

**G** WESTERN  
AUSTRALIAN  
GOVERNMENT  
**Gazette**

4687



PERTH, FRIDAY, 21 AUGUST 1998 No. 169 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

**LOCAL GOVERNMENT ACT 1995**

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**SHIRE OF EAST PILBARA**

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**LOCAL LAWS RELATING TO  
RESERVES, FORESHORES AND  
BEACHES**



**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF EAST PILBARA

**LOCAL LAWS RELATING TO RESERVES, FORESHORES AND BEACHES**

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it the Council of the above mentioned Local Government hereby records having resolved on the 27th day of February 1998 to repeal the Local Laws relating to Reserves, Foreshores and Beaches published in the *Government Gazette* on the 10th day of June 1997 and to make the following Local Law:

**Repeal**

All other local laws relating to Reserves, Foreshores and Beaches are hereby revoked.

**Citation**

These local laws shall be cited as the Shire of East Pilbara Reserves, Foreshores and Beaches local laws.

**Definitions**

1. In these local laws unless the context otherwise requires—

“**Act**” means the Local Government Act 1995.

“**Active Reserve**” means any oval or reserve for which a booking for use can be taken. Active reserves for the purpose of this local law are defined in the second schedule.

“**Authorised Person**” means a person appointed by the Council to perform the duties in accordance with these local laws and to serve notices under Sections 9.13 and 9.16 of the Act;

“**Boat**” has the same meaning as given to the word “vessel” in the Western Australian Marine Act 1982 as amended from time to time.

“**Chief Executive Officer**” shall mean the Chief Executive Officer of the Shire of East Pilbara;

“**Council**” means the Council of the Shire of East Pilbara.

“**Driver**” means any person driving or in control of or in charge of a vehicle or any person driving, leading or in control of any animal.

“**Foreshore and Beach**” means—

- (a) All rivers, water courses, tidal and non-tidal waters in or outside but adjoining the District.
- (b) The area which adjoins the District and extends for a distance of 200 metres seawards from low water mark at ordinary spring tides.
- (c) All public places and public reserves adjoining the places mentioned in paragraphs (a) and (b) of this local law and which are under the care, control and management of the Council.

“**Passive Reserve**” means any other oval or reserve or part of a oval or reserve not defined in the second schedule where bookings for the use of that reserve are not necessary.

“**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 parklands, squares, reserves, street reserves, and other lands, included in the Shire of East Pilbara and set apart for the use and enjoyment of the inhabitants of the Shire and which are vested in or under the care, control or management of the Shire of East Pilbara;

“**Vehicle**” has the same meaning as is given to that word in the Road Traffic Act as amended from time to time, and includes skateboard, sandboard, trail bikes, beach buggies and other recreational vehicles licensed or unlicensed, but excludes a wheel chair being used by a physically impaired person.

**Bathing Areas**

2. No person shall bathe in an area indicated by a notice or notices erected by the Council and bearing the words “Danger, Bathing Prohibited”.

3. (1) Council, from time to time may set aside an area for the purpose of “Nude Bathing.” Council shall erect signs to define the area and the signs shall be of not less than 600mm in diameter and when erected shall not be less than 2.1 metres nor more than 3 metres above ground level.

(2) Any person bathing outside a defined area in water exposed to the public view or using the beach for any other purpose in the public view, shall, in order to secure the observance of decency, be properly and adequately clad.

(3) Where an Authorised Person considers that the costume or other clothing of any person using an area outside a defined area is not proper or adequate to secure decency, the Authorised Person may order that person to put on proper or adequate clothing, and if that person refuses, he may be removed from the area by the Authorised Person

#### **Boats**

**4.** (1) The Council may set aside areas for the launching and beaching of boats and may indicate those areas by means of notices.

(2) The Council may erect notices prohibiting the launching and beaching of boats in any particular area or other than at an area set aside for that purpose.

(3) The Council may set aside areas where boats may be left and may indicate those areas by notices.

(4) The Council may erect notices prohibiting the leaving of boats in any particular area or other than at an area set aside for that purpose.

(5) No person shall launch or beach or leave a boat in any area where the launching, beaching or leaving of a boat is prohibited by notice erected by the Council as aforesaid.

**5.** No person shall, unless carrying out rescue operations, propel or cause to be propelled any boat in the sea, in a river or lake among bathers or within 50 metres of any person bathing or in any manner in which the boat, its wash or anything towed by it, shall cause inconvenience, danger or injury to a person bathing.

**6.** No person shall within the area in which these local laws apply release or discharge into the water effluent, rubbish, refuse or litter of any kind from any boat or vessel.

#### **Vehicles**

**7.** A person other than an employee of the Council executing his normal duties shall not without the consent of the Council—

(1) Drive or ride or bring any vehicle onto a reserve foreshore or beach or permit any person to drive or ride or bring any vehicle onto a reserve foreshore or beach except on such parts of the reserve foreshore or beach as are set aside as roads or carriageways.

(2) Park or stand any vehicle on a reserve, foreshore or beach except in an area set aside for that purpose.

(3) Park or stand a vehicle on a reserve, foreshore or beach except in the course of launching or recovering a boat, on a boat ramp set aside by the Council for the launching or recovering of boats.

(4) An Authorised Person may seize and impound for a period not exceeding two (2) months any skateboard, sandboard or any other device used contrary to the provisions of these local laws.

(5) If any such skateboard, sandboard or device shall have been impounded and shall not have been claimed by the owner thereof it may be sold or disposed of in such manner as the Council shall direct.

#### **Fishing**

**8.** (1) The Council or an Authorised Person may mark by the erection of a notice—

(a) Places where fishing is forbidden.

(b) Places where fishing is forbidden except during certain hours.

(2) No person shall fish at any place contrary to the terms of a notice erected as aforesaid.

(3) No person shall—

(a) Clean fish or cut bait on any seat or handrail.

(b) Leave or deposit fish offal on any beach or in the sea or a river within 200 metres of any portion of a beach where the public customarily bathe.

(c) Fish by the use of set or buoyed lines or use blood or any other bait or lure which might attract sharks.

(d) Load or discharge any spear gun except under water.

(e) Load or discharge any spear gun within 50 metres of any person bathing.

#### **Use of Dressing Enclosures or Training Rooms**

**9.** (1) A dressing enclosure shall be used for dressing and undressing only. A person shall not play games or without reasonable excuse loiter in or in the vicinity of any such enclosure.

(2) A person shall not use any dressing enclosure or training room or use any locker therein for any other purpose other than that stated in sub-local law 9(1) of these local laws unless authorised by the Council to do so.

(3) A person shall not bring or deposit any filth or rubbish in any such enclosure or training room.

(4) A male over the age of four years other than an Authorised Person or Council employee executing his normal duties, shall not enter any dressing enclosure or training room set aside for females.

(5) A female over the age of four years other than an Authorised Person Council employee executing her normal duties, shall not enter any dressing enclosure or training room set aside for males.

(6) The Council may charge or authorise a lessee or licensee to charge for the use of dressing or training accommodation and requisites or for the safe custody of valuables or for entry to and use of a dressing enclosure or training room, such fee as shall from time to time be fixed by the Council.

(7) Every person shall pay the appropriate fee before entering or attempting to enter any dressing accommodation enclosure or training room for the use of which fees have been fixed by the Council.

(8) Every person suffering, or appearing to an Authorised Person, the lessee, licensee or persons in charge of a dressing enclosure or training room to be suffering from any infectious disease or skin complaint shall not visit or use any dressing enclosure or training room.

### **Animals**

**10.** (1) In this local law reference to an "animal" does not include a dog.

(2) An Authorised Person may, when in his opinion, inconvenience may be caused to the public by bathing of animals, order any person in charge of any animal not to send or drive such an animal into the water, or permit such animal to enter the water, at any place where the public are bathing.

(3) An Authorised Person may order any person in charge of any animal to remove such animal from a beach if such animal's presence on the beach causes inconvenience or danger to the public.

(4) The Council may set aside a reserve, foreshore or beach, or portion of a reserve, foreshore or beach as an area upon which a person may ride or drive an animal or into which a person may bring an animal.

(5) A person shall not ride or drive or bring an animal onto any reserve, foreshore or beach or any part thereof that has not been set aside for that purpose pursuant to sub local law (4) of this local law.

(6) A person shall not ride, drive, exercise, train or race an animal on any part of a reserve, foreshore or beach set aside under sub local law (4) of this local law in a manner so as to create or become a nuisance.

### **Conduct Generally**

**11.** On a reserve, foreshore or beach a person shall not—

- (1) Wilfully obstruct, disturb, interrupt or annoy any other person in the in the proper use thereof or obstruct in the execution of his/her duty or insult or neglect to obey the lawful directions of any caretaker, Authorised Person or other servant of the Council
- (2) Unless authorised in that behalf by the Council, bring, carry or take into or have in his possession or under his control in any reserve, foreshore or beach, any fermented or spirituous liquors nor consume any person lawfully exercising or taking advantage of the privileges of a registered club for which is held a current licence granted under the provisions of the Licensing Act 1911, as amended, with the approval of the Council.
- (3) Commit or cause a nuisance.
- (4) Be in a state of intoxication.
- (5) Behave in a disorderly manner, create, or take part in a disturbance, use foul or indecent language or commit any act of indecency.
- (6) Sell any commodity, food or drink or let or hire any commodity, tent, umbrella or other facility or device without a license from the Council or otherwise than in accordance with the terms of the license.
- (7) Enter, pry or look into or loiter outside any lavatory, dressing shed or other building or portion of a building expressly reserved for the use of the opposite sex.
- (8) Unless he be an Authorised Person, or Council employee acting in the course of his duty, climb on or over any building or structure, including a fence or gate.
- (9) Alter, mutilate, deface or damage any building or structure.
- (10) Break or permit to be broken any glass, metal, bottle or utensil or deposit or leave any rubbish, refuse, paper, broken glass, china or litter of any kind except in receptacles provided for that purpose.
- (11) Destroy, damage or interfere with any tree, tree guard, shrub, flower, plant, fence building, seat, waterpipe, hose, hose fitting, soil, grass, surface or other property owned by or vested in the Council
- (12) Play games in such a way as to cause inconvenience and annoyance to persons bathing or using the reserve, foreshore or beach.
- (13) Interfere with, move or damage any flag or notice unless authorised to do so.
- (14) Place any clothing, towel or any other object, matter or thing on any notice, life saving gear or appliance.
- (15) Throw or discharge any stone, arrow, bullet, pronged spear or gidge or other missile to the injury, danger or annoyance of any other person.
- (16) Carry firearms or shoot, snare, injure or destroy any bird, or animal.

**12.** On a reserve, foreshore or beach, a person shall not without the consent of the Council—

- (1) Play or practice at golf or strike a golf ball except on an area set aside for that purpose.
- (2) Take part in a procession or demonstration.
- (3) 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.

- (4) Light a fire other than in a fire place provided for the purpose.
- (5) Camp, lodge or tarry overnight, or frequent for the purpose of camping, lodging or tarrying overnight.
- (6) Erect a tent or any other temporary cover for the purpose of entertainment or for the display of any merchandise.
- (7) Bet or offer to bet publicly or conduct or take part in any gambling game or contest.
- (8) Engage in any public speaking or conduct any meeting or entertainment.
- (9) Operate any broadcasting or public address system or apparatus other than those employed by a Club or a Sporting Club in the performance of its functions as such.
- (10) Advertise by any means anything whatsoever or display or distribute any notice, pamphlet or document.
- (11) Operate any radio, record player or radiogram at such volume as to cause annoyance to other users of the defined area.
- (12) Cut, collect or remove any stone, sand, vegetation or other materials except seaweed or refuse.
- (13) Unlock or fasten a gate, unless authorised by the Council to do so.
- (14) Climb any tree.

#### **Active Reserves**

**13.** (1) A person or group of persons shall not without the permission of Council use an Active Reserve for the purpose of competition, exhibition, displays, training any kind or purpose, fairs, circuses, concerts or any other thing or function without first obtaining Council approval and paying the appropriate fee as set by Councils budget from time to time.

#### **Model Aeroplanes**

**14.** (1) The Council may set aside a reserve, foreshore or beach or portion of a reserve, foreshore or beach as an area on which persons may fly mechanically operated model aeroplanes and the Council may define or limit the hours and days during which such model aeroplanes may be flown.

(2) A person shall not fly a mechanically operated model aeroplane on a reserve, foreshore or a beach, or portion of a reserve, foreshore and beach that has not been set aside pursuant to sub local law (1) of this clause or at a time or on a day defined or limited by the Council under sub local law (1) of this clause.

#### **Playgrounds**

**15.** (1) The Council may set aside a reserve, foreshore or beach or portion of a reserve, foreshore or beach as a children's playground.

(2) The Council may limit the ages of persons who are permitted to use a playground set aside under sub local law (1) of this clause and may erect a notice to that effect on the playground.

(3) A person over the age specified in a notice erected on a playground set aside under sub local law (1) of this clause, other than a person having the charge of a child or children in that playground, shall not enter or use that playground, or interfere with the use of it by a child or children.

#### **Honorary Rangers**

**16.** (1) The Council may appoint any person as an authorised person under these local laws; for the purpose of enforcement for the provision of this local law.

(2) Every member of the Police Force shall have the powers of an Authorised Person under these local laws.

#### **Penalties**

**17.** (1) A person who does not do a thing, which by or under these local laws he/she is required or directed to do, or a person who does a thing which by or under these local laws is prohibited from doing, commits an offence.

A person who commits an offence against these local laws is liable on conviction, to a maximum penalty not exceeding Five Thousand Dollars (\$5000) provided that—

- (a) the minimum penalty for a first offence is \$250;
- (b) the minimum penalty for a second offence is \$500, and c) the minimum penalty for a subsequent offence is \$1000

#### **Modified Penalties**

(2) The modified penalty for an offence against these local laws; 7(1), (2), (3), 10(5), 11(2) and 12 (1), (4), (5) if dealt with under Section 9.16 of the Act is Eighty Dollars (\$80.00).

(3) In any other case-Fifty Dollars (\$50.00)

(4) An infringement notice served under Section 9.16 of the Act in respect of an offence against these local laws shall be substantially in or to the effect of Form 1 or of the First Schedule of these local laws.

(5) A notice served under section 9.13 of the Act in respect of an offence against these local laws shall be substantially in or to the effect of Form 1 of the First Schedule of these local laws.

**First Schedule**

FORM 1

SHIRE OF EAST PILBARA

**INFRINGEMENT NOTICE**

FAILURE TO PAY IN 28 DAYS WILL INCUR ADDITIONAL COSTS.

PLEASE MAKE CHEQUES PAYABLE TO THE SHIRE OF EAST PILBARA.

It is alleged that an offence was committed in accordance with the details indicated below.

**Local Government Act 1995**

Reserves Foreshores and Beaches Local Laws

INFRINGEMENT NO.:

TIME        DATE:

OFFICER ID:

LOC:

OFENCE:

penalty:

date due:

Vehicle:

Affixed:

Payment may be made at Administration Centre

Officer's  
Signature .....

If you intend paying the penalty WITHIN 28 days, of the date of this notice, payment, whether posted or delivered, must reach the Chief Executive Officer, Shire of East Pilbara, PO Box 231, Newman 6753.

**See overleaf**

(Back of Form 1)

Shire of East Pilbara

**Infringement notice**

You may dispose of this matter either—

- (a) By payment of the penalty as shown within 28 days of the date of this notice to the Shire of East Pilbara Council between the hours of 8:30am and 4:00pm Monday to Friday.
- (b) By having it dealt with by a Court.

IF YOU TAKE NO ACTION THIS MATTER MAY BE REGISTERED WITH THE FINES ENFORCEMENT REGISTRY AFTER WHICH YOUR DRIVER'S LICENCE OR ANY VEHICLE LICENCE HELD BY YOU MAY BE SUSPENDED. IF THE MATTER IS REGISTERED WITH THE REGISTRY ADDITIONAL COSTS WILL ALSO BE PAYABLE.

IF YOU CHANGE ADDRESS it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

Date .....Signature.....

Address .....

.....

.....

For Parking Offences only—

TAKE NOTICE that pursuant to Section 9.13 of the Local Government Act 1995 you will be deemed to be the person who committed the offence unless within 28 days of the date on which this notice was served by attaching it to the vehicle or leaving it in or on the vehicle you inform the CEO or an authorised officer in writing of the identity and address of the offender or furnish information to the CEO from which the CEO is satisfied that the vehicle had been stolen or unlawfully taken, or was unlawfully used at the time the offence was alleged to have been committed or the modified penalty prescribed for the offence is paid to the Council.

FORM 2
FINAL DEMAND

SHIRE OF EAST PILBARA MUNICIPAL OFFICES
CORNER KALGAN DRIVE AND NEWMAN DRIVE
NEWMAN
WESTERN AUSTRALIA 6753
P.O. BOX 231, NEWMAN, 6753
TELEPHONE: 08 9175 1924
FACSIMILE: 08 9175 2668

INFRINGEMENT NO. VEHICLE NO. PENALTY AGENCY COSTS AMOUNT DUE DATE DUE

Cheques and money orders shall be crossed and marked "not negotiable". If a cheque is not honoured upon presentation, payment shall be deemed not to have been made.

Enforcement Agency:

SHIRE OF EAST PILBARA

Location: CORNER KALGAN DRIVE AND NEWMAN DRIVE
NEWMAN W.A. 6753

Telephone: 08 9175 1924

Facsimile: 08 9175 2668

Postal Address: P.O. BOX 231, NEWMAN, W.A. 6753

Hours of Business: 8.30a.m. to 4.00p.m. Monday to Friday

Infringement No.: .....

Date: .....

Time: .....

Offence: .....

Vehicle Make: .....

Vehicle No.: .....

To:

You were recently issued with an infringement notice and our records show that you have not paid the prescribed penalty. Payment is overdue and you now have to pay additional costs.

Before the due date you must:

- 1. Pay the amount due to us. (If posting—send a "not negotiable" cheque or money order with this letter. Do not send cash.)

OR

- 2. Elect to have the matter dealt with by a court. To do this, fill in and return the election on the other side of this page. IF THE ABOVE ADDRESS IS NOT YOUR CURRENT ADDRESS, OR IF YOU CHANGE ADDRESS, IT IS IMPORTANT THAT YOU ADVISE US IMMEDIATELY. FAILURE TO DO SO MAY RESULT IN YOUR DRIVER'S LICENCE OR ANY VEHICLE LICENCE YOU HOLD BEING SUSPENDED WITHOUT YOUR KNOWLEDGE. IF YOU TAKE NO ACTION THIS MATTER MAY BE REGISTERED WITH THE FINES ENFORCEMENT REGISTRY AFTER WHICH YOUR DRIVER'S LICENCE OR ANY VEHICLE LICENCE HELD BY YOU MAY BE SUSPENDED. IF THE MATTER IS REGISTERED WITH THE REGISTRY ADDITIONAL COST WILL ALSO BE PAYABLE.

Description:

Place; Street:

PENALTY:\$ AMOUNT DUE:\$

AGENCY COST:\$ DATE DUE:

(Back of form 1)

ELECTION TO HAVE THE MATTER DEALT WITH BY A COURT

I want to have this matter dealt with by a court. I understand that I may receive a summons for this offence.

My address for the service of a summons is:..... Date:...../...../.....

Signature:.....

Name(Print):.....

Please send to: SHIRE OF EAST PILBARA P.O. BOX 231 NEWMAN W.A. 6753.

IMPORTANT: DO NOT IGNORE THIS DOCUMENT

If you do not understand it, you should immediately have it interpreted and explained to you. You may then get advice from—

Your local Clerk of Courts

A solicitor at your own expense

Legal Aid Commission, 105 St. George's Terrace, PERTH 6000



**Second Schedule****ACTIVE RESERVES FOR THE SHIRE OF EAST PILBARA**

RESERVE NUMBER	RESERVE NAME
38372	Capricorn Oval including Emu Park Hockey and Rugby Ovals
38512	Boomerang Oval
41654	Les Tutt Oval
38510	Newman Tennis Courts
38372	Newman Netball Courts
25354	Marble Bar Sporting Complex

Dated the 12th day of July 1998.

The Common Seal of the Shire of East Pilbara was herein affixed in the presence of—

Mr. A COCHRANE, Shire President.  
Mr. PHIL ANNING, Chief Executive Officer.





