



**CORANGAMITE
SHIRE**

LIVESTOCK LOCAL LAW 2015

Local Law No.2

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CORANGAMITE
SHIRE

Corangamite Shire Council
Livestock Local Law 2015
Local Law No.2

PART 1 - PRELIMINARY

1. Title

This Local Law is the Corangamite Shire Council's Livestock Local Law, Local Law No.2 and is referred to subsequently as this Local Law.

The Council's power to make this Local Law is contained in Section 111 of the *Local Government Act 1989*.

2. Objectives

The objectives of this Local Law are to:

- (a) regulate the movement and droving of livestock through and within the municipal district and the grazing of livestock within the municipal district;
- (b) minimise damage to road pavements, formations, drainage, vegetation and surrounding areas arising from livestock;
- (c) minimise the spread of livestock disease and noxious weeds in the municipal district;
- (d) provide for the welfare of livestock when being driven, grazed or moved;
- (e) provide for measures to alert other road users to the presence of livestock on roads in the municipal district in the interests of safe use of roads;
- (f) regulate the adequacy of fencing of livestock and put in place mechanisms for rectifying inadequate fencing;
- (g) make provision for fees or charges relating to the impounding of livestock and all other costs incidental thereto and for road use by livestock within the municipal district;

- (h) prescribe penalties for contravention of any provisions of this local law;
- (i) provide generally for the peace, order and good government of the municipal district including in particular the administration of Council's powers and functions; and
- (j) repeal any redundant local laws.

3. Commencement

This Local Law commences on the day following its making.

4. Revocation of Local Law

On the commencement of this Local Law:

Livestock Local Law No.2, as made by Council on 19 November 2009 is revoked.

5. Application of Local Law

This Local Law applies to the whole of the municipal district except when it is apparent from its wording that it only applies to a specified area or areas. Where it applies to a road, it applies to all parts of the road reserve. Its provisions apply to the extent that they are not inconsistent with any Act, regulations or planning scheme applicable to the Council or its municipal district.

Unless this Local Law is revoked sooner, its operation will cease on the tenth anniversary of its making.

6. Definitions

In this Local Law, unless the context or subject matter indicates otherwise, definitions are as in the *Local Government Act 1989* indicated by the words 'as in the Act'. Other words and phrases have the respective meanings assigned:

Act	means the <i>Local Government Act 1989</i> .
Applicant	means the person who applies for a permit under this local law.
Authorised Officer	means a person appointed under section 224 of the Act to be an authorised officer for the purposes of the administration and enforcement of this Local Law.

Cattle	means any bull, cow, ox, steer, heifer, calf or buffalo.
Chief Executive Officer	means the person appointed by Council to be its Chief Executive Officer or any person acting in that position.
Council	means Corangamite Shire Council.
Council land	means any land, which is owned, vested in, occupied or managed by Council.
daylight hours	means the hours between sunrise and sunset.
Declared Road	means a road declared under section 11 of the Road Management Act 2004.
disease	means any contagious or infectious disease or any condition to which livestock is subject, or an exotic disease as declared by the Governor in Council for the purposes of the Livestock Diseases Control Act 1994.
Drover	means the person responsible for the droving of livestock and includes the owner of those livestock or an employee or contractor of that person where the employee or contractor is engaged for the purposes of supervising the droving of those livestock or taking them from or to a market.
droving of livestock	means driving of livestock, from one location to another for the purpose of changing their grazing area or moving livestock from their grazing areas to a location for purposes of sale or from a sale location to a grazing area but does not include movement of livestock. It includes mere driving of livestock in or through a municipal district for the purpose of or including supplementing their feeding or taking them from or to a market.

effective control	means control by person or persons alone or using dogs, devices, fences or other equipment so as to ensure that livestock are not trespassing or endangering persons or objects.
exemption	means an exemption issued by or under the authority of Council under this Local Law.
grazing of livestock	means causing livestock to enter and remain on a road or roads within the municipal district for purposes of grazing rather than for purposes of droving or movement of livestock. It relates to grazing a particular or designated area and not to indiscriminate droving for purposes of or including supplementing feeding.
horse	means any stallion, mare, gelding, colt or filly
large cattle	means cattle over 9 months of age.
livestock	means an animal (including a bird) of any species used in connection with primary production or kept or used for recreational purposes or for the purposes of recreational sport, other than a dog or cat.
movement of livestock	means: <ul style="list-style-type: none">(a) individual or regular movement of livestock; as part of normal farm management operations of one farming enterprise but not for purposes of grazing;(b) from one property within the municipal district to another property within the municipal district or from or to one property in the municipal district to or from a property within an adjacent municipal district;(c) at the rate of not less than one kilometre per hour in the direction of movement between the two properties;(d) where the properties concerned are occupied by the one farming enterprise; and(e) the movement is completed on the day of commencement.

Municipal District	means the municipal district of the Council.
Notice to Comply	means a notice to comply referred to in clause 29 of this Local Law.
one farming enterprise	means a business of farming livestock run by one or more persons as one business.
Permit	means a permit in writing issued by or under the authority of Council under this Local Law.
Permit holder	is the person to whom a permit has been issued under this Local Law.
Penalty	means a fine or other monetary penalty and includes an amount payable under an Act or statutory rule in respect of an offence for which an infringement notice can be issued.;
Penalty Unit	means a Penalty Unit set out in section 110(2) of the Sentencing Act 1991 that is currently fixed at \$100 for each one (1) Penalty Unit identified in this Local Law and includes any amendments to that amount as determined from time to time.
Pound	means a facility or area established by a council or group of councils for the impounding of livestock.
Pound keeper	means the person for the time being appointed by Council to manage the pound or any person acting in that position.
public place	has the meaning ascribed to it in section 3 of the Summary Offences Act 1966. ¹
Regulations	means the Road Safety Road Rules 2009.
Road	has the meaning ascribed to it in Section 3 of the Act and includes a highway.

Schedule	means a schedule to this Local Law.
Senior Officer	has the meaning ascribed to it in Section 3 of the Act.
Service Authority	includes the Council, Police, State Emergency Service or any government, semi government or non-profit agency involved in remedying a problem associated with livestock on a road.
sheep	means any ram, ewe, wether or lamb.
stock crossing	means a location on a road for the purpose of livestock crossing that road and to which the requirements of Regulations, and the guidelines referred to in them, apply.

PART 2 - LIVESTOCK ON ROADS

7. Fencing of Land Containing Livestock

- (1) An owner or occupier of land on which livestock are kept must ensure that the fencing of that land is adequate to prevent the escape of that livestock.
- (2) Where in the opinion of Council, there is a failure to comply with sub-clause (1), the Council may serve a notice to comply on the owner or occupier of the land requiring that owner or occupier to install, repair, replace or modify fencing, gates or grids.
- (3) A person must comply with a notice served under sub-clause (2).

Penalty: 20 Penalty Units

Infringement Penalty: 4 Penalty Units

8. Offence Concerning Livestock on Roads

A person who owns or is in charge of livestock must not cause or allow the livestock to be on a road unless in accordance with a permit or exempted from the need for a permit under clause 11 of the Local Law, and unless

- (a) the livestock are being driven:
 - (i) through the municipal district, or
 - (ii) from outside the municipal district towards a point of destination in the municipal district, or
 - (iii) from a location within the municipal district to a point of destination outside the municipal district, or
- (b) the livestock are grazing, or
- (c) The livestock are being moved across or along a road (whether directly or by being moved along and across or merely along a road or merely across a road) in order to travel from one property to another or from one part of a property to another part in accordance with clause 11.

Penalty: 20 Penalty Units

Infringement Penalty: 4 Penalty Units

9. Droving of Livestock

The Council must not issue a permit for the droving of livestock if:

- (a) there are more than:
 - (i) 6,000 sheep, ewes, wethers and rams; or
 - (ii) 500 large cattle; or
 - (iii) 200 of any other livestock; or

- (b) it is not satisfied that the livestock are able to travel:
 - (i) eight kilometres each day (being livestock referred to in paragraph (a)(i) or (iii)) in one direction; or
 - (ii) ten kilometres each day (being livestock referred to in paragraph (a)(ii)) in one direction towards their destination; or

- (c) the roads proposed to be travelled:
 - (i) are or will be in use for the purpose for the droving of other livestock at the time proposed;
 - (ii) are carrying such an extent of traffic or in such a condition or being used for such other purposes at the time proposed for the droving that the droving is impracticable; or
 - (iii) contain areas of high conservation significance and the applicant cannot or is not prepared to give an undertaking to take all reasonable measures proposed to ensure that such areas are protected; or

- (d) the owner or drover or person in charge of the livestock has not paid any fee determined by the Council or to provide any bond, guarantee or indemnity requested by the Council as security against road or adjacent fence or property damage; or

- (e) the owner or drover or person in charge of the livestock does not provide evidence, to the satisfaction of Council, of an ability to adequately water and feed the livestock and to safely contain them overnight; or

- (f) the owner or drover, following a request by an Authorised Officer, does not supply a statutory declaration, made in accordance with the provisions of Division 4 of the Evidence (Miscellaneous Provisions) Act 1958, attesting to the satisfaction of the Council whether:-
 - i. the livestock are fit, healthy and free from disease; and
 - ii. in respect of livestock (other than sheep) are able to travel at least ten kilometres on each and every day the livestock will be driven through the municipal district of the Corangamite Shire Council.

- iii. in respect of sheep are able to travel at least eight kilometres on each and every day the sheep will be driven through the municipal district of the Corangamite Shire Council.
 - iv. in respect of livestock being grazed pursuant to a permit or exemption for that purpose present no danger of transmitting disease to any livestock adjacent to any area to be grazed; or
- (g) a person proposing to introduce cattle into Victoria has not first obtained permission in writing from an Inspector of Livestock under the Livestock Disease Control Act 1994, provided certification regarding the Livestock to the Inspector nearest the first point of entry and ensured that the livestock are eartagged with approved eartags prior to entry or otherwise complied with the Livestock Disease Control Act.

In determining conditions applying to any permit for the driving of livestock, the Council in addition to any conditions referred to in clause 21 may impose such conditions as it considers appropriate including requirements that:

- livestock not be driven or camped in any area which is a declared or mapped by Council as an area of high or very high conservation value;
- appropriate reflective signs or flashing lights be erected in front of, and at the rear of, any livestock camped overnight on a road;
- the number of livestock which may be driven in the municipal district at any one time not exceed the number specified in respect of the permit;
- the livestock travel not less than the distances specified by an Authorised Officer (which distances may allow for a rest day in appropriate circumstances);
- the permit holder has a current public liability policy covering risks relevant to the droving and for an amount sufficient to meet any liability to the Council;
- the public liability policy mention the interests of the Council and the Roads Corporation;
- the livestock be healthy and free of disease;

- signs conforming with the guidelines prepared by the Roads Corporation and referred to in the Regulations are in place;
- livestock are only to be driven on any road during daylight hours.

The route to be travelled must be specifically determined by Council having regard to:

- the route requested by the applicant;
- the practicality of that route or alternative routes given:
 - (i) the respective volume of traffic regularly using roads in the vicinity;
 - (ii) the proposed commencing and finishing locations;
 - (iii) the sensitivity of vegetation on that route;
 - (iv) the duration and/or frequency of livestock droving proposed;
 - (v) the number of livestock involved in the droving or each livestock droving;
 - (vi) any permits already granted for livestock droving, grazing or movement on or adjacent to the proposed area;
 - (vii) the condition of the road and prevailing weather conditions at the time of the proposed droving of livestock or throughout the proposed livestock droving;
 - (viii) the availability of alternative routes;
 - (ix) the distance to be covered each day;
 - (x) the health and condition of the livestock;
 - (xi) the nature of any weeds or growth along any proposed route and the potential for livestock to spread noxious or environmental weeds;
 - (xii) the potential for safely accommodating any livestock overnight;
 - (xiii) the capacity to adequately warn other road users of the presence of livestock on the road;
 - (xiv) procedures for varying any route in situations of hardship;
 - (xv) the availability of water and feed;
 - (xvi) the outcome of any consultation with the Department of Environment Land Water and Planning regarding native vegetation;

- (xvii) the views of the Roads Corporation concerning any driving on declared roads; and
- (xviii) any other matters considered relevant by the Council.

Upon the issue of a permit under this clause, the Council must notify the Department of the permit and of the livestock to be driven.

- (1) A person who is in charge of livestock which are being driven on a road must ensure that:
 - (a) a permit has been obtained from Council for the driving of stock and all conditions contained within the permit are being complied with.
 - (b) the livestock are supervised and under effective control at all times by a person who is competent in the management of such livestock;
 - (b) livestock camped overnight are enclosed by a substantial and secure barrier (or otherwise isolated so as to prevent escape or danger to other road users);
 - (c) proper disposal takes place of any carcass of any livestock , under that person's charge, which die on the road;
 - (d) the livestock are only driven during daylight hours; and
 - (e) the livestock are not driven on roads which the Council or an Authorised Officer has notified the person must not be used for the driving of livestock
 - (f) an Inspector of Livestock in Victoria administering the *Livestock Disease Control Act 1994* is notified if the person in charge of such livestock becomes aware or suspects that livestock (or any of them) have a disease or has died of a disease listed as a notifiable disease under that Act; and
 - (g) he or she complies with the provisions of the *Livestock Disease Control Act 1994* and the *Prevention of Cruelty to Animals Act 1986*; and
 - (h) in respect of any declared roads, the permission of the Roads Corporation has been obtained.

Penalty: 20 Penalty Units

Infringement Penalty: 4 Penalty Units

10. Grazing of Livestock

The Council must not issue a permit for the grazing of a road by livestock unless:

- (a) the road or roads or part of them proposed to be grazed can be grazed without threat to areas of high or very high conservation significance; and
 - (b) the applicant for the permit provides evidence to the satisfaction of Council:
 - (i) that the livestock will be adequately supervised and effectively controlled; and
 - (ii) there will be compliance with all conditions of a permit; and
 - (iii) where required, of the health and fitness of the livestock; and
 - (iv) of an ability to adequately feed and water the livestock on the roads proposed; and
 - (c) the road or roads or part of them are at the time proposed suitable for grazing by livestock which can be undertaken without damage to surface, plants or adjacent structures; and
 - (d) in respect of any declared roads, the permission of the Roads Corporation has been obtained.
- (1) A person who is in charge of livestock which are being grazed on a road must ensure that:
- (a) the livestock are supervised and under effective control at all times by a person who is competent in the management of livestock; and
 - (b) the carcass of any livestock under that person's charge which dies on a road is properly disposed of; and
 - (c) livestock are grazed only during daylight hours; and
 - (d) signs conforming with guidelines prepared by the Roads Corporation and referred to in the Regulations are in place; and
 - (e) appropriate precautions are taken to ensure that no damage occurs to road surfaces, furniture, drains, culverts, bridges and private entrance ways or to trees and shrubs growing within

- the road reserve and that erosion is not caused by excessive grazing; and
- (f) in the event that livestock are causing damage including where overgrazing occurs, they are removed from the road reserve; and
 - (g) the livestock are enclosed by an appropriate form of fencing or other control or removed from the road before daylight hours finish unless an Authorised Officer agrees to some other level of supervision or overnight arrangement; and
 - (h) the person has a current policy of public liability insurance and that proof is produced to the Council prior to commencement of grazing; and
 - (i) an Inspector administering *the Livestock Disease Control Act 1994* is notified if the person in charge of such livestock becomes aware or suspects that livestock (or any of them) have a disease or has died of a disease listed as a notifiable disease under that Act; and
 - (j) he or she complies with the provisions of the *Livestock Disease Control Act 1994* and the *Prevention of Cruelty to Animals Act 1986*.

Penalty: 20 Penalty Units

Infringement Penalty: 4 Penalty Units

11. Movement of Livestock

- (1) A person must not move livestock across and/or along a road to travel from one property being part of a single farming enterprise to another being part of the same farming enterprise or from one part of a property to another part of the same property unless, he or she complies with the following;
 - (a) the Road Safety Road Rules Regulations 1999 and the VicRoads Manual for Traffic Control at Stock Crossings (or other guidelines prepared by the Road Authority); and
 - (b) the length of travel is the minimum practical distance on or along any roadway and is approved by Council; and
 - (c) areas of high conservation significance are avoided or protected; and
 - (d) the livestock are moved promptly, to prevent unnecessary grazing of roads; and

- (e) the applicant has a current public liability policy and that proof of such notation is produced to the Council on written request; and
 - (f) the livestock are supervised and under effective control by a person who is competent in the management of livestock; and
 - (g) any livestock deposits, on any road pavement, which cause or are likely to cause danger to other road users are removed as soon as practicable.
- (2) In the event of livestock being moved at a rate of less than one kilometre per hour, a grazing permit must be obtained.

Penalty: 20 Penalty Units

Infringement Penalty: 4 Penalty Units

12. Non Application of Clauses

- (1) The provisions of clauses 8 to 11 do not apply to livestock being transported by vehicle or other means in circumstances where there is no contact between the livestock and the road reserve.
- (2) The provisions of clauses 8 to 11 do not apply to a horse being ridden or driven or led by some attachment when the horse is being ridden driven or led by its owner or by a person authorised to do so by its owner.

13. Right of Way

Travelling livestock (being livestock driven in accordance with a valid livestock droving permit) will give right of way to other stock being driven on a road in accordance with clause 11.

14. Warning Signs

- (1) A person involved in droving of livestock, grazing of livestock or movement of livestock in the municipal district must ensure that adequate warning of the presence of livestock on the road is given to other road users or potential road users.
- (2) In addition to warnings given in accordance with sub-clause (1), such person must display signs conforming with guidelines prepared by the Roads Corporation and referred to in the Regulations.

- (3) A person involved in droving of livestock or grazing of livestock must ensure that any signs referred to in sub-clause (2) are removed from the road at the time of completing such droving of livestock or grazing of livestock or otherwise deactivated as set out in the guidelines referred to in the Regulations.
- (4) A person involved in movement of livestock across a road must comply with whichever of the crossing guidelines prepared by the Roads Corporation and referred to in the Regulations as is appropriate to the relevant stock crossing.
- (5) In addition to any other permit or livestock movement conditions relating to warning signs to other road users, lighting requirements and the location, size, contents and colour of such devices, the person in charge of livestock on roads must have regard to:
 - (a) any Australian Standards for such purposes;
 - (b) any other signage for road safety having regard to topography, conditions, livestock type and numbers; or
 - (c) any other requirements of the Roads Corporation communicated to the Council in respect of declared roads.

Penalty: 20 Penalty Units

Infringement Penalty: 4 Penalty Units

15. Authorised relocation of livestock other than in daylight hours

The provisions prohibiting livestock droving or movement on roads other than in daylight hours do not apply to:

- (a) relocation of livestock by an Authorised Officer; or
- (b) relocation of livestock in an emergency or to avoid or minimise danger; or
- (c) movement of livestock in accordance with the requirements of clauses 10 and guidelines prepared by the Roads Corporation and referred to in the Regulations.

PART 3 - ADMINISTRATION

16. Permits

- (1) A person who wishes to apply for a permit may do so by:
 - (a) lodging with the Council an application, in an approved form; and
 - (b) paying to the Council the appropriate application fee where applicable; and
 - (c) in the case of a permit for droving of livestock, lodging with the Council a bond of \$1,000 in cash or by bank cheque.
- (2) The Council may require an applicant to provide additional information before dealing with an application for a permit or for an exemption.

17. Fees

- (1) Council may, from time to time, by resolution fix fees for the purposes of this Local Law.
- (2) In fixing any fees and charges Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.
- (3) Council may waive, reduce or alter a fee with or without conditions.

18. Fees and Charges relating to impounded or impounding livestock

- (1) The charges to be paid under Section 16(2)(b) of the Impounding of Livestock Act 1994 and any other fees relevant thereto are those determined by Council from time to time.
- (2) A copy of current fees and charges must be available from the Council.
- (3) In determining fees and charges relevant to the impounding of livestock or impounded livestock, the Council must have regard to **the costs** incurred in:
 - (a) the process of impounding;
 - (b) the housing and feeding of impounded livestock;
 - (c) arranging any veterinary care or treatment;
 - (d) advertising;
 - (e) investigating ownership;

- (f) calling and letting tenders;
- (g) auctioning;
- (h) reimbursing owners or occupiers of land trespassed by the impounded livestock;
- (i) destruction and/or disposal;
- (j) record keeping; and
- (k) any other action necessary or convenient to be done for in connection with the functions;

but these considerations do not prevent the Council from determining unit fees or charges payable in respect of each or any element of the impounding, housing, feeding, releasing, selling, treating, destroying, disposal and recording process or of any combination or combinations of them.

- (4) Nothing in this Local Law prevents the Council agreeing with another Council to fix or determine fees or charges incurred by either Council or jointly by both or partly be one and partly by the other in respect of the costs outlined in sub-clause (3) by one or other or both and imposing those fees or charges or retaining those fees or charges from any proceeds of sale or suing for recovery of those fees or charges.
- (5) Any agreement under sub-clause (4) may include arrangements for any Councils to reimburse another for services rendered.

19. Fees and Charges relating to livestock movement

In determining fees and charges relevant to the droving or grazing of livestock along any road in the municipal district, the Council may do all or any of the following:

- (a) fix daily fees and/or per capita charges;
- (b) fix fees and/or per capita charges according to the duration for which any permit is to operate;
- (c) fix different fees and/or per capita charges for differing types of livestock;
- (d) fix different fees and/or per capita charges for droving of livestock and for grazing of livestock;
- (e) fix fees and/or per capita charges on an annual basis or pro rata those fees according to the period of the year yet to elapse when the permit is granted;

- (f) fix any bond or guarantee amount to be paid or provided as an alternative to or an addition to an indemnity against damage or actions.
- (g) In addition to any charges set out above, the Council may recover other costs incurred including those relevant to:
 - (i) advertisements;
 - (ii) veterinary assessment, care or treatment;
 - (iii) auctioning;
 - (iv) destruction or disposal;

or any other fees and charges referred to in clause 18 of this Local Law.

20. Bonds

- (1) The Council must refund a bond, on application:
 - (a) within seven days after refusing to issue a permit; or
 - (b) if a permit is issued, after the departure from the municipal district of the livestock if the applicant has, in the opinion of an Authorised Officer, complied with the conditions of the permit.
- (2) The Council may retain all or part of a bond, to the extent of:
 - (a) the cost to the Council of repairing any damage to roads or other property which, in the opinion of an Authorised Officer, has occurred as a result of the driving of the livestock; and
 - (b) the amount of unpaid daily fees due in relation to the livestock the subject of the permit application or permit.
- (3) A deduction under sub-clause (2) may be made at any time before the bond or any remaining part of it is refunded.
- (4) If a deduction is made from a bond before the livestock have left the municipal district, the permit holder must, within 48 hours, make further payment to maintain the amount of the bond at \$1,000.
- (5) In the event of any unpaid fees and the cost to Council of repairing any damage exceeding the amount of the bond, the applicant must pay the outstanding amount to the Council and the Council may serve a notice to comply on the applicant.

21. Issue of Permits

Council may:

- (a) issue a permit, with or without conditions; or
- (b) refuse to issue a permit.

22. Duration of Permits

- (1) A permit is in force until the expiry date indicated on the permit, unless it is cancelled before the expiry date.
- (2) If no expiry date is indicated on the permit, the permit expires on 30 June next after the day on which it is issued except that a droving permit expires at the expiry of the period for which it was given.

23. Conditional Permits

- (1) In addition to any other conditions which it may impose, the Council or an Authorised Officer may include in a permit or exemption other conditions which it considers to be appropriate, including conditions relating to:
 - (a) the payment of a fee or charge; and
 - (b) a time limit to be applied either specifying the duration, commencement or completion date; and
 - (c) the happening of an event; and
 - (d) the rectification, remedying or restoration or a situation or circumstance; and
 - (e) where the applicant is not the owner of the subject property, the consent of the owner; and
 - (f) the granting of some other permit or authorisation.
- (2) Apart from any mandatory provisions or conditions under this Local Law, the conditions of a permit must be set out in or attached to the permit.
- (3) The Council may, during the currency of Permit, alter the conditions of a permit if it considers it to be appropriate to do so, after providing the permit holder with an opportunity to make comment on the proposed alteration.
- (4) A person who undertakes an activity for which the Council has issued a permit must comply with the conditions of the permit.
- (5) Where an Authorised Officer considers that doubt arises as to the health and/or fitness of livestock to be driven, grazed or moved

within the municipal district without potential adverse health effect to other livestock in the municipal district, he or she may require the owner, drover or person in charge of the livestock being or proposed to be driven, grazed or moved to have the livestock examined by a suitable veterinary practitioner appointed by the Council for the purpose at the cost of the owner, drover or person in charge of that livestock, unless such examination proves the livestock to be fit and healthy.

- (6) In the event that the veterinary practitioner confirms that the livestock are unhealthy or unfit to be driven, grazed or moved in the municipal district, the Authorised Officer may refuse to allow such droving, grazing or movement.

24. Cancellation of a Permit

- (1) An Authorised Officer may cancel a permit if it considers that:
- (a) there has been a serious or ongoing breach of any condition of the permit;
 - (b) a notice to comply has been issued, but not complied with within seven days after the time specified in the notice for compliance; or
 - (c) there was a significant error or misrepresentation in the application for the permit; or
 - (d) in the circumstances, the permit should be cancelled.
- (2) Before he or she cancels a permit, an Authorised Officer must provide to the permit holder an opportunity to make comment on the proposed cancellation.
- (3) If a permit holder is not the owner of the livestock and the owner's consent was required to be given to the application for the permit, the owner must be notified of any notice to comply and of the reason why it has been served.

25. Correction of permits

- (1) Council may correct a permit in relation to:
- (a) an unintentional error or an omission; or
 - (b) an evident material miscalculation or an evident material mistake of description of a person, thing or property.
- (2) The Council must notify a permit holder in writing of any correction.

26. Exemptions

- (1) The Council may by written notice exempt any person or class of persons from the requirement to have a permit, either generally or at specified times.
- (2) An exemption may be granted subject to conditions.
- (3) A person must comply with the conditions of an exemption.
- (4) An exemption may be cancelled or corrected as if it were a permit.
- (5) Despite any provision in this Local Law requiring a permit to undertake any particular activity, no offence will arise where the Council or its delegate has granted an exemption from the requirements to hold any such permit and the holder of that exemption carries out the activity authorised by, and in accordance with any conditions contained in, that exemption.
- (6) Notwithstanding any other considerations, the Council may exempt a person from the requirement to have a permit in respect of:
 - (a) grazing of livestock if it is part of a municipal fire prevention program;
 - (b) any applicant where it is satisfied that past performance by the applicant is such that the Council can be confident that no supervision will be required and that full compliance with all conditions of exemption can be expected; or
 - (c) any applicant where, having regard to all the circumstances of the proposal under consideration, the Council considers it is appropriate to do so.
- (7) Where compliance with any condition of a permit or an exemption or other condition arising under this Local Law is impracticable in a particular circumstance, the Council may exempt a person from compliance with that condition or vary the condition in a way which is capable of compliance.

27. Application Offence

A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a permit or exemption is guilty of an offence.

Penalty: 20 Penalty Units

Infringement Penalty: 4 Penalty Units

28. Delegation

In accordance with section 114 of the Act, Council hereby delegates:

- (1) to the Chief Executive Officer, each Senior Officer, Manager Environment and Emergency and any person for the time being acting for such person all the powers, discretions, authorities and considerations of Council under this Local Law including the powers, discretions and authority to issue or refuse permits, fix conditions and durations relevant to such permits, cancel permits, require additional information, apply guidelines or policies of Council, to waive the need for any permit, to waive, fix or reduce fees or charges or to do anything necessary or incidental to the exercise of any function or power by the Council; and
- (2) to each Authorised Officer the power to issue or refuse permits and apply conditions, exercise discretions and to require additional information.

29. Power of Authorised Officers to direct - notice to comply

An Authorised Officer may, by a written notice given to a person who appears to be in breach of this Local Law, direct that person to remedy any situation which constitutes a breach under this Local Law.

A Notice to Comply shall generally be in the form set out in the appendix.

30. Time to Comply

- (1) A notice to comply must state the time and date by which the situation must be remedied.
- (2) The time required by a Notice to Comply must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied. The Authorised Officer must take into account, if applicable:
 - (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant factor.

31. Failure to comply to a notice to comply

A person who fails to comply with a notice to comply served on that person is guilty of an offence.

Penalty: 20 Penalty Units

Infringement Penalty: 4 Penalty Units

32. Power of Authorised Officer to act in urgent circumstances

- (1) In urgent circumstances arising as a result of a failure to comply with this Local Law, an Authorised Officer may take action to remove, remedy or rectify a situation without first issuing a notice to comply if:
 - (a) the Authorised Officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice may place a person, animal, property or thing at risk or in danger; and
 - (b) wherever possible, a Senior Officer is given prior notice of the proposed action.
- (2) In deciding whether circumstances are urgent, an Authorised Officer must take into consideration, to the extent relevant:
 - (a) whether it is practicable to contact:
 - (i) the person by whose default, permission or sufferance the situation has arisen; or
 - (ii) the owner or the occupier of the premises or property affected; and
 - (b) whether there is an urgent risk or threat to public health, public safety, the environment or animal welfare.
- (3) The action taken by an Authorised Officer under sub-clause (1) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- (4) An Authorised Officer who takes action under sub-clause (1) must ensure that, as soon as practicable:
 - (a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and

- (b) a report of the action taken is submitted to the Chief Executive Officer within seven (7) days.

33. Power of Authorised Officer to impound

- (1) An Authorised Officer may impound livestock which is on a road other than in accordance with this Local Law.
- (2) Any livestock impounded by an Authorised Officer must be dealt with in accordance with the Impounding of Livestock Act 1994.

34. Offences

- (1) It is an offence to –
 - a) do something that a provision of this Local Law prohibits to be done; or
 - b) fail to do something that a provision of this Local Law requires to be done; or
 - c) engage in activity without a current permit where a provision of this Local Law requires that person obtain a permit before engaging in that activity; or
 - d) breach or fail to comply with a condition of a permit issued under this Local Law; or
 - e) fail to comply with a direction of an Authorised Officer under clause 31; or
 - f) contravene or fail to comply with a Notice to Comply within the specified time in the Notice.
- (2) A person who commits an offence is liable for the maximum penalty at the foot of the relevant provision or if no penalty appears at the foot of the relevant provision, a maximum penalty not exceeding 20 penalty units. If a matter is heard before a Magistrates Court and a person is found guilty of an offence under this Local Law, a further penalty of 2 Penalty Units will apply for each day the offence continues after conviction for the offence.

35. Infringement Notices

- (1) A person may be served with an infringement notice specifying a fixed penalty for an offence against this Local Law as an alternative to a prosecution for the offence.
- (2) The fixed penalty for that offence is the penalty specified as an “Infringement Notice Penalty” at the foot of the relevant provision to which the offence relates.
- (3) An Infringement Notice must be issued by an Authorised Officer.
- (4) An Infringement Notice must generally be in the form set out in the appendix.

36. Payment of Penalty

- (1) A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Corangamite Shire Council, PO Box 84, Camperdown. 3260.
- (2) To avoid prosecution, the penalty indicated must be paid by the due date set out on the infringement notice.
- (3) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

37. Reviews

- (1) A person may appeal to Council or a Council delegate for a review of an order, direction or notice made in relation to her or him under this Local Law within 28 days of the order, direction or notice being made or issued.
- (2) Where an appeal is to be heard under this clause the person appealing must do all that is necessary to cooperate in the prompt and speedy hearing of the appeal.

PART 4 - CERTIFICATION OF LOCAL LAW No. 2

This is to certify that the above writing contained on 27 pages of paper is a true copy of the Local Law of the Corangamite Shire Council and that we have informed ourselves of the legislative requirements necessary to giving validity to such Local Law and as to our observance and belief that such requirements have been fulfilled.

We further certify that such Local Law came into force on the 15 December, 2015.

PART 5 – COUNCIL ADOPTION

The Common Seal of)
 Corangamite Shire Council)
 was affixed in the presence of)
)
 Chief Executive Officer)
)
 Date)



Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazettes dated 24 September 2015 and 24 December 2015 respectively.

Public Notice of the proposal to make and confirmation for the making of this Local Law were included on the Shire’s website and Western District Newspapers the week commencing 21 September 2015 and 21 December 2015 respectively.

A copy of this Local Law was sent to the Minister for Local Government on 11 January 2016.

Reference :
Property Code :
TAX INVOICE
ABN: 87 042 518 438



LIVESTOCK LOCAL LAW

Application for Permit

I, _____
(Name of Applicant)

of, _____
(Address)

wish to apply for a permit for the droving of livestock on specified roads (** delete which ever if not relevant*)

The relevant details are as follows:

Type of Livestock: _____

Number of Livestock: _____

Description and Identification (brand etc.) _____

Owner of Livestock: _____

Address of Owner: _____

Person in Charge of Livestock: _____

Proposed Point of Commencement: _____
(*if relevant entry of municipal district*)

Point of Destination: _____
(*if relevant exit from municipality*)

Date of Commencement: _____
(*if relevant entry*)

Date of Completion: _____
(*if relevant exit*)

Final Destination and Date _____

Reference :
Property Code :
TAX INVOICE
ABN: 87 042 518 438



LIVESTOCK LOCAL LAW

Permit

To: _____
(Applicant)

Of: _____
(Address)

To: _____
(Purpose)

At: _____
(Location/Route)

Description: _____

Person in Charge: _____

Timing: _____

Subject to the following Conditions,
(and those on the attachment)

Signed: _____

Date: _____

CORANGAMITE SHIRE



Notice of Impounding

TO: _____ (Name)

(Address)

The following livestock has/have been impounded in accordance with clause 33 of the Council's Livestock Local Law No. 2 (2015).

Describe livestock impounded _____

You may arrange to collect the livestock by attending at the municipal offices between the hours of 8:00am and 5:00pm to see _____ and by paying the following:

(Contact Officer)

Details of Fees and Charges

TOTAL \$ _____

If you fail to collect the livestock and pay the required fees and charges by (date), the Authorised Officer will proceed to dispose of the livestock in accordance with the Council's Local Law.

Date _____

(Insert Date)

(Name of Authorised Officer)

Telephone _____

(Signature of Authorised Officer)

Infringement Notice



CORANGAMITE SHIRE

181 Manifold Street
(PO Box 84),
Camperdown, Vic. 3260

Infringements Act 2006
Infringements (Reporting and Prescribed Details) Regulations 2006

INFRINGEMENT NOTICE

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road Safety Act 1986	Tobacco Act 1987	Environment Protection Act 1970	Corangamite Shire Local Law	Domestic (Feral & Nuisance) Animals Act 1994	Country Fire Authority Act 1958	Other.....

LAW ENFORCEMENT AGENCY

Date of Notice / /	A 0001 /
-----------------------	-----------------

Family Name (or Company)		Given Names	
Residential Address			
			Postcode
Postal Address (if different)			
			Postcode
Date of Birth / /	Licence No.	State	Reg. No.
			Check Digit State
Sex <input type="checkbox"/> M <input type="checkbox"/> F	Licence Expiry / /	Engine/Serial No./Tag No.	Type: Make/Model/Breed
			Expiry Date / /

YOUR OFFENCE	PENALTY
Time (from) <input type="text"/> am <input type="text"/> pm	CODE
Street	\$
Time (to) <input type="text"/> am <input type="text"/> pm	DUE DATE FOR PAYMENT / /
Date / /	Place
Day	Postcode
Information about the offence	

HOW TO PAY THE PENALTY		
<p>BY POST Before the due date send this notice and a cheque or money order for the full amount (not part payments) to: CHIEF EXECUTIVE OFFICER CORANGAMITE SHIRE COUNCIL P.O. BOX 84, CAMPERDOWN 3260</p>	<p>IN PERSON Before the due date take this notice and your payment for the full amount to: CIVIC CENTRE CORANGAMITE SHIRE COUNCIL 181 MANIFOLD STREET, CAMPERDOWN 3260</p>	<p>NOTE CHEQUES or MONEY ORDERS should be marked 'Not Negotiable' and made out to: CORANGAMITE SHIRE COUNCIL</p>
<p>You are entitled to disregard this Infringement Notice and defend the prosecution of the offence in court if you wish to have the matter dealt with in court, you need take no action on this notice. You will then receive a Penalty Reminder Notice after the due date which will tell you what to do.</p>		

IF YOU FAIL TO PAY WITHIN THE TIME SPECIFIED ON THIS NOTICE, COSTS WILL BE ADDED AND THE MATTER WILL BE REFERRED TO COURT (FOR DETAILS READ THE REVERSE SIDE OF THIS NOTICE)

Signature of Issuing Officer	Name (print)
Office Address	Title
CORANGAMITE SHIRE COUNCIL, 181 Manifold St (PO Box 84), Camperdown, Vic. 3260	



CORANGAMITE SHIRE

181 Manifold Street (PO Box 84),
Camperdown, Vic. 3260
Phone (03) 5593 7100

LAW ENFORCEMENT AGENCY

INFRINGEMENT NOTICE
CORANGAMITE SHIRE COUNCIL

The person served with the infringement notice, or a person acting on his or her behalf, may apply to have the decision to serve the infringement notice internally reviewed by the enforcement agency under the Act unless the infringement notice is in respect of an infringement offence to which any of the following provisions apply -

- (i) sections 89A to 89D of the **Road Safety Act 1986**;
- (ii) section 215C of the **Transport Act 1983**;
- (iii) sections 61A to 61BA of the **Marine Act 1988**;

The person served with the infringement notice may be eligible for a payment plan under section 46 of the Infringements Act 2006, unless that person is a corporation. You have the right to apply to pay the penalty specified in this notice under a payment plan. You must apply to do so before this notice is registered with the Magistrates' court. To apply, contact the Corangamite Shire Council, PO Box 84, Camperdown, Vic. 3260. Phone (03) 5593 7100.

Further information relating to the eligibility for payment plans and applying for internal review can be obtained from -

- (i) (03) 5593 7100; or
- (ii) 181 Manifold Street, Camperdown, Vic. 3260

HOW TO PAY THE PENALTY

If you intend to make payment promptly to avoid additional costs, you have to pay the penalty within the time specified on this notice.

Payment of the penalty may be made by cash, money order or 'Not Negotiable' cheque (do not post cash) payable to Corangamite Shire Council and posted or delivered to:

IN PERSON - By attending CIVIC CENTRE
CORANGAMITE SHIRE COUNCIL
181 Manifold Street,
Camperdown, Vic. 3260

Office hours: Between 8.30am and 5.00pm. Monday to Friday (excluding public holidays)

BY MAIL: By completing your name and address particulars in BLOCK LETTERS in the box below and posting this notice together with your payment to:

Corangamite Shire Council
PO Box 84,
Camperdown, Vic. 3260

Please ensure that the infringement notice or the infringement notice number is forwarded with your payment.

If the penalty is paid by cheque, payment shall be deemed not to be made until the cheque is honoured upon presentation.

On payment to Corangamite Shire Council of the prescribed penalty within the period prescribed

- (a) the infringement shall be deemed to have been expiated,
- (b) no further proceedings shall be taken in respect of the infringement, and
- (c) no conviction for the infringement shall be regarded as having been recorded

If this notice is addressed merely to 'the owner' it shall be deemed to be addressed to the registered owner of the vehicle referred to in the notice.

Failure to pay the Infringement Penalty by the specified due date may result in further enforcement action being taken and may incur further costs.

OTHER PROCEDURES

1. You may write to contest this notice. Send details to the Chief Executive Officer, Corangamite Shire Council, PO Box 84, Camperdown, Vic. 3260, before the expiry date of this notice, or costs may be added, **OR**

2. DETERMINATION BY A COURT - The person named in this notice may elect to have the matter heard and determined in a Court at any time before an enforcement order is made. Please notify Council immediately if you wish to have this matter determined in a Court. If the infringement penalty is not paid by the due date shown on this notice and legal proceedings are brought before the Magistrates' Court, the person on whom the notice is served is entitled to disregard the notice and defend any proceedings in respect of the offences in the Magistrates' Court and if that person is a child, in the Childrens' Court.

If you are returning this notice by post, please insert your name and address in BLOCK letters in this space

Name

Address

A RECEIPT WILL NOT BE ISSUED UNLESS SPECIFICALLY REQUESTED

North West Press V2/11 (03) 5398 2033

CORANGAMITE SHIRE
Notice To Comply

PO Box 84
(181 Manifold Street)
Camperdown 3260
Ph: 55937100

COMPLY NOTICE N° 001

TO: Name:

Address:

.....

Property Address:

.....

You have, in the opinion of an Authorised Officer of Corangamite Shire, committed a breach of clause of Corangamite Shire Council Local Law N°

You must remedy the breach within days from the date of receipt of this notice.
Actions you may take to remedy the breach include

-
-
-
-

You should contact

at the Municipal Offices, 181 Manifold Street, Camperdown between the hours of 8.30am and 4.00pm Monday to Friday for further information about this Notice.

If you fail to comply with this Notice, you will be guilty of an offence and liable for payment of the penalty of and Council will proceed to carry out the work, the cost of which in addition to the above penalty, you will be liable.

Date:

Name of Authorised Officer:

Telephone Number: 5593 7100

Signature of Authorised Officer:

NOTE: *If this notice relates to a contravention of a permit and you do not comply with the Notice, the permit may be cancelled. If you do not wish to have the permit cancelled, you should comply with the direction in the notice or show cause to Council in writing why the permit should not be cancelled.*