

DISTRICT COUNCIL OF ELLISTON  
**PERMITS AND PENALTIES BY-LAW 2022**  
**By-law No. 1 of 2022**

*This By-law is to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.*

**PART 1 – PRELIMINARY**

1. **Title**  
This By-law may be cited as the *Permits and Penalties By-law 2022* and is By-law No. 1 of the District Council of Elliston.
  2. **Authorising Law**  
This By-law is made under section 246 of the Act.
  3. **Purpose**  
The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:
    - 3.1 creating a permit system for Council By-laws;
    - 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
    - 3.3 clarifying the construction of Council By-laws.
  4. **Commencement, Revocation and Expiry**
    - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:
      - By-Law No.1 – Permits and Penalties 2015.*<sup>2</sup>
    - 4.2 This By-law will expire on 1 January 2030.<sup>3</sup>
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
  2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
  3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**  
This By-law applies throughout the Council's area.
  6. **Interpretation**  
In this By-law, unless the contrary intention appears:
    - 6.1 **Act** means the *Local Government Act 1999*;
    - 6.2 **Council** means the District Council of Elliston; and
    - 6.3 **person** includes a natural person, a body corporate, an incorporated association or an unincorporated association.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.
7. **Construction of By-Laws Generally**
    - 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
    - 7.2 In any By-law of the Council and unless the contrary intention appears, **permission** means permission granted by the Council (or its delegate) and includes permission of general application granted by way of the Council adopting a policy of general application for that purpose, prior to the act, event or activity to which it relates.

**PART 2 – PERMITS AND PENALTIES**

8. **Permits**
  - 8.1 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.
  - 8.2 The Council (or such other person as may be authorised by the Council) may attach such conditions as it thinks fit to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
  - 8.3 A person granted permission must comply with every such condition. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law).
  - 8.4 The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission under a By-law at any time by notice in writing to the person granted permission.
9. **Offences and Penalties**
  - 9.1 A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:
    - 9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or
    - 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.
  - 9.2 A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

**Note-**

The maximum penalty for a breach of a By-law is prescribed by section 246(3)(g) of the Act. Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

This By-law was duly made and passed at a meeting of District Council of Elliston held on **18 October 2022** an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

GEOFF SHERIDAN  
Chief Executive Officer

**DISTRICT COUNCIL OF ELLISTON  
LOCAL GOVERNMENT LAND BY-LAW 2022  
By-law No. 2 of 2022**

*This By-law is to manage and regulate the access to and use of Local Government land (other than roads), and certain public places*

**PART 1 – PRELIMINARY**

1. **Title**  
This By-law may be cited as the *Local Government Land By-law 2022* and is By-law No. 2 of the District Council of Elliston.
  2. **Authorising Law**  
This By-law is made under sections 238 and 246 of the Act and section 18A of the *Harbors and Navigation Act 1993*.
  3. **Purpose**  
The objectives of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:
    - 3.1 to prevent and mitigate nuisances;
    - 3.2 to prevent damage to Local Government land;
    - 3.3 to protect the convenience, comfort and safety of members of the public;
    - 3.4 to enhance the amenity of the Council's area; and
    - 3.5 for the good rule and government of the Council's area.
  4. **Commencement, Revocation and Expiry**
    - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:  
*By-law No. 2 – Local Government Land 2015*.<sup>2</sup>
    - 4.2 This By-law will expire on 1 January 2030.<sup>3</sup>
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
  1. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
  2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
    - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
    - 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
    - 5.3 Subclauses 9.2, 9.4.1, 9.6.2, 9.24.1, 9.24.3, 9.24.4, 9.27.2, 9.36, 10.4.1, 10.4.2 and 10.9 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
    - 5.4 Subclauses 9.4.4, 9.9.1 and 9.32.1 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
  6. **Interpretation**  
In this By-law, unless the contrary intention appears:
    - 6.1 **Act** means the *Local Government Act 1999*;
    - 6.2 **animal** includes birds and insects but does not include a dog unless otherwise stated;
    - 6.3 **aquatic life** means any animal or plant living or growing in water including, but not limited to, yabbies, molluscs, fish, insects, insect pupa or larvae and water plants;
    - 6.4 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
    - 6.5 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
    - 6.6 **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat or other vessel;
    - 6.7 **coastal waters** means ocean waters extending offshore from the low water mark but excluding any waters overlying land between the low water mark and the high water mark;
    - 6.8 **Council** means the District Council of Elliston;
    - 6.9 **effective control** means a person exercising effective control of an animal either:
      - 6.9.1 by means of a physical restraint; or
      - 6.9.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
    - 6.10 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
    - 6.11 **emergency vehicle** has the same meaning as in the *Australian Road Rules and the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
    - 6.12 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
    - 6.13 **foreshore** means land (which may or may not be Local Government land) extending:
      - 6.13.1 from the low water mark on the seashore to the nearest road or section boundary; or
      - 6.13.2 to a distance of 50 metres from the high-water mark;
 (whichever is the lesser distance);
    - 6.14 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
    - 6.15 **high-water mark** means the point on land that is the highest astronomical tide;
    - 6.16 **horse** includes pony, mule and donkey;
    - 6.17 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
    - 6.18 **Local Government land** means land owned by the Council or under the Council's care, control and management (except roads) and to avoid doubt, includes the following campgrounds operated by the Council:
      - 6.18.1 Sheringa Campgrounds located on the land comprised in Crown Record Volume 5752 Folio 3 and Crown Record Volume 5752 Folio 4; and
      - 6.18.2 Walkers Rock campground located on the land comprised in Crown Record Volume 5758 Folio 593;
    - 6.19 **low water mark** means the lowest astronomical tide;
    - 6.20 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
    - 6.21 **open container** means a container that:
      - 6.21.1 after the contents of the container have been sealed at the time of manufacture:
        - 6.21.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
        - 6.21.1.2 being a can, it has been opened or punctured;

- 6.21.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
- 6.21.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
- 6.21.2 is a flask, glass, mug or other container able to contain liquid;
- 6.22 **personal watercraft** has the same meaning as in the *Harbors and Navigation Act 1993*, which is a device that –
- 6.22.1 is propelled by a motor;
- 6.22.2 has a fully enclosed hull;
- 6.22.3 is designed not to retain water if capsized; and
- 6.22.4 is designed to be operated by a person who sits astride, stands, or kneels on the device, and includes the device commonly referred to as a jet ski;
- 6.23 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.24 **road** has the same meaning as in the Act;
- 6.25 **special event** means an organised gathering of more than fifty (50) persons for any social, sporting or cultural purpose;
- 6.26 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.27 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council but does not include coastal waters; and
- 6.28 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

**Note-**

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

**PART 2 – ACCESS TO LOCAL GOVERNMENT LAND****7. Access**

The Council may:

- 7.1 close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

**8. Closed Lands**

A person must not without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked or, where a sign is displayed at or near the entrance of the land notifying that the land has been closed.

**PART 3 – USE OF LOCAL GOVERNMENT LAND****9. Activities Requiring Permission****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not without the permission of the Council, do any of the following on Local Government land or on the foreshore.

- 9.1 **Advertising**  
Display, paint or erect or cause to be displayed, painted or erected, on Local Government land or a structure, building or fixture on Local Government land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.
- 9.2 **Alcohol**  
Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has resolved this subclause applies.
- 9.3 **Amplification**  
Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound or broadcasting announcements or advertisements.
- 9.4 **Animals**
- 9.4.1 Send, drive, lead, ride or take any animal or permit any animal to be sent, driven, led, ridden or taken on any Local Government land to which the Council has resolved this subclause applies.
- 9.4.2 Allow any animal to left unattended.
- On the foreshore:
- 9.4.3 allow or suffer any animal under his or her control to swim or bathe in the sea to the inconvenience, annoyance or danger of any other person bathing or swimming;
- 9.4.4 take any horse or camel onto or allow it to remain thereon or to bathe in the sea except between the hours of midnight and 9am and only then, in such areas of the foreshore as determined by resolution of the Council; or
- 9.4.5 drive or exercise any horse in such a manner as to endanger the safety of any person thereon.
- 9.5 **Annoyance**  
Do anything likely to offend or unreasonably interfere with any other person:
- 9.5.1 using that land; or
- 9.5.2 occupying nearby premises;
- by making a noise or creating a disturbance.
- 9.6 **Aquatic Life**
- 9.6.1 Introduce any aquatic life to any waters.
- 9.6.2 Take, interfere with or disturb any aquatic life in any waters to which the Council has resolved this clause applies.
- 9.7 **Attachments**  
Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.
- 9.8 **Bees**  
Place a hive of bees, or allow it to remain thereon.
- 9.9 **Boats and Moorings**  
Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

- 9.9.1 launch or retrieve a boat from or to the foreshore or any Local Government land direct (i.e. without using a boat ramp) except in any area that the Council has resolved by resolution;
- 9.9.2 subject to any resolution by the Council under subclause 9.9.1, launch or retrieve a boat from or to any foreshore or Local Government land, other than from a boat ramp constructed and made available for that purpose;
- 9.9.3 enter or be on any mooring or mooring area without the consent of the person who has the right (as determined by the Council) to use the mooring or mooring area;
- 9.9.4 moor a boat on or to any Local Government land;
- 9.9.5 moor a boat in or to, or enter a mooring area that is generally closed to the general public; and
- 9.9.6 obstruct any moored boat, mooring area or access to any mooring area.
- 9.10 **Boat Ramps**
- 9.10.1 Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.
- 9.10.2 Launch or retrieve a boat or other object from or on to any boat ramp where a sign on the boat ramp or in its vicinity indicates a permit is required:
- 9.10.2.1 without having purchased a permit from the Council; and
- 9.10.2.2 other than in accordance with any conditions attaching to that permit.
- 9.10.3 Upon using a boat ramp, fail to produce the permit required for such use in accordance with subclause 9.10.2 upon a request by an authorised person.
- 9.10.4 Use a boat ramp thereon:
- 9.10.4.1 that the Council has closed by way of erecting signage to this effect; or
- 9.10.4.2 other than in accordance with any conditions of use that may be included on any signage erected on or near the boat ramp.

**Note-**

By way of example, the Council could include conditions in relation to the use of a boat ramp that restricts the boat ramp to being used for a commercial or other purpose at a specified time.

- 9.11 **Bridge/Jetty Jumping**
- 9.11.1 Jump or dive from a bridge or jetty on or extending from Local Government land.
- 9.11.2 Tie or affix any object (including a boat) to a jetty on or extending from Local Government land.
- 9.11.3 After being requested to leave a jetty by an authorised officer for an alleged contravention of this By-law, come back onto the jetty on the same day.
- 9.12 **Buildings**
- Use a building, or structure on Local Government land for a purpose other than for its intended purpose and otherwise in accordance with any conditions of use contained on signage in or on the building or structure.
- 9.13 **Burials and Memorials**
- 9.13.1 Bury, inter or spread the ashes of any human or animal remains, including the remains of a dog.
- 9.13.2 Erect any memorial.
- 9.14 **Canvassing**
- Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.
- 9.15 **Defacing Property**
- Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.
- 9.16 **Depositing Soil**
- Deposit any soil, clay, gravel, sand, timber, stones, pebbles or other matter on the land.
- 9.17 **Distribution**
- Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.18 **Donations**
- Ask for or receive or indicate that he or she desires a donation of money or any other thing.
- 9.19 **Encroachment**
- Erect or cause to be erected or placed any fencing, post or other structures or any other items so as to encroach onto the land.
- 9.20 **Entertainment and Busking**
- 9.20.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 9.20.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.21 **Fires**
- Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.21.1 in a place provided by the Council for that purpose; or
- 9.21.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.
- 9.22 **Fireworks**
- Ignite, explode or use any fireworks.
- 9.23 **Flora and Fauna**
- Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 9.23.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.23.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.23.3 deposit, dig, damage, disturb, interfere with, clear or remove any soil, sand, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.23.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
- 9.23.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.23.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.23.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
- 9.23.8 collect or take any dead wood or timber or burn any timber or dead wood; –  
with the exception that subclauses 9.23.4 and 9.23.7 do not apply to lawful fishing activities.

- 9.24 **Games and Sport**
- 9.24.1 Participate in, promote or organise any organised competition or sports distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.
- 9.24.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object on Local Government land which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.24.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.24.4 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council (if any) and indicated on a sign on or in the vicinity of the land.
- 9.25 **Golf**
- Play or practise the game of golf on Local Government land to other than on a properly constructed golf course or practice fairway.
- 9.26 **Interference with Land**
- Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.26.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.26.2 erecting or installing a structure in, on, across, under or over the land;
- 9.26.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.26.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.26.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.27 **Model Aircraft, Boats and Cars**
- Subject to the Civil Aviation Safety Regulations 1998:
- 9.27.1 fly or operate a model or drone aircraft, boat or model or remote-control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.27.2 fly or operate a model or drone aircraft, boat or model or remote-control vehicle on any Local Government land to which the Council has resolved this subclause applies.
- 9.28 **Overhanging Articles**
- Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might present a nuisance or danger to a person using the land or cause an unsightly condition in the opinion of an authorised person.
- 9.29 **Playing Area**
- Use or occupy a playing area:
- 9.29.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.29.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.29.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.30 **Preaching**
- Preach, harangue or solicit for religious purposes.
- 9.31 **Rubbish Dumps and Rubbish Bins**
- 9.31.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
- 9.31.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government land, or placed on Local Government land for collection by the Council (or its agent).
- 9.32 **Swimming**
- 9.32.1 Subject to the provisions of the *Harbours and Navigation Act 1993* enter, swim or bathe in or on any waters except:
- 9.32.1.1 in an area to which the Council has resolved this subclause applies; and
- 9.32.1.2 in accordance with any conditions that the Council may have determined by resolution apply to such use.
- 9.32.2 Swim or bathe at a time when swimming or bathing in that place has been prohibited as indicated by a sign or signs displayed on the land.
- 9.33 **Trading**
- 9.33.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
- 9.33.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.34 **Vehicles**
- 9.34.1 Drive or propel a vehicle on Local Government land except as constructed and set aside by the Council for that purpose including as may be indicated by signs in or on the area.
- 9.34.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.
- 9.34.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.34.4 On the foreshore, drive or propel a vehicle except on an area of the foreshore set aside by the Council for that purpose and identified or designated as such by means of signs, devices or fencing.
- 9.35 **Weddings, Functions and Special Events**
- 9.35.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
- 9.35.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
- 9.35.3 Hold or conduct any filming where the filming is for a commercial purpose.

- 9.36 **Wheeled Recreational Devices**  
Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.

10. **Prohibited Activities**

A person must not do any of the following on Local Government land or on the foreshore.

- 10.1 **Animals**
- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2 **Annoyances**
- 10.2.1 Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.
- 10.2.2 Spit, urinate or defecate other than in toilet provided thereon.
- 10.3 **Equipment**
- 10.3.1 Use any item of equipment, facilities or property belonging to the Council:
- 10.3.1.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be use;
- 10.3.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or
- 10.3.1.3 in such a manner as is likely to damage or destroy it.
- 10.3.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
- 10.3.3 Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property (if any).
- 10.4 **Fishing**
- 10.4.1 Fish in any waters to which the Council has resolved this subclause applies.
- 10.4.2 Fish from any bridge or other structure to which the Council has resolved this subclause applies.
- 10.5 **Glass**  
Willfully break any glass, china or other brittle material.
- 10.6 **Interference with Permitted Use**  
Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.7 **Nuisance**  
Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.
- 10.8 **Playing Games**
- 10.8.1 Play or practise a game which is likely to cause damage to the land or anything on it; or
- 10.8.2 in any area where a sign indicates that the game is prohibited.
- 10.9 **Smoking**  
Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has resolved this subclause applies.
- 10.10 **Obstruction**  
Obstruct:
- 10.10.1 any path or track;
- 10.10.2 any door, entrance, stairway or aisle in any building; or
- 10.10.3 any gate or entrance to or on Local Government land.
- 10.11 **Sand Dunes, Pebble Dunes, Coastal Slopes and Cliffs**
- 10.11.1 Carry out any activity that may damage or threaten the integrity of dunes, pebble dunes, coastal slopes or cliffs.
- 10.11.2 Introduce non-indigenous flora or fauna or dump any material in a sand dune or pebble dune.
- 10.11.3 Destroy, remove or cause interference to any vegetation, whether living or dead, on or within a sand dune, coastal slope or coastal cliff.
- 10.12 **Throwing Objects**  
Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.
- 10.13 **Toilets**  
In any public convenience facility on Local Government land:
- 10.13.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility, or any drain, pipe or property associated with the facility;
- 10.13.3 use it for a purpose for which it was not designed or constructed; or
- 10.13.4 enter any gender specific public convenience except—
- 10.13.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience,
- 10.13.4.2 where the person is a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care,
- 10.13.4.3 for the purpose of providing assistance to a person with a disability,
- 10.13.4.4 where the person identifies as gender diverse and is using the public convenience of the gender that the person identifies with, or
- 10.13.4.5 in the case of a genuine emergency.
- 10.14 **Waste**
- 10.14.1 Deposit or leave thereon anything obnoxious or offensive.
- 10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
- 10.14.3 Deposit in any rubbish bin:
- 10.14.3.1 any trash or rubbish emanating from a domestic, trade or commercial source; or
- 10.14.3.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

**PART 4 – ENFORCEMENT****11. Directions**

- 11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:
- 11.1.1 that person's use of the land;
  - 11.1.2 that person's conduct and behaviour on the land;
  - 11.1.3 that person's safety on the land; or
  - 11.1.4 the safety and enjoyment of other persons on the land.
- 11.2 A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with a direction of an authorised person to leave that part of Local Government land.

**12. Orders**

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

**Note-**

Section 262(1) of the Act states:

*If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

- a) *if the conduct is still continuing - to stop the conduct; and*
- b) *whether or not the conduct is still continuing- to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

**13. Removal of Animals and Objects**

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised officer reasonably believes that no person is in charge of the animal or object.

**PART 5 – MISCELLANEOUS****14. Exemptions**

- 14.1 The restrictions in this By-law do not apply to any Police Officer, emergency worker, Council officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council officer.
- 14.2 The restrictions in subclauses 9.14 and 9.17 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
  - 14.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
  - 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

**15. Liability of Vehicle Owners**

- 15.1 For the purposes of this clause 15, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 15.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of District Council of Elliston held on **18 October 2022** an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

GEOFF SHERIDAN  
Chief Executive Officer

**DISTRICT COUNCIL OF ELLISTON  
ROADS BY-LAW 2022  
By-law No. 3 of 2022**

*This By-Law is for the management, control and regulation of certain activities on roads in the Council's area.*

**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Roads By-law 2022* and is By-law No. 3 of the District Council of Elliston.

**2. Authorising Law**

This By-law is made under sections 239 and 246 of the Act and regulation 28 of the *Local Government (General) Regulations 2013*.

**3. Purpose**

The objectives of this By-law are to manage, control and regulate the use of roads in the Council's area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council's area.

**4. Commencement, Revocation and Expiry**

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

*By-law No. 3 – Roads 2015.*<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2030.<sup>3</sup>

**Note-**

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.

3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclause 7.3.3 of this By-law applies throughout the Council's area except in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. **Interpretation**

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **Council** means the District Council of Elliston;
- 6.5 **effective control** means a person exercising effective control of an animal either:
- 6.5.1 by means of a physical restraint; or
- 6.5.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.6 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
- 6.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.8 **moveable sign** has the same meaning as in the Act;
- 6.9 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—
- 6.9.1 a bridge, viaduct or subway; or
- 6.9.2 an alley, laneway or walkway; and
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

**Note-**

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

**PART 2 – USE OF ROADS**

7. **Activities Requiring Permission**

A person must not do any of the following activities on a road without the permission of the Council.

- 7.1 **Advertising**  
Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law 2022*.
- 7.2 **Amplification**  
Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or including for the broadcasting of announcements or advertisements.
- 7.3 **Animals**
- 7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.
- 7.3.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.
- 7.3.3 Ride, lead or drive any horse, cattle, sheep and other like animal, except on any road to which this subclause applies.
- 7.4 **Obstructions**  
Erect, install or place, or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road or any part of a road or a footway, water-channel, or watercourse.
- 7.5 **Preaching and Canvassing**
- 7.5.1 Preach, harangue, solicit or canvass for a religious, charitable or advertising purpose.
- 7.5.2 Subject to subclause 11.2, convey any religious or other message to any bystander, passerby or other person.
- 7.6 **Public Exhibitions and Displays**
- 7.6.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.
- 7.6.2 Conduct, cause or hold a concert, festival, show, display public gathering, circus, performance or a similar activity.
- 7.6.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
- 7.6.4 Cause any public exhibition or displays.
- 7.7 **Soliciting**  
Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.
- 7.8 **Rubbish Bins**  
Deposit in any Council bin on a road:
- 7.8.1 any rubbish emanating from a domestic, commercial or trade source; or
- 7.8.2 any rubbish that is not rubbish of the type permitted to be placed in the bin as indicated on signs on the bin or in its vicinity.
- 7.9 **Vehicles**  
Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.

**Note-**

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2022*.

**PART 3 – ENFORCEMENT**

8. **Directions**

A person on a road who, in the opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with a direction of the authorised person to leave that part of the road.

9. **Orders**

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the



person to whom the order was directed.

**Note-**

Section 262(1) of the Act states:

*If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

- a) *if the conduct is still continuing - to stop the conduct; and*
- b) *whether or not the conduct is still continuing- to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease busking on a road; or
- remove an object or structure blocking a footpath.

**10. Removal of Animals and Objects**

10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if no person is in charge of the animal or object.

10.2 The Council may recover from the owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

**PART 4 – MISCELLANEOUS**

**11. Exemptions**

11.1 The restrictions in this By-law do not apply to any emergency worker, Police Officer, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council officer.

11.2 The restrictions in subclauses 7.5.2 of this By-law do not apply to electoral matter authorised by a candidate and which is:

- 11.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 11.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 11.2.3 related to, and occurs during the course of and for the purpose of a referendum.

**12. Liability of Vehicle Owners**

12.1 For the purposes of this clause 12, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

12.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of District Council of Elliston held on **18 October 2022** an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

GEOFF SHERIDAN  
Chief Executive Officer

**DISTRICT COUNCIL OF ELLISTON  
MOVEABLE SIGNS BY-LAW 2022  
By-law No. 4 of 2022**

*This By-law is to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety in the Council's area.*

**PART 1 – PRELIMINARY**

**1. Title**

This By-law may be cited as the *Moveable Signs By-law 2022* and is By-law No. 4 of the District Council of Elliston.

**2. Authorising Law**

This By-law is made under sections 226, 238, 239 and 246 of the Act.

**3. Purpose**

The objectives of this By-law are to set standards for moveable signs on roads:

- 3.1 to protect the comfort and safety of road users and members of the public;
- 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council area.

**4. Commencement, Revocation and Expiry**

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

*By-Law No. 4 – Moveable Signs 2015.*<sup>2</sup>

4.2 This By-law will expire on 1 January 2030.<sup>3</sup>

**Note-**

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.

5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 12.

**6. Interpretation**

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3 **banner** means a strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means the District Council of Elliston;

- 6.6 **'feather' or 'teardrop' sign** means a moveable sign constituting a slip of cloth, plastic or other material attached to a vertical pole generally stabilised by a heavy base;
- 6.7 **footpath area** means:
- 6.7.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or
- 6.7.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.8 **Local Government land** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;
- 6.9 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign;
- 6.10 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—
- 6.10.1 a bridge, viaduct or subway; or
- 6.10.2 an alley, laneway or walkway; and
- 6.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
- 6.11.1 a motor vehicle trailer and a tram;
- 6.11.2 a bicycle;
- 6.11.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
- 6.11.4 a combination; and
- 6.11.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

**Note-**

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

**PART 2 – MOVEABLE SIGNS****7. Construction and Design**

A moveable sign must be:

- 7.1 of a kind known as:
- 7.1.1 an 'A' frame or sandwich board sign;
- 7.1.2 an 'inverted 'T' sign;
- 7.1.3 a flat sign;
- 7.1.4 a 'feather' or teardrop' sign; or
- 7.1.5 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;
- 7.2 designed, constructed and maintained in good quality and condition (in the opinion of an authorised person) so as not to present a hazard to any member of the public;
- 7.3 be of strong construction so as to be stable and fixed in position, including so that it keeps its position in adverse weather conditions;
- 7.4 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.5 not contain any sharp or jagged edges or corners;
- 7.6 not be unsightly or offensive in appearance or content;
- 7.7 not rotate, be illuminated internally, or contain moving or flashing parts;
- 7.8 not have balloons, flags, streamers or other things attached to it;
- 7.9 in the case of a 'feather'/teardrop' sign, not exceed 2.5m in height, 600mm in width and 600mm in depth;
- 7.10 in the case of an 'A' frame or sandwich board sign:
- 7.10.1 be hinged or joined at the top;
- 7.10.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.10.3 not exceed 1200mm in height, 800mm in width or 800mm in depth;
- 7.11 in the case of an inverted 'T' sign:
- 7.11.1 not contain struts or members that run between the display area and the base of the sign; and
- 7.11.2 not exceed 1200mm in height, 800mm in width or 800mm.

**8. Appearance**

A moveable sign on a road must, in the opinion of an authorised person:

- 8.1 be painted or otherwise detailed in a competent and professional manner;
- 8.2 be aesthetically appealing, legible and simply worded to convey a precise message; and
- 8.3 be of such design and contain such colours:
- 8.3.1 as are compatible with the architectural design of the premises adjacent to the sign;
- 8.3.2 which relate well to the townscape and overall amenity of the locality in which it is situated;
- 8.3.3 which do not detract from or conflict with traffic, safety or direction signs or signals; and
- 8.3.4 contain combinations of colours and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

**9. Placement**

A moveable sign must:

- 9.1 not be placed on any part of a road apart from the footpath area;
- 9.2 be adjacent to the premises of the business to which it relates;
- 9.3 not be placed on a footpath that is less than 2.5 metres wide;
- 9.4 not be placed on a designated parking area or within one (1) metre of an entrance to or exit from premises;
- 9.5 subject to this clause 9, not be placed closer than 400mm to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 9.6 not be placed less than 1.2 metres away from or fixed, tied, chained or leaned against any structure, fixed object, tree, bush or plant (including another moveable sign);
- 9.7 not be placed within 10 metres of an intersection;
- 9.8 not be placed on a landscaped area other than landscaping that comprises only lawn;
- 9.9 not be placed on a median strip, traffic island, roundabout or on any other traffic control device;
- 9.10 not unreasonably:
- 9.10.1 restrict the use of the footpath area or road or obstruct or impede a vehicle on the road; or
- 9.10.2 endanger the safety of any person or places a person at risk;
- 9.11 not be placed on the sealed part of a footpath, if there is an unsealed part on which the sign can be placed in accordance with this By-law; and
- 9.12 not be displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible.

- 10. Banners**  
A banner must:
- 10.1 only be displayed on a road, footpath area or road related area;
  - 10.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
  - 10.3 only advertise an event to which the public are invited;
  - 10.4 not, without the Council's permission, be attached to any building, structure, fence, vegetation or other item owned by the Council on a road, or other improvement to a road owned by the Council;
  - 10.5 not be displayed more than one month before and one week after the event it advertises;
  - 10.6 not be displayed for a continuous period of more than five (5) weeks in any twelve-month period; and
  - 10.7 not exceed 3m<sup>2</sup> in size.
- 11. Restrictions**
- 11.1 The owner or operator of a business must not cause or allow:
    - 11.1.1 more than one (1) moveable sign relating to that business to be displayed in the Council's area at any one time;
    - 11.1.2 a moveable sign relating to that business to be displayed unless the business premises to which it relates is open for trade to the public; or
    - 11.1.3 any movable sign relating to that business to be installed on a road such that it is permanently fixed into position.
- Note-**  
Sub-clause 11.1.2 is intended to operate to require business owners to retrieve moveable signs relating to their business from the footpath area daily at the close of business.
- 11.2 A person must not display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
  - 11.3 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign thereon on such conditions as the Council thinks fit.
- 12. Exemptions**
- 12.1 Subclauses 11.1 and 11.2 of this By-law do not apply to a moveable sign which:
    - 12.1.1 advertises a garage sale taking place from residential premises; or
    - 12.1.2 is a directional sign to a community event.
  - 12.2 Subclause 11.1 of this By-law does not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
  - 12.3 A requirement of this By-law will not apply where the Council has granted permission (including by way of adopting a policy for this purpose) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.
  - 12.4 An application seeking permission from the Council to display a moveable sign contrary to a requirement of this By-law must be in writing and include:
    - 12.4.1 the requirements of the By-law that the applicant is seeking permission to display a moveable sign contrary to;
    - 12.4.2 the reasons why permission is being sought to display a moveable sign contrary to those requirements;
    - 12.4.3 details of the design and content of the proposed moveable sign and, where relevant the business premises or community event that it relates to; and
    - 12.4.4 any other information that may be required by the Council.
- Note-**  
This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:
- placed there pursuant to an authorisation under another Act;
  - designed to direct people to the open inspection of any land or building that is available for purchase or lease;
  - related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
  - of a prescribed class.
- PART 3 – ENFORCEMENT**
- 13. Removal of Moveable Signs**
- 13.1 A person must immediately comply with the order of an authorised person to remove a moveable sign made pursuant to section 227(1) of the Act.
- Note-**  
Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:
- the design, construction or positioning of a Moveable Sign does not comply with a requirement of this By-law;
  - any other requirement of this By-law is not complied with; or
  - the Moveable sign unreasonably restricts the use of the Road or endangers the safety of other persons.
- 13.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
  - 13.3 The owner of, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
    - 13.3.1 if, in the opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
    - 13.3.2 for the purpose of community events, special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.
- 14. Liability of Vehicle Owners**
- 14.1 For the purpose of this clause 14, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
  - 14.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of District Council of Elliston held on 18 October 2022 an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

GEOFF SHERIDAN  
Chief Executive Officer

**DISTRICT COUNCIL OF ELLISTON  
DOGS BY-LAW 2022  
By-law No. 5 of 2022**

*This By-law is to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.*

**PART 1 – PRELIMINARY**

1. **Title**  
This By-law may be cited as the *Dogs By-law 2022* and is By-law No. 5 of the District Council of Elliston.
  2. **Authorising Law**  
This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbours and Navigation Act 1993*.
  3. **Purpose**  
The objectives of this By-law are to control and manage dogs in the Council's area:
    - 3.1 to reduce the incidence of environmental nuisance caused by dogs;
    - 3.2 to promote responsible dog ownership;
    - 3.3 to protect the convenience, comfort and safety of members of the public; and
    - 3.4 for the good rule and government of the Council's area.
  4. **Commencement, Revocation and Expiry**
    - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:
      - By-law No. 5 – *Dogs 2015*.<sup>2</sup>
    - 4.2 This By-law will expire on 1 January 2030.<sup>3</sup>
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
  2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
  3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazetting of the By-law.
5. **Application**
    - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
    - 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
    - 5.3 Clauses 9 and 10, of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
  6. **Interpretation**  
In this By-law, unless the contrary intention appears:
    - 6.1 **Act** means the *Local Government Act 1999*;
    - 6.2 **approved kennel establishment** means a building, structure, premises or area approved by a relevant authority, pursuant to the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
    - 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
    - 6.4 **Council** means the District Council of Elliston;
    - 6.5 **dog** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
    - 6.6 **effective control** means a person exercising effective control of a dog either:
      - 6.6.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
      - 6.6.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
    - 6.7 **keep** includes the provision of food or shelter;
    - 6.8 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
    - 6.9 **premises** include land and part of any land whether used or occupied for domestic or non-domestic purposes;
    - 6.10 **small dwelling** means a self-contained residence that is:
      - 6.10.1 a flat, a service flat or a home unit;
      - 6.10.2 on an allotment less than 400 square metres in area; or
      - 6.10.3 without a secure yard of at least 100 square metres in area;
    - 6.11 **township** has the same meaning as in the Act; and
    - 6.12 **working livestock dog** means a dog—
      - 6.12.1 usually kept, proposed to be kept or worked on rural land by a person who is—
        - 6.12.1.1 a primary producer; or
        - 6.12.1.2 engaged or employed by a primary producer; and
      - 6.12.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.
    - 6.13 For the purposes of clause 9 of the By-law, a dog is **under effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
      - 6.13.1 the leash, chain or cord is either tethered securely to a fixed object; or
      - 6.13.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

**Note-** Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

**PART 2 – LIMITS ON DOG NUMBERS**

7. **Limits on Dog Numbers in Private Premises**
  - 7.1 Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept:
    - 7.1.1 more than one dog in a small dwelling;
    - 7.1.2 in a township, more than two dogs on any premises other than a small dwelling; or
    - 7.1.3 outside of a township, more than 3 dogs (other than working livestock dogs) on any premises.
  - 7.2 For the purposes of subclause 7.1, **dog** means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
  - 7.3 Subclause 7.1 does not apply to:
    - 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or

- 7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

**PART 3 – DOG CONTROLS****8. Dog Exercise Areas**

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council's area for the purpose of exercising a dog under his or her effective control.

**Note-**

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner or person responsible for the dog may be liable.

**9. Dog on Leash Areas**

A person must not allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain on Local Government land or a public place to which the Council has resolved that this subclause applies unless the dog is under effective control by means of a leash.

**10. Dog Prohibited Areas**

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain on any other Local Government land or public place to which the Council has determined that this subclause applies.

**11. Dog Faeces**

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

**PART 4 – EXEMPTIONS****12. Council May Grant Exemptions**

- 12.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2 An exemption:
- 12.2.1 may be granted or refused at the discretion of the Council;
- 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

**PART 5 – ENFORCEMENT****13. Orders**

- 13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
- 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order under this clause.
- 13.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 However, an authorised person may not use force against a person.

**Note-**

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of District Council of Elliston held on **18 October 2022** an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

GEOFF SHERIDAN  
Chief Executive Officer

**DISTRICT COUNCIL OF ELLISTON  
CARAVANS AND CAMPING BY-LAW 2022  
By-law No. 6 of 2022**

*This By-law is to regulate camping and the use of caravans in the Council's area.*

**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Caravans and Camping By-law 2022* and is By-law No. 6 of the District Council of Elliston.

**2. Authorising Law**

This By-law is made under sections 238 and 246 of the *Local Government Act 1999*, regulation 28 of the *Local Government (General) Regulations 2013*, and section 18A of the *Harbors and Navigation Act 1993*.

**3. Purpose**

The objectives of this By-law are to regulate camping on Local Government land, roads and foreshore areas:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land and roads;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council area; and
- 3.5 for the good rule and government of the area.

**4. Commencement, Revocation and Expiry**

- 4.1 This By-law will come into operation four months after the day on which it is published in the Gazette in accordance with section 249(5) of the Act.<sup>1</sup>
- 4.2 This By-law will expire on 1 January 2030.<sup>2</sup>
- 4.3 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:  
*By-law No. 6 Caravans & Camping 2015.*<sup>3</sup>

**Note-**

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
3. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.

**5. Application**

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
- 5.2 This By-law applies throughout the Council area unless stated otherwise.

**6. Interpretation**

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **camp** includes setting up a camp, or causing:  
6.2.1 a tent or other structure of calico, canvas, plastic or other similar material;  
6.2.2 a swag or similar bedding; or  
6.2.3 subject to the *Road Traffic Act 1961*, a caravan, tent trailer or motor home;  
to remain on land overnight, whether or not any person is in attendance or sleeps on the land;
- 6.3 **camping reserve** means land vested in or under the control of the Council which the Council has set aside as a camping reserve and which is identified by one or more signs with the words 'camping reserve' (either with or without other words) and includes the following campgrounds operated by the Council:  
6.3.1 Sheringa Campgrounds located on the land comprised in Crown Record Volume 5752 Folio 3 and Crown Record Volume 5752 Folio 4; and  
6.3.2 Walkers Rock campground located on the land comprised in Crown Record Volume 5758 Folio 593;
- 6.4 **Council** means the District Council of Elliston;
- 6.5 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.6 **foreshore** means land extending:  
6.6.1 from the low water mark on the seashore to the nearest road or section boundary; or  
6.6.2 to a distance of 50 metres from the high-water mark,  
(whichever is the lesser distance);
- 6.7 **land** means any Local Government land, road or foreshore or part thereof;
- 6.8 **Local Government land** means all land owned by the Council or under the Council's care, control and management;
- 6.9 **road** has the same meaning as in the *Local Government Act 1999*; and
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

**PART 2 – REGULATION OF CAMPING****7. General Camping Controls**

A person must not, without permission of the Council, engage in or undertake the following on any land:

- 7.1 **Camping**  
7.1.1 Camp or sleep overnight other than:  
7.1.1.1 in a caravan park which the proprietor has permission to operate; or  
7.1.1.2 on a camping reserve in accordance with this By-law; or  
7.1.1.3 on any other land that has been designated and set aside by resolution of the Council for that purpose and only then, in accordance with any conditions determined by resolution of the Council and contained on signage erected on the land or in its vicinity.
- 7.2 **Caravans**  
Subject to clause 7.1, use or occupy, or cause suffer or permit to be used or occupied, any caravan, motorhome or other vehicle on land for or in connection with camping activities, including (but not limited to) washing, cooking and sleeping.
- 7.3 **Camping reserves**  
No person shall on a camping reserve:  
7.3.1 **Camping site**  
camp other than in a designated camping site;
- 7.3.2 **Camping fee**  
camp on a site without first:  
7.3.2.1 making a booking for that site; and  
7.3.2.2 making payment of the applicable fee as may be determined by the Council from time to time;
- 7.3.3 **Limit on camping time**  
camp for a period in excess of two consecutive weeks;
- 7.3.4 **Break in camping time Orders**  
having camped on a camping reserve for two consecutive weeks, camp on any camping reserve until a further period of seven (7) days has expired;
- 7.3.5 **Fail to allow inspection**  
fail to permit any Council officer or authorised person to enter onto and inspect the person's campsite or any tent, caravan or vehicle thereon or thereby; or
- 7.3.6 **Fail to keep site clean**  
fail to keep the area on which the person is camped and the surrounds in a clean, tidy and sanitary condition.

**PART 3 – ENFORCEMENT**

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

**Note-**

Section 262(1) of the Act states:  
*If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

- a) *if the conduct is still continuing - to stop the conduct; and*
- b) *whether or not the conduct is still continuing- to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- leave a camping reserve;
- dismantle a tent; or
- clean and keep clean a camping site.

**8. Exemptions**

8.1 The restrictions in this By-law do not apply to a Police Officer, emergency worker, Council officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer or in accordance with a direction of a Council officer.

8.2 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

8.3 An exemption:

- 8.3.1 may be granted or refused at the discretion of the Council;
- 8.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 8.3.3 is subject to any conditions specified in the instrument of exemption.

8.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

8.5 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

**9. Liability of Vehicle Owners**

9.1 For the purposes of this clause 9, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

9.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of District Council of Elliston held on **18 October 2022** an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

GEOFF SHERIDAN  
 Chief Executive Officer

**DISTRICT COUNCIL OF ELLISTON  
 CATS BY-LAW 2022  
 By-Law No. 7 of 2022**

*This By-law is to limit the number of cats kept on premises and for the management and control of cats in the Council's area.*

**PART 1 - PRELIMINARY****1. Title**

This By-law may be cited as the *Cats By-law 2022* and is By-law No. 7 of the District Council of Elliston.

**2. Authorising Law**

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995* and section 246 of the Act.

**3. Purpose**

The objectives of this By-law are to control and manage cats in the Council's area:

- 3.1 to promote responsible cat ownership;
- 3.2 to reduce the incidence of public and environmental nuisance caused by cats;
- 3.3 to protect the comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.

**4. Commencement and Expiry**

This By-law will commence in accordance with the Act<sup>1</sup> and will expire on 1 January 2030<sup>2</sup>

**Note-**

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.

5.2 This By-law applies throughout the Council's area.

**6. Interpretation**

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 except for the purposes of clause 8, **cat** means an animal of the species *felis catus* which is three months of age or has lost its juvenile canine teeth;
- 6.3 **Council** means the District Council of Elliston;
- 6.4 **keep** includes the provision of food or shelter;
- 6.5 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
  - 6.5.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to by displaying aggressive nature or creating unpleasant noise or odour;
  - 6.5.2 damages or otherwise has an adverse impact upon native flora or fauna;
  - 6.5.3 acts in a manner that is injurious or causes damage to a person's real or personal property;
  - 6.5.4 wanders onto premises without the consent of the owner or occupier of the premises; or
  - 6.5.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;
- 6.6 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
- 6.7 **premises** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof; and

- 6.8 the **person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*.

**Note-**

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

**PART 2 – LIMITS ON CAT NUMBERS****7. Limits on Cat Numbers**

- 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep, or cause suffer or permit to be kept, more than two (2) cats on any premises.  
The limit prescribed by subclause 7.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.
- 7.2 The Council may require that premises that are the subject of an application for permission to keep additional cats are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.3 Permission under subclause 7.3 may be given if the Council is satisfied that:
- 7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and
- 7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

**PART 3 – CAT CONTROLS****8. Cats not to be a Nuisance**

- 8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
- 8.2 Without limiting liability under clause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.
- 8.3 For the purposes of this subclause 8, **cat** means an animal of the species *felis catus* (of any age).

**9. Registration of Cats**

- 9.1 Where the Council resolves to adopt a registration scheme for cats kept in its area, a person must not keep a cat in the Council's area for more than fourteen (14) days unless the cat is registered in accordance with this By-law.
- 9.2 An application for registration of a cat must:
- 9.2.1 be made to the Council in the manner and form prescribed by Council (if any);
- 9.2.2 be accompanied by the fee (if any) prescribed by the Council;
- 9.2.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name;
- 9.2.4 identify with reference to an address the premises at which the cat is kept; and
- 9.2.5 otherwise comply with any other requirements determined by the Council.
- 9.3 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.

**PART 4 – EXEMPTIONS****10. Council May Grant Exemptions**

- 10.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 10.2 An exemption—
- 10.2.1 may be granted or refused at the discretion of the Council;
- 10.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 10.2.3 is subject to any conditions specified in the instrument of exemption.
- 10.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 10.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

**PART 5 - ENFORCEMENT****11. Orders**

- 11.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:
- 11.1.1 if the conduct is still continuing – to stop the conduct; and
- 11.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 11.2 A person must comply with an order under this clause.
- 11.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 11.4 However, an authorised person may not use force against a person under this section.

**Note-**

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by howling or wandering cats.

This By-law was duly made and passed at a meeting of District Council of Elliston held on 18 October 2022 an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

GEOFF SHERIDAN  
Chief Executive Officer