must not park a vehicle in a parking bay on a thoroughfare otherwise than—

- (a) parallel to and as close to the kerb as is practicable;
- (b) wholly within the bay; and
- (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the bay is situated.

(2) Subject to subclause (3), where a parking bay on a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that bay wholly within it.

(3) If a vehicle is too long or too wide to fit completely within a single parking bay, then the person parking the vehicle must do so within the minimum number of parking bays needed to park that vehicle.

(4) A person must not park a vehicle partly within and partly outside a parking facility on a thoroughfare.

2.3 Parking prohibitions and restrictions

(1) A person must not—

- (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
- (b) except with the written permission of the local government or an authorised person, park a vehicle on any part of a parking station contrary to a sign referable to that part;
- (c) permit a vehicle to park on any part of a parking station after being directed by an authorised person to move the vehicle;
- (d) park or attempt to park a vehicle in a parking bay in which another vehicle is parked; or
- (e) park a vehicle other than wholly within a parking bay within a parking station.

(2) Notwithstanding the provisions of subclause (1)(b) a person may park a vehicle in a parking bay or station (except in a parking bay or station for persons with a disability) for an extended length of time, in accordance with regulation 174(2) of the Code, provided that—

- (a) the vehicle displays a disability parking permit; and
- (b) a person with a disability to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.

(3) Notwithstanding the provisions of subclause (1)(e), if a vehicle is too long or too wide to fit completely within a single parking bay, the vehicle must be parked within the minimum number of parking bays needed to park that vehicle.

2.4 Parking where fees are payable

A person must not park a vehicle or permit a vehicle to remain parked in a parking station or parking facility where a sign indicates that a fee is payable for parking unless—

- (a) the vehicle is parked in compliance with any instructions on or with the sign or ticket issuing machine;
- (b) the necessary fee is paid for each parking bay that the vehicle occupies; and
- (c) a parking ticket has been issued for the parked vehicle and in the case of a printed parking ticket, the unexpired ticket is placed inside the vehicle in a position where the ticket is clearly visible and all details are able to be read by an authorised person from outside and from the front of the vehicle at all times while that vehicle remains stopped or parked in that parking station or parking facility.

2.5 Methods of payment

(1) The local government may introduce and apply methods of payment for parking fees which may include but not be limited to payment by—

- (a) Australian currency including coins and or bank notes;
- (b) credit or debit card; or
- (c) any other method of payment approved by the local government.

(2) The local government may introduce various paid parking processes which may include but are not limited to the following—

- (a) ticket parking;
- (b) pay by vehicle registration number;
- (c) pay by parking bay; or
- (d) pay on foot.

2.6 Use of counterfeit or altered parking tickets

A person must not—

- (a) park a vehicle in a parking station which requires a parking ticket, if there is displayed in that vehicle so as to be visible from outside the vehicle, a parking ticket which has been counterfeited, altered, obliterated or interfered with; or
- (b) produce to an authorised person who accepts payment for parking, a parking ticket which has been counterfeited, altered, obliterated or interfered with.

2.7 Hooded ticket issuing machines

Unless authorised by the local government a person must not park a vehicle or permit a vehicle to remain parked in a parking station or parking facility if the ticket issuing machine is hooded with a cover bearing the words "No Parking", "Reserved Parking", "Temporary Bus Stop" or with an equivalent symbol depicting one of these purposes or any other words or symbols that indicate parking is not permitted within the parking station or parking facility including temporary signage.

PART 3—PARKING GENERALLY

3.1 Restrictions on parking in particular areas

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

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

(2) (a) This subclause applies to a person if—

- (i) the vehicle displays a disability parking permit; and
- (ii) a person with a disability to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.

- (b) A person may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, in accordance with regulation 174(2) of the Code.

(3) A person must not park a vehicle—

- (a) in a no parking area;

- (b) in a parking facility, except in accordance with both the signs associated with the parking facility and this local law; or
 - (c) in a bay marked 'M/C' unless it is a motor cycle without a sidecar or a trailer, or it is a bicycle.
- (4) A person must not park a vehicle or permit a vehicle to remain parked in a parking facility controlled by a sign stating 'Authorised Vehicles Only', without—
- (a) a valid permit issued by the local government and displayed inside the vehicle that must be displayed in a prominent position, in such a manner as to be clearly visible from the front of the vehicle; or
 - (b) prior written permission of the local government, the CEO, or an authorised person to park within the area has been obtained and the written permission is displayed in a prominent position, in such a manner as to be clearly visible from the front of the vehicle to indicate it has authorisation to park.

3.2 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway other than in a parking bay must park it—
- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the carriageway on which the vehicle is parked;
 - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with the left or right boundary of the carriageway and headed in the direction of the movement of traffic;
 - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous dividing line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
 - (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motor cycle without a trailer, or a bicycle parked in accordance with this local law; and
 - (e) so that it does not obstruct any vehicle on the carriageway, unless otherwise indicated on a sign or markings on the carriageway.

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

- (2) In this clause '*continuous dividing line*' means—

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

3.3 When parallel and right-angled parking apply

Where a sign referring to a parking facility is not inscribed with the words 'angle parking', then unless a sign associated with the parking facility indicates, or marks on the carriageway indicate, that vehicles must park in a different position, where the parking facility is—

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

3.4 When angle parking applies

- (1) This clause does not apply to—
- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
 - (b) a person parking a motor cycle without a trailer.
- (2) Where a sign associated with a parking facility is inscribed with the words 'angle parking', a person parking a vehicle in the parking facility must park or stop the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the sign or by marks on the carriageway.

3.5 General prohibitions on parking

- (1) (a) This clause does not apply to a vehicle parked in a parking bay.
- (b) Subclauses (2)(c), (f) and (h) do not apply to a vehicle which parks in a bus embayment.
- (2) A person must not park a vehicle so that any portion of the vehicle is—
- (a) on or adjacent to a median strip;
 - (b) obstructing a right of way, passage, private drive, carriageway or a crossover or park so close to deny a vehicle reasonable access to or egress from the right of way, passage, private drive, carriageway or a crossover;
 - (c) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would thereby obstruct traffic;
 - (d) in a location where it is likely to obstruct line of sight along a thoroughfare, is a safety concern or hazard or an obstruction to any person or vehicle;
 - (e) on or within 10 metres of any portion of a carriageway bounded on one or both sides by a traffic island;

- (f) on any path or pedestrian crossing;
- (g) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
- (h) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
- (i) within 3 metres of a public letter box, unless the person is dropping off or picking up passengers or mail;
- (j) within 10 metres of the prolongation of the nearer edge of any carriageway intersecting a carriageway on the side on which the vehicle is parked;
- (k) within 20 metres of the approach side or within 10 metres of the departure side of a sign inscribed with the words "Bus Stop" or "Hail Bus Here" (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
- (l) within 20 metres of the approach side or within 10 metres of the departure side of a children's crossing or pedestrian crossing; or
- (m) within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing,

unless a sign or markings on the carriageway indicate otherwise.

3.6 Authorised person may order vehicle on thoroughfare to be moved

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

3.7 Authorised person

(1) An authorised person—

- (a) may mark the tyres of a vehicle parking in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of their duties or powers;
- (b) take a valve stem reading of a vehicle;
- (c) record vehicle registration numbers; and
- (d) place a notice or parking fact sheet upon a vehicle.

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

(3) An authorised person may in the course of performing their duties park contrary to the provisions of a sign for the minimum amount of time to complete those duties.

3.8 Restrictions on avoiding time limitations

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

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

(3) Where, in a parking facility or thoroughfare—

- (a) the parking of a vehicle is prohibited unless a ticket from a ticket issuing machine is obtained; and
- (b) a period of free parking is permitted before a fee for parking applies,

more than one free ticket for the same vehicle in that parking facility or thoroughfare must not be obtained, used or displayed within that vehicle, at any time within the same day.

(4) For the purposes of subclause (2), a **section of thoroughfare** ends and another begins wherever an intersecting carriageway occurs.

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

A person must not park or permit a vehicle to be parked on any portion of a thoroughfare or parking facility—

- (a) for the purpose of exposing it for sale or hire;
- (b) if that vehicle is not licensed under the *Road Traffic Act 1974* or a corresponding law of another State or Territory or of the Commonwealth;
- (c) if that vehicle is a boat, trailer or caravan unattached to a motor vehicle;
- (d) for the purpose of servicing or cleaning it;
- (e) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare or parking facility; or
- (f) for the purpose of operating a business without first having first obtained the approval of the local government.

3.10 Parking on private land

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

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act.

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

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

3.11 Parking on reserves

A person must not drive, stop or park a vehicle on or over any portion of a reserve other than an area specifically set aside for that purpose, unless the person—

- (a) is an employee of the local government in the course of their duties;
- (b) is an authorised person; or
- (c) has obtained the written permission of the local government or an authorised person.

3.12 Event Parking

(1) For the purpose of this clause an **event** means an activity or occurrence approved by the local government which warrants the setting aside of any parking facility.

(2) The local government may, by use of any type of sign, temporary or otherwise, and for any period specified on the sign—

- (a) set aside all or part of a parking facility; or
- (b) establish additional parking facilities on a reserve,

for the parking of vehicles by persons attending an event.

(3) A person must not park a vehicle in a parking facility set aside under subclause (2) during the period for which it is set aside unless—

- (a) authorisation is first gained from the local government; or
- (b) the person complies with any alternate method of payment for parking authorised by the local government.

PART 4—PARKING AND STOPPING GENERALLY

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

(1) A person must not stop a vehicle on a length of carriageway, or in a parking facility, to which a 'no stopping' sign applies.

(2) A person must not stop a vehicle on a length of carriageway, or in a parking facility, to which a 'no parking' sign applies, unless the person—

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

(3) A person must not stop a vehicle at the side of a carriageway marked with a continuous yellow edge line.

4.2 Stopping at intersections

(1) A person must not stop any portion of a vehicle on a thoroughfare within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals, unless the person stops at a place on a length of thoroughfare, or in an area, to which a sign applies and the person is permitted to stop at the place under this local law.

(2) A person must not stop any portion of a vehicle on a thoroughfare so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped, unless the person stops—

- (a) at a place on the thoroughfare, or in an area, to which a sign applies and the person is permitted to stop at that place under this local law; or
- (b) if the intersection is a T- intersection—along the continuous side of the continuing carriageway at the intersection.

PART 5—STOPPING IN ZONES FOR PARTICULAR VEHICLES

5.1 Stopping in a loading zone

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

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

- (b) a motor vehicle taking up or setting down passengers,
- but, in any event, a vehicle must not remain in a loading zone—
- (c) for longer than the time indicated on the "loading zone" sign; or
- (d) longer than 30 minutes (if no time is indicated on the sign).

5.2 Stopping in a taxi zone or a bus zone

- (1) A person must not stop a vehicle in a taxi zone, unless the vehicle is a taxi.
- (2) A person must not stop a vehicle in a bus zone unless the vehicle is a bus of a type that is permitted to stop at the bus zone by information on or with the "bus zone" sign applying to the bus zone.

5.3 Stopping in a mail zone

A person must not stop a vehicle in a mail zone unless authorised under a written law.

5.4 Other limitations in zones

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

PART 6—OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 Stopping in a shared zone

A person must not stop a vehicle in a shared zone unless the vehicle—

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

6.2 Double parking

- (1) A person must not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to—
 - (a) a vehicle stopped in traffic; or
 - (b) a vehicle angle parking on the side of the carriageway or in a median strip parking facility, in accordance with this local law.

6.3 Stopping near an obstruction

A person must not stop a vehicle on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

6.4 Stopping in a bus lane, transit lane or truck lane

A person must not stop a vehicle in—

- (a) a bus lane;
- (b) a transit lane;
- (c) a truck lane; or
- (d) a bicycle lane,

unless the person is driving a public bus or taxi, and is dropping off, or picking up, passengers.

6.5 Stopping on a bridge, ramp or in a tunnel

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

6.6 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a person must not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of—
 - (a) 50 metres within a built-up area; or
 - (b) 150 metres outside a built-up area.

(2) A person may stop a vehicle on a crest or curve on a carriageway that is not in a built-up area if the person stops the vehicle at a place on the carriageway, or in an area, to which a sign applies and the person is permitted to stop at that place under this local law.

6.7 Stopping near a fire hydrant etc.

A person must not stop a vehicle so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless—

- (a) the vehicle is a public bus, and the person stops in a bus zone or at a bus stop and does not leave the bus unattended; or
- (b) the vehicle is a taxi, and the person stops the vehicle in a taxi zone and does not leave the taxi unattended.

6.8 Stopping at or near a bus stop

(1) A person must not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless—

- (a) the vehicle is a public bus stopped to take up or set down passengers; or
- (b) the vehicle stops at a place on a length of carriageway, or in an area, to which a sign applies and the vehicle is permitted to stop at that place under this local law.

(2) In this clause—

- (a) distances are measured in the direction in which the person is driving; and
- (b) a trailer attached to a public bus is deemed to be a part of the public bus.

6.9 Stopping on a path, median strip, traffic island, painted island or dividing strip

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

6.10 Stopping on a verge

(1) A person must not stop—

- (a) a vehicle (other than a bicycle);
- (b) a commercial vehicle with a Gross Vehicle Mass in excess of 2.5 tonnes;
- (c) a bus;
- (d) a boat, trailer or caravan unattached (or attached) to a motor vehicle; or
- (e) a vehicle during any period when stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to a person if they are the occupier of premises that abuts the verge or is a person authorised by the occupier of those premises to park the vehicle so that any portion of it is on the verge.

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

6.11 Stopping in a road side rest area

A person must not rest, stop or camp in a vehicle in a road side rest area for longer than the time permitted by, or otherwise contrary to, a sign referable to the road side rest area.

6.12 Stopping on a carriageway—heavy and long vehicles

(1) A person must not park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is more than 7.5 metres in length or exceeds a load capacity of 3 tonnes—

- (a) on a carriageway in a built-up area, for any period exceeding 2 hours, unless actively engaged in the picking up or setting down of goods; or
- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway or in a truck bay.

(2) Nothing in this clause detracts from any limitation or condition imposed by any other provision of this local law or sign relating to the parking or stopping of vehicles.

6.13 Stopping on a carriageway with motor cycle parking sign

A person must not stop a vehicle on a length of carriageway or in an area to which a 'motor cycle parking' sign applies or an area marked 'M/C', unless the vehicle is a motor cycle.

6.14 Stopping in a closed area

(1) A person must not stop a vehicle on a thoroughfare or part of a thoroughfare or a parking station or part of a parking station where a sign indicates that the thoroughfare, or part of a thoroughfare, or a parking station or part of a parking station has been closed permanently or temporarily for a period of time as indicated by signs placed on that thoroughfare or parking station.

(2) The parking of a vehicle contrary to subclause (1) may be impounded by an authorised person in accordance with Part 3 Division 3 Subdivision 4 of the Act.

PART 7—PERMITS**7.1 Determination of classes of parking permits**

The local government, by resolution, may determine—

- (a) classes of parking permits;
- (b) areas in which a parking permit of any particular class is required; and
- (c) the eligibility criteria for each class of parking permit.

7.2 Application for parking permit

An application for a parking permit must—

- (a) be made in the form, if any, required by the local government;
- (b) provide the information or documents that are required by the local government or an authorised person; and
- (c) accompanied by the appropriate fee, if any, imposed by the local government.

7.3 Issue of parking permit

(1) An authorised person—

- (a) may approve an application made under clause 7.2 for a parking permit of a class determined under clause 7.1, subject to any conditions specified by the authorised person; and
- (b) must, where an application is approved, issue the applicant with a parking permit.

7.4 Exemption for permit holders

(1) The holder of a parking permit is exempt from—

- (a) a prohibition against the stopping or parking of vehicles on any part of a thoroughfare for more than a specified period; and
- (b) the requirement to obtain a parking ticket when parking a vehicle on any part of a thoroughfare or parking station where the maximum period for which continuous parking or stopping of a vehicle is permitted (as stated on the sign referable to the part of the thoroughfare or parking station) exceeds 30 minutes.

(2) The exemption under subclause (1) applies only—

- (a) to the part of a thoroughfare or parking station specified in the permit;
- (b) where the permit specifies a particular vehicle, to the vehicle specified in the permit;
- (c) if the permit is displayed in the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while that vehicle remains stopped or parked in the area to which the permit relates; and
- (d) if the permit is valid.

(3) The exemption under subclause (1) does not apply during any period in which the stopping or parking of vehicles is prohibited on the thoroughfare or parking station, or the part of the thoroughfare or parking station, specified in the permit.

7.5 When permit ceases to be valid

A parking permit ceases to be valid on—

- (a) the expiration of any time or period specified on the permit;
- (b) the holder of the permit ceasing to be eligible; or
- (c) the revocation of the permit under clause 7.7.

7.6 Use of counterfeit or altered parking permit

A person must not—

- (a) use or display in a vehicle, a parking permit that has in any way been counterfeited, altered, obliterated or interfered with; or
- (b) produce to an authorised person who accepts payment for parking, a parking permit which has been counterfeited, altered, obliterated or interfered with.

7.7 Revoking a permit

(1) If a permit holder—

- (a) breaches any of the conditions of a parking permit; or
- (b) ceases to satisfy the eligibility criteria for that class of parking permit,

an authorised person may revoke the parking permit by written notice to the permit holder.

(2) A revocation under subclause (1) does not take effect until written notice of the revocation is provided to the permit holder.

7.8 Removal of invalid permit from vehicle

The holder of a parking permit which has ceased to be valid under clause 7.5 must, immediately upon the permit ceasing to be valid, permanently remove the permit from the vehicle in which it is displayed or to which it is affixed.

7.9 Parking facilities where permit required

(1) Where in relation to a parking facility, or part of a parking facility, the local government has determined—

- (a) under clause 2.1(1)(d), that only permitted classes of persons may stop or park a vehicle; or
- (b) under clause 2.1(1)(e), that only permitted classes of vehicles may stop or park,

an authorised person may issue a written permit to a person within the permitted class, or to a person in respect of a vehicle of the permitted class, authorising the person to park in the parking facility.

(2) An authorised person may, by notice in writing to the holder of a permit issued under subclause (1), vary or revoke the permit at any time.

(3) Where the local government has made a determination under clause 2.1(1)(d) or 2.1(1)(e) in accordance with subclause (1), a person must not stop or park a vehicle in the parking facility unless—

- (a) the person holds a permit issued under subclause (1) authorising the person to park in the parking facility;
- (b) the permit is displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times;
- (c) the permit remains valid; and
- (d) the person's permitted class, or the vehicle's permitted class, as specified in the permit is also specified on the sign which relates to the parking facility or part of the parking facility in which the vehicle is parked.

PART 8—MISCELLANEOUS**8.1 Impersonating an authorised person**

A person who is not an authorised person of the local government must not impersonate or assume the duties of an authorised person.

8.2 Obstructing an authorised person

A person must not obstruct or hinder an authorised person in the execution of their duties.

8.3 Removal of notices from a vehicle

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

8.4 Unauthorised signs and defacing signs

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

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

8.5 Signs must be complied with

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

8.6 General provisions about signs

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

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

8.7 Special purpose and emergency vehicles

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

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

8.8 Vehicles not to obstruct a public place

(1) A person must not park a vehicle or permit a vehicle to remain parked in a public place so that any part of that vehicle obstructs the use of any part of that public place without the written permission of the local government or unless authorised under any written law.

(2) A vehicle which is parked in any portion of a public place where vehicles may be lawfully parked is deemed to cause an obstruction for the purposes of subclause (1) and may be impounded in accordance with Part 3 Division 3 Subdivision 4 of the Act where—

- (a) the vehicle is parked for any period exceeding 24 hours;

- (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign; or
- (c) the vehicle is abandoned, unregistered or disused.

PART 9—PENALTIES

9.1 Offences and penalties

(1) Any person who—

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

commits an offence.

(2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not less than \$250 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) The amount appearing in the final column of Schedule 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

9.2 Form of notices

For the purposes of this local law—

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

SCHEDULE 1—PRESCRIBED OFFENCES

[Clause 9.1(4)]

ITEM NO	CLAUSE NO	NATURE OF OFFENCE	MODIFIED PENALTY \$
1.	2.2(1)(a)	Failure to park parallel to and close to kerb on thoroughfare	120
2.	2.2(1)(b)	Failure to park wholly within parking bay on thoroughfare	120
3.	2.2(1)(c)	Parking against the flow of traffic within a parking bay on thoroughfare	120
4.	2.2(2)	Failure to park wholly within parking bay on thoroughfare that is otherwise than parallel to the kerb	120
5.	2.2(4)	Failure to park wholly within parking facility	120
6.	2.3(1)(a)	Causing obstruction in parking station	120
7.	2.3(1)(b)	Parking contrary to sign in parking station	120
8.	2.3(1)(c)	Parking contrary to directions of authorised person	120
9.	2.3(1)(d)	Parking or attempting to park a vehicle in a parking bay occupied by another vehicle	120
10.	2.3(1)(e)	Failure to park wholly within parking bay in parking station	120
11.	2.4	Park contrary to requirements where fees are payable and a ticket is required to be displayed	120
12.	2.6	Use counterfeit or altered parking ticket	450
13.	2.7	Parking contrary to a hooded ticket issuing machine	120
14.	3.1(1)(a)	Parking wrong class of vehicle	120

15.	3.1(1)(b)	Parking by person of a different class	120
16.	3.1(1)(c)	Parking during prohibited period	120
17.	3.1(3)(a)	Parking in no parking area	120
18.	3.1(3)(b)	Parking contrary to signs or limitations	120
19.	3.1(3)(c)	Parking vehicle in motor cycle only area	120
20.	3.1(4)	Parking without permission in an area designated for "Authorised Vehicles Only"	120
21.	3.2(1)(a)	Failure to park on the left of two-way carriageway	120
22.	3.2(1)(b)	Failure to park on boundary of one-way carriageway	120
23.	3.2(1)(a) or 3.2(1)(b)	Failure to park headed in the direction of the movement of traffic on the side of the carriageway on which the vehicle is parked	120
24.	3.2(1)(c)	Parking when distance from farther boundary of carriageway less than 3 metres	120
25.	3.2(1)(d)	Parking closer than 1 metre from another vehicle	120
26.	3.2(1)(e)	Causing obstruction on carriageway	180
27.	3.3(a)	Failure to park adjacent to boundary of carriageway	120
28.	3.3(b)	Failure to park at approximate right angle	120
29.	3.4(2)	Failure to park at an appropriate angle	120
30.	3.5(2)(a)	Parking on or adjacent to a median strip	120
31.	3.5(2)(b)	Obstructing access to private drive or right of way	180
32.	3.5(2)(c)	Parking alongside or opposite excavation or obstruction so as to obstruct traffic	120
33.	3.5(2)(d)	Parking in a location likely to obstruct lines of sight along a thoroughfare, is a safety concern or hazard or an obstruction to any person or vehicle	120
34.	3.5(2)(e)	Parking within 10 metres of traffic island	120
35.	3.5(2)(f)	Parking on path or pedestrian crossing	180
36.	3.5(2)(g)	Parking contrary to continuous line markings	120
37.	3.5(2)(h)	Parking within 1 metre of fire hydrant or fire plug	120
38.	3.5(2)(i)	Parking within 3 metres of public letter box	120
39.	3.5(2)(j)	Parking within 10 metres of intersection	120
40.	3.5(2)(k)	Parking vehicle within 20 metres of approach side or 10 metres of departure side of bus stop	180
41.	3.5(2)(l)	Parking vehicle within 20 metres of approach side or 10 meters of children's crossing or pedestrian crossing	120
42.	3.5(2)(m)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	120
43.	3.6	Parking contrary to direction of authorised person	180
44.	3.7(2)	Removing mark of authorised person	120
45.	3.8	Moving vehicle to avoid time limitation	120

46.	3.9(a)	Parking in thoroughfare or parking facility for purpose of sale or hire	120
47.	3.9(b)	Parking unlicensed vehicle in thoroughfare or parking facility	120
48.	3.9(c)	Parking a boat, trailer or caravan on a thoroughfare or parking facility	120
49.	3.9(d)	Parking in thoroughfare or parking facility for servicing or cleaning	120
50.	3.9(e)	Parking in thoroughfare or parking facility for purpose of repairs	120
51.	3.9(f)	Parking in thoroughfare or parking facility for purpose of operating a business without approval	450
52.	3.10(2)	Parking on private land without consent of the owner or occupier	180
53.	3.10(3)	Park on private land contrary to consent of the owner/occupier	180
54.	3.11	Driving, stopping or parking on reserve	180
55.	3.12(3)	Parking in a parking facility set aside for an event	120
56.	4.1(1)	Stopping contrary to a "no stopping" sign	180
57.	4.1(2)	Parking contrary to a "no parking" sign	180
58.	4.1(3)	Stopping within continuous yellow lines on carriageway	180
59.	4.2(1)	Parking on thoroughfare within 20 metres of a signalised intersection	180
60.	4.2(2)	Parking on thoroughfare within 10 metres of an intersection	180
61.	5.1	Stopping unlawfully in a loading zone	120
62.	5.2(1)	Stopping unlawfully in a taxi zone	120
63.	5.2(2)	Stopping unlawfully in a bus zone	120
64.	5.3	Stopping unlawfully in a mail zone	180
65.	5.4	Stopping in a zone contrary to a sign	120
66.	6.1	Stop contrary to shared zone requirements	120
67.	6.2	Double parking	180
68.	6.3	Stopping near an obstruction on carriageway	120
69.	6.4(a)	Stopping in a bus lane	180
70.	6.4(b)	Stopping in a transit lane	180
71.	6.4(c)	Stopping in a truck lane	180
72.	6.4(d)	Stopping in a bicycle lane	180
73.	6.5	Stopping unlawfully on a bridge, ramp or tunnel	180
74.	6.6(1)	Stopping unlawfully on crests/curves etc.	120
75.	6.7	Stopping near fire hydrant	120
76.	6.8(1)	Stopping near bus stop	120
77.	6.9	Stopping on path, median strip or traffic island	180

78.	6.10	Stopping on verge	120
79.	6.11	Stopping unlawfully in road side rest area	120
80.	6.12(1)	Stop heavy or long vehicle on carriageway	450
81.	6.13	Stopping in motor cycle parking area	120
82.	6.14(1)	Stopping in a closed area	120
83.	7.6	Use of a counterfeit or altered parking permit	450
84.	7.8	Failure to remove a parking permit from vehicle which has been revoked	120
85.	7.9(3)	Stopping or parking a vehicle in a parking facility without required permit displayed	120
86.	8.1	Impersonating an authorised person	120
87.	8.2	Obstructing an authorised person	120
88.	8.3	Removal of notices from a vehicle	120
89.	8.4	Unauthorised signs and defacing signs	120
90.	8.5	Failure to comply with sign	120
91.	8.8(1)	Parking or leaving vehicle so as to obstruct a public place	120
92.		All other offences not specified	120

Dated 4 May 2023.

The Common Seal of the City of Swan was affixed in the presence of—

Cr DAVID LUCAS, Mayor.
STEPHEN CAIN, Chief Executive Officer.



PERTH, MONDAY, 26 JUNE 2023 No. 83 SPECIAL

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LOCAL GOVERNMENT ACT 1995

EASTERN METROPOLITAN REGIONAL COUNCIL

MEETING PROCEDURES LOCAL LAW 2023

LOCAL GOVERNMENT ACT 1995**EASTERN METROPOLITAN REGIONAL COUNCIL****MEETING PROCEDURES LOCAL LAW 2023****CONTENTS**

PART 1—PRELIMINARY	2021
1.1 Short title	2021
1.2 Commencement.....	2021
1.3 Application and intent	2021
1.4 Defined terms.....	2021
1.5 Interpretation.....	2022
1.6 Deputy member.....	2022
1.7 Repeal.....	2022
PART 2—MEETINGS OF THE COUNCIL AND COMMITTEES	2022
2.1 Ordinary and special Council meetings.....	2022
2.2 Calling Council meetings.....	2022
2.3 Convening Council meetings	2022
2.4 Calling committee meetings	2022
2.5 Public notice of meetings	2022
PART 3—PRESIDING MEMBER AND QUORUM.....	2022
3.1 Who presides	2022
3.2 When the Deputy Chairperson can act.....	2022
3.3 Who acts if no Chairperson or Deputy Chairperson	2022
3.4 Election of presiding members of committees	2022
3.5 Election of deputy presiding members of committees	2022
3.6 Functions of deputy presiding members.....	2022
3.7 Who acts if no presiding member.....	2022
3.8 Quorum for meetings.....	2023
3.9 Attendance by means of instantaneous communication.....	2023
3.10 Reduction of quorum for Council meetings.....	2023
3.11 Reduction of quorum for committee meetings.....	2023
3.12 Procedure where no quorum to begin a meeting	2023
3.13 Procedure where quorum not present during a meeting	2023
3.14 Names to be recorded.....	2023
PART 4—BUSINESS OF A MEETING	2023
4.1 Business to be specified	2023
4.2 Order of business	2023
4.3 Change to the order of business	2024
4.4 Disclosure of Interest.....	2024
4.5 Announcements by the Chairperson or presiding member	2024
4.6 Response to previous questions taken on notice	2024
4.7 Public question time	2024
4.8 Application for leave of absence	2024
4.9 Petitions, deputations and presentations	2024
4.10 Confirmation of minutes of previous meetings.....	2024
4.11 Questions by members of which due notice has been given.....	2024
4.12 Questions without notice.....	2025
4.13 Announcement of confidential matters for which meetings may be closed to the public	2025
4.14 Business not dealt with from a previous meeting	2025
4.15 Employee reports	2025
4.16 Reports of committees.....	2025
4.17 Reports of delegates.....	2025
4.18 Members' motions of which previous notice has been given.....	2025
4.19 New business of an urgent nature	2026
4.20 Confidential matters for which the meeting may be closed to the public	2026

4.21 Future meetings of Council	2026
4.22 Adoption by exception resolution	2026
4.23 Closure—time limits for meetings.....	2026
PART 5—PUBLIC PARTICIPATION	2027
5.1 Meetings generally open to the public	2027
5.2 Meetings not open to the public.....	2027
5.3 Question time for the public	2027
5.4 Question time for the public at certain meetings	2027
5.5 Minimum question time for the public.....	2027
5.6 Procedures for question time for the public.....	2027
5.7 Other procedures for question time for the public.....	2027
5.8 Distinguished visitor.....	2028
5.9 Petitions.....	2028
5.10 Deputations	2028
5.11 Participation at committee meetings	2029
5.12 Public inspection of agenda material	2029
5.13 Confidentiality of information withheld	2029
5.14 Recording of proceedings	2030
5.15 Prevention of disturbance.....	2030
PART 6—DISCLOSURE OF INTERESTS	2030
6.1 Disclosure of interests.....	2030
6.2 Separation of committee recommendations	2030
PART 7—CONDUCT OF MEMBERS.....	2030
7.1 Official titles to be used	2030
7.2 Members to occupy own seats.....	2030
7.3 Entering or leaving a meeting.....	2030
7.4 Members who wish to speak.....	2030
7.5 Priority of speaking.....	2030
7.6 The Chairperson or presiding member may take part in debates	2031
7.7 Relevance.....	2031
7.8 Speaking twice	2031
7.9 Duration of speeches	2031
7.10 No speaking after conclusion of debate	2031
7.11 No interruption	2031
7.12 Respect for the Chairperson or presiding member and speaker.....	2031
7.13 No re-opening of discussion	2031
7.14 Offensive language.....	2031
7.15 Withdrawal of offensive language	2031
7.16 Personal explanation	2032
PART 8—PRESERVING ORDER.....	2032
8.1 The Chairperson or presiding member to preserve order	2032
8.2 Point of order.....	2032
8.3 Procedures on a point of order.....	2032
8.4 Ruling by the Chairperson or presiding member	2032
8.5 Continued breach of order	2032
8.6 Presiding member may adjourn meeting.....	2033
PART 9—DEBATE OF SUBSTANTIVE MOTIONS	2033
9.1 Motions to be stated and in writing	2033
9.2 Motions to be supported.....	2033
9.3 Unopposed business	2033
9.4 Only one substantive motion at a time	2033
9.5 Complex motions.....	2033
9.6 Call of order in debate.....	2033
9.7 Limit of debate	2033
9.8 Members may require motion to be read	2033
9.9 Consent of seconder required to amend motion.....	2033
9.10 Order of amendments	2034
9.11 Amendments must not negate original motion	2034

9.12 Relevance of amendments	2034
9.13 Mover of motion may speak on amendment	2034
9.14 Effect of an amendment.....	2034
9.15 Withdrawal of motion and amendments.....	2034
9.16 Right of reply.....	2034
PART 10—PROCEDURAL MOTIONS	2034
10.1 Permissible procedural motions	2034
10.2 No debate on procedural motion	2034
10.3 Who may move	2035
10.4 Right of reply on substantive motion.....	2035
10.5 Meeting to proceed to next item of business.....	2035
10.6 Item to be referred or adjourned	2035
10.7 Meeting now adjourn	2035
10.8 Motion to be put.....	2035
10.9 Member to be no longer heard.....	2035
10.10 Ruling of the Chairperson or presiding member be disagreed with.....	2035
PART 11—VOTING.....	2035
11.1 Motion—when put	2035
11.2 Voting	2035
11.3 Majorities required for decisions.....	2035
11.4 Method of taking vote	2036
PART 12—ADJOURNMENT OF MEETING	2036
12.1 Meeting may be adjourned	2036
12.2 Limit to moving adjournment	2036
12.3 Unopposed business—motion for adjournment.....	2036
12.4 Withdrawal of motion for adjournment	2036
12.5 Time to which adjourned	2036
PART 13—MINUTES	2036
13.1 Keeping of minutes	2036
13.2 Content of minutes	2036
13.3 Public inspection of unconfirmed minutes.....	2036
13.4 Confirmation of minutes.....	2036
PART 14—REVOKING OR CHANGING A DECISION	2036
14.1 Requirements to revoke or change a decision.....	2036
14.2 Limitations on powers to revoke or change a decision	2036
PART 15—COMMITTEES	2037
15.1 Establishment and appointment of committees	2037
15.2 Types of committees.....	2037
15.3 Delegation of some powers and duties to certain committees	2037
15.4 Limits on delegation of powers and duties to certain committees.....	2037
15.5 Appointment of committee members	2037
15.6 Tenure of committee membership.....	2037
15.7 Appointment of deputies.....	2037
15.8 Resignation of committee members	2037
15.9 Register of delegations to committees.....	2037
15.10 Appointment of Participant members to committees.....	2037
15.11 Reports of committees—questions	2037
15.12 Permissible motions on committee recommendations	2037
15.13 This Local Law to apply.....	2037
PART 16—ADMINISTRATIVE MATTERS.....	2038
16.1 Suspension of any provision of this Local Law.....	2038
16.2 Cases not provided for in this Local Law.....	2038
16.3 Representation on public bodies.....	2038
PART 17—ENFORCEMENT	2038
17.1 Penalty for breach.....	2038
17.2 Who can prosecute	2038
PART 18—COMMON SEAL	2038
18.1 Custody of the common seal	2038

18.2 Use of the common seal.....	2038
18.3 Recording of common seal uses	2038

LOCAL GOVERNMENT ACT 1995

EASTERN METROPOLITAN REGIONAL COUNCIL

MEETING PROCEDURES LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995* and all other enabling powers, the Council of the Eastern Metropolitan Regional Council resolved on 25 May 2023 to make the following local law.

PART 1—PRELIMINARY

1.1 Short title

- (1) This is the *Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023*.
- (2) In the clauses that follow, this local law is referred to as 'this Local Law'.

1.2 Commencement

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

1.3 Application and intent

- (1) This Local Law contains the rules that apply to the conduct of meetings of the Council and its committees.
- (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 its committees;
 - (b) the orderly conduct of meetings;
 - (c) better understanding of the process of conducting meetings; and
 - (d) more efficient and effective use of time at meetings.

1.4 Defined terms

In this Local Law unless the context otherwise requires—

absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the EMRC;

Chairperson means the Chairperson of the EMRC elected under the Establishment Agreement;

Code of Conduct means the EMRC Code of Conduct for Council Members, Committee Members and Candidates;

committee means a committee of the Council established under section 5.8 of the Act;

Council means the Council of the EMRC;

Deputy Chairperson means the Deputy Chairperson of the EMRC elected under the Establishment Agreement;

deputy member means a member of the council of a Participant appointed by the Participant under the Establishment Agreement to act temporarily in place of a member appointed by that Participant;

employee has the same meaning as is given to it in the Act;

EMRC means the Eastern Metropolitan Regional Council;

Establishment Agreement means the establishment agreement between the Participants;

meeting means a meeting of the Council, or a meeting of a committee, as the context requires;

member means a member of the council of a Participant appointed by the Participant under the Establishment Agreement to be a member of the Council;

Participant means a party to the Establishment Agreement;

presiding member means—

- (a) in respect of the Council, the Chairperson or other person presiding under section 5.6 of the Act (see clause 3.1); and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act (see clauses 3.4 and 3.5);

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

simple majority means more than 50% of the members present and voting;

special majority has the meaning given to it in the Act; and

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

1.5 Interpretation

Unless otherwise defined, the terms used in this Local Law have the meaning given to them in the Act and Regulations.

1.6 Deputy member

- (1) If a member is unable to attend a meeting or part of a meeting, a deputy member may attend in place of that member provided that—
 - (a) the deputy member has been appointed by the Participant which appointed the absent member.
 - (b) the deputy member has made a declaration in the prescribed form (under section 2.29 of the Act) before acting in the office.
- (2) While attending a meeting in place of a member, a deputy member has all the powers of that member.

1.7 Repeal

The Eastern Metropolitan Regional Council Standing Orders Local Law 2013, published in the *Government Gazette* on 26 June 2013, is repealed.

PART 2—MEETINGS OF THE COUNCIL AND COMMITTEES**2.1 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.

2.2 Calling Council meetings

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

2.3 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 48 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 Chairperson or at least 1/3 of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

2.4 Calling committee meetings

A meeting of a committee is to be held—

- (a) if called for in a verbal or written request to the CEO by the Chairperson or by the presiding member of the committee, setting out the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting;
- (c) if called for by the CEO; or
- (d) in accordance with a decision of the Council or the committee.

2.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

PART 3—PRESIDING MEMBER AND QUORUM**3.1 Who presides**

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

3.2 When the Deputy Chairperson can act

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

3.3 Who acts if no Chairperson or Deputy Chairperson

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

3.4 Election of presiding members of committees

The election of presiding members of committees is dealt with in the Act.

3.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

3.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

3.7 Who acts if no presiding member

Who acts if there is no presiding member is dealt with in the Act

3.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

3.9 Attendance by means of instantaneous communication

The circumstances in which a person who is not physically present at a meeting of the Council or a committee is taken to be present at the meeting are dealt with in the Regulations.

3.10 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.

3.11 Reduction of quorum for committee meetings

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

3.12 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.

3.13 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present—

- (a) the Chairperson or presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
- (b) if a quorum is not present at the expiry of the suspension period under subclause (a), the Chairperson or presiding member may either adjourn the meeting to some future time or date or may extend the extension period for a further period of 30 minutes; and
- (c) if a quorum is not present at the expiry of the extended period of suspension under subclause (b), the Chairperson or presiding member is to adjourn the meeting to a later time on the same day or to another day.

3.14 Names to be recorded

At any meeting—

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is adjourned under clause 3.13,

the names of the members then present are to be recorded in the minutes.

PART 4—BUSINESS OF A MEETING**4.1 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 a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or given in the notice of the meeting as the purpose of the meeting, without the approval of the presiding member or a decision of the committee.
- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council, the business unresolved at the meeting that is adjourned is to be dealt with under item 13 of clause 4.2 at that ordinary meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclauses (4) or (5), no business is to be transacted at that later meeting other than that—
 - (a) specified in the notice of the meeting that is adjourned; and
 - (b) which remains unresolved.

4.2 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 and announcement of visitors
 2. Record of attendance, apologies and leave of absence (previously approved)
 3. Disclosure of interests
 4. Announcements by the Chairperson or presiding member without discussion
 5. Response to previous public questions taken on notice
 6. Public question time
 7. Applications for leave of absence
 8. Petitions, deputations and presentations
 9. Confirmation of minutes of previous meetings
 10. Questions by members of which due notice has been given

11. Questions by members without notice
 12. Announcement of confidential matters for which meetings may be closed to the public
 13. Business not dealt with from a previous meeting
 14. Reports of employees
 15. Reports of committees
 16. Reports of delegates
 17. Members' motions of which previous notice has been given
 18. New business of an urgent nature approved by the Chairperson or presiding member or by decision of the meeting
 19. Confidential matters for which the meeting may be closed to the public
 20. Future meetings of Council
 21. Declaration of closure of meeting
- (2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the notice of, or agenda for, the meeting.
- (3) Notwithstanding subclauses (1) and (2), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.

4.3 Change to the order of business

- (1) The Chairperson or presiding member may propose a change to the order of business.
- (2) Any member may move that a change in order of business proposed by the Chairperson or presiding member not be accepted and, if carried by a majority of members present, the proposed change in order is not to take place.

4.4 Disclosure of Interest

Written notices of disclosure of interests are to be announced—

- (a) at item 3 of clause 4.2(1); and
- (b) immediately before the matter to which the disclosure relates is discussed.

4.5 Announcements by the Chairperson or presiding member

Announcements by the Chairperson or presiding member under item 4 of clause 4.2(1) are—

- (a) to inform the Council or the committee of any matter of interest or relevance to the business of the Council or a committee; and
- (b) to be brief and concise;

4.6 Response to previous questions taken on notice

Where a question is taken on notice, the CEO is to ensure that—

- (a) a written answer is forwarded to the questioner as soon as practicable; and
- (b) a summary of the answer is recorded in the minutes of the following meeting of the Council or committee under item 5 of clause 4.2(1).

4.7 Public question time

Provisions relating to public question time are set out in Part 5 of this Local Law.

4.8 Application for leave of absence

- (1) A request for leave of absence may be made by a member—
 - (a) verbally at the meeting; or
 - (b) in writing to the CEO before the meeting.
- (2) The grant of leave of absence is dealt with in the Act.

4.9 Petitions, deputations and presentations

Provisions relating to petitions, deputations and presentations are set out in Part 5 of this Local Law.

4.10 Confirmation of minutes of previous meetings

Provisions relating to minutes are set out in Part 13 of this Local Law.

4.11 Questions by members of which due notice has been given

- (1) A question on notice is to be given by a member in writing to the CEO at least 48 hours before the meeting at which it is to be asked.
- (2) If the CEO considers that the question breaches or may breach this Local Law or any other law—
 - (a) the CEO is to refer the question to the Chairperson;
 - (b) the Chairperson is to exclude the question if he or she concurs with the view of the CEO; and
 - (c) if the question is excluded, the CEO is to give all members, as soon as practicable but not later than the next ordinary meeting, the reasons for the exclusion.

- (3) Notice of a question that is not withdrawn or excluded under subclause (2), together with the answer to that question, are—
 - (a) where practicable, to be included in the agenda of the meeting; or
 - (b) otherwise, to be tabled at the meeting.
- (4) Each question and answer is to be submitted as briefly and concisely as possible and, unless with the consent of the Chairperson or presiding member, there is to be no discussion on the question or answer.

4.12 Questions without notice

- (1) In this clause, question includes a request for information.
- (2) At any time during the debate on a motion, before the motion is put, a member may ask a question and, with the consent of the Chairperson or the presiding member, may ask one or more further questions.
- (3) A question asked by a member, and a response given by a member or an employee—
 - (a) is to be brief and concise; and
 - (b) is not to be accompanied by—
 - (i) expressions of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or
 - (ii) any discussion or further question, except with the consent of the Chairperson or presiding member.
- (4) Where a question requests information from an employee who is present at the meeting, the employee may ask that—
 - (a) the question be placed on notice for the next meeting of the Council; or
 - (b) the answer to the question be given to the member who asked it prior to the next ordinary meeting of the Council.
- (5) If the answer to the question without notice cannot be given at the meeting at which it is asked, the member asking the question may request that the answer be given to the appropriate committee or Council meeting and the Chairperson or presiding member may, if he or she thinks fit, so direct.

4.13 Announcement of confidential matters for which meetings may be closed to the public

Any confidential matters for which the meeting may be closed to the public are to be announced under item 12 of clause 4.2(1).

4.14 Business not dealt with from a previous meeting

The Council is to deal, under item 13 of clause 4.2(1), with any business that was listed on the agenda of a previous meeting and has not been dealt with.

4.15 Employee reports

The Council is to deal, under item 14 of clause 4.2(1), with any employee reports included in the agenda under this item by the CEO.

4.16 Reports of committees

The Council is to deal, under item 15 of clause 4.2(1), with reports of committees.

4.17 Reports of delegates

- (1) Under item 16 of clause 4.2(1) a member may give a written or oral report on an activity undertaken by the member on behalf of the EMRC.
- (2) Unless the Council decides otherwise on the grounds of urgency, a report which requires a decision of the Council must be the subject of a written report by or on behalf of the CEO.
- (3) The Chairperson or presiding member may declare any report by a member to be out of order and, if he or she does so, the member must immediately cease speaking.

4.18 Members' 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 of the EMRC as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given at least 4 clear working days before the meeting at which the motion is proposed to be moved.
- (3) A notice of motion must relate to the regional purposes for which the EMRC is established under the Establishment Agreement.
- (4) The CEO—
 - (a) with the concurrence of the Chairperson or presiding member, may exclude from the notice paper any notice of motion that he or she considers to be out of order; or
 - (b) may make such amendments to the form, but not the substance, as will bring the notice of motion into due form.
- (5) A notice of motion is not out of order because its subject is considered to be objectionable.
- (6) If a notice of motion is excluded under subclause (4), the CEO is to provide the reason for its exclusion to all members as soon as practicable.

- (7) The CEO may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law.
- (8) 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 him or her in writing, moves the motion when called on; or
 - (b) the Council or committee on a motion decides to defer consideration of the motion to a later stage or date.
- (9) If a notice of motion is given and lapses in the circumstances referred to in subclause (8), a notice of motion in substantially the same terms, or to substantially the same effect, is not to be given again for at least 3 months from the date of the lapse.

4.19 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstance, matters may, on the initiative of the Chairperson or presiding member or by way of a motion 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—
 - (a) that have arisen after the preparation of the agenda that are considered by the meeting to be of such importance and urgency that they are unable to be dealt with administratively by the EMRC and must be considered and dealt with by the Council before the next meeting; and
 - (b) that, if not dealt with at the meeting, are likely to—
 - (i) have a significant adverse effect (financially or otherwise) on the EMRC; or
 - (ii) result in a contravention of a written law.
- (3) Before debate begins on a matter under this clause that is not the subject of a written employee report to the meeting—
 - (a) the Chairperson or presiding member is to ask the CEO to give; and
 - (b) the CEO, or the CEO's nominee, is to give, a verbal report to the meeting.
- (4) The minutes of the meeting are to include—
 - (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

4.20 Confidential matters for which the meeting may be closed to the public

Provisions relating to the closure of all or part of the meeting to the public are set out in Part 5 of this Local Law.

4.21 Future meetings of Council

Under item 20 of clause 4.2(1), future meeting dates as previously resolved or amended (in accordance with the Act and Regulations) are to be listed.

4.22 Adoption by exception resolution

- (1) In this clause 'adoption by exception resolution' means—
 - (a) a resolution of the Council that has the effect of adopting, for each of a number of specifically identified reports, the committee or employee recommendation as the Council resolution; and
 - (b) a resolution of a committee that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the committee resolution.
- (2) Subject to subclause (3), the Council or a committee may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter—
 - (a) that requires an absolute 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.

4.23 Closure—time limits for meetings

- (1) If a meeting of the Council is in progress 3 hours after its commencement—
 - (a) the Chairperson or presiding member is to give the Council the opportunity to decide whether the meeting should continue;
 - (b) the meeting may continue—
 - (i) for up to 1 more hour;
 - (ii) only if a motion that the meeting continue is carried; and
 - (iii) only for the time (up to 1 more hour) specified in that motion; and
 - (c) the Chairperson or presiding member is to adjourn the meeting—
 - (i) if the motion under paragraph (b) is not carried; or

- (ii) at the conclusion of any extension specified in a motion that is carried under paragraph (b).
- (2) Subject to subclause (1), each Council and committee meeting is to be closed not later than 11.00pm.

PART 5—PUBLIC PARTICIPATION

5.1 Meetings generally open to the public

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

5.2 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 (other than any person specified in a resolution).
- (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 to members of the public 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;
 - (iii) any other employee of the EMRC specified in a resolution; and
 - (iv) any other person specified in a resolution; 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) may, by order of the presiding member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) The CEO may require any person, other than a member or employee, to sign a confidentiality agreement relating to the disclosure of information acquired at a meeting closed to members of the public.
- (7) Unless the Council or the committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that—
 - (a) any resolution of the Council or committee made while the meeting was closed is to be read out; and
 - (b) the vote of a member or members is recorded in the minutes.

5.3 Question time for the public

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

5.4 Question time for the public at certain meetings

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

5.5 Minimum question time for the public

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

5.6 Procedures for question time for the public

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

5.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must—
 - (a) first state his or her name and address;
 - (b) direct the question to the presiding member;
 - (c) ask the question briefly and concisely;
 - (d) limit any preamble to matters directly relevant to the question; and
 - (e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
- (2) Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.
- (3) A member of the public may give prior written notice to the CEO of the text or substance of a question that he or she wishes to ask at a meeting.
- (4) Unless the presiding member determines otherwise, a question of which prior written notice has been given to the CEO is to be given priority in question time.
- (5) Where a member of the public gives written notice of a question, the presiding member may determine that the question is to be responded to as normal business correspondence.
- (6) A question may be taken on notice by the Council or committee for later response.
- (7) When a question is taken on notice, the CEO is to ensure that—
 - (a) a written response is given to the person who asked the question; and

- (b) a summary of the response is included in the agenda for the next meeting of the Council or committee.
- (8) Where a question relating to a matter in which a person has an interest is directed to that person, that 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.
- (9) A response to a question—
 - (a) is to be brief and concise; and
 - (b) is not to be the subject of any discussion, except that if in the opinion of a member, false information or any adverse reflection is contained in any question asked or comments made by a member of the public, then (through the presiding member) the member may correct or clarify the matter.
- (10) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes.
- (11) The presiding member may decide that a question is not to be responded to where—
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the person who asked the question is directed to the minutes of the meeting at which the response was provided;
 - (b) it is in the form of a statement, provided that the presiding member has taken reasonable steps to assist the person to phrase the statement as a question; or
 - (c) the question is offensive or defamatory in nature, or is one which, if asked by a member, would be in breach of this Local Law or any other law.
- (12) The Council or committee, by resolution, may agree to extend public question time.

5.8 Distinguished visitor

If a distinguished visitor is present at a meeting of the Council or a committee, the Chairperson or presiding member—

- (a) may invite the distinguished visitor to sit beside the Chairperson or presiding member or at the Council table;
- (b) may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; and
- (c) may direct that the presence of the distinguished visitor be recorded in the minutes.

5.9 Petitions

- (1) A petition must—
 - (a) be addressed to the Chairperson;
 - (b) be made by electors of the Participants;
 - (c) state the request on each page;
 - (d) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
 - (g) be respectful and temperate in its language; and
 - (h) comply with any form prescribed by the Act or any other written law.
- (2) On the presentation of a petition—
 - (a) the member presenting it is confined to reading the petition; and
 - (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred for the CEO's report.
- (3) At any meeting, the Council or committee 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 or committee has considered the issues raised in the petition.

5.10 Deputations

- (1) A deputation may be made to the Council or a committee in accordance with this clause.
- (2) A person or group who wishes to be received as a deputation by the Council or a committee must—
 - (a) apply in writing to the CEO for approval; and
 - (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the delegation.
- (3) The CEO is to refer a copy of a summary of the application—
 - (a) to the Chairperson—if the request is to attend a Council meeting; or
 - (b) the presiding member—if the request is to attend a committee meeting.

- (4) The Chairperson or presiding member (as the case may be)—
 - (a) may approve the request, in which case the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be; or
 - (b) may ask the CEO to refer the request to the Council or committee to decide whether or not to receive the deputation.
- (5) Unless the meeting resolves otherwise—
 - (a) a deputation is not to exceed 5 people, only 2 of whom may address the meeting, although others may respond to specific questions from the members; and
 - (b) the deputation may address the meeting for up to 15 minutes.
- (6) For the purposes of this clause, a deputation comprises all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (7) A matter which is the subject of a deputation to the committee is not to be decided by the committee until the deputation has completed its presentation.
- (8) Where a deputation is to be received by the committee, the person or group comprising of the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 4.2(2).
- (9) Any item of business to be discussed at a committee meeting that is subject of a received deputation, is to be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.

5.11 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) A member or deputy may attend, as an observer, any meeting of a committee.
- (3) Without the consent of the presiding member, a person must not address a committee meeting.
- (4) The presiding member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (5) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (6) A person who fails to comply with a direction of the presiding member under subclause (5) may, by order of the presiding member, be removed from the committee room.
- (7) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

5.12 Public inspection of agenda material

The right of a member of the public to inspect the documents relating to a Council or committee meeting are dealt with in the Regulations.

5.13 Confidentiality of information withheld

- (1) Information withheld by the CEO from members of the public under regulation 14(2) of the Regulations is to be—
 - (a) identified in the agenda of a Council or committee meeting under item 19 of clause 4.2(1) (ie "Confidential matters for which the meeting may be closed to the public");
 - (b) marked "confidential" in the agenda; and
 - (c) kept confidential by members and employees until the Council or committee resolves otherwise.
- (2) A member or an employee who has—
 - (a) confidential information under subclause (1); or
 - (b) information that is provided or disclosed for the purposes of, or during, a meeting or part of a meeting that is closed to the public,must not disclose any part of that information to any person other than another member or an employee of the Council to the extent necessary for the purpose of carrying out his or her functions.
- (3) Subclause (2) does not prevent a member or employee from disclosing information—
 - (a) at a closed meeting;
 - (b) to the extent specified by the Council and subject to such other conditions as the Council decides;
 - (c) that is already in the public domain;
 - (d) to an officer of the Department;
 - (e) to the Minister;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

5.14 Recording of proceedings

- (1) An audio recording is to be taken of the proceedings of each meeting and is to be published on the official Website of the EMRC.
- (2) With the exception of the audio recording referred to in subclause (1), a person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the Council or a committee without the permission of the Council.
- (3) Subclause (2) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

5.15 Prevention of disturbance

- (1) A reference in this clause to a "person" is to a person other than a member.
- (2) A person must ensure that his or her electronic communication or information device is not switched on or used during any meeting of the Council or a committee.
- (3) A person addressing the Council or a committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the presiding member.
- (4) A person present at or observing a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) If—
 - (a) after being warned, the person again acts contrary to this clause, or to this Local Law; or
 - (b) a person refuses or fails to comply with a direction by the presiding member,the presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

PART 6—DISCLOSURE OF INTERESTS**6.1 Disclosure of interests**

The requirements for members and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters, are dealt with in the Act, the Regulations and the Code of Conduct.

6.2 Separation of committee recommendations

Where, at a committee meeting, a member discloses a financial or proximity interest in a matter, and the matter is included in the recommendations (or part of the recommendations) of the committee to a Council or to another committee meeting that will or may be attended by the member, the agenda of that Council or committee meeting is to separate the relevant recommendation (or relevant part of the recommendations) from other recommendations of the committee.

PART 7—CONDUCT OF MEMBERS**7.1 Official titles to be used**

A speaker, when speaking or referring to the Chairperson or Deputy Chairperson, or to a member or employee, must use the title of that person's office.

7.2 Members to occupy own seats

- (1) At Council meetings, members must be seated in the positions determined by the Council.
- (2) At committee meetings, committee members must be seated in those positions, if any, that are determined by the relevant committee.

7.3 Entering or leaving a meeting

During the course of a meeting, a member must not enter or leave the meeting without giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

7.4 Members who wish to speak

A member who wishes to speak at a Council meeting—

- (a) must indicate his or her intention to speak by raising his or her hand, or by any other method determined by the Council; and
- (b) when invited by the Chairperson or presiding member to speak, must address the meeting through the Chairperson or presiding member and, unless otherwise determined by the Council, may either rise or remain seated while speaking.

7.5 Priority of speaking

- (1) At a Council meeting where 2 or more members indicate, at the same time, their intention to speak, the Chairperson or presiding member is to decide which member is entitled to be heard first.

- (2) At a committee meeting, the presiding member is first to invite committee members to speak followed by, at the discretion of the presiding member, other members and attendees.
- (3) A decision of the Chairperson or presiding member under this clause is not open to discussion or dissent.

7.6 The Chairperson or presiding member may take part in debates

- (1) Subject to compliance with the procedures for the debate of motions contained in this Local Law, the Chairperson or presiding member, without vacating the chair, may take part in a discussion of any matter before the meeting.
- (2) Before the Chairperson or presiding member moves a motion or amendment, he or she must first vacate the chair and the Deputy Chairperson or other person elected for the purpose is to preside over the meeting while the motion or amendment is being debated and voted upon.

7.7 Relevance

- (1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Chairperson or presiding member, at any time, may—
 - (a) draw the attention of the meeting to any irrelevant or repetitious remarks by a member; or
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

7.8 Speaking twice

- (1) A member must not 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.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

7.9 Duration of speeches

A member must not speak on any matter for more than 5 minutes without the consent of the meeting which, if given, is to be given without discussion.

7.10 No speaking after conclusion of debate

A member must not speak on any motion or amendment—

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

7.11 No interruption

A member must not 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 7.16; or
- (d) to move a procedural motion that the member be no longer heard (see clause 10.1(e)).

7.12 Respect for the Chairperson or presiding member and speaker

A member must not—

- (a) while a motion is being voted on, walk out of or across the meeting room; and
- (b) while any other member is speaking, pass between the speaker and the Chairperson or presiding member.

7.13 No re-opening of discussion

A member must not re-open a discussion on any decision of the Council or committee, except to move that the decision be revoked or changed (see Part 14).

7.14 Offensive language

- (1) A member must not reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed (see Part 14).
- (2) A member must not—
 - (a) reflect adversely on the character or actions of another member or employee;
 - (b) impute any motive to a member or employee; or
 - (c) use an expression that is offensive or objectionable.
- (3) A member must not use offensive or objectionable expressions in reference to any other member, employee or other person.

7.15 Withdrawal of offensive language

A member who, in the opinion of the Chairperson or presiding member—

- (a) reflects adversely on the character or actions of another member or employee;

- (b) imputes any motive to a member or employee; or
 - (c) uses an expression that is offensive or objectionable,
- must, when directed by the Chairperson or presiding member, withdraw the reflection, imputation or expression and make a satisfactory apology.

7.16 Personal explanation

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the Chairperson or presiding member his or her intention to make a personal explanation.
- (2) The Chairperson or 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 must confine his or her observations to a succinct statement relating to the specific part of the speech at which he or she may have been misunderstood.

PART 8—PRESERVING ORDER

8.1 The Chairperson or presiding member to preserve order

The Chairperson or presiding member is to preserve order and, whenever he or she considers it necessary, may—

- (a) call a member to order; or
- (b) may direct a member to cease breaching, or to comply with, any provision of this Local Law.

8.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of—
 - (a) any provision of this Local Law; or
 - (b) any other written law.
- (2) Examples of valid points of order are—
 - (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.7); and
 - (b) a speaker's use of offensive or objectionable expressions (see clause 7.14).
- (3) 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.

8.3 Procedures on a point of order

- (1) A member who is addressing the Chairperson or presiding member must not be interrupted except on a point of order.
- (2) A member interrupted on a point of order must 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.

8.4 Ruling by the Chairperson or presiding member

- (1) The Chairperson or 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 direct the member to make an explanation, retraction or apology.

8.5 Continued breach of order

If a member—

- (a) persists in any conduct that the Chairperson or presiding member has ruled is out of order; or
- (b) fails or refuses to comply with a direction from the presiding member (such as a direction under clause 7.7(2)(b), 7.15 or 8.4),

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 must comply with that direction.

8.6 Presiding member may adjourn meeting

- (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 9—DEBATE OF SUBSTANTIVE MOTIONS**9.1 Motions to be stated and in writing**

- (1) A 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 Chairperson or presiding member, is to put the motion or amendment in writing.
- (2) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.

9.2 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 meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations (see clause 14.1).

9.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Chairperson or presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the Chairperson or presiding member may put the motion directly to the vote.
- (3) If a member opposes the motion, the motion is to be dealt under this Part.
- (4) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a meeting (see Part 14).

9.4 Only one substantive motion at a time

The Council or committee—

- (a) is not to accept a substantive motion while another substantive motion is being debated; and
- (b) is not to consider more than one substantive motion at any time.

9.5 Complex motions

The Chairperson or presiding member may require that a complex substantive motion, or a complex amendment to a substantive motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.6 Call of order in debate

The Chairperson or 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, alternating between those against and for the motion; and
- (h) the mover invited to take the right of reply which closes debate.

9.7 Limit of debate

The Chairperson or presiding member may offer the right of reply and put a substantive motion to the vote if he or she considers that sufficient discussion has taken place even though all members may not have spoken.

9.8 Members may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

9.9 Consent of seconder required to amend motion

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

9.10 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, lost or carried.

9.11 Amendments must not negate original motion

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

9.12 Relevance of amendments

An amendment must be relevant to the substantive motion in respect of which it is moved.

9.13 Mover of motion may speak on amendment

Any member may speak during debate on an amendment.

9.14 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.

9.15 Withdrawal of motion and amendments

- (1) The Council or a committee may, without debate, grant leave to withdraw a substantive motion or amendment on the request of the mover of the motion or amendment if—
 - (a) it has the approval of the seconder; and
 - (b) there is no voice expressed to the contrary by any member.
- (2) If either paragraph (a) or (b) of subclause (1) does not apply, the discussion on the motion or amendment is to continue.
- (3) 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.

9.16 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The right of the reply may be exercised only—
 - (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.
- (3) After the mover of the substantive motion has commenced the reply—
 - (a) no other member is to speak on the motion; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (4) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (5) 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 10—PROCEDURAL MOTIONS**10.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion (under Part 9), a member may move any of the following procedural motions—

- (a) that the meeting proceed to the next item of business;
- (b) that the item be referred or adjourned to a Council or committee meeting;
- (c) that the meeting now adjourn;
- (d) that the motion be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the Chairperson or presiding member be disagreed with; and
- (g) that the meeting be closed to members of the public (see clause 5.2).

10.2 No debate on procedural motion

- (1) The mover of a motion stated in paragraphs (a), (b), (c), (f) or (g) of clause 10.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in paragraphs (d) and (e) of clause 10.1 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.

10.3 Who may move

A person who has moved, seconded, or spoken for or against a substantive motion, or any amendment to a substantive motion, cannot move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

10.4 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.

10.5 Meeting to proceed to next item of business

A 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; and
- (b) no decision is made on the substantive motion;
- (c) the meeting moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

10.6 Item to be referred or adjourned

A motion "that the item be adjourned"—

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

10.7 Meeting now adjourn

- (1) A member is not to move or second more than one motion of adjournment during the same meeting.
- (2) Before putting a motion for the adjournment, the Chairperson or presiding member may seek leave of the meeting to deal first with matters that may be the subject of an adoption by exception resolution (see clause 4.22);
- (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 Chairperson or presiding member, or the meeting, determines otherwise.

10.8 Motion to be put

- (1) If a motion "that the motion be now put", is carried during discussion on a substantive motion without amendment, the Chairperson or presiding member is to offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion, "that the motion be now put" is carried during debate of an amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) If the motion, "that the motion be now put" is lost, debate is to continue.

10.9 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.

10.10 Ruling of the Chairperson or presiding member be disagreed with

If the motion "that the ruling of the Chairperson or presiding member be disagreed with" is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

PART 11—VOTING**11.1 Motion—when put**

- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the Chairperson or presiding member—
 - (a) is to put the motion to the meeting; and ,
 - (b) if requested by any member, is again to state the terms of the motion.
- (2) A member must not leave a meeting when the Chairperson or the presiding member is putting any motion.

11.2 Voting

Voting is dealt with in the Act and the Regulations.

11.3 Majorities required for decisions

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

11.4 Method of taking vote

In taking the vote on any motion, the presiding member—

- (a) is to put the motion, first in the affirmative, and then in the negative;
- (b) may put the motion 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) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member's vote; and
- (d) subject to this clause, is to declare the result.

PART 12—ADJOURNMENT OF MEETING**12.1 Meeting may be adjourned**

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

12.2 Limit to moving adjournment

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

12.3 Unopposed business—motion for adjournment

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

12.4 Withdrawal of motion for adjournment

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

12.5 Time to which adjourned

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

PART 13—MINUTES**13.1 Keeping of minutes**

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

13.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) The votes of all members voting on a motion are to be recorded in the minutes.

13.3 Public inspection of unconfirmed minutes

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

13.4 Confirmation of minutes

- (1) If a member is dissatisfied with the accuracy of the unconfirmed minutes, he or she is to provide to the CEO a written copy of the alternative wording to amend the unconfirmed minutes no later than 3 clear working days before the meeting where the minutes are to be confirmed.
- (2) At that meeting, 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.

PART 14—REVOKING OR CHANGING A DECISION**14.1 Requirements to revoke or change a decision**

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

14.2 Limitations on powers to revoke or change a decision

- (1) In this clause—

authorisation means a licence, permit, approval, or other means of authorising a person to do anything; and

implement, in relation to a decision, includes—

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take any other action to give effect to the decision.

- (2) Subject to subclause (3), 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 to implement the decision;
 - (b) where the decision concerns the grant of an authorisation, and where that authorisation has been communicated in writing by the EMRC to the applicant; or
 - (c) where the decision is procedural in its form or effect.
- (3) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (2)(a) or (b) if the motion is accompanied by a written statement, by or on behalf of the CEO, of the legal and financial consequences of the motion being carried.

PART 15—COMMITTEES

15.1 Establishment and appointment 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 or functions of the committee;
 - (b) either—
 - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
 - (ii) the number of members, employees and other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
 - (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

15.2 Types of committees

The types of committees are dealt with in the Act.

15.3 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.

15.4 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.

15.5 Appointment of committee members

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

15.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

15.7 Appointment of deputies

The appointment of a person to be a deputy of a member of a committee is dealt with in the Act.

15.8 Resignation of committee members

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

15.9 Register of delegations to committees

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

15.10 Appointment of Participant members to committees

- (1) Where the Council establishes a committee with a member from a Participant, the appointment of that member must be made according to the wishes of the Participant.
- (2) Where the members of a committee established by the Council is to include an employee of a Participant, that employee is to be the CEO of the Participant, or an employee appointed by the CEO of the Participant.

15.11 Reports of committees—questions

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

15.12 Permissible motions on committee recommendations

A recommendation made by a committee may—

- (a) be adopted by the Council without amendment;
- (b) be rejected by the Council and replaced by an alternative decision;
- (c) be amended, and adopted as amended, by the Council; or
- (d) be referred back to the committee for further consideration.

15.13 This Local Law to apply

This Local Law applies generally to the proceedings of committees except for clause 7.8, in relation to the limit on the number of speeches.

PART 16—ADMINISTRATIVE MATTERS**16.1 Suspension of any provision of this Local Law**

- (1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of the provisions of this Local Law.
- (2) The mover of a motion to suspend temporarily any one or more of the provisions of this Local Law is to state the clause or clauses to be suspended, and the purpose of the suspension.
- (3) A provision of this Local Law so suspended is to remain suspended until decided otherwise by the Council or the committee.

16.2 Cases not provided for in this Local Law

- (1) The Chairperson or presiding member is to decide questions of procedure in cases where this Local Law and the Act and Regulations are silent.
- (2) The decision of the Chairperson or presiding member in these cases is final, except where a motion is moved and carried under clause 10.1(f).

16.3 Representation on public bodies

Wherever it becomes necessary to nominate a member of the Council to represent the Council on a public body or State agency, that nomination must be made by the Council.

PART 17—ENFORCEMENT**17.1 Penalty for breach**

A person who breaches a provision of this Local Law commits an offence.

Penalty: \$1,000 and a daily penalty of \$500.

17.2 Who can prosecute

Who can prosecute is dealt with in the Act.

PART 18—COMMON SEAL**18.1 Custody of the common seal**

The CEO is to have charge of the common seal of the EMRC, and is responsible for the safe custody and proper use of it.

18.2 Use of the common seal

The use of the common seal is dealt with in the Act.

18.3 Recording of common seal uses

The CEO is to record in a register each instance where the common seal of the EMRC was affixed to a document including—

- (a) the date on which it was affixed;
- (b) the nature of the document; and
- (c) where the document is an agreement, the parties to that agreement.

This local law was made by the EMRC at an Ordinary Meeting held on 25 May 2023.

LOCAL GOVERNMENT ACT 1995

Shire of Ashburton

REPEAL LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Ashburton resolved on 13 June 2023 to make the following local law.

1. Citation

This local law may be cited as the *Shire of Ashburton Repeal Local Law 2023*.

2. Commencement

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

3. Application

This local law applies throughout the district.

4. Repeal

The following local laws are repealed, the—

- (a) Tableland Roads Board District—*By-law—Locking Wheels with Chain, Etc*, published in the *Government Gazette* on 1 September 1899 and amended by subsequent notice published in the *Government Gazette* on 2 February 1912;
- (b) Ashburton Road Board—*By-Laws of the Ashburton Road Board* published in the *Government Gazette* on 23 June 1905;
- (c) Ashburton Road Board—*Special By-laws for the Registration of Camels and the Licensing of Camel-drivers*, published in the *Government Gazette* on 23 October 1908 and on 4 June 1909;
- (d) Ashburton Road Board—*By-law No.1 to No.42 (inclusive)* as published in the *Government Gazette* on 18 April 1913;
- (e) Ashburton Road Board—*Onslow Commonage By-laws* published in the *Government Gazette* on 8 August 1913 and amended by subsequent notice published in the *Government Gazette* on 21 June 1918;
- (f) Ashburton Road Board—*Long Service Leave By-laws* published in the *Government Gazette* on 28 May 1954;
- (g) Ashburton Road Board—*By-law for Controlling Reserves and Camping* published in the *Government Gazette* on 3 February 1956 and amended by subsequent notice published in the *Government Gazette* on 16 March 1990;
- (h) The Municipality of the Shire of Tableland—*Draft Model By-laws Relating to (Prevention of Damage to Streets) No.1* published in the *Government Gazette* on 18 April 1962;
- (i) The Municipality of the Shire of Ashburton—*Draft Model By-laws Relating to (Petrol Pumps) No.10* published in the *Government Gazette* on 23 April 1963;
- (j) The Municipality of the Shire of Tableland—*Draft Model By-laws Relating to (Petrol Pumps) No.10* published in the *Government Gazette* on 11 August 1964;
- (k) The Municipality of the Shire of Tableland—*By-law Relating to Long Service Leave to be Granted to Employees of the Tableland Shire Council* published in the *Government Gazette* on 6 November 1964;
- (l) The Municipality of the Shire of Tableland—*Draft Model By-Laws Relating to the Construction Establishment, Operation and Maintenance of Motels* published in the *Government Gazette* on 25 October 1967;
- (m) The Municipality of the Shire of West Pilbara—*Draft Model By-Laws relating to (Caravan Parks and Camping Grounds) No.2* published in the *Government Gazette* on 29 October 1976; and
- (n) The Municipality of the Shire of West Pilbara—*By-laws Relating to Sick Leave* published in the *Government Gazette* on 6 May 1977.

Dated: 20 June 2023.

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

K. WHITE, Shire President.
K. DONOHOE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CAT ACT 2011

Shire of Wyalkatchem

CATS LOCAL LAW 2022

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Wyalkatchem resolved on 15 December 2022 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This is the *Shire of Wyalkatchem Cats Local Law 2022*.

1.2 Commencement

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

1.3 Repeal

- (1) The *Shire of Wyalkatchem Cats Local Law* published in the *Government Gazette* on 13 March 2023 is repealed.
- (2) Clause 5.2.4 of the *Shire of Wyalkatchem Health Local Laws* published in the *Government Gazette* on 3 May 2002 is repealed.

1.4 Terms used

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

Act means the *Cat Act 2011*;

applicant means a person who applies for an approval;

application means an application for an approval;

approval means approval under regulation 9 of the *Cat (Uniform Local Provisions) Regulations 2013* and Part 2 of this local law;

approved person means the person to whom an approval is granted;

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

cat has the meaning given to it in the Act;

cat management facility has the meaning given to it in the Act;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the Shire of Wyalkatchem;

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

nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

owner has the meaning given to it in the Act;

premises has the meaning given to it in the Act; and

veterinarian has the meaning given to it in the Act.

- (2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995*.

1.5 Application

This local law applies throughout the district.

PART 2—NUMBER OF CATS THAT MAY BE KEPT

2.1 Interpretation

For the purposes of applying this Part, a **cat** does not include a cat less than 6 months old.

2.2 Prescribed premises

For the purposes of the definition of **prescribed premises** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, this local law limits the number of cats that may be kept at any premises within the district except—

- (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*;
- (b) a cat management facility operated by the local government; or
- (c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*, but only in relation to cats kept on those premises for treatment.

2.3 Standard number of cats

For the purposes of the definition of **standard number of cats** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than 3 cats over the age of 6 months may be kept on premises within the district at which a member of a cat organisation is not ordinarily resident.

2.4 Application for approval

- (1) An application for approval to keep an additional number of cats at prescribed premises is dealt with in regulation 8 of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (2) An application for approval must be accompanied by the application fee determined by the local government in accordance with the Act.

2.5 Determining an application

- (1) For the purpose of determining whether to grant approval for an application to keep an additional number of cats at prescribed premises, the local government must have regard to—
 - (a) the zoning of the land under the local planning scheme;
 - (b) the physical suitability of the premises for the proposed use;
 - (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (d) the structural suitability of any enclosure in which any cat is to be kept;
 - (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to an occupier of adjoining land;
 - (f) the likely effect on the amenity of the surrounding area of the proposed use;
 - (g) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use; and
 - (h) any other factors which the local government considers to be relevant in the circumstances of the application.
- (2) An approval is to be in the form determined by the local government and is to be issued to the approved person.

2.6 Conditions

- (1) For the purpose of ensuring that the premises to which an application relates are suitable for the additional number of cats, the local government may impose any condition that it considers to be reasonably necessary for that purpose, including—
 - (a) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);
 - (b) that there must be adequate space for the exercise of the cats;
 - (c) that, in the case of multiple dwellings where there is no suitable dividing fence, each current occupier of the adjoining multiple dwellings must give their written consent to the approval; and
 - (d) that, without the consent of the local government, the approved person must not substitute or replace any cat that dies or is permanently removed from the premises.
- (2) An approved person who does not comply with a condition of the approval, commits an offence.
 Penalty: a fine of not less than \$1,000 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.

2.7 Renewal of an application

- (1) An application is to be renewed if—
 - (a) the approved person has not breached the conditions of the approval;
 - (b) the approval would have been granted if a fresh application for approval had been made; and
 - (c) the renewal fee, imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*, is paid to the local government before the expiry of the approval.
- (2) On the renewal of an approval, the conditions of the approval that applied immediately before the renewal continue to have effect.

2.8 Transfer of an approval

- (1) An approval relates only to the premises specified in the approval, and only to the approved person specified in the approval, and is transferrable only in accordance with this clause 2.8.
- (2) An application for the transfer of an approval from the approved person to another person must be—
 - (a) made in the form determined by the local government;

- (b) made by the proposed transferee;
 - (c) made with the consent of the approved person; and
 - (d) lodged with the local government together with the fee for the application for the transfer of an approval that is imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (3) The local government is not to determine an application for the transfer of an approval until the proposed transferee has complied with subclause (2).
 - (4) The local government may grant, or refuse to grant, an application for the transfer of an approval, and this approval will be subject to such conditions as the local government may impose under Regulation 9(3) of the *Cat (Uniform Local Provisions) Regulations 2013*.
 - (5) Where the local government grants an application for the transfer of an approval—
 - (a) it is to issue to the transferee an approval in the form determined by the CEO; and
 - (b) on the date of approval, unless otherwise specified in the approval, the transferee becomes the approved person for the purposes of this local law.

2.9 Variation or cancellation of an approval

- (1) The local government may, at any time, vary the conditions of an approval by giving written notice to the permit holder and specifying the date on which the changes will become effective.
- (2) The local government may cancel an approval—
 - (a) on the request of the approved person;
 - (b) if the approved person breaches the Act, the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or
 - (c) if the approved person is not a fit and proper person to provide for the health and welfare of the cats.
- (3) If an approval is cancelled, the fee paid for the approval is not refundable for the term of the approval that has not yet expired.

2.10 Objection and review rights

A decision of the local government made under clauses 2.7, 2.8 or 2.9 is a decision to which Division 1, Part 9 of the *Local Government Act 1995* applies.

PART 3—ENFORCEMENT

3.1 Infringement notices

- (1) An offence against clause 2.6(2) is a prescribed offence for the purposes of section 62(1) of the Act and the modified penalty for the offence is a fine of \$200.
- (2) The form of an infringement notice is Form 6 in the *Cat Regulations 2012*, Schedule 1.
- (3) The form of withdrawal of the infringement notice is Form 7 in the *Cat Regulations 2012*, Schedule 1.

Dated 27 June 2023.

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

Cr QUENTIN DAVIES, President.
PETER KLEIN, Chief Executive Officer.

LG401

LOCAL GOVERNMENT ACT 1995
SHIRE OF WYALKATCHEM PUBLIC PLACES AND LOCAL GOVERNMENT
PROPERTY AMENDMENT LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Wyalkatchem resolved on 15 December 2022 to make the following local law—

1. Citation

This local law is cited as the *Shire of Wyalkatchem Public Places and Local Government Property Amendment Local Law 2023*.

2. Commencement

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

3. Principal local law

This local law amends the *Shire of Wyalkatchem Public Places and Local Government Property Local Law 2022* as published in the *Government Gazette* on 13 March 2023.

4. Clause 5.10 replaced

Clause 5.10 is deleted and replaced with—

5.10 Disposal of lost property

An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the CEO or an authorised person—

- (a) if the value of the property is reasonably believed to exceed the amount prescribed by Regulation 30(3) of the Local Government (Functions and General) Regulations 1996, using the process under section 3.58 of the Act for the sale of the article as if it was property referred to in that section; and
- (b) if the article is reasonably believed to be below the amount prescribed by Regulation 30(3) of the Local Government (Functions and General) Regulations 1996, by being handed over to the WA Police Service.

5. Clause 9.2(2A) added

Clause 9.2(2A) is added as follows—

- (2A) In clause (2), 'animal' excludes a cat.

Dated 15 June 2023.

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

QUENTIN DAVIES, President.
PETER KLEIN, Chief Executive Officer.
