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LOCAL GOVERNMENT ACT 1995

**CITY OF
KALGOORLIE-BOULDER**

**LOCAL GOVERNMENT
PROPERTY LOCAL LAW 2010**

LOCAL GOVERNMENT ACT 1995

CITY OF KALGOORLIE-BOULDER

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010

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LOCAL GOVERNMENT ACT 1995

CITY OF KALGOORLIE-BOULDER

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Kalgoorlie-Boulder resolved on 25 July 2011 to adopt the following local law.

PART 1—PRELIMINARY**1.1 Citation**

This local law may be cited as the *City of Kalgoorlie-Boulder Local Government Property Local Law 2010*.

1.2 Purpose and effect

(1) The purpose of this local law is to provide for the regulation, control and management of activities and facilities on all local government property within the district thoroughfares, within the district.

(2) The effect of this local law is to establish the requirements with which any person using or being on all local government property within the district, must comply.

1.3 Commencement

This local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

1.4 Application

This local law applies throughout the district.

1.5 Repeal

The *City of Kalgoorlie-Boulder Local Government Property Local Law* published in the *Government Gazette* on 18 August 2000 is repealed.

1.6 Interpretation

(1) In this local law unless the context requires otherwise—

“**Act**” means the *Local Government Act 1995*;

“**applicant**” means a person who applies for a permit under clause 3.2;

“**authorised person**” means a person appointed by the City under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

“**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 which is on any local government property and includes a—

(a) hall or room;

(b) corridor, stairway or annexe of any hall or room;

“**CEO**” means the Chief Executive Officer of the City;

“**City**” means the City of Kalgoorlie-Boulder;

“**commencement day**” means the day on which this local law commences under clause 1.3;

“**costs**” of the City include its administrative costs;

“**Council**” means the council of the City;

“**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 2.1;

“**district**” means the district of the City;

“**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;

“**liquor**” has the meaning given to it in section 3 of the *Liquor Control Act 1988*;

“**local government property**” means anything except a thoroughfare—

- (a) which belongs to the City;
- (b) of which the City 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;

“**local public notice**” has the same meaning as in section 1.7 of the Act;

“**Manager**” means the person for the time being employed by the City to control and manage a pool area or other facility which is local government property and includes the person’s assistant or deputy;

“**permit**” means a permit issued under this local law;

“**permit holder**” means a person who holds a valid permit;

“**person**” does not include the City;

“**pool area**” means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

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

“**sign**” includes a notice, flag, mark, structure or device approved by the City on which may be shown words, numbers, expressions or symbols;

“**surf riding equipment**” means any device or toy used to assist a rider in moving in or across waves or the water surface, and includes surfboard, boogie board, windsurfer, wave ski, canoe, kite surfer, inflatable toy or similar device but not a boat;

“**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 under Division 2 of Part 5.6 of this local law; and

“**vehicle**” includes—

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven;

but excludes—

- (c) a wheel-chair or any device designed for use by a physically impaired person;
- (d) a pram, a stroller or a similar device; and
- (e) a boat.

1.7 Over-riding power to hire and agree

(1) Despite anything to the contrary in this local law, the City 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.

(2) In this local law, a reference to local government property includes a reference to any part of that local government property.

PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1—Determinations

2.1 Determinations as to use of local government property

(1) The City may make a determination in accordance with clause 2.2—

- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
- (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
- (c) as to the matters in clauses 2.7(2) and 2.8(2); and
- (d) as to any matter ancillary or necessary to give effect to a determination.

(2) The determinations in Schedule 2—

- (a) are to be taken to have been made in accordance with clause 2.2;

- (b) may be amended or revoked in accordance with clause 2.6; and
- (c) have effect on the commencement day.

2.2 Procedure for making a determination

- (1) The City 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 City 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 City's offices; and
 - (c) submissions in writing about the proposed determination may be lodged with the City 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—
 - (a) to give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) to amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not to continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c), the Council—
 - (a) is to consider those submissions; and
 - (b) is to 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.

2.3 Discretion to erect sign

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

2.4 Determination to be complied with

A person must comply with a determination.

2.5 Register of determinations

- (1) The City is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act 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.

2.6 Amendment or revocation of a determination

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination, the CEO is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication of the notice.

Division 2—Activities which may be pursued or prohibited under a determination

2.7 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 powered model aeroplane;
 - (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 practise—
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*, or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the City may cause injury or damage to a person or property;
- (i) ride a bicycle, a skateboard, rollerblades or a similar 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.

2.8 Activities which may be prohibited on specified local government property

In this clause—

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

(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) smoking on premises;
- (b) riding a bicycle, a skateboard, rollerblades or a similar device;
- (c) taking, riding or driving a vehicle on the property, or a particular class of vehicle;
- (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
- (e) taking or using a boat, or a particular class of boat;
- (f) the playing or practise 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 City may cause injury or damage to a person or property;
- (g) the playing or practise of any ball game which may cause detriment to the property or any fauna on the property; and
- (h) the traversing of land which in the opinion of the City 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.

Division 3—Transitional

2.9 Signs taken to be determinations

(1) Where a sign erected on local government property has been erected under a local law of the City that is 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 2.1.

(2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3—PERMITS

Division 1—Preliminary

3.1 Application of Part

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

Division 2—Applying for a permit**3.2 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 City;
 - (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 by the City under sections 6.16 to 6.19 of the Act.
- (3) The City may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The City may require an applicant to give local public notice of the application for a permit.
- (5) The City may refuse to consider an application for a permit which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

3.3 Decision on application for permit

- (1) The City may—
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the City approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the City.
- (3) If the City refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) The City may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the permit holder.

Division 3—Conditions**3.4 Examples of conditions**

- (1) Examples of the conditions that the City may impose on a permit are conditions relating to but not limited to—
 - (a) the payment of a fee;
 - (b) compliance with a standard or a policy adopted by the City;
 - (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 City 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 City.
- (2) Examples of the type and content of the conditions on which a permit to hire local government property may be issued include but not limited to—
 - (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 material or external decorations;
 - (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 City to cancel a booking during the course of an annual or seasonal booking, if the City 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 City and the hirer, indemnifying the City 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 City 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.

3.5 Imposing conditions under a policy

In this clause—

“**policy**” means a policy of the City adopted by the Council under section 2.7 of the Act containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

- (1) Under clause 3.3(1)(a) the City may approve an application subject to conditions by reference to a policy.
- (2) The City must give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).
- (3) An application for a permit is not to be taken to have been approved subject to the conditions contained in a policy until the City gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (4) Sections 5.94 and 5.95 of the Act apply to a policy, and for that purpose a policy is taken to be information within section 5.94(u)(i) of the Act.

3.6 Compliance with conditions

Where an application for a permit has been approved subject to conditions, the permit holder must comply with each of those conditions.

Division 4—General

3.7 Agreement for building

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

3.8 Duration of permit

- (1) 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 3.12.

3.9 Renewal of permit

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

3.10 Transfer of permit

- (1) An application for the transfer of a valid permit must—
- (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 City may require to enable the application to be determined; and
 - (d) be forwarded to the City together with any fee imposed by the City under sections 6.16 to 6.19 of the Act.
- (2) The City may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the City approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO or authorised person.
- (4) Where the City approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

3.11 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.

3.12 Cancellation of permit

- (1) Subject to clause 9.1, a permit may be cancelled by the City if the permit holder has not complied with—
- (a) a condition of the permit;
 - (b) a direction under clause 3.16(b); or
 - (c) a 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 CEO; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

Division 5—When a permit is required**3.13 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, on local government property, a structure for public amusement or for any performance, whether for gain or otherwise;
 - (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
 - (e) plant any plant or sow any seeds on local government property;
 - (f) 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 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;
 - (g) unless an employee of the City in the course of his or her duties 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;
 - (h) conduct a function, or undertake any promotional activity, on local government property;
 - (i) 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;
 - (j) light a fire on local government property except in a facility provided for that purpose;
 - (k) parachute, hang glide, abseil or base jump from or on to local government property;
 - (l) erect a building or a refuelling site on local government property;
 - (m) make any excavation on or erect or remove any fence on local government property;
 - (n) erect or install any structure above or below ground, which is on local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (o) deposit or store any thing on local government property;
 - (p) depasture, tether, drive or ride any horse, sheep, cattle, goat, camel, ass, mule, pig or other similar animal on local government property;
 - (q) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly; or
 - (r) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property.
- (2) The City may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The City may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.14 Permit required to camp outside a facility

In this clause—

“**facility**” has the meaning given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

- (1) This clause does not apply to a facility operated by the City.
- (2) Except in accordance with a determination or a permit, a person must not—
- (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.
- (3) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (2) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

3.15 Permit required for possession and consumption of liquor

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

Division 6—Responsibilities of permit holder**3.16 Responsibilities of permit holder**

- (1) 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) comply with a direction from the City to take the action specified in the direction for the purpose of maintaining public safety;
- (c) leave the local government property in a clean and tidy condition after its use;
- (d) report any damage or defacement of the local government property to the City; and
- (e) 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

Division 1—Behaviour on and interference with local government property

4.1 Behaviour which interferes with others

- (1) 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.

4.2 Behaviour detrimental to property

- (1) In this clause—
 - “**detrimental to the property**” includes—
 - (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
 - (b) 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.
- (2) A person must not, in or on local government property, behave in a way which is or might be detrimental to the property.

4.3 Animals on local government property

- (1) In this clause—
 - “**animal**” means any living thing that is not a human being or plant.
- (2) A person must not tether any animal to a tree, shrub, tree guard, wall or fence or permit any animal to enter on or into any local government property unless authorised by a written law, or by a permit, or a sign erected in accordance with a written law.
- (3) A person shall not bring an animal onto local government property unless the person is—
 - (a) a person referred to in section 8 of the *Dog Act 1976*; or
 - (b) a person referred to in section 66J of the *Equal Opportunity Act 1984* acting in accordance with that provision.

4.4 Taking or injuring any fauna

- (1) In this clause—
 - “**animal**” means any living thing that is not a human being or plant.
 - “**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.
- (2) A person must not take, injure or kill any fauna that is on or above any local government property, unless that person is authorised under a written law to do so.

4.5 Removing or damaging any flora

- (1) In this clause—
 - “**flora**” means all vascular plants other than plants recognised as weeds.
- (2) A person must not remove or damage any flora which is on or above any local government property, unless that person is authorised to do so under a written law or with the written approval of the City.

4.6 Intoxicated persons not to enter local government property

A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.

4.7 No prohibited drugs

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

4.8 Deposit of refuse, rubbish or liquid waste

- (1) A person must not, on local government property, deposit or discard refuse, rubbish or liquid waste except—
 - (a) in a place or receptacle set aside by the City for that purpose and subject to any conditions that may be specified on the receptacle or a sign in relation to the type of waste that may be deposited or other conditions; or

- (b) at the recycling centre and subject to directions issued from time to time by the City or an authorised person for the orderly and proper use of the recycling centre in relation to hours of business, separation of waste into designated receptacles, prohibition of the deposit of certain types of refuse or waste, and conduct of persons or persons in charge of vehicles while on the site.

4.9 Refusal of entry to local government property

- (1) An authorised person may refuse to allow entry, or suspend admission, to any local government property by any person whom he or she believes has behaved in a manner contrary to the provisions of this Part.
- (2) This refusal or suspension can be for any period of up to 12 months as decided by that authorised person.
- (3) A decision made under this clause is a decision to which clause 8.2 applies.

Division 2—Signs

4.10 Signs

- (1) The City 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)—
- (a) is not to be inconsistent with any provision of this local law or any determination; and
 - (b) is 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

Division 1—Swimming pool areas

5.1 When entry must be refused

- (1) A Manager or an authorised person must refuse admission to a pool area to any person who—
- (a) in her or his opinion—
 - (i) is under the age of 12 years and who is unaccompanied by a responsible person over the age of 18 years;
 - (ii) is under the age of 12 years and who is accompanied by a responsible person over the age of 18 years where the responsible person is incapable of, or not providing, adequate supervision of or care for that person;
 - (iii) is suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
 - (iv) is under the influence of liquor or a prohibited drug; or
 - (b) is to be refused admission by the City for breaching a clause of this local law.
- (2) If a person referred to in paragraph (a) or (b) of subclause (1) is in a pool area, a Manager or an authorised person must—
- (a) direct the person to leave; and
 - (b) if the person refuses or fails to leave, remove the person or arrange for the person to be removed, from the pool area.

5.2 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.

5.3 Glass containers prohibited

Unless authorised by a permit or by an authorised person, a person must not take any glass containers into swimming pool areas on any local government property as indicated by a sign.

Division 2—Toilet blocks and change rooms

5.4 Only specified gender to use entry of toilet block or change room

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by—
- (a) females, then a person of the male gender must not use that entry of the toilet block or change room;
 - (b) males, then a person of the female gender must not use that entry of the toilet block or change room; or
 - (c) families, where the toilet block or change room is being used by a family, only an immediate member of that family may use that entry of the toilet block or change room.
- (2) Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is—
- (a) under the age of 8 years; or
 - (b) otherwise permitted by an authorised person to use the relevant entry.

5.5 Hire of lockers

(1) A person may hire a locker in or near a change room for the purpose of safekeeping articles on the conditions that—

- (a) it is the responsibility of the person hiring the locker to lock the locker once the articles to be stored are placed in the locker and to return the key to the attendant; and
- (b) on receiving a receipt given in respect of the hire of the locker, an attendant is to hand to that person the key for the locker described in the receipt in order to remove the articles from the locker.

(2) A person must not store in any locker a firearm or offensive weapon or any article or substance that has been unlawfully acquired or which is a substance or article within the meaning of “dangerous goods” under the *Dangerous Goods Safety Act 2004*.

(3) 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.

5.6 Unclaimed property in locker

(1) If an article in a locker is not claimed or collected within 48 hours after the date of hire, the article may be removed by an attendant or authorised person.

(2) An attendant or authorised person must record in the Unclaimed Property Register, with respect to each article removed from a locker—

- (a) a description of the article removed;
- (b) the time and date the article was removed; and
- (c) the time and date recorded on the original receipt.

(3) An attendant or authorised person must ensure that an article removed from the locker is stored at the place determined by the City.

(4) An attendant or authorised person may deliver to a person an article recorded in the Unclaimed Property Register on receiving—

- (a) satisfactory evidence of the person’s right to obtain the article;
- (b) an accurate description of the article being claimed; and
- (c) payment of any outstanding fees or storage charges.

(5) A person who receives delivery of an article from the Unclaimed Property Register must, by way of acknowledging receipt of the article, write his or her name and address and sign his or her name in the Unclaimed Property Register.

(6) Subject to clause 8.3, the City may dispose of any article left in a locker or on local government property that is not claimed within a period of 3 months.

5.7 Use of shower or bath facilities

(1) A person may use a shower or bath facility in change rooms only on conditions that—

- (a) the facilities must be used by the person only 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; or
- (c) the facilities must not be used for the purpose of laundering or washing any clothing or other articles.

Division 3—Children’s playgrounds**5.8 Public reserve may be set aside**

(1) The City may set aside a public reserve or any portion of a public reserve for use as a children’s playground.

5.9 Limit to ages of persons permitted to use children’s playground equipment

(1) The City may limit the ages of persons to the use of children’s playground equipment built for young and small children, and may erect a sign under clause 2.3 of this local law to that effect on or in the immediate vicinity of the playground.

5.10 Age limit on sign

(1) A person over the age specified on that sign, other than a person having the charge of a child or children in the playground, must not use playground equipment built for young and small children, or interfere with the use by children in the playground.

5.11 Smoking prohibited near children’s playground equipment

(1) Smoking within 10 metres of a children’s playground equipment is prohibited and implemented under section 107C of the *Tobacco Products Control Act 2006*.

Penalty: a fine of \$1,000.

Division 4—Airport**5.12 Use by aircraft**

(1) The owner of every aircraft, upon payment of the set fee and compliance with this local law and other written law, shall be entitled to use the airport for the landing, servicing and departure of their aircraft and the disembarkment of passengers and freight.

(2) The local government may close the airport to aircraft movements for any reason, including but not limited to, if it considers the surface of the airport to be unsafe.

5.13 Right of entry to airport

(1) Except as herein provided, a person other than—

- (a) a person lawfully employed upon duties in or about the supervision and control of the airport, or acting under a permit or other agreement of or with, the local government, in or about the arrival, departure and servicing of or other attention upon aircraft lawfully using the airport;
- (b) a passenger or intending passengers by aircraft lawfully using the airport; or
- (c) person greeting or seeing off a passenger or intending passenger by aircraft lawfully using the airport, shall not enter or remain upon the airport or any part thereof without first obtaining the approval of the local government.

(2) The local government may from time to time designate or set apart any specified part or parts of the airport—

- (a) to which only persons from time to time designated by the local government shall be admitted;
- (b) to which persons other than those mentioned in subclause (1) shall not be admitted;
- (c) to which the general public, or any limited classes of the general public, may be admitted, either at all times or at specified times, or for limited periods and generally upon such terms and conditions as the Council may resolve;
- (d) to which no vehicle may be admitted or to which a limited class of vehicles may be admitted or to which vehicles may be admitted only on such terms and conditions as the Council may resolve; and
- (e) to which no aircraft may be admitted or to which a limited class of aircraft may be admitted or to which aircraft may be admitted only on such terms and conditions as the Council resolves.

(3) Signs, markings or notices may be placed by the local government at the airport indicating the limits of any part of the airport set apart for any special or limited use under subclause (2).

(4) Notwithstanding the provisions of this clause the local government may on special occasions, for instance, an aerial pageant or other event of public interest, make such arrangements for the control of the airport as it may by resolution impose.

5.14 Access of animals restricted

(1) A person shall not bring an animal onto an airport unless—

- (a) the person is a person referred to in section 8 of the *Dog Act 1976* and section 66J of the *Equal Opportunity Act 1984* acting in accordance with that provision;
- (b) the animal is being air freighted from the airport;
- (c) the animal has been air freighted to the airport; or
- (d) the person is authorised to do so by the local government.

(2) A person in charge of an animal shall keep the animal under control and shall not allow it to wander at large on the airport.

(3) If an animal is at any time on an airport in contravention of subclause (2), in addition to the person specified in that subclause, the owner of the animal at that time commits an offence against subclause (2).

Division 5—Golf course

5.15 Interpretation

In this Division—

“**controller**” means the person appointed by the City to direct, control and manage a golf course;

“**golf course**” means that portion of a golf course reserve which is laid out as a golf course and includes all tees, fairways, greens, practise tees, practise fairways, practise greens and any driving range; and

“**golf course reserve**” means the local government property described in Schedule 3 and includes all buildings, structures, fittings, fixtures and equipment on that land.

5.16 Observance of special conditions of play

(1) While on a golf course, a player must—

- (a) observe and comply with a direction of the controller in respect of any special conditions of play;
- (b) observe and comply with a requirement of any notice erected to direct or control play; and
- (c) not be accompanied by a non-playing person without the permission of the controller or an authorised person.

5.17 Children under the age of 10 years

A person under the age of 10 years must not enter, play or practise on a golf course unless accompanied by a person of 18 years or older.

Division 6—Fenced or closed property**5.18 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 City.

PART 6—FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY**6.1 No unauthorised entry to function**

(1) A person must not enter local government property on a day or during a time when the property is set aside for a function, or when an admission charge is authorised, except—

- (a) through the proper entrance for that purpose; and
- (b) on payment of the applicable admission charge.

(2) The City may exempt a person from compliance with subclause (1)(b).

PART 7—OBJECTIONS AND APPEALS**7.1 Objection and appeal rights**

(1) Division 1 of Part 9 of the Act applies to a decision under this local law—

- (a) to grant, renew, amend or cancel a permit or consent; and
- (b) to refuse to allow entry, or to suspend admission, to any local government property.

PART 8—MISCELLANEOUS**8.1 Authorised person to be obeyed**

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

8.2 Persons may be directed to leave local government property

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

8.3 Disposal of lost property

An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the City in any manner it thinks fit.

8.4 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 specified in the notice to, at the option of the City, pay the costs of—

- (a) reinstating the property to the state it was in prior to the occurrence of the damage or the removal; or
- (b) replacing that property.

(2) On a failure to comply with a notice issued under subclause (1), the City may recover the costs referred to in the notice as a debt due to it.

8.5 Glass containers prohibited on local government property

Unless authorised by a permit or by an authorised person, a person must not take any glass containers onto any local government property as indicated by a sign.

PART 9—ENFORCEMENT***Division 1—Notices given under this local law*****9.1 Offence to fail to comply with notice**

A person who fails to comply with a notice given to him or her under this local law commits an offence.

9.2 City may undertake requirements of notice

If a person fails to comply with a notice given to him or her under this local law the City 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.

Division 2—Offences and penalties**9.3 Offences and general penalty**

(1) A 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) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

9.4 Prescribed offences

(1) An offence against a clause specified in Schedule 1 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 Schedule 1.

9.5 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 the First Schedule of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice given under section 9.17 of the Act is Form 2 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*.

(2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

9.6 Impounding of goods

Provisions dealing with the power to impound goods that are involved in a contravention, including a contravention of this local law, are contained in the Act and Regulations.

9.7 Evidence of a determination

(1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 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 1

Prescribed offences

[cl. 9.4]

OFFENCES AND MODIFIED PENALTIES

Item No.	Clause No.	Nature of offences	Modified penalties (\$)
1	2.4	Failure to comply with determination	140
2	3.6	Failure to comply with conditions of permit	140
3	3.13(1)	Failure to obtain a permit	140
4	3.14(2)	Failure to obtain permit to camp outside a facility	140
5	3.15(1)	Failure to obtain permit for liquor	140
6	3.16	Failure of permit holder to comply with responsibilities	140
7	4.1	Behaviour which interferes with others	140
8	4.2(1)	Behaviour detrimental to property	400
9	4.4(2)	Taking or injuring any fauna	400
10	4.5(2)	Removing or damaging any flora	400
11	4.6	Under influence of liquor or prohibited drug	140
12	4.10(2)	Failure to comply with sign on local government property	140
13	5.2	Consuming food or drink in prohibited area	140
14	5.4(1)(a)	Male using entry of toilet block and change room specified for female gender	140
15	5.4(1)(b)	Female using entry of toilet block and change room specified for male gender	140
16	5.16	Failure to comply with direction of controller or notice on golf course	140
17	5.18	Unauthorised entry to fenced or closed local government property	140
18	6.1(1)	Unauthorised entry to function on local government property	140
19	8.1	Failure to obey lawful direction of an authorised person	280
20	8.2	Failure to obey direction of authorised person to leave local government property	280
21	9.1	Failure to comply with notice	280

Schedule 2
Determinations

[cl 2.1(2)]

APPLICATION OF DETERMINATIONS

The following determinations are to be taken to have been made by the City under clause 2.1.

PART 1—PRELIMINARY

1.1 Definition

In these determinations—

“**local law**” means the *City of Kalgoorlie-Boulder Local Government Property Local Law 2010*.

1.2 Interpretation

Where a term is used but not defined in a determination and that term is defined in the local law then the term is to have the meaning given to it in the local law.

PART 2—APPLICATION

2.1 Vehicles on local government property

(1) Unless authorised by a permit or determination, a person must not take or cause a vehicle to be taken onto or driven on local government property unless—

- (a) subject to subclause (3), the local government property is clearly designated as a road, access way or car park;
- (b) the vehicle is driven by a City employee, authorised person or contractor engaged by the City, who is engaged in—
 - (i) providing a service or making a delivery in connection with the local government property; or
 - (ii) maintaining the local government property;
- (c) the person is driving an emergency vehicle in the course of his or her duties; or
- (d) the vehicle is a powered wheelchair, and the driver of that vehicle is a disabled person.

(2) A person must not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 10 kilometres per hour, or in such a manner as to cause danger, inconvenience or annoyance to any person.

(3) Other than in accordance with paragraphs (b), (c) or (d) of subclause (1), a person shall not drive a vehicle on local government property or part of it that is being used for a function for which a permit has been obtained unless permitted to do so by the permit holder or an authorised person.

2.2 Powered model aeroplanes, toys or ships

A person must not use, launch or fly a powered model aeroplane, toy, ship, glider or rocket that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from local government property except where a permit or a determination specifies a particular local government property.

2.3 Activities prohibited on local government property

(1) A person is prohibited from playing or practicing archery, pistol or rifle shooting on local government property except on land which is reserved by the City for that purpose, or as otherwise provided by a determination or permit.

(2) A person must not use or ride a bicycle or wheeled recreational device, or skateboard—

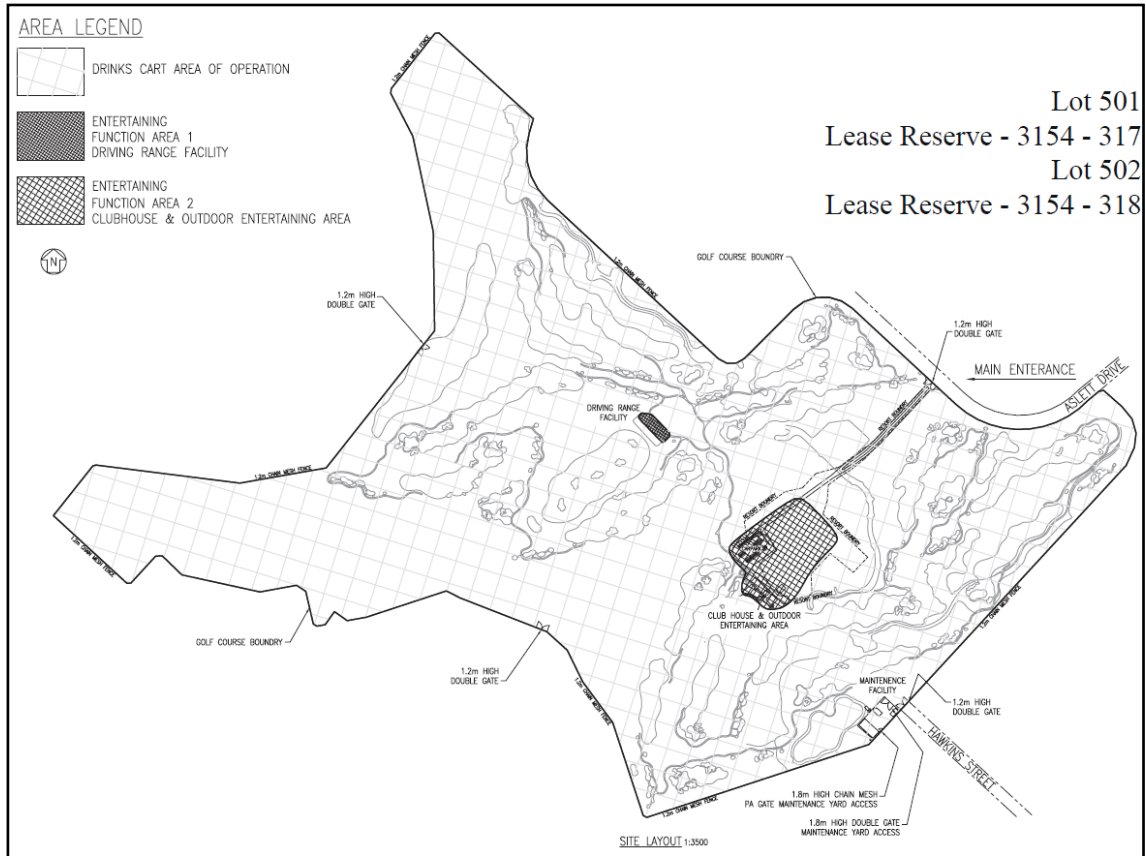
- (a) inside or on the curtilage to, a building;
- (b) in a pool area;
- (c) on a golf course;
- (d) in the recycling centre; or
- (e) in or on dams, waterways, lagoons and lakes.

(3) A person must not take on to any local government property, a spear gun, hand spear, gidgie or similar device.

**Schedule 3
Golf Course Reserve**

[cl. 5.15]

Diagram 1—Kalgoorlie Golf Course



Lot 501
Lease Reserve - 3154 - 317
Lot 502
Lease Reserve - 3154 - 318

Dated: 4 August 2011.

The Common Seal of the City of Kalgoorlie-Boulder was affixed by authority of a resolution of the Council in the presence of—

R. S. YURYEVICH, RFD, AM, Mayor.
D. S. BURNETT, Chief Executive Officer.

LG101*

CORRECTION

LOCAL GOVERNMENT ACT 1995

Shire of Quairading

EXTRACTIVE INDUSTRIES LOCAL LAW 2011

An error occurred on page 3285 of Gazette No 154 and is corrected as follows—

Delete the date '**26th May 2011**' and insert the date '**28th July 2011**'.
