



DISTRICT COUNCIL OF ELLISTON

By-law made under the Local Government Act 1999

By-Law No. 1 – Permits and Penalties

A by-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and for the construction of Council By-laws.

All previous by-laws made or adopted by the Council, prior to the date this by-law is made, are hereby repealed effective from the day on which this by-law comes into effect.

1. Definitions

In any by-law of the Council, unless the contrary intention is clearly indicated:

- 1.1 **person** includes a natural person, a body corporate, an incorporated association and an unincorporated association;
- 1.2 **Council** means District Council of Elliston;
- 1.3 **permission** means the permission of the Council, or such other person as the Council may by resolution authorise for that purpose, given in writing prior to the act, event or activity to which it relates.

2. Permits

- 2.1 Where a by-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 2.2 The Council, or such other person as the Council may by resolution authorise for that purpose, may attach such conditions (including but not limited to time limits, renewals and transfer requirements) to a grant of permission as it thinks fit, and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.
- 2.3 A permit holder must comply with every such condition.
- 2.4 The Council, or such other person as the Council may by resolution authorise for that purpose, may suspend or revoke such grant of permission at any time by notice in writing to the permit holder.
- 2.5 The Council may by resolution fix, vary or revoke fees or charges for the granting of permission for any of the activities requiring permission under the Council's by-laws.

3. Offences and Penalties

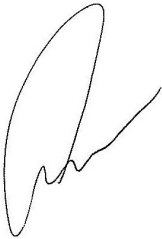
- 3.1 A person who contravenes, or fails to comply with, any by-law of the Council is guilty of an offence and shall be liable to a maximum penalty being the maximum penalty referred to in the *Local Government Act 1999* that may be fixed by by-law for any breach of a by-law.
- 3.2 A person who is convicted of an offence against any by-law of the Council in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable, to a further

penalty for each day during which the act or omission is continued, such penalty being the maximum amount referred to in the *Local Government Act 1999* which may be prescribed by by-law for offences of a continuing nature.

4. **Construction**

Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of District Council of Elliston held on the 20 day of October 2015 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.



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Mr Phil Cameron
Chief Executive Officer