
LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995

City of Swan

CONSOLIDATED AMENDMENT LOCAL LAW (NO.2) 2023

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Swan resolved on 12 July 2023 to make the following local law.

1. Citation

This local law may be cited as the *City of Swan Consolidated Amendment Local Law (No.2) 2023*.

2. Commencement

This local law comes into operation 14 days after the date of publication in the *Government Gazette*.

3. Principal local law amended

This local law amends the *City of Swan Consolidated Local Laws 2005* published in the *Government Gazette* on 16 February 2005 and as amended in the *Government Gazette* on 19 September 2008, 22 January 2010, 27 January 2023 and 19 June 2023.

4. Clause 11.7 replaced

In clause 11.7, subclauses (1), (2) and (3) are replaced with the following—

(1) In this Division—

retailer means the proprietor of retail premises which provides shopping trolleys for the use of its customers; and

shopping trolley means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

- (2) A retailer shall clearly mark its trading name or name on any shopping trolley it makes available for the use of customers and the information must be legible and conspicuously displayed.
- (3) It is an offence for a retailer to fail to clearly mark its trading name or name on any shopping trolley it makes available for the use of customers.
- (4) No person shall leave a shopping trolley in a place other than in an area set aside by the retailer for the storage of shopping trolleys.
- (5) If a shopping trolley is found in a public place, other than an area set aside for the storage of shopping trolleys the local government may notify either verbally or in a written form the retailer whose name is marked on the trolley, of the location of the trolley.
- (6) Notwithstanding the preceding sub-clause, if a shopping trolley is found in a place other than in an area set aside by the retailer for the storage of shopping trolleys then the local government may seize and impound the shopping trolley and give an infringement notice to the retailer and an infringement notice may relate to one or more shopping trolleys.
- (7) A retailer shall pay any fee imposed and determined under and in accordance with sections 6.16 to 6.19 of the 1995 Act within the period specified by the local government to claim the shopping trolley, otherwise the local government may dispose of the shopping trolley as it so determines.
- (8) It is an offence for a retailer to fail to claim a shopping trolley referred to in an infringement notice given under subclause (5) within the period stated in the notice.
- (9) The retailer of a shopping trolley impounded or disposed of under this local law will have no cause of action for damages, conversion or otherwise against the local government, an authorised person or other person acting in accordance with a local law.
- (10) In the absence of proof to the contrary the retailer whose name appears on the trolley shall be deemed to be the lawful owner of the trolley, for the purposes of this local law.

Dated 20th September 2023.

The Common Seal of the City of Swan was affixed in the presence of—

Cr DAVID LUCAS, Mayor.
MERIEL PICKERING, A/Chief Executive Officer.
