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LOCAL GOVERNMENT ACT 1995

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**SHIRE OF NORTHAMPTON  
LOCAL LAW RELATING TO  
RESERVES AND  
FORESHORES**



**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF NORTHAMPTON

**LOCAL LAW RELATING TO RESERVES AND FORESHORES**

Pursuant to the powers conferred upon it by the abovementioned Act, and of all other powers enabling it, the Council of the Shire of Northampton hereby records having resolved on 18 July 1997 to adopt the following Local Law and to repeal Council By-laws relating to the control of vehicles and cattle on land vested in or under the care, control or management of the Shire of Northampton adopted by resolution 17 April 1970 and published in the Government Gazette on 15 July 1970.

**Section 1**

This Local Law applies to Foreshores and Reserves within the boundaries of the Shire of Northampton.

**Section 2**

In this Local Law 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 this Local Law 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 Northampton.

“Foreshores” means all land within the Shire of Northampton which lies between the low water mark and the high water mark of the Indian Ocean.

“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 any park land, squares, reserves vested in or under the care, control or management of the Council and includes road and street reserves.

“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 disabled person.

**Section 3**

On a reserve or foreshore a person shall not:

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

**Section 4a**

On a reserve or foreshore a person other than a Council employee executing his/her 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) Climb over or upon a fence or gate.
- (c) Unlock, unfasten or open, lock, fasten or close any gate.
- (d) Enter or use any dressing room or training room or ablution block for any purposes other than that which it is intended to be used.

- (e) Destroy, damage, injure or cause harm to any bird or animal.
- (f) Damage or injure any plant, lawn, flower, shrub or tree.
- (g) Cut or damage any soil or turf.
- (h) Climb any tree.
- (i) 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.
- (j) Expectorate or throw lighted matches therein or thereon.
- (k) Remove, tamper with or relocate any structure or goal post.
- (l) Damage or deface any building.
- (m) Remove, damage, deface, mark or alter any sign.
- (n) Enter any portion or place that has been fenced off or otherwise closed to the public.
- (o) Enter or use a part of a reserve or foreshore set aside for use as a children's playground unless he/she is a person below the age specified in a notice erected in that area or is a person in charge of a child or children in that playground and shall not interfere with the use of it by a child or children.

**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 in a state of intoxication on any public reserve or 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 his/her normal duties shall not without the consent of the 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 or foreshore except in an area set aside for that purpose.

**Section 7**

On a foreshore or reserve a person shall not—

- (a) Sell, expose for sale or invite any offer to buy any goods, wares, vehicles, food, refreshments, fruit or other merchandise or things (whether of the like of the foregoing or not) except in an area set apart for the purpose by the Council and then only with the prior consent of the Council.
- (b) Hire, expose for hire or invite any offer to take or hire any vehicle, boat or vessel or thing (whether of the kind as the foregoing or not) except in an area set apart for the purpose by the Council and then only with the prior consent of the Council.

**Section 8**

On a foreshore or reserve a person shall not without the consent of the 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, stencil, 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 Council.
- (i) Erect a tent or any other temporary cover for the purpose of entertainment or for the display of any merchandise.
- (j) Cut, collect or remove any timber, firewood, stone, sand or other material except seaweed.

**Section 9**

On a reserve or foreshore 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 10**

- (a) In this Local Law reference to an animal does not include a dog.

- (b) The Council may set aside a reserve or foreshore or portion of a reserve or foreshore as an area upon which a person may lead, ride or drive an animal or onto which a person may bring an animal.
- (c) A person shall not lead, ride or drive an animal on any reserve or foreshore that is not set aside for such a purpose.
- (d) A person shall not ride, drive, exercise, train, lead or race any animal on any part of a reserve or foreshore in a manner so as to create or become a nuisance.

**Section 11**

- (a) The Council may set aside a reserve or foreshore or portion thereof as an area from which the launching or recovery of boats is permitted.
- (b) The launching or recovery of boats by the use of a vehicle is prohibited from any reserve or foreshore except on or over such parts of the reserve or foreshore as are set aside for that purpose by the Council.

**Section 12**

- (a) The Council may set aside a reserve or foreshore or portion thereof as an area from which the playing of ball games is prohibited
- (b) A person shall not play ball games in an area in which the playing of ball games has been prohibited pursuant to Sub Local Law (a) of this Local Law.

**Section 13**

- (a) Any officer of the Council may demand from any person, whom he believes is in breach of this Local Law, full name and place of residence.
- (b) Any person who refuses to state his 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 14**

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 law.

**Section 15**

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 16**

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

- (a) The hire of a reserve or foreshore.
- (b) A bond for the restoration of the reserve or foreshore 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 17**

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 18**

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 19**

No permit shall be granted for a continuous period of more than fourteen days.

**Section 20**

Subject as hereinafter provided, no person to whom a permit has been granted shall exclude any member of the general public from attending the function if such person pays the authorised charge for admission.

**Section 21**

No person to whom a permit has been granted shall make a charge for admission to the function unless authorised to do so by the Council or shall make a charge for admission in excess of the amount of the charge authorised by the Council.

**Section 22**

No person under the influence of alcohol or drugs or acting in a riotous or disorderly manner shall attend a function.

**Section 23**

A person to whom a permit has been granted shall prevent persons under the influence of alcohol or drugs or persons acting in a riotous or disorderly manner from attending a function.

**Section 24**

Any person to whom a permit has been granted who commits or permits the commission of a breach of any of the terms or conditions of the permit commits an offence.

**Section 25**

The Council, if satisfied that the person to whom a permit has been granted has committed or permitted or authorised the commission of a breach of any of the terms or conditions of the permit or has committed a breach of this Local Law, may by a notice in writing to such person cancel the permit and thereupon the permit shall be cancelled.

**Section 26**

No person shall erect or permit or authorise the erection of a building on a public reserve without the consent of the Council.

**Section 27**

Any person desirous of erecting a building on a public reserve shall make application to the Council for its consent thereto.

**Section 28**

The consent of the Council to the erection of a building on a public reserve shall specify—

- (a) The purpose for which such building may be used;
- (b) The nature of the building which may be erected;
- (c) The time during which such building may be permitted to remain on the public reserve;
- (d) The times when such building may be used; and
- (e) The position in which such building may be erected.

**Section 29**

Any person who shall erect or use or permit the erection or use of any building on a public reserve without the written consent of the Council commits an offence.

**Section 30**

The Council may, after having given to the person to whom a consent to erect a building on a public reserve has been granted, with 24 hours notice of its intention to do so, withdraw such consent.

**Section 31**

The Council may by notice in writing to the owner, or to the person whom it believes to be the owner, of a building on a public reserve, direct that the building erected or used otherwise than in accordance with the terms of the consent of the Council or any building in respect of which the consent to erect the same has been withdrawn, be removed within a period of 24 hours after the date of service of the notice.

**Section 32**

In the event of non-compliance with a notice given in pursuance of Section 31 of this Local Law, the Council may sell the building in respect of which the notice has been given or may by its employees and contractors take down and remove the said building and may sell the materials of which it is constructed and shall hold the balance of the purchase money received by it after deducting all costs and expenses consequent upon such failure to comply with the notice and such taking down and removal and sale in trust for the person entitled thereto.

**Section 33**

Any person who fails to comply with a notice given by the Council to remove a building on a public reserve commits an offence.

**Section 34**

No unauthorised person shall cause any damage to a building on a public reserve.

**Section 35**

No person other than the owner or a person authorised in that behalf by the owner of a building on a public reserve shall use such a building.

**Section 36**

No person shall without the approval of the Council use a building on a public reserve as a dwelling or for sleeping purposes.

**Section 37**

No person who is the owner or is a person authorised in that behalf by the owner of a building on a public reserve shall use such building during the course of a function without the consent of the Council or without the permission of the person to whom a permit to hold a function has been granted.

**Section 38**

No person shall assign or transfer his ownership of or his interest in a building on a public reserve without having first delivered to the Council a notice of transfer giving details of the full name and address of the transferor and of the transferee and a description of the building and its location.

**Section 39**

Any person who is convicted of an offence against this Local Law excluding Sections 6(a) and 6(b) shall be liable to—

- (a) a maximum penalty of \$1000; and
- (b) a maximum penalty during the breach of \$100 per day.

**Section 39(i)**

Any person who is convicted of an offence against Sections 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 40**

Any person alleged to have committed an offence against Sections 3, 4(a), 4(b), 6(a), 6(b), 7(a), 7(b), 8, 9, 10, 11, 12 or 15 of this Local Law 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 41**

- (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 this Local Law shall be in or to the effect of Form 1 of the Second Schedule of this Local Law.
- (b) The form of an infringement notice that may be given under Section 9.16 of the Act for an offence against this Local Law shall be in or to the effect of Form 2 of the Second Schedule of this Local Law.
- (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 this Local Law shall be in or to the effect of Form 3 of the Second Schedule of this Local Law.

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FIRST SCHEDULE  
MODIFIED PENALTIES

Section	Modified Penalty
3	\$50
4(a)	\$50
4(b)	\$50
6(a)	\$50
6(b)	\$50
7(a)	\$50
7(b)	\$50
8	\$50
9	\$50
10	\$50
11	\$50
12	\$50
15	\$100

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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...../...../.....

City/Town/Shire of .....

<sup>(1)</sup> To: .....

<sup>(2)</sup> Of: .....

- (3) It is alleged that on...../...../.....at.....am/pm
- (4) At:.....
- (5) Vehicle Registration No .....  
was involved in the commission 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 Law

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 Northampton Local Law relating to Reserves and Foreshores.

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 28 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 Northampton, P O Box 61, Northampton W A 6535 or by delivering this notice intact, together with your remittance to Council’s office at Hampton Road Northampton between the hours of 9.0 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 Northampton

(1) To: .....

(2) of: .....

Infringement Notice No: ..... dated...../...../..... 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.....

(1) Name of alleged offender to whom Infringement Notice was given

(2) Address of alleged offender

Form 4

Local Government Act 1995

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

.....  
Chief Executive Officer or  
Authorised Person

\_\_\_\_\_

The common seal of the Shire of Northampton was hereunto affixed by authority of a resolution of the Council in the presence of—

C. H. ATKINSON, President.  
G. L. KEEFFE, Chief Executive Officer.

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