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LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2005

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Perth resolved on 21 June 2005 to make the *Local Government Property Local Law 2005*, as set out below.

PART 1 - PRELIMINARY

1. Title

This local law may be cited as the *City of Perth Local Government Property Local Law 2005*.

2. Commencement

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

3. Purpose and effect

- (1) The purpose of this local law is to provide for the regulation, control and management of activities and facilities on local government property within the district
- (2) The effect of this local law is to establish the requirements with which any persons using or being on local government property within the district must comply.

4. Repeal

The following by-laws of the City of Perth -

- (1) By-law No. 9 – Relating to Parks and Reserves as published in the *Government Gazette* – 7 September 1966 and amendments; and
- (2) By-law No. 90 – Rest Centres as published in the *Government Gazette* – 6 August 1993 and amendments,

are repealed on the day that this local law comes into operation.

5. Application

This local law applies throughout the district.

6. Terms used

In this local law unless the context otherwise requires: -

Act means the *Local Government Act 1995*;

aircraft has the meaning as given in section 3 of the *Civil Aviation Act 1988*;

applicant means a person who applies for a permit under clause 19;

application means the completed form lodged by an applicant as required by this local law;

appointed place means a place appointed by the local government or the CEO where anything confiscated or impounded under the provisions of this local law, may be held in custody;

article in respect of lost property, includes money;

attendant means an employee of the local government duly authorised to perform duties in connection with a Rest Centre or a public amenity facility;

authorised person means a person authorised by the CEO under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

bicycle has the meaning given in the Road Traffic Code 2000;

boat means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

building means any building that is local government property and includes a: -

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

CEO means the Chief Executive Officer of the local government;

commencement day means the day on which this local law comes into operation;

Council means the council of the local government;

date of publication means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

determination means a determination made under clause 9;

district means the district of the local government;

disturb has the meaning given in the *Biodiversity Conservation Act 2016*;

electric rideable device has the meaning given in the *Road Traffic Code 2000*;

electronic personal transporter has the meaning given in the *Road Traffic Code 2000*;

firework means a device like a Catherine wheel, roman candle, or rocket in which combustible materials are ignited and produce coloured flames, smoke and are sometimes accompanied by a bang;

fireworks display means a show of a number of fireworks set off over a prearranged time period, for the purpose of providing enjoyment to those persons able to view them;

fishing means to use any line, lure, rod, pot, net or other method for the purpose of catching marine life;

function means an event or activity characterised by all or any of the following: -

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

hut means a primitive dwelling, which may be constructed of various local materials;

liquor has the same meaning as is given in section 3 of the *Liquor Control Act 1988*;

local government means the City of Perth;

local government property means anything except a thoroughfare: -

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the Land Administration Act 1997; or
- (c) which is an otherwise unvested facility within section 3.53 of the Act and includes a Rest Centre and a public amenity facility;

obstruct means to hinder in passing and obstruction has correlative meaning;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

person does not include the local government;

public amenity facility means facilities or items offered by the local government for the hire or use by the general public in and on local government property;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

Rest Centre means a rest centre provided by the local government, and includes the premises known as Citiplace Rest Centre located on part of the concourse level of Citiplace at Perth Lot 969 on Department of Land Administration Plan 17521;

sign includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

trading means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of -

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them;

Unclaimed Property Register means the register kept by an attendant of any unclaimed belongings left in a Rest Centre;

vehicle has the meaning given in the *Road Traffic Code 2000*; and

wheeled recreational device has the meaning given in the *Road Traffic Code 2000*.

7. Interpretation

In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

8. Local government may enter into agreement

Notwithstanding anything to the contrary in this local law, the local government may -

- (a) hire local government property to any person; or
- (b) enter into an agreement with any person regarding the use of any local government property.

8A. Application as to assistance animals

This local law is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

9. Determinations as to the use of local government property

- (1) The local government may make a determination in accordance with clause 10 -
 - (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 15;
 - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 16 on specified local government property;
 - (c) as to the matters in clauses 15(2) and 16(2); and
 - (d) as to any matter ancillary or necessary to give effect to a determination.

10. Procedure for making a determination

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that:-
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to:-
 - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not continue with the proposed determination.

- (4) If submissions are received in accordance with subclause (2)(c), the Council is to:-
 - (a) consider those submissions; and
 - (b) decide -
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice:-
 - (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

11. Discretion to erect sign

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

12. Determination to be complied with

A person must comply with a determination.

13. Register of determinations

- (1) The CEO is to keep a register of determinations made under clause 9, and of any amendments to or revocations of determinations made under clause 14.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

14. Amendment or revocation of a determination

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 10 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

15. Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may:-
 - (a) bring, ride or drive an animal;
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aeroplane, helicopter, boat, drone or other similar remotely piloted device;
 - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (e) launch, beach or leave a boat;
 - (f) take or use a boat, or a particular class of boat;
 - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (h) play or practice -
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 2024* and any other written law; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property; and
 - (i) ride a bicycle, electric rideable device or a wheeled recreational device.

- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular: -
- (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
 - (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of the activity.

16. Activities which may be prohibited on specified local government property

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property: -
- (a) riding a bicycle, electric rideable device or wheeled recreational device;
 - (b) taking, riding or driving a vehicle on the property or a particular class of vehicle;
 - (c) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (d) taking or using a boat, or a particular class of boat;
 - (e) the playing or practice of -
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (f) the playing or practice of any ball game which may cause detriment to the property or any fauna or flora on the property; and
 - (g) the traversing of land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.

- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular -
- (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.
- (3) In this clause -

premises means a Rest Centre, building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

17. Signs taken to be determinations

- (1) Where a sign erected on local government property has been erected under a local law of the Local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 9.
- (2) Clause 13 does not apply to a sign referred to in subclause (1).

PART 3 - PERMITS

18. Application of Part

This Part does not apply to a person who uses or occupies local government property under a written agreement with the Local government to do so.

19. Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person must apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law must -
- (a) be in the form determined by the local government;
 - (b) be signed by the applicant;

- (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

20. Decision on application for permit

- (1) The local government may -
- (a) approve an application for a permit unconditionally or subject to any conditions it sees fit; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

21. Conditions which may be imposed on a permit

- (1) Without limiting the generality of clause 20(1)(a), the local government may approve an application for a permit subject to conditions relating to -
- (a) the payment of a fee;
 - (b) compliance with conditions within the permit;
 - (c) the duration and commencement of the permit;
 - (d) the commencement of the permit being contingent on the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (f) the approval of another application for a permit which may be required by the local government under any written law;
 - (g) the area of the district to which the permit applies;

- (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
 - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.
- (2) Without limiting clause 20(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued: -
- (a) when fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of materials, structures, signs or external decorations and the methodology of construction;
 - (d) rules about the use of furniture, plant and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
 - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Control Act 1988*;
 - (i) whether or not the hire is for the exclusive use of the local government property;
 - (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
 - (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

22. Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, the permit holder must comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder must comply with those conditions as varied.

23. Agreement for building

Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

24. Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is: -

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 28.

25. Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of this Part apply to an application for the renewal of a permit as though it was a new application for a permit.

26. Transfer of permit

- (1) An application for the transfer of a valid permit is to: -
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.
- (4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

27. Production of permit

A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

28. Cancellation of permit

- (1) Subject to clause 59, a permit may be cancelled by the local government if the permit holder has not complied with a -
 - (a) condition of the permit; or
 - (b) determination or a provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder -
 - (a) must return the permit as soon as practicable to the local government; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

29. Activities needing a permit

- (1) A person must not without a permit -
 - (a) subject to subclause (3), hire local government property;
 - (b) advertise anything by any means on local government property;
 - (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
 - (d) plant any plant or sow any seeds on local government property;
 - (e) carry on any trading on local government property unless the trading is conducted: -
 - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
 - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
 - (f) unless an employee of the local government in the course of their functions or on an area set aside for that purpose -
 - (i) drive or ride or take any vehicle on to local government property; or
 - (ii) park or stop any vehicle on local government property;
 - (g) conduct a function on local government property;
 - (h) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
 - (i) light a fire on local government property except in a place or item provided for that purpose;

- (j) light or set off any fireworks or conduct a fireworks display;
 - (k) parachute, hang glide, abseil or base jump from or on to local government property;
 - (l) operate any broadcasting or public address system or apparatus used for the amplification of sound;
 - (m) disturb, cut, break, injure, deface, pull up, pick, remove, or destroy any tree, shrub, flower, fruit, seed, grass or plant of any kind, whether dead or alive;
 - (n) cut, collect, or remove any timber, firewood, stone, sand or other materials;
 - (o) erect a building on local government property;
 - (p) make any excavation on or erect or remove any fence on local government property;
 - (q) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (r) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property;
 - (s) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly;
 - (t) launch an aircraft from, or land an aircraft onto, local government property; or
 - (u) ride a bicycle, electric rideable device or a wheeled recreational device on local government property.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
 - (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).
 - (4) A trader's permit is required under the *City of Perth Public Trading Local Law 2005* to teach, coach or train, for profit, any person in or on local government property.

30. Permit required to camp outside a facility

- (1) In this clause **facility** has the same meaning as is given in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.
- (2) This clause does not apply to a person using a facility operated by the local government.

- (3) A person must not without a permit: -
- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
 - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day; or
 - (c) bring any material, man-made or natural, onto local government property for the purpose of constructing a hut or similar structure on local government property.
- (4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

31. Permit required for possession and consumption of liquor

- (1) A person, on local government property, must not consume any liquor or have in her or his possession or under her or his control any liquor, unless: -
- (a) that is permitted under the *Liquor Control Act 1988*; and
 - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

32. Responsibilities of permit holder

A holder of a permit must in respect of local government property to which the permit relates -

- (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) leave the local government property in a clean and tidy condition after its use;
- (c) report any damage or defacement of the local government property to the local government; and
- (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act 1988* for that purpose.

PART 4 - BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

33. Behaviour which interferes with others

A person must not in or on any local government property behave in a manner which -

- (a) is likely to interfere with the enjoyment of a person who might use the property; or
- (b) interferes with the enjoyment of a person using the property.

34. Behaviour detrimental to property

- (1) A person must not behave in or on local government property in a way which is or might be detrimental to the property.
- (2) In subclause (1) "detrimental to the property" includes:-
 - (a) removing anything from the local government property such as a rock, a plant or a seat provided for the use of any person; and
 - (c) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

35. Taking or injuring any fauna

- (1) A person must not, take, injure, disturb, feed, kill or attempt to take, injure, disturb, feed or kill any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.
- (2) In this clause -

animal means any living thing that is not a human being or plant; and

fauna means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal -

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

36. Taking or damaging any flora

(1) A person must not take, damage, or attempt to take or damage any flora which is on or above any local government property, unless that person is authorised under a written law to do so.

(2) In this clause -

flora means all vascular plants.

37. Intoxicated persons not to enter local government property

A person shall not enter or remain on local government property while under the influence of liquor or an intoxicant.

38. No prohibited drugs

A person must not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

39. No smoking

(1) A person must not smoke on local government property.

(2) In this clause –

smoke includes vaping (such as the use of electronic cigarettes or other personal vaporisers for delivery of nicotine or any other substance).

40. Signs

(1) The local government may erect a sign on local government property specifying any conditions of use which apply to that property.

(2) A person must comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is: -

(a) not to be inconsistent with any provision of this local law or any determination; and

(b) to be for the purpose of giving notice of the effect of a provision of this local law.

PART 5 - MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

41. When entry must be refused

An attendant or an authorised person must refuse admission to, may direct to leave or must remove or cause to be removed from a Rest Centre or a public amenity facility any person who -

- (a) in the opinion of the attendant or authorised person is:-
 - (i) under the age of 6 years and who is unaccompanied by a responsible person over the age of 14 years; or
 - (ii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
 - (iii) under the influence of liquor or a prohibited drug; or
 - (iv) behaving in a threatening or abusive manner towards attendants or local government employees;
- (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.

42. Consumption of food or drink may be prohibited

A person must not consume any food or drink in an area where consumption is prohibited by a sign.

43. No entry to fenced or closed local government property

A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.

44. Hire of lockers

A person may hire a locker from an attendant at a Rest Centre for the purpose of safekeeping property upon the following terms and conditions:-

- (1) valid identification displaying a photo of true likeness must be produced by the person at the time of hiring the locker or alternatively other acceptable identification such as to satisfy an attendant or authorised person;
- (2) it must be the responsibility of an attendant or authorised person to unlock and open the locker for the property to be stored inside the locker;
- (3) it must be the responsibility of an attendant or authorised person to close and lock the locker upon the completion of the property being placed inside the locker;
- (4) the locker key must remain at the Rest Centre at all times;

- (5) upon presentation of a receipt given in respect of the hire of a locker and verifying the name of the hirer, an attendant or authorised person must unlock the locker in order for the hirer to remove the property from the locker;
- (6) should the hirer not be able to produce the receipt in respect to hiring of a locker, the original identification taken at the time of the issued receipt must be produced and verified by an attendant or authorised person before the property can be removed from the locker; and
- (7) should the hirer not be able to produce a receipt or identification when reclaiming property from a locker, a Statutory Declaration in accordance with the *Oaths, Affidavits and Statutory Declarations Act 2005* is required to be presented which must be signed and dated by a Justice of the Peace declaring that the original receipt cannot be produced, verifying the identity of the hirer of the locker and a description of the property held within the locker.

45. Contents of lockers

A person must not store in any locker, any firearm or offensive weapon or any article or substance that has been unlawfully acquired or which is in contravention of a written law.

46. Inspection of lockers

An attendant or authorised person may open and inspect the contents of a locker at any time, where the attendant or authorised person reasonably suspects that a breach of this local law has occurred.

47. Unclaimed property in locker

- (1) If property in a locker is not claimed or collected by close of business on the same day as written on the original receipt, the contents of the locker are to be treated as unclaimed property.
- (2) If unclaimed property is not claimed or collected within 48 hours after the day as written on the original receipt, the property in the locker may be removed by an attendant or authorised person.
- (3) Where property is removed from a locker under subclause (2), the attendant or authorised person must record in the Unclaimed Property Register the following information -
 - (a) a description of the property removed;
 - (b) the time and date the property was removed; and
 - (c) the time and date recorded on the original receipt.
- (4) An attendant or authorised person must ensure that any unclaimed property removed from a locker is stored at the appointed place as determined by the local government.

- (5) An attendant or authorised person may deliver to a person any unclaimed property recorded in the Unclaimed Property Register upon receiving:-
- (a) satisfactory evidence of the person's right to obtain the property;
 - (b) an accurate description of the property being claimed; and
 - (c) payment of any outstanding fees and storage charges.
- (6) Where a person receives delivery of unclaimed property under subclause (5), the person must acknowledge receipt of the property by writing their name, address and signature in the Unclaimed Property Register.

48. Use of shower and bath facilities

A person may use any shower or bath facilities in a Rest Centre upon the following terms and conditions:-

- (a) the facilities must only be used by a person for the purpose of cleansing, bathing and washing themselves;
- (b) use of the facilities must be restricted to a maximum period of 15 minutes or such lesser time as required by an attendant;
- (c) the facilities must not be used for the purpose of laundering or washing any clothing or other articles whatsoever.

PART 6 - FEES FOR ENTRY ONTO LOCAL GOVERNMENT PROPERTY

49. No unauthorised entry to function

- (1) A person must not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except and-
- (a) through the proper entrance for that purpose; and
 - (b) on payment of the fee chargeable for admission at the time.
- (2) The local government may exempt a person from compliance with subclause (1)(b).

PART 7 - JETTIES AND BRIDGES

50. Interpretation

- (1) This Part only applies to bridges and jetties which are local government property.
- (2) In this Part “jetty” means any jetty, pier, wharf or landing place which is local government property.

51. Application for consent and application fee

- (1) Where a person is required to obtain the consent of the local government under this Part, the person is to apply for that consent in the manner required by the local government.
- (2) The local government may require an application for consent made under subclause (1) to be accompanied by a fee.
- (3) If an application for consent is not made in the manner required by the local government or the fee which is to accompany that application is not paid, the local government may refuse to consider the application for consent.
- (4) The local government must give its decision on an application for consent, in writing to the person who applied for that consent.
- (5) Where a fee is referred to in this Part, the fee must be imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

52. When use of jetty is prohibited

A person must not land at, use or go on any part of a jetty which is: -

- (a) under construction or repair; or
- (b) closed,

unless that person has first obtained the consent of the local government.

53. Method of mooring boat

A person in control of a boat must not moor or make fast the boat to a jetty, or to any part of the jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

54. When boat may remain moored

A person in control of a boat must not moor or make fast the boat to a jetty unless -

- (a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;
- (b) the embarking or disembarking of passengers is in progress, and then not

for a consecutive period exceeding two (2) hours without the prior consent of the local government; or

- (c) where the boat is used at that time for commercial purposes, the person has first paid the fee (if any) for such mooring or making fast to the local government.

55. Authorised person may order removal of boat

Notwithstanding anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside a jetty must remove it immediately upon being directed to do so by an authorised person.

56. Restrictions on launching

A person must not launch a boat from or over any jetty (other than a boat ramp) unless that person has first obtained the consent of the local government.

57. Polluting surrounding area

A person must not tip or deposit anything on to a jetty so as to pollute the surrounding area.

58. Limitations on fishing

A person must not -

- (a) fish from a jetty or a bridge so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or the bridge or so as to unreasonably interfere with the use of the jetty or the bridge by any other person; or
- (b) hang or spread a fishing net from, on or over any part of a jetty or a bridge.

PART 8 - OBJECTIONS AND APPEALS

59. Application of Division 1, Part 9 of the Act

When the local government makes a decision as to whether it will -

- (a) grant a person a permit or consent under this local law; or
- (b) renew, vary, or cancel a permit or consent that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

PART 9 - MISCELLANEOUS

60. Authorised person to be obeyed

A person on local government property must obey any lawful direction of an attendant or authorised person and must not in any way obstruct or hinder an authorised person or attendant in the execution of their functions.

61. Persons may be directed to leave local government property

An attendant or authorised person may direct a person to leave local government property where the attendant or authorised person reasonably suspects that the person has contravened a provision of any written law.

62. Disposal of lost property

An article left on any local government property, and not claimed within a period of 2 months, may be disposed of by the local government in any manner it thinks fit.

63. Liability for damage to local government property

- (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of -
 - (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
 - (b) replacing that property.
- (2) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.
- (3) Unless there is proof to the contrary, a person is to be taken to have damaged local government property within subclause (1) where:
 - (a) a vehicle or a boat caused the damage and the person was the person responsible at the time the damage occurred and in control of the vehicle or the boat; or
 - (b) the damage occurred under a permit and the person is the permit holder in relation to that permit.

PART 10 - ENFORCEMENT

64. Offence to fail to comply with notice

Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

65. Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 64, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

66. Offences and general penalty

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

67. Prescribed offences

- (1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that -
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

68. Form of notices

- (1) For the purposes of this local law -
 - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 12, the notice is to contain a description of the alleged offence.

69. Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 13 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

Schedule

Modified Penalties

[Clause 67]

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	12	Failure to comply with a determination	200
2	22	Failure to comply with conditions of permit	500
3	29	Failure to obtain permit	500
4	30(3)(a)	Failure to obtain permit to camp on local government property	200
5	30(3)(b)	Failure to obtain permit to erect any tent, hut or similar structure on local government property	200
6	30(3)(c)	Failure to obtain permit to bring any material, man-made or natural, to construct a hut or similar structure on local government property	200
7	31(1)	Failure to obtain permit for liquor	350
8	32	Failure of permit holder to comply with responsibilities	350
9	33(a)	Behaviour which is likely to interfere with the enjoyment of a person who might use local government property	500
10	33(b)	Behaviour which interferes with the enjoyment of a person using the local government property	100
11	34(1)	Behaviour detrimental to property	100
12	35(1)	Take, injure, disturb, feed, kill or attempt to take, injure, disturb, feed or kill any fauna which is on or above any local government property	300
13	36(1)	Take, damage, or attempt to take or damage any flora which is on or above any local government property	300
14	37	Under the influence of liquor or a prohibited drug	100

Item No	Clause No	Nature of Offence	Modified Penalty \$
15	39	Smoking or vaping on local government property	100
16	40(2)	Failure to comply with a sign on local government property	100
17	42	Consuming food and drink in prohibited area	100
18	43	Unauthorised entry to fenced off or closed local government property	100
19	45	Store in any locker any firearm or offensive weapon or any article or substance	100
20	49(1)	Unauthorised entry to function on local government property	100
21	52	Unauthorised use of any part of a jetty which is closed or under repair or construction	100
22	53	Mooring of boat in unauthorised manner	100
23	54	Unauthorised mooring of a boat to jetty	100
24	55	Failure to remove moored boat on direction of authorised person	100
25	56	Launching a boat from jetty without consent	100
26	57	Tip or deposit anything on to a jetty so as to pollute surrounding area	200
27	58	Fishing from jetty or bridge so as to obstruct a boat or another person	100
28	60	Failure to comply with direction of an attendant or authorised person or obstruction or hindering an authorised person or attendant in the execution of duties	100
29	64	Failure to comply with notice	200
30		Other offences not specified	100