

PART II - GENERAL INTERPRETATION

2.1 GENERAL DEFINITIONS

In these Local Laws, unless the context otherwise requires:

2.1.1 "Act" means the Local Government (Miscellaneous Provisions) Act, 1960 or the Local Government Act 1995 as the circumstances and context require;

“1960 Act” means the Local Government (Miscellaneous Provisions) Act 1960;

“1995 Act” means the Local Government Act 1995;

"animal" except in Part VI means any animal other than a dog;

"Authorised Officer" means in respect of any Part of these Local Laws the CEO or other officer of the City of Mandurah authorised by the Council or the CEO (as appropriate) to administer that Part;

"Authorised Person" means the CEO, or an Authorised Officer, or any other employee appointed in writing by the CEO as an Authorised Person under these Local Laws, or a Police Officer having authority under the Police Act 1892, or any other person expressly authorised by the CEO in writing to perform a function under these Local Laws;

"beehive" means a moveable or fixed structure, container or object in which a colony of bees is kept;

"boat" means any structure or vessel whether propelled manually or by the wind or power, made or used to float upon or travel under water;

"Bush Fires Act" means the Bush Fires Act 1954;

"cattle" includes horses, mares, fillies, foals, geldings, colts, camels, bulls, bullocks, cows, heifers, steers, calves, asses, mules, sheep, lambs, goats, swine, deer, alpacas, llamas, emus, ostriches, kangaroos, or other animals of a like kind;

"Cemeteries Act" means the Cemeteries Act 1986;

"CEO" means the Chief Executive Officer of the City, and includes in the absence of the Chief Executive Officer, the Deputy or Acting Chief Executive Officer of the City;

"City" means the City of Mandurah;

"Council" means the council of the City;

"District" means the Local Government District of the City;

"Dividing Fences Act" means the Dividing Fences Act 1961;

"Dog Act" means the Dog Act 1976;

“employee” means an employee of the City;

“gender and number” in these local laws words denoting a gender or genders include each other and words in the singular number include the plural and words in the plural number include the singular.

"holiday accommodation" means accommodation which, by way of trade or business, is held out as being available or is made available for holiday purposes for occupation by persons other than the proprietor, and which comprises not less than 4 units;

"licence" means a licence issued pursuant to these Local Laws;

"licensee" means a person to whom a licence is granted under these Local Laws;

"Local Government" where the context permits means the Local Government of the City;

“Local Laws” means these Local Laws;

"lot" has the meaning given to the term in the Town Planning and Development Act 1928;

"member of the Police Force" means a member of the Police Force of Western Australia;

"Minister" means the Minister for Local Government;

"nuisance" means:

- (a) any activity, thing, condition, circumstance or state of affairs caused or contributed to by one person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person;
- (b) any thing a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; and
- (c) any thing a person does on public or private land which unreasonably detracts from or interferes with the enjoyment or value of land owned by another person, provided that any thing done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this provision;

"person" and words applying to any person or individual include a body corporate and in the plural a group of persons and a club association or other body of persons;

"proprietor" means the owner or occupier of the land on which holiday accommodation is situated;

"public place" includes a street, way or place which the public are allowed to use, whether the street, way or place is or is not on private property. It shall also include parklands, squares, reserves, beaches and other lands set apart for the use and enjoyment of the inhabitants of the District and includes all lands vested in or under the care, control or management of the City of Mandurah;

"surveyor" means the building surveyor for the time being appointed by the Council pursuant to the Act and includes, in the absence of the building surveyor, the acting building surveyor;

"town planning scheme" means any town planning scheme for the time being applying zoning or classification to land within the District;

"unit" means a cabin, apartment, chalet, cottage or flat;

"vehicle" includes:

- (a) every conveyance, not being a train, vessel, aircraft, or wheelchair and every object capable of being or designed to be propelled or drawn on wheels or tracks by any means, whether used in that way or not; and
- (b) where the context permits, an animal driven or ridden,

and whether currently licensed or not.

2.1.2 Unless otherwise defined herein the terms and expressions used in these Local Laws shall have the meanings given to them in the Act, and where a term is defined in each the 1960 Act and the 1995 Act, the meaning given in the 1995 Act shall prevail.

2.1.3 A reference to the Council having the power to do something in its discretion or a reference to the Council forming an opinion prior to the doing of anything shall be deemed to include a reference to any Authorised Officer or Authorised Person, or any other person, or any committee to whom or to which the Council has delegated the power or the doing of the thing exercising such discretion or forming such opinion.

2.1.4 A reference to the CEO or any other employee of the City includes a person duly appointed to act or from time to time acting in the position of that employee.