

SHIRE OF KONDININ

**ANIMALS, ENVIRONMENT AND NUISANCE
AMENDMENT LOCAL LAW 2018**

**HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911
LOCAL GOVERNMENT ACT 1995**

SHIRE OF KONDININ

**ANIMALS, ENVIRONMENT AND NUISANCE AMENDMENT
LOCAL LAW 2018**

Under the powers conferred by section 342 of the *Health (Miscellaneous Provisions) Act 1911* and Subdivisions 1 and 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kondinin resolved on __ day of _____ in the year 2018 to make the following local law.

Part 1 - Preliminary

1 Citation

This local law may be cited as the *Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018*.

2. Commencement

This local law comes into operation on the same day it is published in the *Government Gazette*.

3. Principal local law

This local law amends the *Shire of Kondinin Animals, Environment and Nuisance Local Law 2016* as published in the *Government Gazette* No 39 on the 10 February 2017.

4. Title amended

- (1) In the title of the local law, insert “(MISCELLANEOUS PROVISIONS)” between ‘HEALTH’ and ‘ACT’.
- (2) In the enabling clause, insert “(*Miscellaneous Provisions*)” between ‘Health’ and ‘Act’.

5. Clause 1.4 amended

- (1) In subclause 1.4(1) –
 - (a) make the following amendments –
 - (i) insert the definition “**Association** has the meaning given to it in the *Associations Incorporation Act 2015*.”
 - (ii) Amend the definition for an ‘**affiliated person**’ by replacing the word ‘club’ with the word “association” where mentioned.
 - (iii) in the definition of ‘**authorised person**’ after the words ‘this local law’ insert “, and an EHO”;
 - (iv) delete the definition of ‘**EHO**’ and insert the following –

“**EHO** means –

 - (a) an Environmental Health Officer appointed by the local government under the *Public Health Act 2016* and includes any acting or Assistant Environmental Health Officer to perform all or any of the functions conferred on an Environmental Health Officer under this local law; and

(b) a person designated by the local government as an authorised officer under section 24 of the *Public Health Act 2016*;

(v) in the definition of ‘*premises*’ insert between ‘*Health*’ and ‘*Act*’ the words “(*Miscellaneous Provisions*)”;

(vi) insert the definition “*Qualified person is a person who holds either the Item 1 License or an Item 4 License as prescribed in ‘Table 131 – Licensees and entitlements’ of the Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*”.

6. Clause 2.12 amended

(1) In subclause 2.12(3)(b)(ii) –

(a) delete the word ‘but’ after the word ‘thoroughfare’ and replace with the word “where”; and

(b) after the word ‘the’ and before the word ‘vegetation’, insert “provision of”.

(2) In subclause 2.12(5), delete ‘(3)’ after ‘in subclause’ and replace with “(4)”.

7. Clause 2.15 amended

In subclause 2.15(1)(b) –

(a) delete subclause reference ‘(iii)’ and replace with “(c)”; and

(b) delete subclause reference ‘(iv)’ and replace with “(d)”; and

(c) align paragraph ‘(c)’ and ‘(d)’ with paragraphs ‘(a)’ and ‘(b)’.

8. Clause 2.26 amended

In subclause 2.26(2), insert between ‘*Health*’ and ‘*Act*’ the words “(*Miscellaneous Provisions*)”.

9. Clause 2.28 amended

In subclause 2.28(1), insert between ‘*Health*’ and ‘*Act*’ the words “(*Miscellaneous Provisions*)”.

10. Clause 3.5 amended

In subclause 3.5(a), delete ‘Department of Environment Regulation’ and replace with “Department of Water and Environmental Regulation”.

11. Clause 3.9 amended

In clause 3.9 –

Delete clause 3.9 and replace with:

“3.9 Disposing of disused refrigerators or similar containers

A person shall not place, leave or dispose of a disused refrigerator, ice chest, ice box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first arranging for the removal of any refrigerants by a qualified person, and —

(a) removing every door and lid and every lock, catch and hinge attached to a door or lid;
or

(b) rendering every door and lid incapable of being fastened.”

12. Clause 4.12 amended

- (1) In subclause 4.12(1), delete subclause ‘(1)’ entirely.
- (2) In subclause 4.12(2) delete subclause reference ‘(2)’ and realign that subclause text under the clause 4.12 title.

13. Schedule 1 - Prescribed offences:

- (1) In Schedule 1 - Prescribed offences –
 - (a) make the following amendments –
 - (i) in Item No 42, after the words ‘...removing the...’ delete the word ‘refrigerant’ and after the words ‘...being fastened...’ insert the words “...or without removing refrigerant”
 - (ii) delete Item No 52 entirely;
 - (iii) in Item No 53, delete ‘(2)’ after subclause 4.12 in clause column;
 - (iv) delete Item reference No ‘53’ and replace with Item No ‘52’;
 - (v) delete Item reference No ‘54’ and replace with Item No ‘53’;
 - (vi) delete Item reference No ‘55’ and replace with Item No ‘54’; and
 - (vii) delete Item reference No ‘56’ and replace with Item No ‘55’.

This Local Law was made by the Shire of Kondinin at an Ordinary Meeting of Council held on __ day of _____ in the year 2018.

The Common Seal of the Shire of Kondinin was affixed by authority of a resolution of the Council in the presence of -

CR. SUSAN MEEKING

Shire President.

Mr JOHN READ

Chief Executive Officer.



Shire Seal

Consented to

Chief Health Officer.

dated this __ day of _____ 2018.