

SHIRE OF BROOME

**LOCAL GOVERNMENT PROPERTY AND
PUBLIC PLACES LOCAL LAW 2003**

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Broome resolved to make the following local law on the 14 October 2003.

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SCHEDULE

PART 1 - PRELIMINARY

Title

- 1.1 This local law may be referred to as the Shire of Broome Local Government Property and Public Places Local Law 2003.

Commencement

- 1.2 This local law comes into operation 14 days after the date of its publication in the Government Gazette.

Purpose and intent

- 1.3 (1) The purpose of this local law is to provide for the regulation, control and management of activities and facilities on local government property and public places within the district.
- (2) The effect of this local law is to establish the requirements with which any persons using or being on local government property and public places within the district, must comply.

Repeal

- 1.4 The following local laws of the local government, as amended from time to time are repealed on the day this local law comes into operation:

Local Laws Relating to the Broome Aquatic Centre, published in the Government Gazette on 28 October 1994;

Local Laws Relating to the Use of Vehicles and Bathing Appliances on Cable Beach, published in the Government Gazette on 14 March 1980;

Local Laws Relating to the Control and Management of Council Property, published in the Government Gazette on 15 April 1994;

Local Government Model By-Laws (Street Lawns and Gardens) No. 11, published in the Government Gazette on 17 August 1966;

Local Laws Relating to the Removal of Refuse, Rubbish and Disused Materials, published in the Government Gazette on 15 April 1994;

Local Laws Relating to the Control and Management of the Shire Civic Centre, published in the Government Gazette on 6 July 1973;

Local Laws Relating to Prevention of Damage to Streets, published in the Government Gazette on 17 August 1966; and

Local Law Relating to Prevention of Damage to Roads, published in the Government Gazette on 21 September 1951.

Application of local law

- 1.5 This local law applies except where indicated otherwise throughout the district and in the sea adjoining the district for a distance of 200 metres seawards from the western boundary of the district, which is the low water mark of the Indian Ocean.

Definitions and Interpretation

- 1.6 (1) In this local law, unless the context otherwise requires:

“Act” means the *Local Government Act 1995* (as amended)

“adjacent owner” means the owner of any property or lot adjoining a verge which is subject of a verge treatment;

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

“applicant” means a person who has lodged an application for an approval;

“application for an approval” means an application for an approval referred to in clause 3.1(2);

“approval” means an application for an approval which has been approved by the local government under clause 3.2(1)(b);

“approval holder” means a person who holds a valid approval;

“article” in respect of lost property, includes money;

“attendant” means an employee of the local government duly authorised to perform duties in connection with a pool premises;

“authorised person” means:

(a) 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; and

(b) any member of the Western Australian Police Force;

“bathing” means the act of entering the sea, a swimming pool or other water body, to swim or use a bathing appliance and includes the act of emerging therefrom;

“bathing appliance” means a float of any material, including kick boards, paddle boards, body boards, or any other device used or capable of being used for the purpose of bathing;

“beach” includes so much of the sea adjoining the beach as is within the district;

“boat” means any structure or vessel, excluding personal water craft, whether motorised or not and made or used to travel or float on water or travel under water

“Broome townsite area” means the area of the district constituted as the Broome townsite under the *Land Administration Act 1997*

“carriageway” means the paved or made portion of a thoroughfare used or intended for use by vehicles;

“CEO” means the chief executive officer of the local government;

“closed thoroughfare” means a thoroughfare wholly or partly closed under section 3.50 or section 3.50A of the Act;

“decently dressed” means wearing proper and adequate clothing for the occasion, so as to prevent indecent exposure;

“district” means the district of the local government;

"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 an individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur;

“fishing” means to use any line, lure, rod, pot or other method for the purpose of catching marine life;

“firework” means a device like a Catherine wheel, roman candle, or rocket in which combustible materials are ignited and produce coloured flames, smoke and are sometimes accompanied by a bang;

“fireworks display” means a show of fireworks set off over a pre-arranged time period, for the purpose of providing enjoyment to those persons able to view them;

“function” means an event or activity characterised by any or all of the following:

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) it is organised by or on behalf of a club;
- (d) payment of a fee is required for attendance; and
- (e) there is systematic recurrence in relation to the day, time and place;

"garden" means any part of a thoroughfare planted, developed or treated otherwise than as a lawn, with one or more plants;

"indecent exposure" means the revealing to view those parts of the body, which by law and convention should be covered by clothing under the given circumstances.

“large animal” includes a cow, horse, pig, sheep, goat or camel;

“lawn” means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

“life saving club” means a life saving club affiliated with Surf Lifesaving WA Inc;

“life saving gear” means any gear or appliance for use in life saving or for use in the training of members of a life saving club;

“life saving patrol” means a patrol comprising such members of a life saving club as are appointed by that club from time to time to provide life saving services in an area and the term includes any beach inspector or local government employee appointed or authorised to perform any of the functions in clause 8.3;

“liquor” has the meaning given to it in section 3 of the *Liquor Licensing Act 1988*;

“local government” means the Shire of Broome;

“local government property” means anything:

- (a) which belongs to, or is owned by or is under the care, control and management of a local government;
- (b) which is an ‘otherwise unvested facility’ within section 3.53 of the Act;
or
- (c) of which the local government is the management body under the *Land Administration Act 1997*,

but does not include a thoroughfare;

“lot” has the meaning given to it in section 2(1) of the *Town Planning and Development Act 1928*;

“manager” means the person for the time being employed, contracted or appointed by the local government to manage any pool premises and includes any assistant or deputy;

“nuisance” means:

- (a) any activity, thing, condition, circumstance or state of the affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person;
- (b) any thing a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; or
- (c) any thing a person does on public or private land which unreasonably detracts from or interferes with the enjoyment or value of land owned by another person, provided that any thing done in accordance with the law or a legal right or which is consistent with the standard of

behaviour in the relevant locality shall not be unreasonable for the purpose of this local law;

“patrol flag” means a flag or notice ordinarily erected at the limits of a bathing area to indicate the extremities of that area;

“person” does not include an authorised person performing a function of the local government;

“personal watercraft” means any vessel designed for the transport of 1, 2, or 3 persons that:

- (a) is propelled by means of an inboard motor powering a water jet pump; and
- (b) is designed to be steered by means of handlebars by a person sitting, standing or kneeling on the vessel and not within it;

“pool premises” means and includes any swimming pool that is local government property and all buildings, fences, gardens, car parks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of the swimming pool facility or used in connection with it;

“public place” means any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes, park lands, squares, reserves, beaches, and other lands set apart for the use and enjoyment of the public, including all local government property which the public are allowed to use;

“retailer” means a proprietor of a shop which provides shopping trolleys for the use of customers of the shop;

“sandboard” means a board designed to be used for sliding down a slope of land or a sand dune or any similar device;

“shopping trolley” means a container or receptacle on wheels provided by a retailer for its customers to transport goods;

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

“surf board” means a flotation device designed and used for riding or surfing waves, including surf skis or any other device used or capable of being used for the purpose;

“thoroughfare” has the meaning given to it in section 1.4 of the Act;

“town planning scheme” means a town planning scheme of the local government made under the *Town Planning and Development Act 1928*;

“verge” means that part of a thoroughfare that lies between the front of a property and the edge of the carriageway and between imaginary lines extended at a 90 degree angle with the carriageway, from the edge of the carriageway to meet the side boundaries at the front of the property;

“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, driven or led,

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 or personal water craft,

“vehicle crossing” means a crossing giving access from a public thoroughfare to either private land or a private thoroughfare serving private land; and

“zoned” means zoned under a town planning scheme.

- (2) In this local law, a reference to local government property or a public place includes the reference to any part, respectively, of that local government property or public place.

PART 2 - AGREEMENTS FOR USE OF LOCAL GOVERNMENT PROPERTY

Agreements for use of local government property

- 2.1 (1) Notwithstanding anything to the contrary in this local law, the local government may enter into an agreement with any person with respect to the operation and use of any local government property.
- (2) An agreement under subclause (1) may include, but is not limited to, the hire, licence and lease of local government property.
- (3) Where an agreement under subclause (1) is in place, any other person using or entering the local government property shall comply with any rules and conditions of use or entry imposed by the person with whom the local government has made the agreement, provided the rules and conditions do not contravene this local law or any other written law.
- (4) The rules and conditions referred to in subclause (3) may or may not include the payment of a fee.

PART 3 - APPROVALS

Division 1 - Application

Application for approval

- 3.1 (1) Where a person is required to obtain an approval from the local government under this local law, that person shall:
 - a) not do the thing for which the approval is required without first obtaining the approval; and

- (b) apply for the approval in accordance with subclause (2).
- (2) An applicant shall make an application for an approval by completing the form provided for the purpose by the local government, paying the application fee to the local government and forwarding the application to the local government.
- (3) The signature of the applicant on the form under subclause (2) shall be deemed to be proof that the applicant has:
 - (a) read and understood any conditions printed on the application form; and
 - (b) accepted and agreed to comply with any conditions printed on the application form.

Determination of application

- 3.2 (1) The local government may, in respect of an application for an approval:
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it considers fit.
- (2) Without limiting the generality of subclause (1)(b), the local government may impose conditions requiring the payment of a fee for the issue of the form of approval referred to in subclause (3) and for the renewal of the approval, including the payment of a renewal fee.
- (3) If the local government approves an application under subclause (1)(b), then it is to issue to the applicant an approval in the form determined by the local government.

Conditions of approval

- 3.3 (1) Where an application for an approval has been approved subject to conditions, the approval holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of an approval and the approval holder shall comply with those conditions as varied.

Division 2 - Matters relating to approvals

Term and validity of approval

- 3.4 An approval remains valid until:
- (a) the expiration date and time stated in the approval is reached;
 - (b) the activity or function for which the approval was issued is changed to the extent that it is no longer consistent with the original purpose or intent for which the approval was given;

- (c) the approval is cancelled by the local government under clause 3.5; or
- (d) the public liability or indemnity insurance required as a condition of an approval lapses, is cancelled or is no longer current.

Cancellation of approval

- 3.5 (1) The local government may cancel an approval if:
- (a) anything purporting to be done in accordance with the approval is not done in conformity with the conditions of the approval;
 - (b) the approval holder is convicted of an offence against this local law; or
 - (c) the approval holder fails to comply with a notice given under clause 12.1 in relation to a breach of the approval or a condition of the approval.
- (2) Notwithstanding subclause (1), where an approval relates to the hiring of local government property, the local government may cancel the approval at any time.
- (3) Where the local government cancels an approval for the hire of local government property under subclause (2), then the local government shall not be liable to the approval holder for any loss or damage sustained by the approval holder arising from the cancellation.

Fees

- 3.6 (1) All fees applicable under this local law shall be as determined by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.
- (2) In the event of the cancellation of an approval, a refund of any fees paid by the approval holder may be made by the local government.

PART 4 - ACTIVITIES WHICH ARE RESTRICTED OR PROHIBITED ON LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES

Division 1 - Activities only permitted under an approval or by a sign

Activities requiring an approval

- 4.1 (1) A person shall not on any local government property or public place within the Broome townsite area, without first having obtained an approval from the local government to do so:
- (a) consume any liquor;
 - (b) erect a structure for public amusement or for any performance for personal gain or otherwise;
 - (c) conduct any function;

- (d) light or set off any fireworks or conduct a fireworks display;
 - (e) light any fire except in a facility provided for that purpose;
 - (f) erect any tent, camp, hut, building or other structure, other than a beach umbrella or other portable item used for protection from the elements between sunrise and sunset on any day;
 - (g) coach, teach, instruct or train any person for a fee;
 - (h) charge a person for entry to local government property;
 - (i) operate any broadcasting or public address system or apparatus, other than those used by a life saving club in the performance of its functions;
 - (j) erect any sign;
 - (k) walk, lead, ride, herd or drive any large animal;
 - (l) play or use any musical instrument or any other similar device;
 - (m) pursue a use on local government property set aside for that purpose under clause 5.1 where the local government has specified under clause 5.1(3)(g) that the use is to be pursued under an approval.
- (2) Subject to subclause (3), a person shall not on or in local government property:
- (a) remove any fixtures, fittings, chattels or things provided for the safety or enjoyment of or use by another person;
 - (b) damage, destroy, deface or interfere with in any way, any local government property;
 - (c) plant any plant or sow any seeds;
 - (d) make an excavation on, or erect or remove, any fence or other structure;
 - (e) cut, break, injure, deface, pull up, pick, collect seeds or take cuttings from, remove, or destroy any tree, shrub, flower, grass or plant of any kind; or
 - (f) cut, collect, or remove any timber, firewood, stone, sand or other materials.
- (3) Subclause (2) does not apply to:
- (a) a person who has first obtained an approval to do the prohibited thing;
 - (b) a local government appointed contractor carrying out a contracted duty; or
 - (c) a person using any lifesaving or fire fighting equipment during an emergency, or where permitted or directed to do so by an authorised person.

Activities prohibited by a sign

- 4.2 (1) Certain activities can be prohibited on any local government property or public place by a sign being placed on the property or place by the local government which indicates the prohibited activity and the area within which it is prohibited
- (2) The local government may, by resolution, determine particular activities which are to be prohibited by the placing of signs on particular local government property or public places.
- (3) An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this Local Law.
- (4) A sign marked, erected, set up, established or displayed on or near local government property or a public place is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this Local Law.

Division 2 - Prohibited activities

No injurious behaviour

- 4.3 (1) A person on or in any local government property or public place shall not behave in a manner which:
- (a) is likely to cause injury to or interrupt, disturb or interfere with the enjoyment of any other person who may use the local government property or public place;
 - (b) causes injury to or interrupts, disturbs or interferes with the enjoyment of any other person using the local government property or public place; or
 - (c) endangers or may endanger herself or himself or any person.
- (2) In this clause, "person" includes an authorised person performing a function.

Adequate clothing and loitering outside toilets

- 4.4 (1) A person over the age of 6 years shall not on any local government property or public place:
- (a) be present unless decently dressed except where the local government property is set aside for the wearing of no clothes under clause 5.1;
 - (b) loiter outside or act in an unacceptable manner, in any portion of a toilet or dressing room designated for the opposite or same sex; or
 - (c) without the consent of the occupier, enter or attempt to enter any dressing room or other compartment which is already occupied.
- (2) Where an authorised person considers that a person on local government property is not decently dressed, the authorised person may direct that person

to put on clothing so that the person is decently dressed, and that person shall comply with the direction immediately.

Treatment of animals

- 4.5 Unless authorised under a written law to do so, a person shall not, on or in any local government property:
- (a) kill, injure or interfere with any fauna;
 - (b) take on to, set or use or attempt to take on to, set or use any animal trap, bird trap, fish trap, net or similar device; or
 - (c) take on to or allow any animal to enter or remain on, unless that class or type of animal is permitted on that property by any written law.

No liquor, volatile matter, smoking, drugs or firearms

- 4.6 While on or in any local government property, a person shall not:
- (a) sell or supply liquor unless a liquor licence has been obtained under the *Liquor Licensing Act 1988* for that sale or supply;
 - (b) be under the influence of liquor, unless under an approval obtained under clauses 3.2(1)(b) and 4.1(a);
 - (c) be under the influence of a prohibited drug;
 - (d) use any volatile, explosive or flammable matter;
 - (e) smoke inside a building;
 - (f) take any drug onto, or consume or use any drug where the use or possession of that drug is prohibited under any written law; or
 - (g) carry firearms unless specifically authorised to do so under the *Firearms Act 1973*.

Entry to local government property

- 4.7 A person, other than an authorised person performing a function or contractor of the local government carrying out a contracted duty, shall not:
- (a) enter or leave any local government property other than by the public entrance or exit, except in an emergency;
 - (b) enter or remain on any local government property except on those days and during those times when access is available to the public; or
 - (c) enter any place that has been fenced off or closed to the public.

Division 3 - Fees for use of local government property

Payment of applicable fees for entry or participation

- 4.8 Where a fee is payable for entry to local government property or participation in an activity on or in any local government property, a person shall not enter that property or participate in the activity without first paying the applicable fee, unless that person has been exempted by the local government from paying that fee.

No refund of fees

- 4.9 A person shall not be entitled to a refund of any fee paid for:
- (a) bathing or using any facilities provided for public use in a pool premises; or
 - (b) the hire of local government property where that hire is cancelled,
- but the local government may authorise repayment of a part or all of the amount paid.

PART 5 – SETTING ASIDE OF LOCAL GOVERNMENT PROPERTY

Setting aside of local government property

- 5.1 (1) The local government may set aside any local government property for a specific use and may make conditions relating to that use, and shall designate by a sign that use and any conditions relating to that use.
- (2) The uses and conditions of use for which a local government may set aside local government property include, ~~but are not limited to~~, setting aside any local government property as an area where:
- ~~(a) the entry of persons is restricted or prohibited;~~
 - ~~(b) bathing by a person is permitted at all times or is restricted or prohibited;~~
 - (c) a person may wear no clothing;
 - (d) the use by a person of a boat, personal watercraft or surf board, either generally or of a particular class is permitted, restricted or prohibited;
 - (e) a boat or personal watercraft may be launched or retrieved by a person;
 - (f) the driving, use or taking on of a vehicle by a person is permitted, restricted, or prohibited;
 - (g) the speed at which a person may drive or ride a vehicle is restricted;
 - (h) persons of a specified age are permitted, restricted or prohibited from playing on children's play equipment;
 - (i) a motorised model aeroplane may be flown by a person;
 - (j) the practice or playing of a ball game of any type by a person is permitted, restricted or prohibited;
 - (k) the riding of a bicycle, skateboard, rollerblades, sandboard or a similar device by a person is permitted, restricted or prohibited; and

- (l) fishing by a person is permitted, restricted or prohibited.
- (3) A local government may specify the extent to which and the manner in which a use in subclause (1) may be pursued and in particular:
- (a) the days and times during which the use may be pursued;
 - (b) that a use may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that a use is taken to be prohibited on all local government property other than that set aside for the specific use;
 - (d) may limit the use 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 use can be pursued by a class of persons or by all persons;
 - (f) may distinguish between different classes of use or activity; and
 - (g) may specify that the use is to be pursued under an approval.
- (4) Where local government property has been set aside for a specific use in accordance with subclause (1) a person shall not use that property other than for its specific use and in accordance with any conditions made by the local government in relation to that use.
- (5) The local government may allow a person to temporarily use local government property used by a person for a use other than that for which it has been set aside under subclause (1), provided that an approval is first obtained by that person from the local government for that temporary use.
- (6) A person who uses local government property for a use where the local government property has been set aside for the pursuit of that use under an approval, without first obtaining an approval, commits an offence.
- (7) A condition of use made by the local government specified on a sign erected under subclause (1):
- (a) is not to be inconsistent with any provision of this local law; and
 - (b) is for the purpose of giving notice of the effect of a provision of this local law.

PART 6 - HIRING OF LOCAL GOVERNMENT PROPERTY

Application for hire

- 6.1 (1) The local government may hire local government property to a person who makes an application for an approval for the hire of the local government property under clause 3.1 and who pays the hire fee, if the local government approves the application under clause 3.2(1)(b).
- (2) The local government may determine that the requirements of subclause (1) do not apply to the hiring of particular local government property or a class of local government property.

Decision on application where two or more applicants

- 6.2 In the event of two or more applications being made for the hire of the same local government property for the same date and time, the local government may determine which, if any, applicant shall be granted an approval to hire.

Conditions of hire and use

- 6.3 The conditions that may relate to an approval for hire of local government property include:
- (a) when fees and charges are to be paid and the amount of them;
 - (b) the purpose for which the local government property may be used;
 - (c) the duration of the hire;
 - (d) payment of a bond against possible damage, cleaning or other expenses;
 - (e) restrictions on the erection of decorations inside and outside any building which is local government property;
 - (f) restrictions on use of furniture, plants and effects;
 - (g) the number of persons that may attend any function in a building which is local government property;
 - (h) the right of the local government to cancel a booking at any time during the course of an annual or seasonal booking;
 - (i) the prohibition of the consumption of liquor unless an approval has been issued by the local government;
 - (j) the prohibition of the sale and supply of liquor unless a liquor licence has been obtained under the *Liquor Licensing Act 1988* for that purpose.
 - (k) securing and locking up local government property at the end of each hire period;
 - (l) the prohibition of gaming unless a gaming approval has been obtained under the *Gaming Act 1987*;
 - (m) restrictions on the type of container (whether of glass, metal, plastic or other) that drinks may be provided and served in or consumed from;
 - (n) requiring that the amplification of any noise or any noise emitted during the hire complies at all times with the *Environmental Protection (Noise) Regulations 1997*; and
 - (o) any other condition that the local government considers fit.

Responsibilities of hirer

- 6.4 The approval holder in relation to an approval for the hire of local government property shall:
- (a) maintain law and order and decent behaviour by all in attendance at any function for which the local government property has been hired;
 - (b) make good any damage to the local government property which occurs during the hire, or at the option of the local government, pay to the local government the costs of the repair and replacement of any such property;
 - (c) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the local government property or enforcing any provision of this local law;

- (d) prevent overcrowding;
- (e) leave the local government property in a clean and tidy condition after its use;
- (f) prevent the sale and consumption of any liquor unless a licence has been obtained under the *Liquor Licensing Act 1988* for that purpose, and the local government has issued an approval for the consumption;
- (g) report any damage or defacement to the local government property to the local government; and
- (h) comply with all conditions that are imposed on the hire of the local government property under clauses 3.2(1)(b) and 6.3.

PART 7 – SWIMMING POOLS

Powers of Manager or Attendant

7.1 The Manager or Attendant of a pool premises may:

- (a) set aside the pool premises for the use of certain persons to the exclusion of others;
- (b) temporarily suspend admission to, direct to leave or remove from the pool premises all persons or any person, if in her or his opinion such action is necessary or desirable;
- (c) refuse admission to, direct to leave or remove, or cause to be removed from the pool premises any person who, in the opinion of the Manager or Attendant;
 - (i) is a child of the age of 10 years or under who is unaccompanied by a responsible person over the age of 16 years;
 - (ii) is committing a breach of any provision of this local law;
 - (iii) is by reason of her or his past, or present conduct, within or about the pool premises, undesirable;
 - (iv) is under, or apparently, under the influence of intoxicating liquor or drugs; or
 - (v) is apparently suffering from a contagious, infectious or cutaneous disease or skin complaint; and
- (d) suspend admission for a maximum period of two weeks to any person who has committed a breach of any provision of this local law in relation to the pool premises; and
- (e) direct a person as to that person's use of the pool premises.

Person to comply with direction

7.2 If a Manager or an Attendant of a pool premises has refused admission to a person, directed a person to leave the pool premises or otherwise directed a person in relation to her or his use of the pool premises, then that person shall comply with that refusal or direction.

Decency

- 7.3 If a person appears in public who in the opinion of the Manager or Attendant, is not decently dressed, the Manager or Attendant shall direct that person to put on a bathing costume or other clothing so that the person is decently dressed, and that person shall comply with that direction immediately.

Objection or Appeal against refusal of admission under Division 1 of Part 9 of the Act

- 7.4 (1) Where a Manager or Attendant refuses admission to a person or directs a person to leave pool premises under clause 7.1(c), that refusal or direction is a decision to which Division 1 of Part 9 of the Act applies, and the person is an affected person for the purposes of that Division.
- (2) Subclause (1) does not apply to a refusal or direction under clause 7.1(d).

Carnivals

- 7.5 (1) A person, club, organisation or association shall not conduct controlled swimming events, carnivals or competitions without the prior consent of the Manager.
- (2) The Manager may grant such consent subject to any conditions considered fit by the Manager and may, at any time, withdraw that consent.
- (3) A person, club, organisation or association conducting a carnival or event at the pool premises shall be responsible for the conduct of the competitors and spectators during the carnival or event and shall prevent overcrowding and ensure that no damage is done to the buildings or fencing or any other portion of the pool premises and that this local law is observed by all competitors, officials and spectators attending the carnival or event.

Closure of pool premises

- 7.6 (1) The local government may, for such periods and reasons that it determines, close a pool premises on giving 7 days' local public notice under section 1.7 of the Act.
- (2) Subclause (1) does not apply where the local government considers that the condition of the pool premises may affect the health of any person, in which case it may close the pool premises without giving any notice.

Limitations on use

- 7.7 A person shall not:
- (a) enter any portion of the pool premises set apart exclusively for the opposite sex except for a person of or under the age of six years;
 - (b) in any way interfere with any other person in or upon the pool premises or with any other person's use of the pool premises or interfere with or damage any towel or bathing costume belonging to another person;
 - (c) play any ball games or take any action whatsoever which shall in any way limit the enjoyment of the users of the pool premises, but this prohibition does not apply to the playing of any games or aquatic sports organized and conducted

- on the pool premises by any club, organization or association or other person under and in accordance with the Manager's approval;
- (d) permit any animal of which he or she is the owner or for which he or she is liable for the control of to enter or remain in or about the pool premises unless the animal is a dog and the person is a person referred to in section 8 of the *Dog Act 1976* acting in accordance with that section;
 - (e) undress or remove any part of their bathing costume except in a dressing room or enclosure provided for that purpose;
 - (f) use any soap or shampoo in any part of the pool premises other than in a shower recess or bathroom;
 - (g) climb up or upon any roof, fence, wall, grandstand railings or partition on the pool premises;
 - (h) use indecent, obscene, offensive or abusive language or expectorate or spit in the pool or on any part of the pool premises or in any way commit any nuisance on or in any part of the pool premises;
 - (i) bring onto or deposit in any part of the pool premises any filth or rubbish except in receptacles set aside for that purpose (*see sections 23 and 24 of the Litter Act 1979 and Regulations 4, 5 and 6 of the Litter Regulations 1981*);
 - (j) consume any foodstuffs or drinks in any area in which that consumption is prohibited;
 - (k) wastefully use the water or leave any taps flowing in the dressing rooms or elsewhere in the pool premises;
 - (l) use any substance or preparation whereby the water of the swimming pool becomes discoloured or rendered turbid or otherwise unfit for the proper use of persons;
 - (m) foul or pollute water in a shower, swimming pool, or soil, damage, injure, destroy, use improperly, disfigure or write in or upon any dressing room, cubicle or compartment or any part of the pool premises or any furniture or other article or equipment on the pool premises;
 - (n) while suffering from a contagious, infectious or cutaneous disease or skin complaint or whilst in an unclean condition enter or use or attempt to enter or use the swimming pool or pool premises; or
 - (o) smoke in the pool premises.

Ticket or membership card not transferable

- 7.8 No ticket, token, licence, membership card or receipt issued by or under the authority of the local government in respect of the use of or admission to the pool premises is transferable to another person.

PART 8 – BEACHES AND BATHING

Sandboarding and sand dune protection

- 8.1 A person shall not:
- (a) use a sandboard or any other board or thing to slide down sand dunes on local government property;
 - (b) take onto any sand dunes a sandboard or other thing used for sliding down sand dunes on local government property;

- (c) traverse sand dunes on local government property except along pathways designated by signs or fences for the purpose; or
- (d) unless authorised to do so by the local government or permitted by a sign, take a vehicle onto any beach or sand dunes on local government property.

Boat Launching

- 8.2 (1) A person shall not launch a boat or personal watercraft from:
- (i) local government property unless that has been set aside for the purpose under clause 5.1; or
 - (ii) a beach within the Broome townsite area unless that launching is permitted by a sign.
- (2) Any prohibition in subclause (1) does not apply to any member of a surf life saving club or life saving patrol in the course of her or his duties, training or while in competition.

Surf lifesaving activities

- 8.3 The local government may appoint a person as a beach inspector and authorise members of surf life saving clubs or any local government employee to perform all or any of the following functions in the interests of maintaining safety at beaches in the district:
- (a) patrol any beach;
 - (b) take onto any beach any life saving gear including vehicles or boats that are for use in life saving activities;
 - (c) indicate by signs or patrol flags, any areas of a beach and the adjacent water beyond the beach, where bathing is permitted;
 - (d) indicate by signs any areas of a beach and the adjacent water beyond the beach where:
 - (i) the riding of surfboards or use of any other bathing appliance is prohibited;
 - (ii) the driving of boats or personal watercraft is prohibited; or
 - (iii) fishing is prohibited;
 - (e) regulate, prohibit, restrict or set aside by a sign, rope, wire, cloth or other flexible sheeting, or thing, any areas of a beach for any one or more of the following activities:
 - (j) entry or exit by any person;
 - (ii) playing of games;
 - (iii) conduct of training or surf club carnivals; and
 - (iv) establishing a first aid or command post; and
 - (f) direct any person to:
 - (i) bathe within the permitted bathing area indicated by signs or patrol flags under paragraph (c); or
 - (ii) leave the water adjacent to a beach during any period of potential dangerous conditions or the sighting of a shark or crocodile.

Identification of life saving patrol

- 8.4 (1) A member of a life saving patrol on duty at any beach shall wear a red and yellow quartered swimming cap while he or she is on patrol.
- (2) A person who is not a member of an on duty life saving patrol shall not wear a red and yellow quartered swimming cap or give the impression they are a member of an on duty life saving patrol.

Compliance with signs and directions

- 8.5 A person attending at any beach shall:
- (a) comply with any sign erected on the beach;
 - (b) comply with any lawful direction given by an authorised person, beach inspector, member of a surf life saving club or local government employee under clause 8.3(f); and
 - (c) not enter any area designated for any life saving activity, training, competition or carnival conducted by a life saving club unless that person is a member of the club or has obtained permission to enter that area from the club.

Fishing

- 8.6 (1) A person shall not fish on or from any local government property or public place:
- (a) where fishing is prohibited and the prohibition is designated by a sign; or
 - (b) in any permitted bathing area indicated by signs or patrol flags under clause 8.3(c).
- (2) A person shall not, whether fishing is permitted or not:
- (a) leave or deposit dead fish or fish offal on any beach; or
 - (b) leave or deposit dead fish or fish offal in the sea within 200 metres of any part of a beach; or
 - (c) fish for sharks by the use of set or buoyed lines or use blood, offal or any other lure for the purpose of attracting sharks within 200 metres of any part of a beach.

Surfboards and boats

- 8.7 (1) A person shall not ride a surfboard or drive a personal watercraft or boat in any permitted bathing area indicated by signs or patrol flags under clause 8.3(c);
- (2) A person shall not drive or ride on any personal watercraft within 50 metres of any person bathing.

PART 9 – ACTIVITIES IN THOROUGHFARES

Division 1 - Verge treatments

Interpretation

9.1 In this Division, the following terms have the following meaning:

"acceptable material" means any material that will create a hard surface, and which appears on a list of acceptable materials maintained by the local government; and

"permissible verge treatment" means a verge treatment specified in clause 9.3.

Verge treatment

9.2 The owner or occupier of land adjacent to a verge shall not install or maintain a verge treatment on the verge which is not a permissible verge treatment and in any event shall not:

- (a) alter the finished level of the verge; or
- (b) cover, obstruct or otherwise adversely affect the intended purpose of any manhole, inspection pit, constructed drain or other facility or installation placed or constructed by a public body in any part of or adjacent to a thoroughfare.

Permissible verge treatments

9.3 For the purpose of clause 9.1, the permissible verge treatments are as follows:

(a) Treatment 1

Plant and maintain a lawn; or

(b) Treatment 2

Plant and maintain a garden provided that:

- (i) no part of the garden (or plant, or other vegetation making up the garden) restricts the clear sight visibility of pedestrians or motorists in the vicinity of intersection corners and bends in the adjoining thoroughfare;
- (ii) no plant or other vegetation making up the garden is of a thorny or poisonous nature or which may otherwise create a hazard for pedestrians;
- (iii) pedestrians must have a 2 metre wide path or accessway established and kept clear of vegetation at all times adjacent to the edge of the carriageway where there is no made footpath; and
- (iv) no water pipes or connections protrude above the surface of the garden; or

- (c) Treatment 3

Install an acceptable material provided that storm water run off generated from the resulting hard surface is not likely to cause a hazard or damage to any property; or

- (d) Treatment 4

Install an acceptable material over a portion of the verge (excluding any crossover) and plant and maintain either a lawn or a garden on the balance in accordance with paragraph (a) or (b) respectively.

Owner's or occupier's responsibilities for verge treatments

9.4 An owner or occupier of land adjacent to a verge who installs or maintains a permissible verge treatment on the verge shall:

- (a) keep the verge treatment in good and tidy condition and ensure, where the verge treatment is a garden or lawn, that no obstruction of any sort (physical, sight or other) is caused to any accessway, footpath, pavement or carriageway;
- (b) create a hard surface with an acceptable material only;
- (c) not place any obstruction on or around any verge treatment;
- (d) not water or maintain a verge treatment in such a manner as to cause a nuisance or hazard to any person using the adjacent footpath, accessway or carriageway; and
- (e) not extend the verge treatment beyond the verge immediately adjacent to the land owned or occupied by the owner or occupier, without the written approval of the owner of the adjoining property, immediately adjacent to the verge to be treated.

Enforcement

9.5 The local government may give a notice under clause 12.1, requiring the owner or occupier of any land adjacent to a verge to:

- (a) make good within the time period specified in the notice any breach of a provision of this Division; or
- (b) within the time specified in the notice, give a satisfactory reason to the local government why the verge treatment should be retained without alteration, or why the owner or occupier should be given extra time in which to comply with the notice.

~~Public works on verges~~

~~9.6 (1) For the purpose of carrying out any works, the local government or any authority empowered by law to dig up a thoroughfare or carry out any other works, may without notice and without being liable to compensate any person, dig up all or part of a thoroughfare and disturb any verge treatment including a permissible verge treatment, placed there by an owner or occupier of adjacent land.~~

~~(2) Where the local government digs up or carries out any works in a verge which has a permissible verge treatment, then the local government shall use its best endeavours to:~~

~~(a) replace and restore any reticulation pipes and sprinklers; and~~

~~(b) back fill with sand any garden or lawn, but otherwise shall not be liable to replace or restore any verge treatment and in particular any plant, or other vegetation or any surface or acceptable material and, in any event, shall not be liable to any person for any damage or disturbance caused.~~

Division 2 - Vehicle crossings

Vehicle crossing treatment

9.7 Vehicle crossings are dealt with in regulations 12 to 16 of the *Local Government (Uniform Local Provisions) Regulations 1996*.

Standard vehicle crossings

9.8 For the purpose of regulation 15 of the *Local Government (Uniform Local Provisions) Regulations 1996*, a standard crossing in the district is as follows:

- (a) where the land to which access will be provided from a thoroughfare is zoned residential a vehicle crossing will be a standard crossing if it:
 - (i) is constructed from either brick paving, bitumen seal or concrete in accordance with the local government's residential vehicle crossing specifications as determined by the local government and varied by it from time to time; and
 - (ii) has a minimum width of 2.8 metres at the boundary line between the verge and the adjacent property and a minimum of 7 metres at the edge of the carriageway;
- (b) where land to which access will be provided from a thoroughfare is zoned industrial/commercial/mixed use, a vehicle crossing will be a standard crossing if it:
 - (i) is constructed from brick paving, bitumen seal or concrete in accordance with the local government's commercial/industrial vehicle crossing specifications as determined by the local government and varied by it from time to time; and
 - (ii) has a width at the boundary line between the verge and the adjacent property and at the edge of the carriageway in accordance with Main Roads Western Australia standards as adopted by the local government; or
- (c) where land to which access will be provided from a thoroughfare is zoned rural a vehicle crossing will be a standard crossing if it:
 - (i) is constructed from either asphalt, chip seal, concrete or brick paving in accordance with the local government's rural vehicle crossing specifications as determined by the local government and varied by it from time to time; and
 - (ii) has a minimum width of 3 metres at the boundary line between the verge and the adjacent property and a minimum of 9 metres at the edge of the carriageway.

Division 3 - Protection of footpaths

Footpath protection

- 9.9 (1) The owner, occupier, licensee or contractor who undertakes works on land adjacent to a footpath, shall:
- (a) take all necessary precautions to ensure that the footpath is not damaged during the course of the works; and
 - (b) notify the local government of any existing damage to the footpath prior to the commencement of the works.
- (2) A person who carries out any building or other operations or works necessitating the crossing of a footpath with vehicles that may cause damage to the footpath, shall ensure that:
- (a) all reasonable precautions are taken to prevent damage to the footpath during the course of the works; and
 - (b) heavy vehicles that access the land, are to cross the footpath at the designated area for the proposed vehicle crossing.
- (3) Any person who causes damage to a footpath during works undertaken on the land or works within the thoroughfare shall pay the costs of the local government to repair the damage.

Division 4 - Damage to thoroughfares

Notice to repair damage to thoroughfare

- 9.10 Where any portion of a thoroughfare has been damaged, the local government may, by notice to the person who caused the damage, order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

Division 5 - No driving on closed thoroughfares

Act and Regulations deal with closing of thoroughfares

- 9.11 Sections 3.50 and 3.50A of the Act and regulations 4 to 6 of *the Local Government (Functions and General) Regulations 1996* and the *Road Traffic Act 1974* deal with the closing of certain thoroughfares to vehicles.

No access without consent

- 9.12 A person shall not drive or take a vehicle on or cause a vehicle to be driven or taken on a closed thoroughfare:
- (a) unless that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
 - (b) without an approval.

PART 10 - SHOPPING TROLLEYS

Name of owner of shopping trolley

- 10.1 A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of its customers.

Shopping trolleys in public places

- 10.2 A person shall not leave a shopping trolley in a public place, other than in an area set aside for the storage of shopping trolleys.

Shopping trolley to be removed by retailer

- 10.3 Where a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, and the retailer whose name is marked on the trolley has been advised verbally or in writing of its location by the local government, the retailer shall remove the shopping trolley from the public place within 24 hours of being advised.

Retailer taken to own shopping trolley

- 10.4 In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

PART 11 - SECURED SUM

Security for restoration and reinstatement

- 11.1 (1) The local government may require payment of a bond for a sum determined by the local government for the purpose of ensuring that:
- (a) hired local government property, including fixtures and fittings in a building can be cleaned or repaired;
 - (b) a footpath damaged during the construction of any building on an adjacent lot, can be repaired or reinstated; or
 - (c) conditions of an approval, in so far as they relate to local government property or a public place, are complied with.
- (2) A bond required under subclause (1) is to be paid into an account established by the local government for the purpose of this clause.

PART 12 – REMEDY FOR BREACH

Notice requiring works to be done

- 12.1 (1) Where the local government requires works to be done to rectify a breach of any approval or a condition of an approval or a provision of this local law, the local government may give a notice in writing to the approval holder or person who has breached this local law:
- (a) advising details of the breach of the approval, condition or local laws and of the works required to rectify the breach;
 - (b) requiring the approval holder or person to do the works required within the time specified in the notice; and
 - (c) advising that where the approval holder or person fails to comply with the requirements of the notice within the time specified, the local government may do the required works.
- (2) An approval holder or person shall comply with a notice given to her or him under subclause (1).
- (3) Where the approval holder or person referred to in subclause (1) fails to comply with the requirements of a notice given under subclause (1), the local government may by its employees, agents or contractors carry out all works and do all things necessary to comply with the requirements of the notice.
- (4) The local government may recover the expenses incurred in carrying out the works under subclause (3):
- (a) as a charge against any secured sum lodged for the purpose by the approval holder or person who has breached this local law under clause 11.1; or
 - (b) from the approval holder or person who has breached this local law in a court of competent jurisdiction.

Limit on liability

- 12.2 An approval holder or person is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed contractor or other person authorised by the local government, to carry out all or part of the works and do all things necessary that the approval holder or person was required to do to comply with a notice given under clause 12.1.

PART 13 - MISCELLANEOUS

Public liability insurance and indemnity

- 13.1 (1) Where, as a condition of an approval, an approval holder or person is required to obtain public liability insurance, indemnifying the local government against all actions, suits, claims, damages, losses and expenses made against or incurred by the local government arising from any activity, action or thing performed or erected in accordance with the approval, and to keep that insurance current for the duration of the approval, the approval holder or person shall:
- (a) enter into an agreement with the local government to provide and maintain the required public liability insurance;
 - (b) take out a public liability insurance policy in the name of the approval holder or person and the local government, for a minimum value of \$5 million or such other amount as the local government considers appropriate for the risk involved;
 - (c) include a clause in the policy under paragraph (b) which prevents the policy from being cancelled without the written consent of the local government;
 - (d) include a clause in the policy under paragraph (b) which requires both the approval holder or person and the insurance company, to advise the local government if the policy lapses, is cancelled or is no longer in operation; and
 - (e) on the request of an authorised person, provide for inspection, a certificate of currency for the insurance policy required under paragraph (b).
- (2) An approval holder or person who refuses or cannot provide a certificate of currency within 2 working days of a request under subclause (1)(a) commits an offence.

Directions of authorised person

- 13.2 (1) An authorised person may direct any person on local government property or a public place to:
- (a) stop doing anything which the authorised person considers on reasonable grounds the person on the property or place is in the process of doing, which is contrary to this local law or any other local law applying in the district;
 - (b) leave that property or place; or
 - (c) assist the authorised person or another person in the case of an emergency.
- (2) A person who is given a lawful direction under subclause (1) shall comply with that direction.

Disposal of lost and found property

- 13.3 (1) This clause does not apply to an article which is subject to Subdivision 4 of Division 3 of Part 3 of the Act.
- (2) A person finding an article left on or in local government property or a public place shall give that article to the local government, an authorised person or a manager or attendant.
- (3) The local government shall register a description of the article and all particulars relating to it in a lost property register to be kept for that purpose.
- (4) A person claiming the article who satisfies the local government, an authorised person, or manager or attendant that he or she is the lawful owner of the article shall, on return of the article, by way of acknowledging its receipt, write her or his name and address and provide their signature in the lost property register.
- (5) An article not claimed within a period of three months from the date it is entered in the lost property register shall be disposed of by the local government as it considers fit and the proceeds from any sale shall belong to the local government.
- (6) Neither the local government, a manager, attendant or any authorised person shall in any way be responsible for any article lost, stolen, damaged or destroyed while on or in any local government property or public place.
- (7) Where an article which is perishable is given to the local government, an authorised person or a manager or attendant under subclause (2), the local government may dispose of that article at any time without entering that in the register under subclause (3).

PART 14 - OFFENCES AND PENALTIES

Offences

- 14.1 (1) Any person who fails to do anything required, directed or ordered 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) An offence against a clause specified in the Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding the maximum penalty specified in section 3.10(1) of the Act and, if the offence is of a continuing nature, to an additional penalty not exceeding the maximum continuing offence penalty specified in section 3.10(2) of the Act for each day or part of each day during which the offence continues.

Infringement and infringement withdrawal notices

14.2 For the purposes of this local law:

- (a) the form of the infringement notice given under section 9.16(1) of the Act is that of Form 1 in the Second Schedule of the Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003;
- (b) where a vehicle is involved in the commission of an offence, the form of the:
 - (i) notice referred to in section 9.13 of the Act that requires an owner to identify the driver of a vehicle, is that of Form 2; and
 - (ii) infringement notice given under section 9.16(1) of the Act is that of Form 3in the Second Schedule of the Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003; and
- (c) the form of the notice to withdraw an infringement notice referred to in section 9.20 of the Act is Form 4 in the Second Schedule of the Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003.

Offence description and modified penalty

14.3 The amount appearing in the final column of the Schedule directly opposite an offence described in the Schedule is the modified penalty for that offence.

Records to be kept

14.4 The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

PART 15 - DETERMINATIONS AS TO USE OF LOCAL GOVERNMENT PROPERTY

- 15.1 (1) The local government may make a determination in accordance with clause 15.2 –
- (a) setting aside specified local government property for the pursuit or prohibition of all or any of the activities referred to in clause 5.1;
 - (b) as to the matters in clause 5.1(3); and
 - (c) 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 15.2;
 - (b) may be amended or revoked in accordance with clause 15.6; and
 - (c) have effect on the commencement day.

Procedure for making a determination

- 15.2 (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.

Discretion to erect sign

15.3 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.

Determination to be complied with

15.4 A person shall comply with a determination.

Register of determinations

15.5 (1) The local government is to keep a register of determinations made under clause 15.1, and of any amendments to or revocations of determinations made under clause 15.6.

(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.

Amendment or revocation of a determination

15.6 (1) The Council may amend or revoke a determination.

(2) The provisions of clause 15.2 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.

SCHEDULE 1
SHIRE OF BROOME
LOCAL GOVERNMENT
PROPERTY AND PUBLIC PLACES LOCAL LAW 2001

Offences and Modified Penalties

Item No	Clause No	General Description of Offence	Modified Penalty \$
1	3.3(1)	Failing to comply with conditions of approval	100
2	3.3(2)	Failing to comply with conditions as varied	100
3	4.1(1)	Failing to obtain a written approval	100
4	4.1(2)	Carrying out prohibited act on local government property	100
5	4.2(a)	Playing/practicing golf, archery, pistol or rifle shooting	100
6	4.2(b)	Riding a skateboard or roller blades or similar device	100
7	4.3(1)(a)	Behaviour likely to interrupt, disturb or interfere with enjoyment of other persons	100
8	4.3(1)(b)	Behaviour which interrupts, disturbs or interferes with enjoyment of other persons	100
9	4.4(1)(c)	Without consent of the occupier, entering or attempting to enter a dressing room already occupied	100
10	4.5(a)	Killing, injuring or interfering with any fauna	100
11	4.5(b)	Taking onto, setting or using any animal, bird or fish trap while on any local government property.	100
12	4.5(c)	Taking onto, or allowing any animal to remain on any local government property unless permitted by other written law	100
13	4.6(b)	Under the influence of liquor	100
14	4.6(c)	Under the influence of a prohibited drug	100
15	4.6(d)	Using any volatile, explosive or flammable matter	50
16	4.6(e)	Smoking inside a building	100
17	4.7(a)	Entering or leaving any local government property or building other than by the public entrance or exit	50
18	4.7(b)	Entering or remaining on any local government property except during times access is available to the public	50
19	4.7(c)	Entering any place that has been fenced off, or closed to the public	100
20	4.8	Entering local government property without first paying the applicable fee or charge	50
21	6.4	Failing to meet responsibilities of hirer of local government property	100
22	7.2	Failing to leave pool premises when directed to do so	50
23	7.7	Failing to meet limitations on use of swimming pool	100

24	8.1(a)	Using a sandboard, other board or thing to slide down sand dunes	100
25	8.1(c)	Traversing sand dunes other than along designated paths	100
26	8.1(d)	Taking a vehicle onto any beach or sand dunes	100
27	8.2(1)	Launching a boat into sea from area not approved or not permitted by signs	100
28	8.5(a)	Failing to comply with a sign erected on a beach	100
29	8.6(1)(a)	Fishing in an area where fishing is prohibited and designated by signs	100
30	8.6(1)(b)	Fishing in a permitted bathing area	100
31	8.6(2)(a)	Leaving or depositing dead fish or fish offal on any beach	50
32	8.6(2)(b)	Leaving or depositing dead fish or fish offal in the sea within 200m of any beach	50
33	8.7(1)	Riding a surfboard, driving a personal watercraft or boat in a designated permitted bathing area	100
34	9.2(b)	Covering or obstructing any manholes, gullies or inspection pits on a verge	100
35	9.2	Installation of verge treatment other than permissible verge treatment	100
36	9.4(b)	Failing to keep verge treatment in good and tidy condition and avoid obstruction of any sort	100
37	9.4(d)	Placing any obstruction on or around any verge treatment	100
38	9.4(e)	Watering or maintaining a verge treatment so as to cause a nuisance or hazard to a person using footpath, accessway or carriageway	100
39	9.9(1)(a)	Failing to take necessary precautions to ensure footpath is not damaged during works	100
40	9.9(1)(b)	Failing to notify local government of existing footpath damage prior to commencement of works	50
41	9.12	Driving on a closed thoroughfare	100
42	10.2	Leaving a shopping trolley in a public place not set aside for storage of trolleys	50
43	10.3	Failure of owner to remove shopping trolley within 24 hours of being advised by local government	100
44	12.1(2)	Failing to comply with a notice	100
45	13.3(2)	Failing to comply with a lawful direction of an authorised person	100
46		Other offences not specified	100

SCHEDULE 2
SHIRE OF BROOME
LOCAL GOVERNMENT
PROPERTY AND PUBLIC PLACES LOCAL LAW 2001
Determinations

Dated this 7 day of July 2005.

The COMMON SEAL of)
Shire of Broome was hereunto)
affixed in the presence of:)

CHRIS MITCHELL JP
Acting Shire President

JASON LYON
Acting Chief Executive Officer