



SUBSIDIARY LEGISLATION

LOCAL GOVERNMENT ACT 1995

Local Laws

City of Armadale Local Government Property Amendment Local Law 2021

City of Rockingham Fencing Amendment Local Law 2022

Published

13 September
2022

13 September
2022

Reference

p. 4657-9

p. 4659-60

Legislative Assembly:

Minister for Local Government

Legislative Council:

Minister for Education and Training

Legislative Council

1550

LEGISLATIVE COUNCIL OF WA

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LOCAL GOVERNMENT ACT 1995

City of Armadale

LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the City of Armadale resolved on 27 June 2022 to make the following local law.

1. Citation

This local law may be cited as the *City of Armadale Local Government Property Amendment Local Law 2021*.

2. Commencement

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

3. Principal local law

This local law amends the *City of Armadale Local Government Property Local Law 2002* published in the *Government Gazette* on 3 April 2002 and as amended by the *City of Armadale Local Government Property Amendment Local Law 2009*, published in the *Government Gazette* on 11 December 2009.

4. Clause 1.2 amended

Clause 1.2 is inserted as follows—

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

Items following be renumbered accordingly.

5. Clause 1.3 amended

Clause 1.3 is amended as follows—

- (a) insert the following definition in alphabetical order—

election sign means a sign, poster or other device which advertises any aspect of a forthcoming Federal, State or local government election;

6. Clause 4.2 amended

Clause 4.2 is amended as follows—

- (a) After “a plant or” delete “a seat provided for the use of any person” and replace with “earth or a fixture, fitting or materials placed by or for the local government;”

7. Clause 4.6 amended

Clause 4.6 inserted as follows—

“4.6 No smoking

- (1) A person must not smoke on local government property.
- (2) Electronic cigarettes (e-cigarettes) and other personal vaporisers for delivery of nicotine or other substances are not permitted to be used in any area on the local government property where smoking is restricted.”

Items following be renumbered accordingly.

8. Clause 4.7 amended

Clause 4.7 inserted as follows—

“4.7 Removing or damaging flora

- (1) A person shall 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 consent of the local government.
- (2) In this clause—

flora means all vascular plants other than plants recognised as weeds.”

Items following be renumbered accordingly.

9. Clause 4.8 amended

Clause 4.8 be deleted and replaced as follows—

“4.8 Signs placed by the local government

- (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.
- (2) A person shall 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.”

10. Clause 4.9 inserted

Clause 4.9 be inserted as follows—

“4.9 Signs placed by other parties

- (1) A person shall not place a sign on local government property unless—
 - (a) the sign is authorised by the local government and is temporary in direct connection with a sporting or other event authorised by the local government for a particular period of time; or
 - (b) the sign is in association with the conditions of a lawful agreement between the local government and the party who placed the sign.
- (2) A person shall not place, or cause to be placed, an election sign on local government property, or on a fence that is enclosing or demarcating local government property.”

11. Clause 5.1 amended

Clause 5.1 be deleted and replaced as follows—

“5.1 When entry must be refused

- (1) A Manager or authorised person shall refuse admission to, or may direct to leave or cause to be removed from a pool area any person who, in the opinion of the Manager or authorised person—
 - (a) is a person under the age of 11 years who is unaccompanied by a parent or guardian over the age of 17 years;
 - (b) is under the age of 6 years unaccompanied in the water, within arm’s reach, by a parent or guardian over the age of 17 years;
 - (c) is using swimwear or a pool toy or other device that is unable to comply with safety requirements when in or around a pool area, or is being used in an unsafe manner;
 - (d) is suffering from a contagious, infectious or cutaneous disease or complaint or is in an unclean condition;
 - (e) is under the apparent influence of liquor or a prohibited drug;
 - (f) is in possession of liquor or a prohibited drug on the local government property;
 - (g) is smoking on the premises;
 - (h) indecently exposes themselves, or commits an indecent act in view of patrons for the purpose of offending, threatening or harassing patrons or a local government employee who is on duty at the premises;
 - (i) is using a camera or other form of recording device in a toilet or change room;
 - (j) is using a camera or other form of recording device to capture still or video imagery of patrons without the consent of those patrons; or
 - (k) is behaving in a manner that is harassing, offensive, threatening, violent, abusive, or unsafe towards a patron or a local government employee who is on duty at the premises.
- (2) In effecting the removal of a person from a pool area, a Manager or authorised person may engage any such assistance as necessary to lawfully effect the removal of that person.
- (3) Nothing in subclause (1) prevents a Manager, an authorised person or a decision of the local government from refusing entry to a pool area to a person, for a breach of any other written law or the conditions of entry that are displayed at the entrance to the local government property.”

12. Clause 5.3 amended

Clause 5.3 be amended as follows—

Insert “(1)” before “where” and

Insert “(2) Subclause (1) does not apply in circumstances where—

- (a) the person is a child under the age of 8 and requires supervision or assistance from a parent or guardian; or
- (b) the toilet block or change room is sign posted to provide for universal access.”

13. Clause 8.3 amended

Clause 8.3 be deleted and amended as follows—

“8.3 Refusal of entry to local government property

- (1) If an authorised person reasonably suspects a person has acted contrary to this local law whilst on specific local government property, the authorised person may refuse that person entry to the specific local government property.
- (2) A refusal of entry to specific local government property may be for any period of time up to 12 months, if decided by an authorised person.”

Items following this being renumbered accordingly.

14. Clause 8.4 amended

- (a) Insert “(1)” before “An article”

(b) After “thinks fit.” insert as follows—

“(2) Where an item of property is of a type that is of minor clothing, undergarments, consumable personal effects or other item of nominal financial value, the local government may dispose of such an item in any manner it thinks fit.”

15. Schedule 1 amended

Table in Schedule 1 is deleted and inserted as follows—

“

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.4	Failure to comply with determination	150
3.6	Failure to comply with conditions of permit	150
3.13(1)	Failure to obtain a permit	150
3.14(3)	Failure to obtain permit to camp outside a facility	150
3.15(1)	Failure to obtain permit for liquor	200
3.16	Failure of permit holder to comply with responsibilities	150
4.2(1)	Behaviour detrimental to property	350
4.3	Feeding, taking or injuring any fauna	150
4.4	Under influence of liquor or prohibited drug	150
4.7	Removing or damaging flora	150
4.8(2)	Failure to comply with sign on local government property	150
5.2	Unauthorised entry to fenced or closed local government property	150
5.3(1)(a)	Male using entry of toilet block and change room specified for female gender	150
5.3(1)(b)	Female using entry of toilet block and change room specified for male gender	150
6.1(1)	Unauthorised entry to function on local government property	200
9.1	Failure to comply with notice	250

”

16. Amendment throughout the Local Government Property Local Law 2002

Replace “authorized” with “authorised” throughout the *Local Government Property Local Law 2002*.

Dated 6 September 2022.

The common seal of the City of Armadale was affixed by the authority of a resolution of the Council in the presence of—

RUTH BUTTERFIELD, Mayor.
JOANNE ABBISS, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF ROCKINGHAM FENCING AMENDMENT LOCAL LAW 2022

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Rockingham resolved on 28 June 2022 to make the following local law—

1. Citation

This local law is cited as the *City of Rockingham Fencing Amendment Local Law 2022*.

2. Commencement

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

3. Principal local law amended

This local law amends the *City of Rockingham Fencing Local Law 2020* as published in the *Government Gazette* on 26 March 2021.

4. Title of principal local law amended

Delete ‘2020’ in principal law title and replace with ‘2021’.

5. Clause 1.5 amended

In clause 1.5 delete definition of AS/NZS.

6. Clause 2.6 amended

In clause 2.6 delete subclause (3) and subclause (3)(1) and replace with—

- (3) An owner or occupier of a lot adjacent to an estate boundary fence must, where that fence is damaged, dilapidated or in need of repair, ensure that—

7. Clause 2.7 amended

7.1 In clause 2.7 delete subclause numbering (1) and leave remaining text.

7.2 In clause 2.7 delete subclause (2).

8. Clause 3.1 amended

8.1 In clause 3.1(2)(c) delete the following words—‘and any applicable Australian Standard, or if there is no applicable specification or Australian Standard, in accordance with industry best practice for that type of fence’.

8.2 In clause 3.1(2)(c) After the word “specification” insert—‘, or if there is no applicable manufacturer’s specification, in accordance with industry best practice for that type of fence.’

9. Clause 4.1 amended

9.1 In clause 4.1(1)(b) delete the following ‘(unless it is a sufficient fence)’.

9.2 In clause 4.1(1)(b) After the word “wire” insert— ‘or material with spiked or jagged projections’.

9.3 In clause 4.1 delete subclause (3)(b).

9.4 In subclause (3)(a) After ‘;’ insert ‘or’.

10. Clause 6.1 amended

In clause 6.1 subclauses (a), (b) and (c) delete the word ‘to’.

11. Item 1—Schedule 1 amended

Delete item 1(b)(ii) in Schedule 1.

Dated 4 July 2022.

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

DEBORAH HAMBLIN, Mayor.
MICHAEL PARKER, Chief Executive Officer.
