

- (b) will not pose a risk to an officer or member of a permanent fire brigade as defined in the *Fire Brigades Act 1942* section 4(1).

## 10. Regulation 31J amended

After regulation 31J(2) insert:

- (3) Despite subregulation (2), a CodeMark certificate must not be used for a performance solution to the fire resistance performance requirement unless the performance solution is verified in accordance with CV3.

M. INGLIS, Clerk of the Executive Council.

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## LOCAL GOVERNMENT

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LG301

### 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 the 15th day of August 2018 to make the following local law.

#### 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 date of its publication 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* on 10 February 2017.

#### 4. Title amended

The title is amended as follows—

- (a) in the title of the local law, after “**HEALTH**” insert “**(MISCELLANEOUS PROVISIONS)**”; and
- (b) in the enacting clause, after “Health” insert “*(Miscellaneous Provisions)*”.

#### 5. Clause 1.4 amended

Clause 1.4(1) is amended as follows—

- (a) insert the following definition in alphabetical order—
- Association** has the meaning given to it in the *Associations Incorporation Act 2015*;
- 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* (Cth);
- (b) in the definition for **affiliated person** delete “club” and insert “association”;

- (c) in the definition for **authorised person** after “this local law” insert “, and an EHO”;
- (d) delete the definition for **EHO** and replace with the following—  
“**EHO** means a person designated by the local government as an authorised officer under section 24 of the *Public Health Act 2016*”; and
- (e) in the definition for “**premises**” after “*Health*” insert “(*Miscellaneous Provisions*)”.

#### 6. Clause 2.12 amended

- (1) In clause 2.12(3)(b)(ii)—
  - (a) delete “but” after “thoroughfare” and replace with “where”; and
  - (b) after “the” and before “vegetation”, insert “provision of”.
- (2) In clause 2.12(5), delete “(3)” after “in clause” and replace with “(4)”.

#### 7. Clause 2.15 amended

Clause 2.15(1)(b) is amended as follows—

- (a) delete clause reference “(iii)” and replace with “(c)”;
- (b) delete clause reference “(iv)” and replace with “(d)”;
- (c) align paragraph “(c)” and “(d)” with paragraphs “(a)” and “(b)”.

#### 8. Clause 2.28 amended

In clause 2.28(1) after “*Health*” insert “(*Miscellaneous Provisions*)”.

#### 9. Clause 3.5 amended

In clause 3.5(a) delete “Department of Environment Regulation” and replace with “Department of Water and Environmental Regulation”.

#### 10. Clause 3.9 amended

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.

#### 11. Clause 4.12 amended

Clause 4.12 is amended as follows—

- (a) delete 4.12(1); and
- (b) in clause 4.12(2) delete clause reference “(2)” and realign that clause text under the clause 4.12 title.

#### 12. Schedule 1—Prescribed offences

Schedule 1 is amended as follows—

- (a) in Item No 42, after “removing the” delete “refrigerant” and after “being fastened” insert “or without removing refrigerant”;
- (b) delete Item No 52;
- (c) in Item No 53, delete “(2)” after clause “4.12” in the clause column;
- (d) delete Item reference No “53” and replace with Item No “52”;
- (e) delete Item reference No “54” and replace with Item No “53”;
- (f) delete Item reference No “55” and replace with Item No “54”; and
- (g) 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 the 15th day of August 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.  
Ms MIA DOHNT, Chief Executive Officer.

Consented to—

ANDREW ROBERTSON, A/Chief Health Officer.

Dated this 12th day of September 2018.