

LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Mundaring resolved on the 24th day of February 2004 to make the following local law.

PART 1 - PRELIMINARY

Citation

- 1.1 This local law may be cited as the *Shire of Mundaring Local Government Property Local Law*.

Definitions

- 1.2 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 section 3.2;

"**authorized person**" means a person authorized by the local government under section 9.10 of the Act to perform any of the functions of an authorized 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 local government property and includes a –

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

"**CEO**" means the chief executive officer of the local government;

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

"**Council**" means the council of the local government;

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

"**determination**" means a determination made under section 2.1;

"**district**" means the district of the local government;

"**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 Licensing Act 1988*;

"local government" means the Shire of Mundaring;

"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” as defined under section 3.53 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 or any other person acting in one of these positions;

"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;

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

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

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

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

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

(e) a boat.

Interpretation

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

Application

1.4 (1) This local law applies throughout the district.

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

(a) hire local government property to any person; or

(b) enter into an agreement with any person regarding the use of any local government property.

Repeal

1.5 (1) The following local laws are repealed –

Local laws Relating to the Management and Control of the Bilgoman Olympic Pool, published in the Government Gazette on 31st October, 1968 as amended by publication in the Government Gazettes on 16 March 1999 and 23 March 1999;

Local laws Relating to Vehicles on Reserves, published in the Government Gazette on 15th April, 1976;

Local laws Relating to the Management and Use of the Mundaring Hall, published in the Government Gazette on 20th August, 1982;

Local laws Relating to the Control of Reserve No. 23165 – Lake Leschenaultia, Chidlow, published in the Government Gazette on 21st May, 1982, as amended;

Local laws Relating to Illegal Removal of Timber Firewood and Stone From Council Property, published in the Government Gazette on 30th June, 1992.

(2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

(3) The Council may resolve that notwithstanding subsection (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1 - Determinations

Determinations as to use of local government property

- 2.1 (1) The local government may make a determination in accordance with section 2.2 –
- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in section 2.7;
 - (b) prohibiting a person from pursuing all or any of the activities referred to in section 2.8 on specified local government property;
 - (c) as to the matters in sections 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 section 2.2;
 - (b) may be amended or revoked in accordance with section 2.6; and
 - (c) have effect on the commencement day.

Procedure for making a determination

- 2.2 (1) The local government must give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subsection (1) must 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 subsection (2)(c), the Council may decide to –
- (a) give local public notice that the proposed determination has effect as a determination as of the date of publication;
 - (b) amend the proposed determination, in which case subsection (5) will apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subsection (2)(c) the Council must –
- (a) consider those submissions; and

- (b) decide whether –
 - (i) to amend the proposed determination;
 - (ii) to continue with the proposed determination without amendment; or
 - (iii) not to continue with the proposed termination.
- (5) If the Council decides to amend the proposed determination, it must give local public notice –
 - (a) of the effect of any amendment; and
 - (b) that the amended determination has effect as of the date of publication.
- (6) If the Council decides to continue with the proposed determination without amendment, it must give local public notice that the proposed determination has effect as a determination as of 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 subsections (3), (5) and (6).
- (8) The Council cannot delegate a decision under subsections (3) or (4).

Discretion to erect sign

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

Acts prohibited by a determination

- 2.4 A person shall not do any act on local government property which is prohibited by a determination in regard to that property and which may be specified as prohibited on a sign erected on the property.

Register of determinations

- 2.5 (1) The local government is to keep a register of determinations made under section 2.1, and of any amendments to or revocations of determinations made under section 2.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subsection (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

Amendment or revocation of a determination

- 2.6 (1) The Council may amend or revoke a determination.
- (2) The provisions of section 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 of that notice.

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

Activities which may be pursued on specified local government property

- 2.7 (1) A determination may provide that specified local government property is set aside as an area in which a person may –
- (a) bring, ride or drive an animal;
 - (b) take, ride, drive or park a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aeroplane;
 - (d) use a children's playground;
 - (e) launch, beach or leave a boat;
 - (f) take or use a boat, or a particular class of boat;
 - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (h) play or practice –
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, subject to compliance with any relevant legislation; or
 - (iii) a similar specified activity, involving the use of a projectile which may cause injury or damage to a person or property;
 - (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
 - (j) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subsection (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.

Activities which may be prohibited on specified local government property

2.8 (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property or within particular areas on such property-

- (a) smoking on premises;
- (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
- (c) taking, riding, driving or parking a vehicle that in the opinion of an authorised person is unduly noisy, in a dangerous condition or unlicensed or a particular class of vehicle;
- (d) riding, driving or parking 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 practice of -
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar specified activity, , involving the use of a projectile which may cause injury or damage to a person or property;
- (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
- (h) the traversing, remaining, standing, parking or depositing on land designated as having environmental value and being in need of protection, either absolutely or only 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 subsection (1) and, in particular –

- (a) the days and times during which the activity is prohibited;
- (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
- (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
- (d) that an activity is prohibited in respect of a class of persons or all persons; and
- (e) may distinguish between different classes of the activity.

(3) in this section –

"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.

Division 3 - Transitional

Signs taken to be determinations

- 2.9 (1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under section 2.1.
- (2) Section 2.5 does not apply to a sign referred to in subsection (1).

PART 3 - PERMITS

Division 1 - Preliminary

Application of Part

- 3.1 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

Application for permit

- 3.2 (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subsection (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 subsection (2).

Decision on application for permit

- 3.3 (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.

Division 3 - Conditions

Conditions which may be imposed on a permit

- 3.4 (1) Without limiting the generality of section 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 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 liability insurance in an amount and on terms reasonably required by the local government.
- (2) Without limiting section 3.3(1)(a) and subsection (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued –
 - (a) when fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of 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 Licensing 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 name of 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.

Imposing conditions under a policy

3.5 (1) In this section –

"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 section 3.3(1)(a).

(2) Under section 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 section 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.

Compliance with and variation of conditions

3.6 (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 4 - General

Agreement for building

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

Duration of permit

3.8 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 section 3.12.

Renewal of permit

- 3.9 (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 shall apply to an application for the renewal of a permit *mutatis mutandis*.

Transfer of permit

- 3.10 (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.

Production of permit

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

Cancellation of permit

- 3.12 (1) Subject to section 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; or
 - (b) determination or a provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder -
- (a) 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

Activities needing a permit

3.13 (1) A person shall not without a permit –

- (a) subject to subsection (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 her or his 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 stand any vehicle on local government property;
 - (h) conduct a function 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 local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person; or
 - (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property.
- (2) The local government may exempt a person from compliance with subsection (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 subsection (1)(a).

Permit required to camp outside a facility

3.14 (1) In this section –

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

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

(3) A person shall not without a permit -

- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
- (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

(4) Any application for a permit under subsection (3) will be considered in accordance with the *Caravan Parks and Camping Grounds Regulations 1997*.

Permit required for possession and consumption of liquor

3.15 (1) A person shall not without a permit:

- (a) consume any liquor on local government property; or
- (b) have any liquor in his or her possession or control on local government property unless the liquor is in a sealed container.

Division 6 - Responsibilities of permit holder

Responsibilities of permit holder

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

- (a) ensure that an authorized 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) ensure that any liquor consumed on the local government property is consumed in accordance with the permit and any requirement of the *Liquor Licensing Act 1988*.

PART 4 - BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1 - Behaviour on and interference with local government property

Behaviour which interferes with others

- 4.1 A person shall not in or on any local government property behave in a manner which in the opinion of an authorised person -
- (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.

Behaviour detrimental to property

- 4.2 (1) A person shall not behave in or on local government property in a way which in the opinion of an authorised person is or might be detrimental to the property.
- (2) In subsection (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 seat provided for the use of any person or a building.

Taking or injuring any fauna

- 4.3 (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 authorized under a written law to do so.
- (2) In this section –
- "animal"** means any living thing that is not a human being or plant; and
- "fauna"** means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –
- (a) any class of animal or individual member;
 - (b) the eggs or larvae; or
 - (c) the carcass, skin, plumage or fur.

Division 2 - Signs

Signs

- 4.4 (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 on local government property shall comply with the conditions of use specified on a sign erected under subsection (1) on that property.
- (3) A condition of use specified on a sign erected under subsection (1) is –
- (a) not to be inconsistent with any provision of this local law or any determination; and
 - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1 - Swimming pool areas

When entry must be refused

- 5.1 (1) Every person, coach and spectator at a swimming pool, shall at all times observe any reasonable direction given by the manager or attendant.
- (2) The manager or attendant may at any time, refuse admission to or remove, or cause to be removed from the pool premises, any person who, in the opinion of the manager or attendant is –
- (a) under the age of 10 years and is unaccompanied by a responsible person over the age of 18 years;
 - (b) under the age of 5 years not being supervised in the water by a responsible person over the age of 18 years;
 - (c) apparently suffering from a contagious, infectious or cutaneous disease or skin complaint; or
 - (d) under, or apparently under the influence of intoxicating liquor or drugs.
- (3) A person shall on being requested by the manager or attendant to leave the pool premises, quietly and peaceably, do so immediately.
- (4) The manager or attendant may temporarily suspend admission to, or remove from the pool premises or any part thereof, all or any person or persons, if in their opinion, such action is necessary or desirable.
- (5) At the discretion of the manager, the pool premises or any part thereof, may at any time be set aside for the use of certain persons to the exclusion of others.

Consumption of food or drink may be prohibited

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

Division 2 - Fenced or closed property

No entry to fenced or closed local government property

- 5.3 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 authorized to do so by the local government.

Division 3 - Toilet blocks and change rooms

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

- 5.4 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;
 - or
 - (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.

PART 6 - FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY

No unauthorized entry to function

- 6.1 (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 authorized, 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 subsection (1)(b).

PART 7 - OBJECTIONS AND APPEALS

Application of Division 1, Part 9 of the Act

- 7.1 When the local government makes a decision as to whether it will –
- (a) grant a person a permit or consent under this local law; or
 - (b) renew, vary, or cancel a permit or consent that a person has under this local law,

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

PART 8 - MISCELLANEOUS

Authorized person to be obeyed

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

Persons may be directed to leave local government property

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

Disposal of lost property

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

PART 9 - ENFORCEMENT

Division 2 - Offences and penalties

Subdivision 1 - General

Offences and general penalty

- 9.3 (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

Prescribed offences

- 9.4 (1) An offence against a section 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 section in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that –
- (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

Form of notices

9.5 (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
- (a) 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.

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

SCHEDULE 1

PRESCRIBED OFFENCES

SECTION	DESCRIPTION	MODIFIED PENALTY \$
3.6	Failure to comply with conditions of permit	100
3.13(1)	Undertaking activity without a permit	100
3.15(1)	Possessing or consuming liquor without a permit	100
3.16	Failing to comply with the responsibilities of a permit holder	100
4.2(1)	Behaviour detrimental to property	100
4.4(2)	Failure to comply with sign on local government property	100
5.2	Consuming food or drink in prohibited area	100
5.3	Unauthorized entry to fenced or closed local government property	100
5.4	Entering toilet block or change room contrary to gender sign	100
6.1(1)	Unauthorized entry to function on local government property	100

SCHEDULE 2

DETERMINATIONS

The following determinations are to be taken to have been made by the local government under section 2.1.

PART 1 – PRELIMINARY

Definitions

1.1 In these determinations unless the context otherwise requires –

"local law" means the *Local Government Property Local Law* made by the local government;

Interpretation

1.2 Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.

Adopted at an ordinary meeting of the Council of the Shire of Mundaring held on the 24th day of February 2004.

Dated the 24th day of February 2004.

The Common Seal of the **Shire of**)
Mundaring was hereunto affixed)
by authority of Council.)

M N Williams
Chief Executive Officer
(or his delegate)

T S Pashley
Authorised Officer

LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2004

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Mundaring, resolved on the 25 day of January 2005 to make the following local law.

Citation

1. This local law may be cited as the “*Shire of Mundaring Local Government Property Amendment Local Law 2004*”.

Principal Local Law

2. In this local law, the *Shire of Mundaring Local Government Property Local Law* made under the *Local Government Act 1995* and as adopted by the Council of the Shire of Mundaring by notice published in the *Government Gazette* on the 16 June 2004, is referred to as the principal local law.

Principal Local Law amended

3. The principal local law is amended by:

- 1 Deleting section 2.7 (1)(k)
- 2 Amend section 2.7(1)(i) by inserting the word “and” after “;”
- 3 Amend section 2.7(1)(j) by deleting the symbol and word “; and” and insert a full stop.

Adopted at an ordinary meeting of the Council of the Shire of Mundaring held on the 25 day of January 2005.

Dated the 27 day of January 2005

The Common Seal of the **Shire of**)
Mundaring was hereunto affixed)
by authority of Council.)

M N Williams
Chief Executive Officer
(or his delegate)

T S Pashley
Authorised Officer