Property Local Law

Local Government Act 1995

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City of Armadale

LOCAL GOVERNMENT PROPERTY LOCAL LAW

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SCHEDULE 1 - PRESCRIBED OFFENCES

SCHEDULE 2 - DETERMINATIONS

Local Government Act 1995

City Of Armadale

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 City Of Armadale resolved on 5 March 2002 to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the City Of Armadale Local Government Property Local Law.

(Amended GG No 231 of 11 December 2009)

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.

(Amended Government Gazette No. 136 of 2022)

1.3 Definitions

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;

"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;

"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 clause 2.1;

"district" means the district of the local government;

"election sign" means a sign, poster or other device which advertises any aspect of a forthcoming Federal, State or local government election;
(Amended Government Gazette No. 136 of 2022)

"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*;
(Amened GG No 231 of 11 December 2009)

"local government" means the City Of Armadale*;*

"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*;

"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;

"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.

1.4 Interpretation

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

1.5 Application

(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.

1.6 Repeal

(1) The following local laws are repealed –

Local Laws for the Control and Management of Halls, Equipment and Property under the Control of Council published in the *Government Gazette* 29 October 1982, as amended by publication in the *Government Gazette* of 17 September 1993;

Local Laws Relating to Reserves, published in the *Government Gazette* of 9 August 1991;

Local Laws Relating to Prohibition of Vehicles on Reserves, published in the *Government Gazette* of 3 August 1973, as amended by publication in the *Government Gazette* of 4 May 1990; and

Local Laws for the Control and Management of Public Swimming Pools published in the *Government Gazette* of 19 November 1982, as amended by publication in the *Government Gazette* of 20 October, 1989.

(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 subclause (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

2.1 Determinations as to use of local government property

(1) 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) The determinations in Schedule 2 –
(a) are to be taken to have been made in accordance with clause 2.2;
(b) may be amended or revoked in accordance with clause 2.6; and
(c) have effect on the commencement day.

2.2 Procedure for making a determination

(1) The local government is to give local public notice of its intention to make a determination.

(2) The local public notice referred to in subclause (1) is to state that –
- (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
- (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
- (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.

(3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
- (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
- (b) amend the proposed determination, in which case subclause (5) will apply; or
- (c) not continue with the proposed determination.

(4) If submissions are received in accordance with subclause (2)(c) the Council is to –
- (a) consider those submissions; and
- (b) decide –

(i) whether or not to amend the proposed determination; or
(ii) not to continue with the proposed determination.

(5) If the Council decides to amend the proposed determination, it is to give local public notice –
(a) of the effect of the amendments; and
(b) that the proposed determination has effect as a determination on and from the date of publication.

(6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.

(7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).

(8) A decision under subclause (3) or (4) is not to be delegated by the Council.

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.

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) conduct a fireworks display;
(f) launch, beach or leave a boat;
(g) take or use a boat, or a particular class of boat;
(h) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
(i) play or practice –
(i) golf or archery;
(ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
(iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
(j) ride a bicycle, a skateboard, rollerblades, a sand board or a similar device; and
(k) wear no clothing.

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

2.8 Activities which may be prohibited on specified local government property

(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 sand board or a similar device;
(c) bringing, riding or driving an animal;
(d) taking, riding or driving a vehicle on the property or a particular class of vehicle;
(e) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
(f) taking or using a boat, or a particular class of boat;
(g) 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;
(h) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and

(i) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.

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

(3) In this clause –

"premises" means a 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

2.9 Signs taken to be determinations

(1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.

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

PART 3 - PERMITS

Division 1 - Preliminary

3.1 Application of Part

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

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) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).

(5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

(Amended GG No 231 of 11 December 2009)

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 –

(a) when fees and charges are to be paid;
(b) payment of a bond and recoup of additional costs against possible damage or cleaning expenses or both; *(Amended GG 160 23rd October 2015)*
(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) the right of the local government to cancel a permit for a fireworks display in the event of unfavourable weather conditions being forecast by the Bureau of Meteorology;
(i) 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*;
(Amened GG No 231 of 11 December 2009)
(j) whether or not the hire is for the exclusive use of the local government property;
(k) 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
(l) 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*.

3.6 Compliance with and variation of conditions

(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

3.7 Agreement for building

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

3.8 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is –
(a) otherwise stated in this local law or in the permit; or
(b) cancelled under clause 3.12.

3.9 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 shall apply to an application for the renewal of a permit with due alteration of the details.

3.10 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.

3.11 Production of permit

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

3.12 Cancellation of permit

(1) Subject to clause 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

3.13 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, indoor recreation facility or reserve which is local government property; *(Amended GG 160 23rd October 2015)*
   (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 stop 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;

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

(p) conduct a fireworks display; or

(q) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly.

(Amended GG No 231 of 11 December 2009)

(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).

3.14 Permit required to camp outside a facility

(1) In this clause –
"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 clause 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) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

3.15 Permit required for possession and consumption of liquor

(1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless –
   (a) that is permitted under the *Liquor Control Act 1988*; and
   (Amened GG No 231 of 11 December 2009)
   (b) a permit has been obtained for that purpose.

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

Division 6 - Responsibilities of permit holder

3.16 Responsibilities of permit holder

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; *(Amended GG 160 23rd October 2015)*
(d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control 1988* for that purpose;
(Amened GG 231 11 December 2009, GG 160 23rd October 2015)
(f) prevent persons under the influence of alcohol or persons acting in a riotous or disorderly manner from entering or remaining on Council property; and
(Amended GG 160 23rd October 2015)
(g) Have in their possession a copy of the permit whilst on local government property.
(New clause added GG 160 23rd October 2015)

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 or is likely to interfere with the enjoyment of a person who might use the property; or
(b) causes or is likely to cause a disturbance to nearby residents.

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 earth or a fixture, fitting or materials placed by or for the local government; 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.

(Amended Government Gazette No. 136 of 2022)

4.3 Feeding, 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 this clause –

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

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

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

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 on to, or consume or use a prohibited drug on, local government property.

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.

(Amended Government Gazette No. 136 of 2022)

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.

(Amended Government Gazette No. 136 of 2022)

Division 2 - Signs

4.8 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.

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.
(Amended Government Gazette No. 136 of 2022)

PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1 - Swimming pool areas

5.1 When entry must be refused

(1) A Manager or 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 themself, 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.

(Amended Government Gazette No. 136 of 2022)

Division 2 - Fenced or closed property

5.2 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

5.3 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; or

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

(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.

(Amended Government Gazette No. 136 of 2022)

PART 6 - 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 Application of Division 1, Part 9 of the Act

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

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

(Amended GG No 231 of 11 December 2009)

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 her or his 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 she or he reasonably suspects that the person has contravened a provision of any written law.

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.

(Amended Government Gazette No. 136 of 2022)

8.4 Disposal of lost property

(1) An article left on any local government property, and not claimed within a period of 1 month, may be disposed of by the local government in any manner it thinks fit.

(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.

(Amended Government Gazette No. 136 of 2022)

8.5 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) Unless there is proof to the contrary, a person is to be taken to have damaged local government property within subclause (1) where –
(a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or the boat; or
(b) the damage occurred under a permit, the person is the permit holder in relation to that permit.

(3) 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.

(Amended GG No 231 of 11 December 2009)

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

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that –

(a) commission of the prescribed offence is a relatively minor matter; and

(b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

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.

(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) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.

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

SCHEDULE 1

PRESCRIBED OFFENCES

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

(Amended GG No 231 of 11 December 2009)
(Amended Government Gazette No. 136 of 2022)

SCHEDULE 2

DETERMINATIONS

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

PART 1 – PRELIMINARY

1.1 Definitions

In these determinations unless the context otherwise requires –

"local law" means the *Local Government Property Local Law* made by the local government;
"vehicle" does not include an animal being ridden or driven
"carriageway" means a portion of a road that is improved, designed or ordinarily used for vehicles and includes the shoulders and areas including embayments at the side or centre of the carriageway, used for the parking of vehicles; and where a road has two or more of those portions divided by a median strip, expression means each of those portions, separately.

1.2 Interpretation

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.

PART 2 – DETERMINATIONS

Vehicles restricted on local government property

2. A person shall not without the consent of the Council –

(a) drive or ride or bring any vehicle onto local government property or permit any person to drive or ride or bring any vehicle onto local government property except on or over parts of the local government property as are set aside as roads or carriageways or vehicle parking areas, and then not at a speed exceeding 15 kilometres per hour; or
(b) park or stand any vehicle on local government property except in an area set aside for that purpose.

Dated this.....day of.....2002

The Common Seal of the City Of Armadale
was hereto affixed in the presence of:

.....
L REYNOLDS
MAYOR

.....
R S TAME
CHIEF EXECUTIVE OFFICER