SHIRE OF GNOWANGERUP

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2026

Proposed

Shire of Gnowangerup

Local Government Property Local Law 2026

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LOCAL GOVERNMENT ACT 1995

SHIRE OF GNOWANGERUP

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2026

Under the powers conferred by *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Gnowangerup resolved on the [insert date] to make the following local law.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *Shire of Gnowangerup Local Government Property Local Law 2026*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The *Shire of Gnowangerup Local Government Property Local Law2016* published in the *Government Gazette* of the 15 November 2016 is repealed on the commencement day.

1.5 Definitions

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

Act means the *Local Government Act 1995*;

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

assistance animal means an animal who is being used as an assistance animal as defined in the *Disability Discrimination Act 1992* (Commonwealth);

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

building means any building which is local government property and includes a—

(a) hall or room; and

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

CEO means the chief executive officer of the local government;

children's playground means an area set aside for use by children and noted by the presence of dedicated children's playground equipment and the presence of either white sand or other form of soft fall surface;

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

costs of the local government include its administrative costs;

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 the last of the things required to be done under section 1.7 of the Act (as to the giving of local public notice) is done;

determination means a determination made under clause 2.1;

district means the district of the local government;

flora means all vascular plants, seeds and other flora, whether living or dead.

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 same meaning as is given to it in section 3 of the Liquor Control Act 1988;

local government means the Shire of Gnowangerup;

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;

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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 local government to control and manage a pool area or other facility which is local government property and includes the person's assistant or deputy;

nuisance means –

(a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public nuisance or private nuisance at law;

(b) an unreasonable interference with the use and enjoyment of a person of their ownership or occupation of land; or

(c) interference which causes material damage to land or other property on the land affected by the interference;

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;

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;

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;

prohibited drug has the same meaning as in section 3 of the *Misuse of Drugs Act 1981;*

Recreation facility means and includes any local government property used for recreational purposes and for the time being under the control or management of the local government and all buildings, fences, gardens, car parks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of the recreation facility or used in connection with it;

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

Schedule means a schedule in this local law;

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

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(d) carrying out any other transaction in relation to them;

vehicle includes—

(a) every conveyance and every object capable of being propelled or drawn on wheels, track or otherwise; and

(b) an animal being ridden or driven,

but excludes—

(c) a wheelchair or any device designed for use, by a physically impaired person on a footpath;

(d) a pram, a stroller or a similar device;

(e) a boat; and

(f) a shopping trolley.

waste includes matter –

(a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or

(b) prescribed by regulations under the *Waste Avoidance and Resource Recovery Act 2007* to be waste.

1.6 Interpretation

In this local law a reference to local government property includes a reference to any part of that local government property.

1.7 Overriding power to hire and agree

Despite anything to the contrary in this local law, the CEO or an authorised person, on behalf of 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.

1.8 Application as to assistance animals

This local law is subject to any written law and any law of the Commonwealth about assistance animals.

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Part 2 – Determinations in respect of local government property

Division 1 - *Determinations*

2.1 Determinations as to use of local government property

The local government 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.

2.2 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

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(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.

2.3 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.

2.4 Determination to be complied with

A person shall comply with a determination.

2.5 Register of determinations

(1) The local government 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 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.

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 it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

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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 motorised 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) deposit refuse, rubbish or waste, whether or not of particular classes, and whether or not in specified areas of that local government property;

(f) 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*; 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;

(g) ride a bicycle, a skateboard, rollerblades, a sand board 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.

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2.8 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) smoking on premises;

(b) riding a bicycle, a skateboard, rollerblades, a sandboard 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) 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 on the property; and

(g) the traversing of land which, in the opinion of the local government, has environmental value warranting protection, whether 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.

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Division 3 - *Transitional*

2.9 Transitional Provision

(1) An application for, or the renewal of a licence, permit or other authorisation made under a repealed local law that has not been finally determined before the commencement day is to be dealt with and determined as if it were an application under this local law.

(2) A licence, permit or other authorisation under a repealed local law that is in force before the commencement day is to be regarded on and after that day as a licence under this local law and may be dealt with accordingly.

Part 3 - Permits

Division 1 - *Preliminary*

3.1 Application of Part 3

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.

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 shall apply for the permit in accordance with subclause (2).

(2) An application for a permit under this local law shall—

(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) or where the requirements of subclause (3) or (4) have not been satisfied.

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3.3 Decision on application for permit

(1) The local government 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 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.

(4) The local government 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 Conditions which may be imposed on a permit

(1) Without limiting the generality of clause 3.3(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 a standard or a policy of the local government adopted by the local government;

(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 3.3(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—

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(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 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.

3.5 Imposing conditions under a policy

(1) In this clause—

policy means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

(2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government shall 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).

(4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

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3.6 Compliance with and variation of conditions

Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions including any conditions as varied by the local government under clause 3.3(4).

Division 4 - *General*

3.7 Duration of permit

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

(a) a different duration is stated in this local law or in the permit; or

(b) the permit is cancelled under clause 3.11.

3.8 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 were an application for a permit.

3.9 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.

3.10 Production of permit

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

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3.11 Cancellation of permit

(1) Subject to clause 7.1, a permit may be cancelled by the local government if the permit holder has not complied with a—

(a) condition of the permit;

(b) determination made under this local law which relates to the activity regulated by the permit; or

(c) provision of any written law which relates to the activity regulated by the permit.

(2) On the cancellation of a permit the permit holder—

(a) shall 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*

3.12 Activities needing a permit

(1) A person shall 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) 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 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;

(g) unless an employee of the local government in the course of their 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 on local government property;

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(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 local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;

(o) de-pasture any horse, sheep, cattle, goat, camel, ass or mule on local government property;

(p) deposit or store any thing 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 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).

3.13 Erecting structures or camping on local government property

(1) In this clause, unless the context otherwise requires —

camp has the same meaning as given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*;

caravan has the same meaning as given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*;

facility has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*;

park home has the same meaning as given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*; and

structure includes a caravan, park home, or camp.

(2) This clause does not apply to a facility operated by the local government.

(3) A person must not without a permit —

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(a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or

(b) erect, on local government property, any tent, camp, hut or similar structure.

(4) The maximum period for which the CEO or an authorised person may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is three months in any 12 month period.

3.14 Permit required for possession and consumption of liquor

(1) A person, on local government property, shall not consume any liquor or have ~~in~~ their possession or under their control any liquor, unless—

(a) that is permitted under the *Liquor Control Act 1988*; and

(b) any necessary ~~a~~permit has been obtained for that purpose; and

(c) the consumption of liquor does not, in the reasonable opinion of the local government or an authorised person, result in anti-social or unsafe behaviour or create a risk to members of the public accessing the local government property.

(2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 6 - Responsibilities of permit holder

3.15 Responsibilities of permit holder

A holder of a permit shall 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) take all reasonable steps to 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.

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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

A person shall not in or on any local government property behave in a manner which—

(a) interferes with the enjoyment of a person who might use the property;

(b) causes a disturbance to nearby residents; or

(c) creates a nuisance.

4.2 Behaviour detrimental to property

(1) A person shall 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 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 building or a seat provided for the use of any person.

4.3 Taking or injuring any fauna

(1) A person shall not, take, injure or kill or attempt to take, injure 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 subclause (1)—

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.

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4.4 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 a prohibited drug.

4.5 No prohibited drugs

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

4.6 No smoking

A person must not smoke within a 5 metre radius of any entrance, exit or aperture of premises on local government property.

4.7 Taking or damaging any flora

(1) Unless authorised to do so under a written law or with the written approval of the CEO or an authorised person, a person must not —

(a) remove, damage or interfere with any flora that is on or above any local government property; or

(b) cultivate, plant or deposit any flora on local government property.

4.8 Waste

A person shall not deposit or discard waste on local government property except —

(a) in a place or receptacle set aside by an authorised person for that purpose; and

(b) in accordance with any conditions that may be specified on the receptacle or a sign.

Division 2 - *Signs*

4.9 Signs

(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.

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Division 3 – *Entry to local government property*

4.10 Entry to local government property

A person, other than an authorised person performing a function or a contractor of the local government carrying out a contracted duty, must not —

(a) enter or leave any local government property other than by the public entrance or exit, except in an emergency; or

(b) enter or remain on any local government property except on those days and during those times when access is available to the public.

4.11 Refusal of entry and removal

(1) If an authorised person, manager or attendant reasonably suspects that a person is breaching, or has just breached, a provision of this local law or any other written law, an authorised person may—

(a) refuse to allow that person to enter local government property;

(b) if the person is on local government property, direct the person to leave the local government property; and

(c) specify a period of up to 30 calendar days within which the person is not to re-enter the local government property.

(2) A person who has been refused entry or who has been directed to leave under subclause (1) shall immediately leave the local government property quickly and peaceably.

(3) If a person fails to comply with subclause (2), an authorised person may remove the person, or arrange for the person to be removed, from the local government property.

(4) An authorised person may reduce the period specified in subclause (1)(c) on application of the person who has been directed not to re-enter local government property.

Part 5 – Matters relating to particular local government property

Division 1 - *Swimming pool and other recreation facilities*

5.1 General prohibitions

A person shall not —

(a) obstruct an authorised person, manager or attendant in carrying out their duties;

(b) fail to comply with a direction given by an authorised person, manager or attendant —

(i) refusing admission to a person;

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(ii) directing a person to leave the public swimming pool or recreation facility; or

(iii) directing a person in relation to the person's use of the public swimming pool or recreation facility;

(c) fail to comply with a direction given by an authorised person or manager suspending admission to a person;

(d) permit an animal to enter or remain in or about a public swimming pool or recreation facility where such entry is prohibited by a sign;

(e) consume any food or drink in an area where consumption is prohibited by a sign; or

(f) foul or pollute the water in a public swimming pool.

5.2 Use of all or part of a public swimming pool or recreation facility

An authorised person, manager or attendant may —

(a) direct that all or part of a public swimming pool or recreation facility is for the use of certain persons to the exclusion of others; and

(b) direct a person as to that person's use of the public swimming pool or recreation facility.

5.3 When entry and use may be refused

(1) An authorised person, manager or attendant may —

(a) refuse admission to;

(b) direct to leave; or

(c) cause to be removed from:

(i) a public swimming pool;

(ii) the water at a public swimming pool; or

(iii) a recreation facility,

any person where any of the requirements set out in clause 5.1 are not being complied with or, in the case of a public swimming pool, for any reason set out in subclause (2).

(2) For the purposes of refusing entry or use to a public swimming pool under subclause (1), the reasons are —

(a) where the authorised person, manager or attendant reasonably suspects the person is —

(i) suffering from any gastrointestinal disease, contagious, infectious or cutaneous disease or complaint or has unhealed wounds;

(ii) in an unclean condition;

(iii) wearing unclean clothes; or

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(iv) under the influence of liquor or a prohibited drug; or

(b) if in the opinion of the authorised person, manager or attendant —

(i) such action is necessary or desirable to prevent a contravention of this local law; or

(ii) the person is committing a breach of any provision of this local law; or

(c) by reason of the person's past or present conduct within or about the public swimming pool has created or is creating a nuisance.

Division 2 - *Fenced or closed property*

5.4 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.

Division 3 - *Toilet blocks and change rooms*

5.5 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 shall not use that entry of the toilet block or change room;

(b) males—then a person of the female gender shall not use that entry of the toilet block or change room; or

(c) families—then, where the toilet block or change room is being used by a family, only an immediate member of that family may use that entry or 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.

Proposed

Part 6 - Fees for entry on to local government property

6.1 No unauthorised entry to function

(1) A person shall 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—

(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 - Objections and appeals

7.1 Objections and review

Division 1 of Part 9 of the Act and regulation 33 of the Regulations applies to a decision under this local law—

(a) to grant a person a permit, authorisation, approval or consent under this local law; or

(b) to renew, vary, or cancel a permit authorisation, approval or consent that a person has under this local law.

Part 8 - Miscellaneous

8.1 Authorised person to be obeyed

A person on local government property shall obey any lawful direction of an authorised person and shall not in any way obstruct or hinder an authorised person in the execution of their 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 the authorised person 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 an authorised person—

Proposed

(a) if the value of the property is reasonably believed to exceed the amount prescribed by regulation 30(3)(a) of the Regulations, using the process under section 3.58 of the Act for the sale of the article as if it was property referred to in that section;

(b) if the value of the property is reasonably believed to have a realisable value more than 1% of the amount prescribed by regulation 30(3)(a) of the Regulations but not exceeding the amount prescribed, by handing the property to the Western Australian Police Force; or

(c) if the property is reasonably believed to be of less value than 1% of the amount prescribed by regulation 30(3)(a) of the Regulations —

(i) by donation to a not for profit body incorporated under the *Associations Incorporations Act 2015*; or

(ii) if likely to be of no interest to a not for profit body, in any manner he or she 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 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.

Part 9 - Enforcement

Division 1 - *Notices given under this local law*

9.1 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.

9.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 9.1, 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.

Proposed

Division 2 - *Offences and penalties*

Subdivision 1 - *General*

9.3 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.

Subdivision 2 - *Infringement notices and modified penalties*

9.4 Prescribed offences and modified penalties

(1) Each offence under this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for an offence against a provision of this local law is:

(a) for an offence specified in Schedule 1, the amount set out for that offence in the fourth column of Schedule 1; or

(b) for an offence against any other provision of this local law, $250.

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 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 is that of Form 3 in Schedule 1 of the Regulations.

Proposed

(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.

Division 3 – Evidence in legal proceedings

9.6 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) If evidence of a determination is provided under subclause (1), it is to be presumed that the determination was properly made and that every requirement for it to be made and have effect has been satisfied, unless evidence to the contrary is provided.

(3) Subclause (2) does not make valid a determination that has not been properly made.

Proposed

Schedule 1 – Prescribed offences and modified penalties

[Clause 9.4]

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY $
1	4.3(1)	Taking injuring or killing any fauna or attempting to take, injure or kill any fauna	500
2	4.7	Removing, damaging or interfering with, or unlawfully cultivating, planting or depositing, flora	500
3	4.8	Depositing or discarding waste other than as permitted	500
4	9.1	Failure to comply with notice	500

Dated _____

The Common Seal of the)
Shire of Gnowangerup was)
affixed by authority of a)
resolution of the Council in)
the presence of —)

_____ _____

[INSERT NAME OF PRESIDENT] [INSERT NAME OF CEO]
PRESIDENT CHIEF EXECUTIVE OFFICER

Proposed