



Local Law No. 5

(Parks, Jetties and Boat Ramps) 2011

Reprint as in force at 27 May 2022

Reprint No. 3

This law is a reprint copy that shows the law as made and amended by all amendments that commenced on or before the date of the reprint.

D.Scott
Chief Executive Officer



Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011

Contents

| | Page |
|--|-----------|
| Part 1 | |
| Preliminary | 4 |
| 1 Short title..... | 4 |
| 2 Application and object | 4 |
| 3 Definitions—the dictionary | 4 |
| 4 Relationship to other laws | 4 |
| Part 2 | |
| Administration of parks | 5 |
| 5 Park authority..... | 5 |
| Part 3 | |
| Regulation of parks | 6 |
| Division 1 Access to parks | 6 |
| 6 Access by public | 6 |
| 7 Access by vehicles | 6 |
| 8 Access by animals..... | 7 |
| Division 2 Use of parks | 8 |
| 9 Regulation of use of a park..... | 8 |
| 10 Public use of a park | 8 |
| 11 Regulated conduct in a park..... | 9 |
| 12 Prohibited conduct in a park | 9 |
| 13 Regulation of business in a park | 10 |
| Division 3 Protection of parks | 10 |
| 14 Regulated activities in a park..... | 10 |
| 15 Prohibited activities in a park..... | 10 |
| 16 Protected areas | 11 |
| Division 4 Local government to exhibit a sign | 12 |
| 17 Local government to exhibit a sign | 12 |
| Part 4 | |
| Regulation of public places other than parks | 13 |
| 18 Application of Part 3 to other public places | 13 |

| | | |
|---------------|---|-----------|
| Part 5 | Jetties and boat ramps | 13 |
| | Division 1 Jetties | 13 |
| 19 | Mooring..... | 13 |
| 20 | Entrance to jetties..... | 13 |
| 21 | Closure of jetties..... | 13 |
| 22 | Prohibition on erection of a jetty..... | 14 |
| 23 | Prohibited activities on a jetty..... | 14 |
| | Division 2 Boat ramps | 14 |
| 24 | Prohibition on erection of a boat ramp..... | 14 |
| 25 | Prohibited activities on a boat ramp..... | 14 |
| Part 6 | Permits | 15 |
| 26 | Requirement for a permit..... | 15 |
| 27 | Application for a permit..... | 15 |
| 28 | Grant of a permit..... | 16 |
| 29 | Term of a permit..... | 16 |
| 30 | Conditions of a permit..... | 17 |
| 31 | Power to change the conditions of a permit..... | 18 |
| 32 | Amendment, renewal or transfer of a permit..... | 19 |
| 33 | Cancellation of a permit..... | 20 |
| 34 | General compliance provision..... | 21 |
| Part 7 | Enforcement | 22 |
| 35 | Compliance notice..... | 22 |
| 36 | Stop order..... | 23 |
| 37 | Inspection of a prescribed activity..... | 24 |
| 38 | Performance of work..... | 25 |
| 39 | Power of entry and cost recovery..... | 26 |
| Part 8 | Administrative provisions | 26 |
| 40 | Executive officers must ensure the corporation complies with the local law..... | 26 |
| 41 | Liability of third parties..... | 27 |
| 42 | Attempts to commit offences..... | 28 |
| 43 | Defence..... | 28 |
| Part 9 | Subordinate local laws..... | 28 |
| 44 | Subordinate local laws..... | 28 |

3
Logan City Council
Local Law No. 5
(Parks, Jetties and Boat Ramps) 2011

| | | |
|-----------------|-------------------------|-----------|
| Schedule | Dictionary | 31 |
| Endnotes | | 38 |

Logan City Council

Local Law No. 5

(Parks, Jetties and Boat Ramps) 2011

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*.

2 Application and object

- (1) This local law and any subordinate local law made under this local law apply to the whole of the Logan City Council local government area.
- (2) The objects of this local law are to—
 - (a) ensure that public access and use of a park is in accordance with the preservation of public safety and amenity;
 - (b) ensure the protection of the environment and the facilities of a park;
 - (c) regulate the use of, and the conduct of persons in parks and on jetties and boat ramps; and
 - (d) regulate the construction and demolition of jetties and boat ramps.
- (3) This local law applies to all persons other than an authorised person who is lawfully exercising the authority of an authorised person under this local law.

3 Definitions—the dictionary

The dictionary in the Schedule (Dictionary) defines particular words used in this local law.

4 Relationship to other laws

- (1) The powers given by this local law must be exercised in a way that is not inconsistent with all Acts (including subordinate legislation) including—
 - (a) the *Environmental Protection Act 1994*; and
 - (b) the *Planning Act 2016*; and
 - (c) the *Criminal Code Act 1899*; and
 - (d) the *Forestry Act 1959*; and

- (e) the *Mineral Resources Act 1989*; and
 - (f) the *Nature Conservation Act 1992*; and
 - (g) the *Recreation Areas Management Act 2006*; and
 - (h) the *Land Protection (Pest and Stock Route Management) Act 2002*; and
 - (i) the *Medicines and Poisons Act 2019*; and
 - (j) the *Land Act 1994*; and
 - (k) the *Building Act 1975*; and
 - (l) the *Fisheries Act 1994*.
- (2) The local government may only exercise its powers under this local law over—
- (a) trust land, if the proposed exercise of power is consistent with—
 - (i) the terms and conditions of the trust; and
 - (ii) the *Land Act 1994*; or
 - (b) a reserve, if the proposed exercise of power is consistent with the legislation which has placed the reserve under the control of the local government; or
 - (c) a road, if the proposed exercise of power is—
 - (i) in the case of a State controlled road – approved in writing by the chief executive of the department which administers Chapter 6 (Road Transport Infrastructure) of the *Transport Infrastructure Act 1994*; and
 - (ii) in the case of a local government road – consistent with the *Land Act 1994* and the *Local Government Act 2009*.

Part 2 Administration of parks

5 Park authority

- (1) The local government may, by a subordinate local law—
 - (a) establish a park authority to manage a park or facility; and
 - (b) specify the membership and structure of a park authority; and
 - (c) specify the procedures governing the operation of a park authority; and

- (d) specify policies and guidelines governing the management of a park by the park authority; and
 - (e) specify the powers given to the local government pursuant to this local law that may be exercised by a park authority on behalf of the local government.
- (2) A park authority may exercise the powers of the local government pursuant to this local law that are specified in a subordinate local law.
- (3) A park authority must comply with this local law and all subordinate local laws.
- Maximum penalty for subsection (3) – 200 penalty units.

Part 3 Regulation of parks

Division 1 Access to parks

6 Access by public

- (1) The local government may, by a sign exhibited in a park or a subordinate local law—
- (a) specify the hours and days during which a park or any part thereof is open to the public; and
 - (b) specify that the ingress or egress to a park by the public must be through a designated access; and
 - (c) otherwise regulate access to a park by the public.
- (2) A person must not, unless authorised by a permit, contravene a restriction imposed pursuant to section 6(1) (Access by public) of this local law.
- Maximum penalty for subsection (2) – 50 penalty units.
- (3) Subsection (2) does not apply to a police officer acting in the course of their duties.
- (4) In the event of a conflict between a restriction imposed by a subordinate local law and a sign exhibited in a park by the local government, the sign prevails.

7 Access by vehicles

- (1) The local government may, by a sign exhibited in a park or a subordinate local law—
- (a) specify a designated vehicle area in a park in which any vehicle may be driven, ridden, led, stood, wheeled or parked; and

- (b) specify a designated vehicle which may be driven, ridden, led, stood, wheeled or parked in a park, including in areas other than a designated vehicle area; and
 - (c) specify a restricted vehicle which may not be driven, ridden, led, stood, wheeled or parked in a park, including in a designated vehicle area; and
 - (d) otherwise regulate the driving, leading, standing, wheeling or parking of a vehicle in a park.
- (2) A person must not, unless authorised by a permit, drive, ride, lead, stand, wheel or park a restricted vehicle in a park, including in a designated vehicle area.
- Maximum penalty for subsection (2) – 50 penalty units.
- (3) A person must not, unless authorised by a permit, drive, ride, lead, stand, wheel or park a vehicle that is not a designated vehicle in a park other than in a designated vehicle area.
- Maximum penalty for subsection (3) – 50 penalty units.
- (4) In the event of a conflict between a restriction imposed by a subordinate local law and a sign exhibited in a park by the local government, the sign prevails.

8 Access by animals

- (1) The local government may, by a sign exhibited in a park or a subordinate local law—
- (a) specify a designated animal area in a park in which any animal may be driven, led, stood or ridden; and
 - (b) specify a designated animal which may be driven, led, stood or ridden in a park, including in areas other than a designated vehicle area; and
 - (c) otherwise regulate the driving, leading, standing, wheeling or riding of an animal in a park.
- (2) A person must not, unless authorised by a permit, contravene a restriction imposed pursuant to section 8(1) (Access by animals) of this local law.

Maximum penalty for subsection (2) – 50 penalty units.

- (3) A person must not, unless authorised by a permit, drive, lead, stand or ride an animal that is not a designated animal in a park other than in a designated animal area.

Maximum penalty for subsection (3) – 50 penalty units.

- (4) In the event of a conflict between a restriction imposed by a subordinate local law and a sign exhibited in a park by the local government, the restriction imposed by the sign prevails.

Division 2 Use of parks

9 Regulation of use of a park

- (1) The local government may, by a sign exhibited in a park or a subordinate local law, regulate the use by the public of the park or a facility to ensure the protection of—

- (a) the park (including the environment in a park); or
- (b) a facility; or
- (c) a person using a park or any facility.

- (2) A person must not, unless authorised by a permit, contravene a restriction imposed pursuant to section 9(1) (Regulation of use of a park) of this local law.

Maximum penalty for subsection (2) – 50 penalty units.

10 Public use of a park

- (1) A person may apply to the local government pursuant to Part 6 (Permits) of this local law to—

- (a) use a park or a facility or control a park or a facility for the purpose of a recreational activity; and
- (b) have exclusive access for the purpose of a recreational activity to a specified area of a park not exceeding that which may be reasonably necessary for that recreational activity; and
- (c) erect a facility in a specified area of a park.

- (2) A person must not use a park or a facility contrary to a permit or the conditions of a permit issued pursuant to section 10(1) (Public use of a park) of this local law.

Maximum penalty for subsection (2) – 400 penalty units.

- (3) The local government may, notwithstanding the existence of a permit, limit the use of a facility to—

- (a) ensure equal access by all sectors of the public; or
 - (b) protect a park or a facility from overuse or damage.
- (4) A person must not, unless authorised by a permit, use a park or a facility contrary to a limitation made pursuant to section 10(3) (Public use of a park) of this local law.

Maximum penalty for subsection (4) – 400 penalty units.

11 Regulated conduct in a park

A person must not, unless authorised by a permit, a sign exhibited in the park or a subordinate local law use a park for the purpose of—

- (a) camping; or
- (b) operating a remote or guideline controlled aircraft propelled by a combustion engine or electric motor; or
- (c) operating a remote controlled boat or vehicle propelled by a combustion engine; or
- (d) lighting an open fire; or
- (e) hitting a golf ball except in the case of practising putting; or
- (f) using, storing or possessing fireworks; or
- (g) such other activity specified in a subordinate local law.

Maximum penalty – 50 penalty units.

12 Prohibited conduct in a park

- (1) Whilst in a park a person must not—
- (a) discharge or carry a firearm or other weapon; or
 - (b) throw a stone, projectile or other missile; or
 - (c) use offensive or indecent language; or
 - (d) carry out any activity or behave in a manner reasonably likely to offend another person; or
 - (e) behave in a riotous, disorderly, indecent, offensive, threatening or insulting manner; or

- (f) carry out any activity or behave in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person; or
- (g) carry out an activity prohibited in a subordinate local law.

Maximum penalty – 50 penalty units.

- (2) Subsection 1(a) does not apply to a police officer lawfully acting in the course of their duties.

13 Regulation of business in a park

A person (other than the local government) must not carry on a business or a commercial activity in a park unless the business or commercial activity—

- (a) is of a type specified in a subordinate local law; and
- (b) is authorised by a permit.

Maximum penalty – 50 penalty units.

Division 3 Protection of parks

14 Regulated activities in a park

- (1) A person must not, unless authorised by a permit, a sign exhibited in a park or a subordinate local law—
 - (a) erect or install a building, a structure or a facility in, on, across or over a park; or
 - (b) carry out in a park an activity specified as a regulated activity in a subordinate local law.

Maximum penalty for subsection (1) – 200 penalty units.

- (2) If a building, a structure or a facility is erected or installed in, on, across or over a park the building, structure or facility becomes the property of the local government.
- (3) Notwithstanding section 14(2) (Regulated activities in a park) of this local law, if a permit (under this local law or another law) makes other provisions about ownership of a building, a structure or a facility erected or installed under the permit, the provisions of the permit prevail.

15 Prohibited activities in a park

- (1) Whilst in a park a person must not—
 - (a) interfere with a plant; or

- (b) interfere with any turf, sand, clay, soil or other material; or
- (c) interfere with a facility; or
- (d) interfere with an animal other than in the course of lawful fishing; or
- (e) dispose of any rubbish of any kind other than in a waste container provided for that purpose; or
- (f) deposit, store or abandon any goods, spoil, garden refuse or materials of any kind; or
- (g) otherwise do any act or omit to do any act which pollutes, fouls, litters or interferes with a park or a facility, including to graffiti the surface of a facility, concreted area or vegetation within a park with paint or ink; or
- (h) carry out an activity specified in a subordinate local law.

Maximum penalty for subsection (1) – 50 penalty units.

- (2) Whilst in a park a person must not—
 - (a) cause, permit or allow a water tap to run water to waste; or
 - (b) remove from the park any timber or wood provided by the local government for use as firewood; or
 - (c) carry out an activity specified in a subordinate local law.

Maximum penalty for subsection (2) – 20 penalty units.

16 Protected areas

- (1) The local government may by an enclosure, a sign exhibited in a park or a subordinate local law designate a park or any part thereof as a protected area for the cultivation of a plant or for environmental protection.
- (2) The local government may by a sign exhibited in the park or a subordinate local law specify—
 - (a) restrictions on entry to a protected area; and
 - (b) restrictions on activities in a protected area.
- (3) A person must not, unless authorised by a permit—
 - (a) enter a protected area designated pursuant to section 16(1) (Protected areas) of this local law; or

- (b) contravene a restriction imposed pursuant to section 16(2) (Protected areas) of this local law.

Maximum penalty for subsection (3) – 50 penalty units.

- (4) Subsection (3) does not apply to a police officer lawfully acting in the course of their duties.

Division 4 Local government to exhibit a sign

17 Local government to exhibit a sign

- (1) The local government must exhibit a sign at the entrance of each park to which a subordinate local law applies, specifying the subject matter of the subordinate local law if the local government makes a subordinate local law pursuant to the following provisions of this local law—
- (a) section 6 (Access by public); or
 - (b) section 7 (Access by vehicles); or
 - (c) section 8 (Access by animals); or
 - (d) section 9 (Regulation of use of a park); or
 - (e) section 11 (Regulated conduct in a park); or
 - (f) section 14 (Regulated activities in a park); or
 - (g) section 16 (Protected areas).
- (2) However, section 17(1) (Local government to exhibit a sign) of this local law does not apply if the local government determines by resolution that a sign should not be exhibited in accordance with section 17(1) (Local government to exhibit a sign) of this local law.

Example—

The local government may determine not to erect a sign if the local government is of the opinion that—

- the sign would cause a visual nuisance;
- the sign would encourage vandalism;
- the sign would be contrary to the purpose for which the park is to be used;
- the sign would not be cost effective; or
- the park does not have a designated entrance.

Part 4 Regulation of public places other than parks

18 Application of Part 3 to other public places

- (1) The local government may, by a subordinate local law, specify what provisions of Part 3 (Regulation of parks) of this local law apply to a public place (which is not a park) as if the public place were a park.
- (2) Where the local government has made a subordinate local law pursuant to section 18(1) (Application of Part 3 to other public places) of this local law, the remaining provisions of this local law shall apply to the public place as if the public place were a park.
- (3) Notwithstanding section 18(1) (Application of Part 3 to other public places) of this local law, the local government cannot regulate a matter on a State-controlled road without the written approval of the chief executive of the department which administers Chapter 6 (Road Transport Infrastructure) of the *Transport Infrastructure Act 1994*.
- (4) Notwithstanding section 18(1) (Application of Part 3 to other public places) of this local law, the local government may only exercise its powers under this local law over trust land if the proposed exercise of powers is consistent with the provisions of the *Land Act 1994* and the terms and conditions of the trust.

Part 5 Jetties and boat ramps

Division 1 Jetties

19 Mooring

The owner or operator of a vessel must not berth their vessel at, make their vessel fast to, or moor their vessel at a jetty for a period exceeding 20 minutes without—

- (a) the consent of the local government or an authorised person; and
- (b) paying the prescribed fee to the caretaker of the jetty, if a prescribed fee applies.

Maximum penalty – 30 penalty units.

20 Entrance to jetties

A person must not enter a jetty other than through the entrance to the jetty on the shore end or directly from a vessel berthed, made fast to or moored at a jetty.

Maximum penalty – 30 penalty units.

21 Closure of jetties

- (1) An authorised person may close or cause to be closed a jetty or a part of a jetty for the purpose of public health and safety.

- (2) If an authorised person closes or causes to be closed a jetty or part of a jetty pursuant to subsection (1), a person must not enter the jetty or the part of the jetty that has been closed.

Maximum penalty for subsection (2) – 30 penalty units.

22 Prohibition on erection of a jetty

A person must not, without the consent of the local government, erect, demolish or re-erect a jetty.

Maximum penalty – 30 penalty units.

23 Prohibited activities on a jetty

- (1) A person must not, without the consent of the local government or an authorised person—
- (a) remove, destroy, damage, deface, disfigure, write upon or otherwise injure a jetty or any notice, tank, buoy, rails, trolley, lamp or thing on or affixed to a jetty; or
 - (b) extinguish, diminish or increase any light burning on a jetty; or
 - (c) ride a horse on a jetty; or
 - (d) drive a vehicle on a jetty.

Maximum penalty for subsection (1) – 30 penalty units.

- (2) A person must not fasten or moor any vessel or thing to a jetty, or any piles, steps, pontoon, staging, shed or any other structure attached to or alongside the jetty, in such a way as to prevent free access to the jetty or to the piles, steps, pontoon, staging, shed or other structure attached to or alongside the jetty.

Maximum penalty for subsection (2) – 30 penalty units.

Division 2 Boat ramps

24 Prohibition on erection of a boat ramp

A person must not, without the consent of the local government, erect, demolish or re-erect a boat ramp.

Maximum penalty – 30 penalty units.

25 Prohibited activities on a boat ramp

A person must not—

- (a) use a boat ramp for any purpose other than for use as a boat ramp; or
- (b) while on a boat ramp or by use of the boat ramp or by use of any part of the adjoining foreshore, obstruct public usage of a boat ramp.

Maximum penalty – 30 penalty units.

Part 6 Permits

26 Requirement for a permit

- (1) A person (other than a local government) must not undertake a prescribed activity unless authorised by a permit granted pursuant to section 29 (Grant of a permit) of this local law.

Maximum penalty for subsection (1) – the penalty for the contravention of the section of this local law that makes the activity a prescribed activity.

- (2) A person must not—
- (a) exhibit a sign which indicates that a prescribed activity which does not comply with this local law does comply with this local law; or
 - (b) in any manner or by any means indicate that a prescribed activity which does not comply with this local law does comply with this local law.

Maximum penalty for subsection (2) – 50 penalty units.

- (3) Notwithstanding section 27(1) (Requirement for a permit) of this local law, a permit is not required under this local law if—
- (a) a subordinate local law specifies that a permit is not required in respect of the undertaking of the prescribed activity; or
 - (b) the undertaking of the prescribed activity is authorised by a Local Government Act.

Example—

A prescribed activity which is a development for which a development permit has been issued under the *Sustainable Planning Act 2009* does not require a permit under this local law.

- (4) Notwithstanding section 27(1) (Requirement for a permit) of this local law, the holder of the permit must not undertake the prescribed activity until all approvals required under legislation in respect of the prescribed activity have been obtained.

27 Application for a permit

- (1) An application for a permit must be—
- (a) made by the person who will be undertaking the prescribed activity; and
 - (b) made in the prescribed form; and
 - (c) accompanied by—
 - (i) the prescribed fee; and

- (ii) evidence that all approvals under the Local Government Acts required for the undertaking of the prescribed activity have been obtained; and
 - (iii) full details of the prescribed activity; and
 - (iv) such other information and materials as are requested by the local government or specified in a subordinate local law.
- (2) The local government may waive any or all of the requirements of section 28(1) (Application for a permit) of this local law—
- (a) in an emergency; or
 - (b) if there are special reasons for dispensing with the requirement; or
 - (c) in the circumstances specified in a subordinate local law.

28 Grant of a permit

- (1) The local government may grant a permit if satisfied that the undertaking of the prescribed activity—
- (a) will not result in harm to human health or safety or personal injury; and
 - (b) will not result in property damage or a loss of amenity; and
 - (c) will not result in environmental harm or environmental nuisance; and
 - (d) will not result in a nuisance; and
 - (e) complies with the provisions of the Local Government Acts that regulate the undertaking of the prescribed activity; and
 - (f) complies with the assessment criteria; and
 - (g) complies with the prescribed criteria.
- (2) Before the local government decides an application for a permit, an authorised person may—
- (a) inspect any premises, vehicle, equipment, animal, plant or thing to be involved in the undertaking of the prescribed activity; and
 - (b) measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected.

29 Term of a permit

- (1) A permit granted by the local government is for a term—

- (a) specified in the permit; or
 - (b) otherwise specified in a subordinate local law.
- (2) A permit expires at the end of the day specified in section 30(1) (Term of a permit) of this local law.

30 Conditions of a permit

- (1) A permit may be granted by the local government on conditions the local government considers appropriate.
- (2) The conditions of a permit may—
- (a) require the holder of the permit to take specified measures to—
 - (i) prevent harm to human health or safety or personal injury; and
 - (ii) prevent property damage or a loss of amenity; and
 - (iii) prevent environmental harm or environmental nuisance; and
 - (iv) prevent a nuisance; and
 - (v) ensure that there is compliance with the provisions of the Local Government Acts that regulate the undertaking of the prescribed activity; and
 - (vi) ensure that the prescribed activity complies with the prescribed criteria; and
 - (b) require compliance with specified safety requirements; and
 - (c) require the holder of the permit to carry out specified work; and
 - (d) regulate the time within which the prescribed activity must be carried out; and
 - (e) specify standards with which the prescribed activity must comply; and
 - (f) require the holder of the permit to give the local government specified indemnities and to take out specified insurance; and
 - (g) require the holder of the permit to take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the prescribed activity; and
 - (h) require the holder of the permit to exhibit specified warning notices and to take other specified precautions; and

- (i) require the holder of the permit to notify the local government within a period specified in the permit that the holder of the permit is no longer undertaking the prescribed activity or is undertaking the prescribed activity other than in accordance with the permit; and
 - (j) require the certification by a person specified by the local government of a vehicle, equipment or thing involved in the prescribed activity; and
 - (k) require the giving of a security to secure compliance with the permit and the provisions of this local law; and
 - (l) require records to be kept at a place and for a time specified in the permit or a subordinate local law; and
 - (m) require the holder of the permit to prepare, provide, undertake or comply with a periodic inspection, monitoring or management program in respect of the prescribed activity.
- (3) The local government may specify in subordinate local law, the conditions that must be imposed in a permit or that will ordinarily be imposed in a permit for a prescribed activity.

31 Power to change the conditions of a permit

- (1) The local government may change a condition of a permit where¹—
- (a) the holder of the permit agrees to the proposed change; or
 - (b) the change is urgently necessary to prevent—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance; or
 - (iv) a nuisance; or
 - (c) the change is necessary to ensure that the undertaking of the prescribed activity complies with the prescribed criteria.
- (2) If the local government is satisfied it is necessary to change a condition of a permit, the local government must—
- (a) give the holder of the permit a written notice stating—
 - (i) the proposed change and the reasons for the change; and

¹ A change to the conditions of a permit includes a change by omission, substitution or addition (see section 36 (Meaning of commonly used words and expressions) of the *Acts Interpretation Act 1954*).

- (ii) that the holder of the permit may make written representations to the local government about the proposed change; and
 - (iii) the time (at least 15 business days after the notice is given to the holder of the permit) within which the written representations may be made; and
 - (b) consider any written representation made by the holder of the permit within the time stated in the notice.
- (3) After considering any written representation made by the holder of the permit, the local government must give to the holder of the permit—
- (a) if the local government is not satisfied the change is necessary – a written notice stating that it has decided not to change the condition; or
 - (b) if the local government is satisfied that the change is necessary – a written notice stating that it has decided to change the condition including details of the changed condition.
- (4) The changed condition takes effect from the day the notice was given to the holder of the permit.

32 Amendment, renewal or transfer of a permit

- (1) The holder of a permit may make application to the local government to—
- (a) amend the permit; or
 - (b) renew the permit; or
 - (c) transfer the permit to another person.
- (2) An application to amend, renew or transfer a permit must be—
- (a) made by the holder of the permit; and
 - (b) made in the prescribed form; and
 - (c) accompanied by the prescribed fee and such other information as is requested by the local government; and
 - (d) accompanied by, in the case of a transfer of the permit, the consent of the person to whom the permit will be transferred.
- (3) The local government may renew or transfer a permit—
- (a) where the undertaking of the prescribed activity complies with the conditions of the permit and the provisions of this local law; and

- (b) subject to such conditions the local government considers appropriate.
- (4) The local government may amend a permit—
 - (a) where the undertaking of the prescribed activity complies with the criteria specified in section 29(1) (Grant of a permit) of this local law; and
 - (b) subject to such conditions the local government considers appropriate.
- (5) Subject to section 33(6) (Amendment, renewal or transfer of a permit) of this local law, if an application to renew a permit is made pursuant to section 34(1)(b) (Amendment, renewal or transfer of a permit) of this local law, the permit is taken to continue in force from the day that it would, apart from this section, have expired until the day the application is decided pursuant to section 34(3) (Amendment, renewal or transfer of a permit) of this local law.
- (6) Section 33(5) (Amendment, renewal or transfer of a permit) of this local law does not apply where a permit has been cancelled pursuant to section 35 (Cancellation of a permit) of this local law.

33 Cancellation of a permit

- (1) The local government may cancel a permit where—
 - (a) the holder of the permit agrees to the cancellation; or
 - (b) the cancellation is urgently necessary to prevent—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance; or
 - (iv) a nuisance; or
 - (c) the holder of the permit contravenes—
 - (i) this local law; or
 - (ii) a condition of a permit; or
 - (iii) a requirement of a compliance notice or a stop order; or
 - (d) the undertaking of the prescribed activity does not comply with—
 - (i) the provisions of the Local Government Acts that regulate the undertaking of the prescribed activity; or

- (ii) the prescribed criteria; or
 - (e) the permit was granted on the basis of false, misleading or incomplete information; or
 - (f) changes in circumstances as specified in a subordinate local law since the permit was granted make the continued operation of the permit inappropriate.
- (2) If the local government is satisfied it is necessary to cancel a permit, the local government must—
 - (a) give the holder of the permit a written notice stating—
 - (i) the reasons for the proposed cancellation; and
 - (ii) that the holder of the permit may make written representations to the local government about the proposed cancellation; and
 - (iii) the time (at least 15 business days after the notice is given to the holder of the permit) within which written representations may be made; and
 - (b) consider any written representation made by the holder of the permit within the time stated in the notice.
- (3) After considering any written representation made by the holder of the permit the local government must give to the holder of the permit—
 - (a) if the local government is not satisfied that the cancellation is necessary – a written notice stating it has decided not to cancel the permit; or
 - (b) if the local government is satisfied that the cancellation is necessary – a written notice stating it has decided to cancel the permit.
- (4) The cancellation of the permit takes effect from the day the written notice was given to the holder of the permit.
- (5) Where the local government has cancelled a permit, the holder of the permit must cease to undertake the prescribed activity.

Maximum penalty for subsection (5) – 50 penalty units.

34 General compliance provision

- (1) The holder of a permit must ensure that the conditions of the permit are complied with.

Maximum penalty for subsection (1) – 50 penalty units.

- (2) The holder of a permit and any person undertaking a prescribed activity must ensure that the undertaking of the prescribed activity—
- (a) does not result in harm to human health or safety or personal injury; and
 - (b) does not result in property damage or a loss of amenity; and
 - (c) does not result in environmental harm or environmental nuisance; and
 - (d) does not result in a nuisance; and
 - (e) complies with the prescribed criteria.

Maximum penalty for subsection (2) – 50 penalty units.

Part 7 Enforcement

35 Compliance notice

- (1) The local government may give a compliance notice to—
- (a) a person who contravenes this local law; and
 - (b) any person involved in the contravention of this local law pursuant to section 41 (Liability of third parties) of this local law.
- (2) A compliance notice may require the person to whom it is given to—
- (a) stop the contravention, if the contravention is of a continuing or recurrent nature; and
 - (b) perform work or otherwise take specified action to remedy the contravention (including the making of an application for a permit) for or within a time specified in the compliance notice, whether or not the contravention is of a continuing or recurrent nature; or
 - (c) perform work or otherwise take specified action for or within a time specified in the compliance notice to ensure compliance with the criteria specified in section 35(1) (General compliance provision) of this local law.
- (3) A person to whom the compliance notice is given must comply with the compliance notice.

Maximum penalty for subsection (3) – 50 penalty units.

36 Stop order

- (1) The local government may by notice to a person undertaking a prescribed activity require the person to cease to undertake the prescribed activity within the time allowed in the notice where—
- (a) a compliance notice is not complied with within the time allowed for compliance in the compliance notice; or
 - (b) the person does not hold a permit from the local government; or
 - (c) the undertaking of the prescribed activity is in the authorised person's opinion likely to give rise to—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance; or
 - (iv) a nuisance; or
 - (d) the undertaking of the prescribed activity does not comply with—
 - (i) the provisions of the Local Government Acts that regulate the undertaking of the prescribed activity; or
 - (ii) the prescribed criteria.
- (2) Subject to section 37(3) (Stop order) of this local law, a person to whom a stop order is given must—
- (a) cease to undertake the prescribed activity; and
 - (b) comply with the stop order.
- Maximum penalty for subsection (2) – 200 penalty units.
- (3) The stop order ceases where the person to whom a stop order is given has complied with to the satisfaction of an authorised person—
- (a) the requirements of this local law; and
 - (b) the prescribed criteria relevant to the prescribed activity; and
 - (c) the conditions of any relevant permit; and
 - (d) the requirements of any relevant compliance notice; and
 - (e) the requirements of the stop order.

37 Inspection of a prescribed activity

- (1) An authorised person may inspect the undertaking of the prescribed activity and any vehicle, equipment, animal, plant or thing involved in the undertaking of the prescribed activity to establish whether there is compliance with²—
- (a) the requirements of this local law; and
 - (b) the prescribed criteria; and
 - (c) the conditions of the permit; and
 - (d) the requirements of a compliance notice; and
 - (e) the requirements of a stop order.
- (2) An authorised person may direct the person undertaking the prescribed activity to produce for inspection³—
- (a) the permit granted by the local government; and
 - (b) any records that are required to be kept as a condition of the permit or as specified in a subordinate local law and may take copies of or extracts from those records; and
 - (c) any vehicle, equipment, plant or thing involved in the undertaking of the prescribed activity; and
 - (d) any inspection, monitoring or management programs required to be kept as a condition of the licence or as a requirement of the prescribed criteria or as specified in a subordinate local law.
- (3) An authorised person may measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected pursuant to section 39 (Inspection of a prescribed activity) of this local law⁴.
- (4) The person who is undertaking the prescribed activity must comply with—
- (a) a direction of an authorised person pursuant to section 38(2) (Inspection of a prescribed activity) of this local law; and
 - (b) the terms of a periodic inspection, monitoring or management program in respect of the undertaking of the prescribed activity specified in a subordinate local law.

Maximum penalty for subsection (4) – 50 penalty units.

² See the powers contained in Chapter 5, Part 2, Division 1 of the *Local Government Act 2009*.

³ See the powers contained in Chapter 5, Part 2, Division 1 of the *Local Government Act 2009*.

⁴ See the powers contained in Chapter 5, Part 2, Division 1 of the *Local Government Act 2009*.

38 Performance of work

- (1) A person committing an offence under this local law must make good any damage caused directly or indirectly by the commission of the offence.
- (2) The local government may perform work where a person has failed to perform work required to be performed by⁵—
 - (a) section 39(1) (Performance of work) of this local law; or
 - (b) a compliance notice or a stop order issued under this local law; or
 - (c) a condition of a permit; or
 - (d) any other provision of this local law.
- (3) The local government may in the course of performing work remove any structure, equipment, animal, plant or thing involved in the undertaking of the prescribed activity where⁶—
 - (a) the local government is satisfied that there is a risk of—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance; or
 - (iv) a nuisance; or
 - (b) the undertaking of the prescribed activity does not comply with—
 - (i) the provisions of the Local Government Acts that regulate the undertaking of the prescribed activity; or
 - (ii) the prescribed criteria.
- (4) The local government must dispose of any material of any nature removed by it pursuant to section 39(3) (Performance of work) of this local law in accordance with the provisions for the disposal of confiscated goods under *Local Law No. 2 (Administration) 2010*.
- (5) An authorised person may perform the work that the local government is empowered to undertake pursuant to section 39 (Performance of work) of this local law.

⁵ The exercise of this power is subject to Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

⁶ The exercise of this power is subject to Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

- (6) The Court may order a person found guilty of an offence under this local law to—
- (a) perform work required to be performed by—
 - (i) section 39(1) (Performance of work) of this local law; or
 - (ii) a compliance notice or a stop order issued under this local law; or
 - (iii) a condition of a permit; or
 - (iv) a provision of this local law; and
 - (b) pay to the local government all costs incurred by the local government in performing the work pursuant to section 39 (Performance of work) of this local law.

39 Power of entry and cost recovery

- (1) If the work to be carried out by the local government is on land of which the local government is not the owner or occupier, the local government may enter the land to perform the work⁷—
- (a) if the person who has failed to perform the work is the owner or occupier of the land; or
 - (b) if the entry is necessary for the exercise of the local government’s jurisdiction.
- (2) If the person who failed to perform the work is the owner of the land, the amount properly and reasonably incurred by the local government to perform the work is recoverable (together with any interest) under Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.
- (3) If the person who failed to perform the work is not the owner of the land, the amount properly and reasonably incurred by the local government is recoverable as a debt from the person in default together with interest on the same basis as applies to an owner of the land under Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

Part 8 Administrative provisions

40 Executive officers must ensure the corporation complies with the local law

- (1) The executive officers of a corporation must ensure the corporation complies with this local law.

⁷ See the powers contained in Chapter 5, Part 2, Division 2 of the *Local Government Act 2009*.

- (2) If a corporation commits an offence against a provision of this local law, each of the corporation's executive officers also commit an offence, namely, the offence of failing to ensure that the corporation complies with the provision.

Maximum penalty for subsection (2) – the penalty for the contravention of the provision by an individual.

- (3) Evidence that the corporation has been convicted of an offence against a provision of this local law is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complied with the provision.
- (4) However, it is a defence for an executive officer to prove—
- (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence – the officer exercised reasonable diligence to ensure the corporation complied with the provision; or
 - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.
- (5) This section applies so as not to limit or affect in any way the liability of a corporation to be proceeded against and punished for an offence committed by the corporation in contravention of this local law.

41 Liability of third parties

- (1) Any person involved in a contravention of this local law commits an offence.

Maximum penalty for subsection (1) – the penalty for which any person who committed the contravention would be liable.

- (2) For the purposes of section 41(1) (Liability of third parties) of this local law, a person involved in a contravention of this local law is any person who—
- (a) has aided, abetted, counselled or procured the contravention; or
 - (b) has induced, whether by threats or promises or otherwise, the contravention; or
 - (c) has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention; or
 - (d) has conspired with others to effect the contravention; or
 - (e) has knowingly benefited from or knowingly was capable of benefiting from the contravention.

42 Attempts to commit offences

- (1) A person who attempts to commit an offence under this local law commits an offence.

Maximum penalty for subsection (1) – half the maximum penalty for committing the offence.

- (2) The provisions of the *Criminal Code* (relevant to attempts to commit offences) apply to the attempt.

43 Defence

It is a defence to any breach of or non-compliance with a provision contained in this local law if a person has a lawful excuse or defence.

Example—

It is a defence to any breach or non-compliance of any provision contained in a local law if a person was not criminally responsible in accordance with Chapter 5 (Criminal Responsibility) of the *Criminal Code*.

Part 9 Subordinate local laws

44 Subordinate local laws

The local government may, in a subordinate local law, specify—

- (a) an animal as a designated animal pursuant to the Schedule (Dictionary) of this local law; and
- (b) an area as a designated area pursuant to the Schedule (Dictionary) of this local law; and
- (c) a vehicle as a designated vehicle pursuant to the Schedule (Dictionary) of this local law; and
- (d) an area as a designated vehicle area pursuant to the Schedule (Dictionary) of this local law; and
- (e) as a local government road a public place pursuant to the Schedule (Dictionary) of this local law; and
- (f) a vehicle as a motor vehicle pursuant to the Schedule (Dictionary) of this local law; and
- (g) the prescribed criteria with which a prescribed activity must comply pursuant to the Schedule (Dictionary) of this local law; and
- (h) a premises as a public place pursuant to the Schedule (Dictionary) of this local law; and

- (i) a thing as a structure pursuant to the Schedule (Dictionary) of this local law; and
- (j) a thing as a vehicle pursuant to the Schedule (Dictionary) of this local law; and
- (k) the rights and obligations in respect of a park authority pursuant to section 5 (Park authority) of this local law; and
- (l) restrictions in respect of the access to a park by the public pursuant to section 6(1) (Access by public) of this local law; and
- (m) restrictions in respect of the access to a park by a vehicle pursuant to section 7(1) (Access by vehicles) of this local law; and
- (n) restrictions in respect of the access to a park by an animal pursuant to section 8(1) (Access by animals) of this local law; and
- (o) restrictions in respect of the use of a park or a facility by the public pursuant to section 9(1) (Regulation of use of a park) of this local law; and
- (p) the purposes for which a park may be used pursuant to section 11 (Regulated conduct in a park) of this local law; and
- (q) an activity for which a park must not be used unless authorised by a permit pursuant to section 11(h) (Regulated conduct in a park) of this local law; and
- (r) an activity which is prohibited in a park pursuant to section 12(g) (Prohibited conduct in a park) of this local law; and
- (s) an activity which may be carried out in a park pursuant to section 14(1) (Regulated activities in a park) of this local law; and
- (t) an activity which must not be carried out unless authorised by a permit pursuant to section 14(1)(b) (Regulated activities in a park) of this local law; and
- (u) an activity which is prohibited in a park pursuant to section 15(1)(h) (Prohibited activities in a park) of this local law; and
- (v) an activity which is prohibited in a park pursuant to section 15(2)(c) (Prohibited activities in a park) of this local law; and
- (w) restrictions in respect of a protected area pursuant to section 16(2) (Protected areas) of this local law; and

- (x) what provisions of Part 3 (Regulation of parks) of this local law apply to a public place other than a park pursuant to section 18(1) (Application of Part 3 to other public places) of this local law; and
- (y) a prescribed activity for which a person is not required to hold a permit pursuant to section 27(3)(a) (Requirement for a permit) of this local law; and
- (z) the information that must accompany an application for a permit pursuant to section 28(1)(c)(iv) (Application for a permit) of this local law; and
- (aa) the circumstances in which the local government may waive the requirements of section 28(1) (Application for a permit) of this local law pursuant to section 28(2)(c) (Application for a permit) of this local law; and
- (bb) the term of the permit pursuant to section 30(1)(b) (Term of a permit) of this local law; and
- (cc) the records that must be kept, the place at which those records must be kept and the time for which those records must be kept pursuant to section 31(2)(1) (Conditions of a permit) of this local law; and
- (dd) the conditions that must be imposed in a permit or that will ordinarily be imposed in a permit pursuant to section 31(3) (Conditions of a permit) of this local law; and
- (ee) the changes in circumstances since a permit was granted that make the continued operation of the permit inappropriate pursuant to section 34(1)(f) (Cancellation of a permit) of this local law; and
- (ff) the records that are required to be kept pursuant to section 38(2)(b) (Inspection of a prescribed activity) of this local law; and
- (gg) any inspection, monitoring or management program required to be kept pursuant to section 38(2)(d) (Inspection of a prescribed activity) of this local law; and
- (hh) the terms of a periodic inspection, monitoring or management program in respect of the undertaking of a prescribed activity pursuant to section 38(4)(b) (Inspection of a prescribed activity) of this local law; and
- (ii) such other matters as are provided for in this local law.

Schedule Dictionary

section 3

animal has the meaning given in the local government's animal management local laws.

approval has the meaning given in *Local Law No. 2 (Administration) 2010* and includes all conditions of a consent, permission, licence, authorisation or approval.

assessment criteria means the criteria specified in a subordinate local law for deciding an application for a permit for the undertaking of a prescribed activity.

authorised person means a person authorised by the local government pursuant to *Local Law No. 2 (Administration) 2010*.

bicycle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

boat ramp means a ramp or other device or structure used, capable of being used, intended to be used or designed for the purpose of launching and retrieving trailable vessels where the boat ramp is situated within the local government area and is the property of, or under the control and management of, the local government.

building has the meaning given in the *Building Act 1975*.

camping—

- (a) includes sleeping, cooking or performing ablutions, or attempting to do any of those things, in, under, on or next to a stationary vehicle, tent, temporary structure, hut, swag, sleeping bag, lean to or other thing capable of being used for sleeping;
- (b) includes doing, or attempting to do, any of the following—
 - (i) pitching, erecting or setting up a caravan, trailer, motorhome, campervan or similar;
 - (ii) pitching, erecting, setting up or placing a tent, temporary structure, hut, swag, sleeping bag, lean to or other thing capable of being used for sleeping;
 - (iii) erecting, setting up, placing or using camping equipment;

Examples for subsection (iii)—

gas stove, portable barbeque, temporary shade structure

- (c) includes occupying overnight or remaining overnight;

- (d) includes occupying or remaining in circumstances where, in the opinion of an authorised person, to occupy or to remain is causing or likely to cause—
 - (i) harm to human health or safety or personal injury;
 - (ii) property damage or a loss of amenity;
 - (iii) environmental harm or environmental nuisance;
- (e) does not include circumstances where a person is complying with the Heavy Vehicle National Law (Queensland), chapter 6 (Vehicle operations—driver fatigue) or the Heavy Vehicle National Law Act 2012 (Qld), Schedule, chapter 6 (Vehicle operations—driver fatigue).

commercial operator means any person, business or corporation or any servant, employee or agent of a person, business or corporation, who uses or navigates a vessel within any waterway, lake or dam located within the local government area for remuneration or reward, whether financial or otherwise.

compliance notice means the written notice given pursuant to section 37 (Compliance notice) of this local law.

corporation means a corporation as defined in the *Corporations Act 2001 (Cth)* and includes an association as defined in the *Associations Incorporation Act 1981*.

Court means the court of law which has jurisdiction to deal with offences under this local law.

designated access means a gateway, opening, entrance or other means of ingress to or egress from a park.

designated animal means an animal which may be led, stood or ridden in a park that is specified by a sign exhibited in the park or a subordinate local law pursuant to section 8(1) (Access by animals) of this local law.

designated animal area means the area in a park which may be used for the purpose of leading, standing or riding an animal that is specified by a sign exhibited in the park or a subordinate local law pursuant to section 8(1) (Access by animals) of this local law.

designated vehicle means a vehicle which may be driven, led, stood, wheeled or parked in a park that is specified by a sign exhibited in the park or a subordinate local law pursuant to section 7(1) (Access by vehicles) of this local law.

designated vehicle area means the area in a park which may be used for the purpose of driving, leading, standing, wheeling or parking a vehicle that is specified by a sign exhibited in the park or a subordinate local law pursuant to section 7(1) (Access by vehicles) of this local law.

device means a design, writing, drawing, depiction, structure, erection, placard, banner, notice, signboard, notice of sign, publication or sign of any kind.

environment has the meaning given in the *Environmental Protection Act 1994*.

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

executive officer of a corporation means a person who is concerned with, or takes part in, the corporation's management whether or not the person is a director or the person's position is given the name of executive officer.

exhibit includes in relation to a sign the painting, writing, drawing, depiction, making, erection, affixing, putting up, operation, or transport of a sign.

facility means any building, structure, carparking area, pedestrian access, vehicle access, fence, picnic shelter, toilet block, playground equipment, park bench, pond, waterfall, fountain, monument, amenities or grounds or any other fixture or fitting in or on a park.

fireworks means a substance or thing containing a substance manufactured or used for the purpose of producing a pyrotechnic effect.

goods includes an animal, a plant and a vehicle.

interfere with includes to damage, destruct, tamper with, remove, alter, deface, disturb or change.

jetty means a wharf, pier or landing place of a like nature which is the property of, or under the control and management of, the local government.

land has the meaning given in the *Planning Act 2016*.

Local Government Act has the meaning given in the *Local Government Act 2009* and includes approvals granted pursuant to Local Government Acts.

local government area has the meaning given in the *Local Government Act 2009*.

local government road means—

- (a) a road under the *Local Government Act 2009*; and
- (b) a mall, square, court or other public place under the local government's control that is specified in a subordinate local law to be subject to this local law.

local law includes any subordinate local laws and all approvals granted pursuant to this local law.

motor vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995* and includes—

- (a) a motor cycle with a combustion engine or electric motor; and
 - (b) a vehicle as specified in a subordinate local law;
- but does not include—
- (c) a bicycle; or
 - (d) a powered bicycle.

newspaper has the meaning given in the *Printing and Newspapers Act 1981*.

nuisance has the meaning given in *Local Law No. 10 (Public Health) 1999*.

occupier of premises means the person who has the control or management of the premises.

owner means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

park means land in the local government area which is—

- (a) a public place which the local government has resolved be set apart for recreation or environmental purposes; or
- (b) a local government road which is not constructed for use by motor vehicles.

park authority means the park authority established by the local government pursuant to section 5 (Park authority) of this local law.

perform work includes take action to comply with a Local Government Act and includes work required to be performed pursuant to a compliance notice, a stop order or a condition of a permit.

permit means a permit which has been granted pursuant to section 29 (Grant of a permit) of this local law which—

- (a) has not expired pursuant to section 30(2) (Term of a permit) of this local law; or
- (b) has not been cancelled pursuant to section 34 (Cancellation of a permit) of this local law.

plant has the meaning given in *Local Law No. 2 (Administration) 2010*.

police officer includes:

- (a) a police officer as defined in section 2.2(2) of the *Police Service Administration Act 1990*;
- (b) an officer of the Australian Federal Police; or

(c) an officer of a police force of another state.

powered bicycle means a bicycle that has attached to it one or more auxiliary propulsion motors (which can be combustion engines or electric motors, or a combination of both) with a combined power output exceeding 200 watts.

premises means any land, building or structure and includes any part thereof.

prescribed activity means—

- (a) an activity which is prohibited by this local law unless authorised by a permit; or
- (b) an activity which would ordinarily be prohibited by this local law unless authorised by a permit, but for which a subordinate local law specifies that a permit is not required.

prescribed criteria means the criteria specified in a subordinate local law with which the undertaking of the prescribed activity must comply.

prescribed fee means a fee prescribed by the local government.

prescribed form means the form prescribed by the local government.

protected area means a park or any part thereof designated as a protected area pursuant to section 16 (Protected areas) of this local law.

publication means any printed matter or written matter and includes a book, pamphlet, leaflet, circular, handbill, notice, ticket, voucher, pass, advertisement, poster, magazine or other periodical publication but does not include a newspaper.

publicise means to draw to the attention of, make known, advertise or promote and **publicises** has the corresponding meaning.

public place means—

- (a) a road; or
- (b) trust land; or
- (c) a reserve; or
- (d) premises of which the local government is the owner or occupier; or
- (e) premises specified in a subordinate local law.

reserve means land which is placed under the control of the local government pursuant to legislation.

Example—

This would include a stock route placed under the control of the local government as well as protected areas placed under the control of the local government pursuant to the *Nature Conservation Act 1992*.

restricted vehicle means a vehicle which may not be driven, led, stood, wheeled or parked in a park that is specified by a sign exhibited in the park or a subordinate local law pursuant to section 7(1) (Access by vehicles) of this local law

road means a local government road and a State-controlled road.

rubbish includes vegetation, garden clippings, tree prunings, building materials, fill and spoil.

sign means a device that publicises a matter.

State-controlled road means a State-controlled road under the *Transport Infrastructure Act 1994*.

stop order means the written notice given pursuant to section 37(1) (Stop order) of this local law which has not ceased pursuant to section 37(3) (Stop order) of this local law.

structure has the meaning given in the *Local Government Act 2009* and includes a structure as defined in the *Building Act 1975* and any other thing specified in a subordinate local law.

trailable vessel means any vessel capable of being transported overland by trailer and launched or recovered on or by the use of a boat ramp.

trust land means land dedicated as a reserve or granted in trust under the *Land Act 1994* and for which the local government is the trustee under the *Land Act 1994*.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995* and includes anything specified as a vehicle in a subordinate local law.

vessel has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

waste has the meaning in the *Environmental Protection Act 1994*.

waste container means a weatherproof container for the storage of waste that—

- (a) is vermin proof; and
- (b) can be readily cleaned; and
- (c) is constructed of durable material; and
- (d) is non-reactive with the intended contents; and
- (e) is leakproof; and

(f) minimises the loss of material into the environment.

waterway includes a river, canal or creek.

Endnotes

1 Index to Endnotes

- 2 Date to which amendments incorporated**
- 3 Key**
- 4 Table of reprints**
- 5 List of legislation**
- 6 List of annotations**

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the 27th May 2022.

3 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation |
|--------------|----------------------|
| amd | = amended |
| ch | = chapter |
| def | = definition |
| div | = division |
| hdg | = heading |
| ins | = inserted |
| om | = omitted |
| p | = page |
| pt | = part |
| renum | = renumbered |
| rep | = repealed |
| s | = section |
| sch | = schedule |
| sdiv | = subdivision |

4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this local law

| Reprint No. | Amendments included | Reprint date |
|-------------|---|------------------|
| 1 | <i>Amending Local Law No. 2 (Miscellaneous Local Laws) 2017</i> | 13 April 2017 |
| 2 | <i>Amending Local Law No. 1 (Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011) 2020</i> | 4 September 2020 |
| 3 | <i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2022</i> | 27 May 2022 |

5 List of legislation

Original Local Law

Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011
date of gazettal 4 November 2011

Amending Local Laws

Amending Local Law No. 2 (Miscellaneous Local Laws) 2017
date of gazettal 13 April 2017

Amending Local Law No. 1 (Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011) 2020
date of gazettal 4 September 2020

Amending Local Law No. 1 (Miscellaneous Local Laws) 2022
date of gazettal 27 May 2022

6 List of annotations

PART 1—PRELIMINARY

Application and object

s 2 amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 18

s 4 amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2022 s 5

PART 3—Regulation of parks

Regulated conduct in park

s 11 amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2022 s 6

PART 5—JETTIES AND BOAT RAMPS

Exclusion from jetties

s 24 om Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 19

Prohibition on erection of a boat ramp

s 24 (prev s 25) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

Prohibited activities on a boat ramp

s 25 (prev s 26) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

PART 6—PERMITS

Requirement for a permit

s 26 (prev s 27) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

Application for a permit

s 27 (prev s 28) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

Grant of a permit

s 28 (prev s 29) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

Term of a permit

s 29 (prev s 30) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

Conditions of a permit

s 30 (prev s 31) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

Power to change the conditions of a permit

s 31 (prev s 32) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

Amendment, renewal or transfer of a permit

s 32 (prev s 33) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

Cancellation of a permit

s 33 (prev s 34) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

General compliance provision

s 34 (prev s 35) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

PART 7—ENFORCEMENT

Compliance notice

s 35 (prev s 36) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20
and Amending Local Law No. 1 (Local Law No. 5 (Parks, Jetties and Boat
Ramps) 2011) 2020 s 5

Stop order

s 36 (prev s 37) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

Inspection of a prescribed activity

s 37 (prev s 38) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

Performance of work

s 38 (prev s 39) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

Power of entry and cost recovery

s 39 (prev s 40) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

PART 8—ADMINISTRATIVE PROVISIONS

Appointment of honorary park rangers

s 40 (prev s 41) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20
om Amending Local Law No. 1 (Local Law No. 5 (Parks, Jetties and Boat
Ramps) 2011) 2020 s 6

Powers of honorary park rangers

s 41 (prev s 42) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20

om Amending Local Law No. 1 (Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011) 2020 s 7

Executive officers must ensure the corporation complies with the local law

s 40 (prev s 43) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20
(prev s 42) renum Amending Local Law No. 1 (Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011) 2020 s 9

Liability of third parties

s 41 (prev s 44) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20
(prev s 43) amd and renum Amending Local Law No. 1 (Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011) 2020 s 8 and s 9

Attempts to commit offences

s 42 (prev s 45) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20
(prev s 44) renum Amending Local Law No. 1 (Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011) 2020 s 9

Defence

s 43 (prev s 46) renum Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 20
(prev s 45) renum Amending Local Law No. 1 (Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011) 2020 s 9

SCHEDULE—DICTIONARY

ins def **camping** Amending Local Law No. 1 (Miscellaneous Local Laws) 2022 s 7
om def **honorary park ranger** Amending Local Law No. 1 (Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011) 2020 s 10
amd def **land** Amending Local Law No. 1 (Miscellaneous Local Laws) 2022 s 7
om def **transferring area A** Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 21
om def **transferring area B** Amending Local Law No. 2 (Miscellaneous Local Laws) 2017 s 21