



PUBLIC NOTICE

Review of local laws under s3.12 (6) *Local Government Act 1995*

Local Public Notice is hereby given that the following Shire of Wyalkatchem local laws have received feedback from the Joint Standing Committee on Delegated Legislation (JSCDL), and the following amendments will come into effect on 4 August 2023:

Shire of Wyalkatchem Cats Local Law – to be rescinded and remade

The purpose is to set a 'standard number' of cats that may be kept on premises. The effect is that persons must not keep more than the standard number of cats unless provided for by the local law, the Cat Act, or its associated Regulations.

The new Local Law contained a material change in the permitted number of cats. That is, a reduction in the permitted number of cats allowed on premises within the Shire's non-residential zone from an unlimited number to 3 cats over the age of 6 months.

'Clause 2.3 of the proposed local law stated (underline added):

2.3 Standard number of cats

For the purposes of the definition of standard number of cats in regulation 4(1) of the Cat (Uniform Local Provisions) Regulations 2013, no more than 3 cats may be kept on premises within the residential zone of the local planning scheme or used for residential purposes at which a member of a cat organisation is not ordinarily resident.

vs

Clause 2.3 of the adopted local law states (underline added):

2.3 Standard number of cats

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

Shire of Wyalkatchem Public Places and Local Government Property Local Law 2023 - Amendment

The purpose is to regulate the care, control and management of property of and under the care, control and management of the Shire including thoroughfares. The effect is that some Shire property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited. The local law also establishes offences for inappropriate behaviour in or on Shire property.

Clause 5.10 – Disposal of lost property

Clause 5.10 of the local law provides that:

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

- (a) if the value of the property is reasonably believed to exceed the amount prescribed by regulation 30(3) of the Local Government (Functions and General) Regulations 1996,*
- (b) using the process under section 3.58 of the Act for the sale of the article as if it was property referred to in that section;*
- (c) if the article is reasonably believed to be of a negligible or little value or likely to be of no interest to a not for profit body, in any manner he or she thinks fit; or*
- (d) In any other case, by donation to a not for profit body incorporated under the Associations Incorporations Act 2015.*

The amount prescribed by regulation 30(3) of the *Local Government (Functions and General) Regulations 1996* is \$20,000. The intent of clauses 5.10(b) and (c) was to provide an avenue by which items with a negligible value could be efficiently dealt with.

The Committee advises that it 'notes any property which is of significant value (such as, for example, a diamond ring) but below \$20,000 may not be covered by either clause 9.3(1)(a) or (1)(b) if of no interest to a not for profit body. It could accordingly be disposed of by the CEO or an authorised persons 'in any manner he or she thinks fit'.

The Committee requests the Shire amend this clause to ensure that any lost property of the type described above is dealt with in an appropriately and timely manner, such as being handed in to WA Police within 1 week after being left on Shire property'.

The clause has therefore been amended so that it reads:

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

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

*(Proposed amendments shown in **bold** type).

These local laws may be inspected and copies obtained from the Shire office at 27 Flint Street, Wyalkatchem or viewed on its website at www.wyalkatchem.wa.gov.au, **Comment must be received by 4pm 4 August 2023.**

Peter Klein
CHIEF EXECUTIVE OFFICER

Public Notice was displayed from 26/06/23 on the Shire of Wyalkatchem Notice Board and Wyalkatchem Community Resource Centre / Public Library Notice Board; The Shire Facebook Page, Wylie Weekly and Shire Website. Local Public Notice will apply until the 4 August 2023.