

**Bush Fires Act 1954**  
**Local Government Act 1995**

**Shire of Shark Bay Repeal and Amendment Local Law 2013**

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Shark Bay resolved on **date** to make the following local law:

**1. Citation**

This local law is cited as the Shire of Shark Bay *Repeal and Amendment Local Law 2013*.

**2. Commencement**

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

**3. Bush Fire Brigades Local Law repealed**

The *Shire of Shark Bay Bush Fire Brigades Local Law* published in the *Government Gazette* on 24 July 2002 is repealed.

**4. Cemeteries Local Law 1998 amended**

The *Shire of Shark Bay Local Law – Shark Bay Cemeteries* published in the *Government Gazette* on 12 February 1999 is amended as follows:

a. Clause 1.2 amended

Clause 1.2 is amended as follows:

- (a) Add “assistance animal” means a dog or other animal as defined in the *Disability Discrimination Act 1992* (Commonwealth);
- (b) Delete the definition of mausoleum.

b. Clause 4.1 amended

Clause 4.1 is deleted and replaced as follows:

4.1 Funeral Director's Licence

- (a) A person shall hold a funeral directors licence before conducting a funeral at the cemetery.
- (b) A person who holds a funeral directors licence issued by any other Board under the *Cemeteries Act 1986* is deemed to hold a funeral directors licence under this local law.
- (c) A funeral director's licence issued by the Board shall expire on the 30th day of June in each year.

c. Clause 7.16 amended

Clause 7.16 is deleted and replaced as follows:

- (1) A person who holds a monumental masons licence issued by any other Board under the *Cemeteries Act 1986* is deemed to hold a monumental masons licence under this local law, subject to the provisions of this local law.
- (2) The Board may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.
- (3) A licence issued under subclause (1) or (2) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this Local Law.

d. Clause 7.20(3) deleted

Clause 7.20(3) is deleted.

e. Clause 8.2 amended

Clause 8.2 is deleted and replaced as follows:

8.2 Assistance Animals

Clause 8.1 shall not apply to a person who is disabled and is accompanied by an assistance animal.

**5. Extractive Industries Local Law repealed**

The *Shire of Shark Bay Extractive Industries Local Law* published in the *Government Gazette* on 24 July 2002 is repealed.

**6. Local Government Property Local Law amended**

The *Shire of Shark Bay Local Government Property Local Law* published in the *Government Gazette* on 24 July 2002 is amended as follows:

(1) Clause 3.14 deleted and replaced.

Clause 3.14 is deleted and a new clause 3.14 inserted as follows:

**3.14 Permit Required To Camp Outside a Facility**

(1) In this clause –

**facility** has the same meaning as is given to it in section 5(1) of the Caravan Parks and Camping Grounds Act 1995.

**goods** has the same meaning as is given to it in section 3.38 of the Act.

(2) This clause does not apply to a facility operated by the local government.

(3) A person shall not without a permit –

(a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property;

(b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day; or

(c) park a vehicle on local government property, thoroughfare or public place for the purpose of sleeping in the vehicle.

(4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the Caravan Parks and Camping Grounds Regulations 1997.

(5) Any tent, camp, hut or similar structure erected in contravention of paragraph (b) of subclause (3) and associated goods may, subject to Regulation 29 of the Regulations, be impounded.

(6) A vehicle parked in contravention of paragraph (c) of subclause (3) may, subject to the provisions of Regulation 29 of the Regulations, be impounded by immobilising the vehicle by the use of wheel clamps.

(7) An authorised person who impounds a vehicle under subclause (5) shall attach a notice to a vehicle advising the owner of the vehicle that the vehicle will be released upon payment of the costs of impounding and the place where and hours during which the costs can be paid.

(8) The notice attached to the impounded vehicle under subclause (6) shall also advise the owner that if the impounding costs are not paid within 24 hours the vehicle may be removed to the local government pound.

(9) Notices issued under this clause shall be in the form determined by the CEO.

(2) Part 5 amended

In Part 5, the heading ‘Division 5 – Reserve No 1686’ is deleted, and clause 5.7 is deleted.

(3) Clause 7.6 deleted and replaced

Clause 7.6 is deleted and a new clause 7.6 inserted as follows:

7.6 Loading and Discharging

A person in control of a boat shall not allow the boat to come alongside or be moored or made fast to the Jetty for the purpose of loading or discharging cargo or other goods -

- (a) until the cargo or other goods are ready to be loaded or discharged, or
- (b) without the consent of the Local Government -
  - (i) between the hours of 6.00 pm to 6.00 am on the next day, or
  - (ii) for longer than one hour.

**7. Parking and Parking Facilities Local Law amended**

The *Shire of Shark Bay Parking and Parking Facilities Local Law* published in the *Government Gazette* on 24 July 2002 is amended in clause 5.2 (2) by replacing '50' with '100'.

**8. Standing Orders Local Law amended**

The *Shire of Shark Bay Standing Orders Local Law* published in the *Government Gazette* on 24 July 2002 is amended as follows:

- (1) Clauses 3.2(1)(l) and 3.11 deleted
  - (a) Delete clause 3.2(1)(l);
  - (b) Renumber clause 3.2(1)(m) to 3.2(1)(l);
  - (c) Delete clause 3.11.
  - (d) Renumber clause 3.12 to 3.11.
  - (e) Renumber clause 3.13 to 3.12.
- (2) Clauses 3.4(g)(ii) and (iii) deleted  
Clauses 3.4(g)(ii) and (iii) are deleted.
- (3) Clause 8.5 amended  
In clause 8.5, replace 'vocal' with 'audio'.

**9. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law amended**

The *Shire of Shark Bay Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* published in the *Government Gazette* on 24 July 2002 is amended as follows:

- (1) Title of local law amended  
Delete 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places' wherever it occurs in the local law and replace with 'Activities in Thoroughfares and Public Places and Trading Local Law'.
- (2) Clause 1.2 amended  
In clause 1.2:
  - (i) Delete the definition of "carriageway" and insert:  
"carriageway" has the meaning given to it in the Road Traffic Code 2000;".
  - (ii) Delete the definition of "footpath" and insert:  
"footpath" has the meaning given to it in the Road Traffic Code 2000;".
  - (iii) In the definition of 'vehicle', insert 'shopping trolley;' after 'similar deuce,'.
  - (iv) In the appropriate alphabetical position insert:  
"thoroughfare" has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management control of the local government;".
- (3) Part 2 heading amended  
In the heading to PART 2, delete "ON" and substitute "IN".

(4) Clause 2.1 amended

In clause 2.1:

- (i) delete subclause (a) and insert:
  - (a) plant any plant (except grasses or a similar plant) within 6 metres of an intersection.
- (ii) delete subclause (g) and insert:
  - (g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, skateboard, rollerblades or similar device.

(5) Clause 2.2 amended

In clause 2.2:

- i. Delete subclause (1)(b) and replace with:
  - (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the Local Government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the Local Government,
- ii. Delete subclause (1)(i) and replace with:
  - (i) unless installing , or in order to maintain, a permissible verge treatment -
    - (i) lay pipes under or provide taps on any verge, or
    - (ii) place or install any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bard or sawdust,

(6) Clause 2.8 amended

In clause 2.8, delete subclause 2(b)(i) and replace with:

- (b) the planting and maintenance of a garden provided that -
  - (i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare, and

(7) Part 5 deleted

The whole of Part 5 is deleted and the rest of the local law be renumbered accordingly.

(8) Clause 6.1 amended

- i. The definition of 'trading' contained in clause 6.1 is amended by:
  - 1. Deleting subclause (c)(iii); and
  - 2. Deleting subclauses (c)(i) and (ii) and replacing them with:
    - (i) offering goods or services for sale or hire, or
    - (ii) inviting offers or soliciting orders for the sale or the hire of goods or services.
- ii. Subclauses 6.1(d) to 6.1(g) are re-numbered 6.1(e) to 6.1(h) respectively, and subclause 6.1(d) is inserted as follows:
  - (d) the delivery of pre-ordered goods or services to the purchaser of those goods or services or to the person nominated by the purchaser of those goods or services whether or not payment for those goods or services is accepted on delivery;  
or the taking of further orders for goods or services from the purchaser of those pre-ordered goods or services for from the person nominated by the purchaser of those pre-ordered goods or services when those orders are taken at the same time as a previous order is being delivered, whether or

not payment is made for those goods or services at the time of taking the order;

iii. In the last line, insert “only” before “sold”.

(9) Clause 6.3(3) deleted  
Clause 6.3(3) is deleted.

(10) Clause 6.4 amended  
Insert ‘only’ after ‘newspaper’.

(11) Clause 6.21 amended  
In subclause 6.21(1) delete ‘in the event of an emergency’.

(12) Clause 7.10 amended  
Delete sub-clause 7.10(1) and replace with:  
Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a –  
(i) condition of the permit; or  
(ii) provision of any written law which may relate to the activity regulated by the permit.

(13) Schedule 1 amended  
The description of the prescribed offence adjacent to item 2.1(a) is deleted and replaced with “Plant any plant (except grasses or a similar plant) within 6 of 0.75 metres in height on thoroughfare within 10 metres of intersection “

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Dated **date 2013**

The Common Seal of the Shire of Shark Bay was affixed by authority of a resolution of the Council in the presence of –

.....  
Cheryl Cowell, President

.....  
Paul Anderson, Chief Executive Officer