

LOCAL GOVERNMENT ACT 1995**SHIRE OF KENT****LOCAL LAWS RELATING TO RESERVES**

Pursuant to the powers conferred upon it by the abovementioned Act, and of all other powers enabling it, the Council of the above Shire hereby records having resolved on 4th February 1998, to adopt the following Local Laws.

SECTION 1

These Local-laws apply to Reserves within the boundaries of the Shire of Kent.

SECTION 2

In these Local-laws unless the context otherwise requires—

“Act” means the Local Government Act, 1995.

“Authorised Officer” means an officer of the Council who is authorised by the Council to serve notices and enforce these Local laws under section 9.10 of the Local Government Act 1995.

“Building” means any permanent or temporary structure including tents, caravans, marquees and stalls.

“Council” means the Council of the Shire of Kent.

“Function” includes any carnival, show, exhibition, gymkhana, sport, party or picnic or a match or contest between two opposing teams in any game.

“Owner” in relation to a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act 1974 in respect of that vehicle or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession.

“Reserve” means park land, squares, reserves vested in or under the care, control and management of the Council.

“Vehicle” has the same meaning as if given to that word in the Road Traffic Act as amended from time to time, but includes trail bikes, beach buggies, trailers, caravans and other vehicles licensed or unlicensed but does not include any wheelchair or motorised chair used by a physically impaired person.

SECTION 3

On a reserve a person shall not—

- (a) Commit or cause a nuisance.
- (b) Behave in a disorderly manner, create or take part in a disturbance, use foul or indecent language or commit any act of indecency.
- (c) Ride a horse over grounds prepared for a playing field or an established garden.
- (d) Use or operate any musical instrument, radio or loud speaker, in such manner as to create excessive noise or as to cause nuisance or annoyance.
- (e) Use or operate a device causing a loud noise or any siren or starting gun in such a manner as to cause a nuisance or annoyance.
- (f) Bet, gamble or call the odds or offer to bet or gamble.

SECTION 4A

On a reserve a person other than a Council employee executing their normal duties or a person authorised by the Council shall not—

- (a) Throw or discharge any stone, arrow, bullet, spear gun or other missile.
- (b) Enter or use any dressing room or training room or ablution block for any purposes other than that which it is intended.
- (c) Damage or injure any plant, lawn, flower, shrub or tree.
- (d) Cut or damage any soil or turf.
- (e) Deposit or leave any rubbish, refuse, offal, paper, bottles, broken glass, china or litter of any kind whatsoever except in a receptacle provided for that purpose.
- (f) Remove, tamper with or relocate any structure or goal post.
- (g) Damage or deface any building.
- (h) Remove, damage, deface, mark or alter any sign.

SECTION 4B

On a Council reserve no person shall, without consent of Council, consume any alcoholic liquor, spirit or beverage.

SECTION 5

Any persons found on any public reserve behaving in a disorderly manner or creating or taking part in any disturbance or using any foul or indecent language or committing any act of indecency therein, may forthwith be removed from such public reserve by an officer of the Council or by any member of the Police Service.

SECTION 6

A person other than an employee of the Council executing their normal duties shall not without the consent of Council—

- (a) Drive or ride or bring a vehicle onto a reserve or foreshore or permit any person to drive or ride or bring any vehicle onto a reserve or foreshore except on or over such parts of the reserve or foreshore as are set aside as roads or driveways or vehicle parking areas or as access to areas set aside for the use of the vehicle.
- (b) Park or stand any vehicle on a reserve except in an area set aside for that purpose.

SECTION 7

On a reserve a person shall not without consent of Council—

- (a) Play or practice at golf or strike a golf ball except on an area set aside for that purpose.
- (b) Take part in a procession or demonstration.
- (c) Organise address or participate in a political meeting or rally.
- (d) Use or install a loud speaker or amplifier.
- (e) Distribute or exhibit any printed or written pamphlet; hand bill, placard or notice in any matter whatsoever.
- (f) Stamp, pencil, affix, construct or erect or cause to be stamped, stencilled, affixed, constructed or erected any signboard, hoarding, placard, hand bill, notice, advertisement or document whatsoever.
- (g) Light a fire other than in a fire place provided for that purpose.
- (h) Camp, lodge or tarry overnight, or frequent for the purpose of camping, lodging or tarrying overnight except with the approval of the Council.
- (i) Erect a tent or any other temporary cover for the purpose of entertainment or for the display of any merchandise.

SECTION 8

On a reserve a person shall not practice or play in or at any game in such a way as to cause inconvenience or annoyance to any other person.

SECTION 9

- (a) Any officer of the Council may demand from any person, whom they believe is in breach of these Local Laws, full name and place of residence.
- (b) Any person who refuses to state their full name and place of residence or states a false name or place of residence on demand being so made by an officer of the Council or a member of the Police Service commits an offence.

SECTION 10

A person who refuses to give his or her full name or place of residence to the person making the demand may without other warrant be apprehended by the person making the demand and taken before a Justice to be dealt with according to the law.

SECTION 11

No person shall organise, arrange or take part in a function on a public reserve unless a permit to hold or organise a function has been granted by the Council.

SECTION 12

Council may set fees as it determines from time to time for—

- (a) The hire of a reserve.
- (b) A bond for the restoration of the reserve to its condition prior to hire and may use any or all of the bond to carry out such work as it deems necessary.

SECTION 13

The Council may grant a permit to a person to hold or organise a function on a public reserve, subject to such conditions, if any, as it may deem fit, and may authorise a charge to be made for admission to the function.

SECTION 14

A permit to hold a function on a public reserve shall specify—

- (a) the purpose for which such permit is granted;
- (b) the dates and times during which the function may be held;
- (c) the charge, if any, which has been authorised by the Council for admission to the function;

and shall be in or to the effect of form 4 of the second schedule of this Local Law.

SECTION 15

Any person who is convicted of an offence against these Local Laws excluding Local Law No. 6(a) and 6(b) shall be liable to—

- (a) a maximum penalty of \$1,000; and
- (b) a maximum penalty during the breach of \$100 per day.

SECTION 15(A)

Any person who is convicted of an offence against Local Law No. 6(a) or 6(b) shall be liable to—

- (a) a maximum penalty of \$500; and
- (b) a maximum penalty during the breach of \$100 per day.

SECTION 16

Any person alleged to have committed an offence against Sections 3, 4(a), 4(b), 6(a), 6(b), 8, 11 of these Local Laws may be given the opportunity to pay a modified penalty under section 9.16 of the Local Government Act 1995. A table of offences and modified penalties is described in the first Schedule of this Local Law.

SECTION 17

- (a) The form of a notice that may be given under Section 9.13 of the Act to the owner of a vehicle that is involved in an offence against these Local Laws shall be in or to the effect of Form 1 of the second schedule of these Local Laws.
- (b) The form of an Infringement Notice that may be given under Section 9.16 of the Act for an offence against these Local Laws shall be in or to the effect of Form 2 of the second schedule of these Local Laws.
- (c) The form of the notice that may be given under Section 9.20 of the Act to withdraw an Infringement Notice for an offence against these Local Laws shall be in or to the effect of Form 3 of the second schedule of these Local Laws.

**FIRST SCHEDULE
MODIFIED PENALTIES**

Section	Modified Penalty
3	\$50.00
4(a)	\$50.00
4(b)	\$50.00
6(a)	\$50.00
6(b)	\$50.00
8	\$50.00
11	\$100.00

SECOND SCHEDULE—FORMS**Form 1**

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date...../...../.....

SHIRE OF KENT

⁽¹⁾To:

⁽²⁾Of:

⁽³⁾It is alleged that on/...../..... at am/pm

⁽⁴⁾at

⁽⁵⁾Vehicle Registration No.

was involved in the committing of the following offence—

.....

⁽⁶⁾contrary to regulation/Local Law

of the

You are required under Section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise you will be deemed to have committed the offence unless—

(a) within 28 days after being served with this notice—

(i) you inform the Chief Executive Officer, or another authorised person of the Local Government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or

(ii) you satisfy the Chief Executive Officer that the vehicle had been stolen or was being unlawfully used, at the time the offence is alleged to have been committed; or

(b) you were given an Infringement Notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

Name and title of authorised person giving the notice

.....

Signature:

⁽¹⁾ Name of owner or "owner of (vehicle identification)"

⁽²⁾ Address of owner (not required if owner not named)

⁽³⁾ Date and Time of which offence allegedly committed

⁽⁴⁾ Place at which offence allegedly committed

⁽⁵⁾ Brief Description of Offence

⁽⁶⁾ Name of the Regulations/Local Laws

Form 2

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

INFRINGEMENT NOTICE

To: Inf No:

Of: Date:

.....

.....

You are hereby notified that it is alleged that on the

day of Year

at about am/pm you did

.....

.....

in contravention of the provision of Section

of the Shire of Kent Local Laws relating to Reserves.

The Modified Penalty for this offence is \$..... If you do not wish to have a complaint of the above offence heard and determined by a Court you may pay the Modified Penalty within 28 days of the date of this notice to the Chief Executive Officer at the address below.

Unless payment is made within twenty-eight days of the date of this notice Court proceedings may be instituted against you.

Payment may be made either by posting this notice together with a cheque or Postal Money Order to the Chief Executive Officer, Shire of Kent, Richmond Street, Nyabing, W.A. 6341 or by delivering this Notice intact, together with your remittance to Council's office between the hours of 8.00 am and 4.30 pm Monday to Friday.

Signature of Authorised Person

Designation

Form 3

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No.....

Date/...../.....

Shire of Kent

To:

Of:

Infringement Notice No: date:...../...../.....

for the alleged offence of

.....

has been withdrawn.

The modified penalty of \$.....

- * has been paid and a refund is enclosed
- * has not been paid and should not be paid
- * Delete as appropriate

Name and designation of authorised person giving this notice

.....

Signature:

Form 4

Local Government Act 1996

Local Government (Functions and General) Regulations 1996

PERMIT TO HOLD A FUNCTION

NAME OF APPLICANT

(Phone).....

ADDRESS

.....

PURPOSE FOR USE OF RESERVE:

.....

.....

.....

DATE/TIME OF FUNCTION TO BE HELD:

.....

CHARGES (IF ANY) AUTHORISED BY COUNCIL:

.....

.....

RESERVE NUMBER/LOCATION:

.....

.....

.....
SIGNATURE

.....
DATE

PERMIT APPLICATION APPROVED/REJECTED

.....
C. E. O./Authorised Person.

.....
B. J. MORRELL, Shire President.
I. B. FITZGERALD, Chief Executive Officer.