

LOCAL GOVERNMENT ACT 1995

**CITY OF
GREATER GERALDTON**

**LOCAL GOVERNMENT
AND PUBLIC PROPERTY
LOCAL LAW 2014**

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**LOCAL GOVERNMENT AND
PUBLIC PROPERTY LOCAL
LAW 2014**

Under the powers of the Local Government Act 1995 and by all other powers, the Council of the City of Greater Geraldton resolved to make the following local law on the 26 November 2013.

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PART 1—PRELIMINARY

1. Title

This local law may be cited as the City of Greater Geraldton Local Government and Public Property Local Law 2014.

2. Commencement

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

3. Purpose and intent

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

4. Repeal

The following local laws are repealed:

- (a) *Municipality of the Town of Geraldton By-laws for the Prohibition of Playing Golf on Reserves* published in the Government Gazette on the 9 December 1977;
- (b) *City of Geraldton Local Government Property Local Law* published in the Government Gazette on the 7 November 2001;
- (c) *Greenough Road Board By-laws for the Control and Management of Halls* published in the Government Gazette on the 17 June 1938;
- (d) *Shire of Greenough Reserves, Rivers and Foreshores Local Law*, published in the Government Gazette on 6 December 2001;
- (e) *Mullewa Road Board By-laws relating to the Management and Use of the Town Hall and Other Buildings under the Control of the Board* published in the Government Gazette on 8 December 1939 and amended and published in the Government Gazette on 5 January 1961, 23 January 1973, 13 February 1981 and 19 August 1988; and
- (f) *Municipality of the Shire of Mullewa By-laws relating to Swimming Pool* published in the Government Gazette on 28 May 1969 and amended and published in the Government Gazette on 23 January 1973, 17 January 1975, 29 July 1977, 28 October 1983, 10 July 1987 and 2 September 1988.

5. Definitions

In this local law unless the context otherwise requires —

Act means the Local Government Act 1995;

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

applicant means a person who has lodged an application for an approval, or certificate, required for any activity under this local law;

application means the completed form lodged by an applicant as required by this local law;

approval holder means the person issued with an 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, or other recreational facility;

authorised person means a person authorised by the local government under section 9.10 of the Act;

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;

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

camp has the same meaning as defined in the Caravan Parks and Camping Grounds Act 1995;

CEO means the chief executive officer of the local government;

Code means the road Traffic Code 2000;

decency means wearing of proper and adequate clothing for the occasion, so as to prevent indecent exposure;

district means the district of the local government;

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

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

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 an association or other body;
- (d) payment of a fee is required for attendance; and
- (e) there is systematic recurrence in relation to the day, time and place;

lifesaving club means a lifesaving club affiliated with Surf Lifesaving WA Inc. or any branch;

lifesaving gear means any gear or appliance for use in the provision of life saving or for training of life saving club members in their duties;

lifesaving patrol means a patrol comprising such members of a lifesaving club as are appointed by that club from time to time to provide lifesaving services in a defined area and the term includes an employee of the local government appointed as a beach patrol officer or inspector;

liquor has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988*;

local government means the City of Greater Geraldton;

local government building means a structure, hall, room, corridor, stairway or annex, and includes all plumbing, electrical installations, fixtures, fittings, furniture and other contents, owned or under the care, control and management of the local government;

local government property means anything which belongs to, is owned by or is under the care control and management of the local government, other than a thoroughfare;

lot means a defined portion of land for which a separate certificate of title has been issued and includes a strata lot;

manager means the person for the time being employed by the local government to manage a swimming pool premises or recreation centre and includes any assistant or deputy;

nuisance means—

- (a) any activity, thing, condition, circumstance or state of 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) anything 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) anything 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 anything 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 erected at the limits of a bathing area to indicate the extremities of that area;

person means any person, company, employer and includes an owner, occupier, licensee and approval holder;

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 for the time being under the control and management of the local government and all buildings, fences, gardens, car parks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of the swimming pool or used in connection with it;

Prohibited drug is given its meaning under section 4 of the *Misuse of Drugs Act 1981*;

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, parklands, squares, reserves, beaches, and other lands set apart for the use and enjoyment of the public, including all lands which belong to or which are vested in, or are under the care, control or management of the local government;

public property means any real property, land, lot, or reserve which is open and available for use by the public for public purposes, whether through payment of a fee or not and includes any building or structure thereon;

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

sand board means a board designed to be used for sliding down a slope of land and sand boarding has a correlative meaning;

schedule means a schedule in this local law;

shopping trolley means a container or receptacle on wheels provided by a retailer for 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 means any street, way or place that is designed and used for the passage of vehicles and includes the shoulders and embayment's at the side or centre of the carriageway used for the parking of vehicles;

vehicle has the same meaning given in the Code;

vehicle crossing specification means the design details, measurements and materials, approved by the local government as the standard vehicle crossing, which when first constructed on any land in the district, will be eligible for a subsidy as determined by the local government.

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

verge treatment means any of the treatments permitted by this local law and includes any reticulation pipes and sprinklers;

zoned means zoned under a town planning scheme of the local government.

PART 2 —APPROVALS AND FEES

6. Application for approval

An application for a written approval required in accordance with clause 10 shall be made on the form provided for the purpose.

7. Determination of application

The local government may, in respect of an application for an approval —

- (a) refuse the application; or
- (b) approve the application with or without conditions.

8. Term and validity of approval

Subject to clause 9, an approval remains valid until—

- (a) the expiration date and time detailed 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; or
- (d) the public liability and/or indemnity insurance required as a condition of an approval lapses, is cancelled or is no longer current.

9. Cancellation of approval

(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 abide by a notice served in accordance with Part 9 of the Act.

(2) In the event of cancellation of an approval, the approval holder shall not be entitled to a refund of the approval fees if any, for the remainder of the approval period.

PART 3 – GENERAL

10. Activities requiring approval

A person shall not on or from any local government property, without having first obtained a written 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;
- (f) erect any tent, camp, hut 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) carry out any works in a street, thoroughfare or other public place, including but not limited to—
 - (i) verge treatments;
 - (ii) vehicle crossing treatments; and
 - (iii) includes crossing a footpath with a vehicle which is likely to or does cause damage to the footpath
;
- (h) hire or use a building, reserve or other local government facility;
 - (i) plant any plant or sow any seeds;
 - (j) coach, teach, instruct or train for a fee, any person on or in a swimming pool, tennis court, or other recreation facility;
- (k) charge a person for entry;
- (l) make an excavation on, or erect or remove, any fence or other structure;
- (m) operate any broadcasting or public address system or apparatus, other than those used by a life saving club in the performance of its functions;
- (n) cut, break, injure, deface, pull up, pick, remove, or destroy any tree, shrub, flower, grass or plant of any kind;
- (o) cut, collect, or remove any timber, firewood, stone, sand or other materials, other than seaweed;
or
- (p) erect or display any sign.

11. Personal behavior

A person on any local government property shall not behave in a manner which causes a nuisance.

12. Decency and adequate clothing

(1) A person over the age of 6 years shall not -

- (a) expose their genitals on any reserve, beach or other public place;
- (b) appear in public unless properly dressed in a bathing costume or other clothing which covers the body to prevent indecent exposure;
- (c) loiter outside or act in an unacceptable manner, in any portion of a toilet or dressing room set aside for the opposite or same sex;
or
- (d) 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 the clothing of any person on local government property is not proper and adequate to secure decency, the authorised person may direct that person to put on adequate clothing or leave that area and that person shall comply with the direction immediately.

13. Property loss

A person shall not remove from any local government property any fixtures, fittings, chattels or things provided for the safety, enjoyment or use by another person.

14. Property damage

A person shall not damage, destroy, deface or interfere with in any way, any local government property provided for the safety, enjoyment or use by another person.

15. Actions of authorised person

A manager, controller, attendant or authorised person may direct any person on local government property to—

- (a) stop doing anything which they are in the process of doing, which is contrary to this local law or any other local law applying in the district, or
- (b) leave that property.

16. Direction of authorised person to be obeyed

(1) A person on or in local government property that is given a lawful direction by an authorised person shall comply with that direction.

(2) A person shall not obstruct or hinder an authorised person in the performance of that person's duties.

PART 4—USE OF LOCAL GOVERNMENT PROPERTY

17. Setting aside property

(1) The local government may set aside any local government property, local government building or reserve or portion of such for a specific use or uses and may designate by signs that use and conditions of use, including but not limited to any areas where —

- (a) the entry of persons is restricted or prohibited;
- (b) bathing is permitted at all times or is restricted or prohibited;
- (c) boats, personal watercraft or surfboards, either generally or of a particular class are permitted, restricted or prohibited;
- (d) boats and/or personal watercraft may be launched or retrieved;
- (e) motorised vehicles of a particular class or classes are permitted;
- (f) the speed limit at which vehicles generally or of a particular class, must travel;
- (g) the age of persons permitted, restricted or prohibited, from playing on children's play equipment;
- (h) motorised model aeroplanes may be flown;
- (i) the practice or playing of games of any type is permitted, restricted or prohibited;
- (j) riding a bicycle, skateboards, rollerblades or sand boards or similar devices are permitted, restricted or prohibited; and
- (k) fishing is permitted, prohibited or restricted to fishing in a particular manner.

(2) In the process of setting aside property, the local government may specify the extent to which and the manner in which a use or activity in sub clause (1) may be pursued and in particular —

- (a) the days and times during which the use or activity may be pursued;

- (b) that a use or activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that a use or activity is taken to be prohibited on all local government property other than that set aside for the specific use or activity;
 - (d) may limit the use or activity 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 or activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of use or activity.
- (3) Where local government property, a local government building or reserve has been set aside for a specific use in accordance with sub clause (1), a person shall not use that property other than for its specific use and in accordance with any conditions imposed.
- (4) The local government may permit a local government property, local government building or reserve to be temporarily used for a use or activity other than that for which it has been set aside, provided written approval is first obtained from the local government for that temporary use or activity.
- (5) A person who uses a local government property, local government building or reserve for any use or activity other than that for which the local government property, local government building or reserve has been set aside, without first obtaining written approval, commits an offence.
- (6) A condition of use specified on a sign erected under sub clause (1) is—
- (a) not to be inconsistent with any provision of this local law; and
 - (b) for the purpose of giving notice of the effect of a provision of this local law.

18. Restrictions on or in local government property and buildings

While on or in any local government property or local government building, a person shall not —

- (a) sell, supply or consume liquor unless a liquor licence has been obtained under the Liquor Licensing Act 1988 for that purpose and the local government has issued an approval for the consumption of liquor;
- (b) act in a way that endangers themselves or any person;
- (c) be under the influence of liquor or a prohibited drug;
- (d) use any volatile, explosive or flammable matter;
- (e) smoke inside a building where smoking is prohibited;
- (f) take any prohibited drug onto, or consume or use any prohibited drug;
- (g) enter any place that has been fenced off or closed to the public; or
- (h) carry firearms unless specifically authorised to do so under the Firearms Act 1973.

19. Prohibited activities

Unless indicated by a sign that any of the following activities are permissible on any reserve or other local government property set aside for the purpose, a person shall not —

- (a) play or practice golf, archery, pistol or rifle shooting;
- (b) ride a skateboard or roller blades;
- (c) ride a sand board or similar device; or
- (d) launch a personal watercraft or boat.

20. Entry to local government property and buildings

A person, other than an authorised person or contractor appointed by the local government carrying out their normal duties, shall not—

- (a) enter or leave any local government property or local government building other than by the public entrance or exit ways, except in an emergency; or
- (b) enter or remain on any local government property or local government building except on those days and during those times when access is available to the public.

21. Payment of applicable fees

Where a fee or charge applies to the entry to or participation in an activity on or in any local government property or building, a person shall not enter that property or building without first paying the applicable fee or charge, unless that person has been exempted by the local government in writing from paying that fee or charge.

22. No refund of fees

A person will not be entitled to a refund of any fee paid for—

- (a) bathing, swimming or using any facilities provided for public use in a pool premises; or
- (b) where a booking for the use of a local government building, property or facility is cancelled by a hirer, provided that in special circumstances the local government may authorise repayment of a part or all of the amount paid.

23. Application for hire

An application for the hire and use of a local government property or building shall be in the form provided for the purpose and shall be forwarded to the local government together with the application and hire fees.

24. Conditions of hire and use

The conditions that may relate to an approval for hire and use of a local government property or building include —

- (a) when fees and charges are to be paid and the amount;
- (b) the purpose for which the building 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 the building and externally;
- (f) restrictions on use of furniture, plants and effects;
- (g) the number of persons that may attend any function in a building;
- (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 the building at the end of each hire period;
- (l) the prohibition on the conduct of gaming unless a gaming approval has been obtained under the Gaming and Wagering Act 1987;
- (m) restrictions on the type of container (glass, metal, plastic or other) that drinks may be provided and served in or consumed from;
- (n) the amplification of, or any noise complies at all times with the Environmental Protection (Noise) Regulations 1997; and
- (o) any other condition that the local government considers fit.

25. Responsibilities of hirer

The hirer of a local government property or building shall—

- (a) maintain law and order and decent behaviour by all in attendance at any function for which the local government property or building has been hired;
- (b) make good any damage to the local government property which occurs during the term of 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 property for the purpose of inspecting the property or enforcing any provision of this local law;
- (d) prevent overcrowding;
- (e) leave the local government property or building 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 consumption;
- (g) report any damage or defacement to the local government; and
- (h) comply with all conditions that are imposed on the hire and use of the local government property or building.

PART 5—SWIMMING POOLS

26. Directions of manager and attendant to be observed

- (1) Every person, coach and spectator at a pool premises shall at all times observe any reasonable direction given by the manager or attendant.
- (2) The manager or attendant may at any time, refuse admission to or remove, or cause to be removed from the pool premises, any person who, in the opinion of the manager or attendant is —
 - (a) under the age of 10 years and is unaccompanied by a responsible person over the age of 18 years;
 - (b) under the age of 4 years not being supervised in the water by a responsible person over the age of 18 years;
 - (c) apparently suffering from a contagious, infectious or cutaneous disease or skin complaint; or
 - (d) under, or apparently under, the influence of intoxicating liquor or drugs.
- (3) A person shall on being requested by the manager or attendant to leave the pool premises, quietly and peaceably, do so immediately.

(4) The manager or attendant may temporarily suspend admission to, or remove from the pool premises or any part thereof, all or any person or persons, if in their opinion, such action is necessary or desirable.

(5) At the discretion of the manager, the pool premises or any part thereof, may at any time be set aside for the use of certain persons to the exclusion of others.

27. Swimming carnivals

(1) A person, club, organisation or association shall not conduct controlled swimming or diving events, carnivals or competitions without the prior approval of the manager.

(2) 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 take reasonable steps to 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.

28. Responsibilities of swimming pool users

A person while in the swimming pool premises shall not—

- (a) smoke, consume foodstuffs or drinks in any specific area in which smoking or food consumption prohibited;
- (b) climb up or upon any roof, fence, wall or partition on the pool premises; or
- (c) whilst suffering from a contagious, infectious or cutaneous disease or whilst in an unclean condition, enter or use or attempt to enter or use the swimming pool, spa or pool premises.

PART 6—RESERVES, BEACHES AND BATHING

29. Beaches, reserves and sand dune protection

A person shall not —

- (a) use a sand board or any other board or thing to slide down sand dunes;
- (b) take onto any sand dunes a sand board or other thing used for sliding down sand dunes;
- (c) traverse sand dunes except along pathways designated by signs or fences for the purpose; or
- (d) unless authorised in writing by the local government to do so in the course of their duties, or otherwise permitted by a sign, take a vehicle of any kind onto any public property, beach, reserve or sand dune.

30. Boat Launching

(1) A person shall not launch a boat into the sea other than at a boat launching ramp designed, constructed and approved for the purpose, or from the beach where this activity is permitted and designated by signs.

(2) subclause (1) does not apply to any member of a surf lifesaving club or lifesaving patrol in the course of their duties, training or in competition.

31. Surf lifesaving activities

An authorised person or a member of surf lifesaving club may 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 lifesaving gear including vehicles or boats that are used for lifesaving 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) riding of surfboards or any other bathing appliance is prohibited;
 - (ii) driving of boats is prohibited; and
 - (iii) fishing is prohibited;
- (e) regulate, prohibit, restrict or set aside by signs, rope, wire, cloth or other flexible sheeting, any areas for the following activities:
- (i) entry by any persons;
 - (ii) playing of games;
 - (iii) conduct of training or surf club carnivals; and
 - (iv) establishing a first aid or command post;
- (f) direct any person to —
- (i) bathe within the designated permitted bathing area indicated by signs or patrol flags; or
 - (ii) leave the water adjacent a beach during any period of potential dangerous conditions or sighting of a shark.

32. Identification of life saving patrol

- (1) A member of a lifesaving patrol on duty at any beach shall wear a red and yellow quartered swimming cap for the time they are on patrol.
- (2) A person who is not a member of and on duty lifesaving patrol shall not wear a red and yellow quartered swimming cap or give the impression they are a member of an on duty lifesaving patrol.

33. Compliance with signs and directions

A person attending any beach in the district shall—

- (a) comply with any sign erected on the beach;
- (b) comply with any lawful direction given by a patrolling member of a surf lifesaving club patrolling the beach or authorised person; and
- (c) not enter any area set aside for any lifesaving activity, training, competition or carnival.

34. Fishing

(1) A person shall not fish in any area —

- (a) where fishing is prohibited and the prohibition is designated by signs; or
- (b) set aside by a beach inspector or member of a lifesaving patrol as a designated permitted bathing area.

(2) A person shall not at any place whether fishing is permitted or not —

- (a) clean fish or cut bait on any seat or hand rail;
- (b) leave or deposit fish offal on any reserve.

35. Surf boards and boats

A person shall not ride a surfboard or drive a personal watercraft or boat in any area set aside by a member of a surf lifesaving patrol or authorised person, as a designated permitted bathing area.

PART 7—SHOPPING TROLLEYS

36. Name of owner of shopping trolley

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

37. Shopping trolleys in public places

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

38. Shopping trolley to be removed by owner

Where a shopping trolley is found abandoned in a public place and the owner has been advised verbally or in writing of its location by the local government, the owner shall remove the shopping trolley from the public place within 24 hours of being advised.

39. Retailer taken to own shopping trolley

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

PART 8 —OFFENCES AND PENALTIES

40. Offences

- (1) Any person who fails to do anything required or directed 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 First 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 \$5000 , and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

41. Infringement and infringement withdrawal notices

For the purposes of this local law —

- (a) the form of the infringement notice referred to in section 9.17 of the Act is form 2 in the First Schedule of the Local Government (Functions and General) Regulations 1996; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is form 3 in the First schedule of the Local Government (Functions and General) Regulations 1996.

42. Offence description and modified penalty

The amount appearing in the final column in Schedule 1 directly opposite an offence described in that schedule is the modified penalty for that offence.

43. Prosecution for offences

A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Magistrates Court.

44. Review -

Right of Appeal

When the local government makes a decision as to whether it will —

- (a) grant a person a licence under this local law; or
- (b) renew, vary, or cancel a licence that a person has under this local law;
and the provisions of Division 1 of Part 9 of the Act and regulations 33 of the Local Government (Functions and General) Regulations 1996 shall apply to that decision.

Schedule 1**CITY OF GREATER GERALDTON****Local Government and Public Property Local Law 2014****OFFENCES AND MODIFIED PENALTIES**

Clause	Description of offence	Modified penalty — first offence	Modified penalty — subsequent offence
10	Failure to obtain a written approval.	100	200
11	Behaviour likely to cause a nuisance.	100	200
12(1)(d)	Without consent of the occupier, enter or attempt to enter a dressing room already occupied.	100	200
16 (1)	Fail to comply with a lawful direction of an authorised person.	250	500
18 (c)	Be under the influence of liquor or a prohibited drug.	100	100
18 (d)	Use any volatile, explosive or flammable matter.	250	500
18 (e)	Smoke inside a building where smoking is prohibited.	100	200
18 (g)	Enter any place that has been fenced off, obstructed or closed to the public.	100	200
19 (a)	Play/practice golf, archery, pistol or rifle shooting.	250	500
19 (b)	Ride a skateboard or roller blades.	100	200
20 (a)	Enter or leave any local government property or building other than by the public entrance or exit ways.	100	200
20 (b)	Enter or remain on any local government property or building except during times access is available to the public.	100	200
21	Enter local government property or building without first paying the applicable fee or charge.	100	200
25	Fail to meet responsibilities of hirer of local government property or building.	250	500
26(1)	Failure to observe a reasonable direction given by the manager or attendant.	100	200
26(3)	Fail to leave pool premises quietly and peaceably when requested to do so.	250	500
28	Fail to meet responsibilities of swimming pool users.	100	200
29(a)	Use a sand board, other board or thing to slide down a sand dunes.	100	200
29(b)	Take onto any sand dune a sand board or other thing used for sliding down sand dunes.	100	200
29(c)	Traverse sand dunes other than along designated paths.	250	500
29(d)	Take a vehicle onto any beach or sand dunes.	250	500
30(1)	Launch a boat into sea from area not approved or not permitted by signs.	250	500
33(a)	Fail to comply with a sign erected on a beach.	100	200
33(b)	Fail to comply with a lawful direction given by a patrolling member of a surf life saving.	100	200
33(c)	Enter an area set aside for lifesaving activities.	100	200
34(1)(a)	Fish in an area set aside as designated permitted bathing area.	100	200
34(2)(a)	Clean fish or cut bait on any seat or handrail.	100	200
34(2)(b)	Leave or deposit fish offal on any reserve.	100	200
35	Ride a surf board, drive a personal watercraft or boat in a designated permitted bathing area.	250	500
37	Leave a shopping trolley in a public place.	200	400
38	Failure of owner to remove shopping trolley within 24 hours of being advised by local government.	250	500

Dated

The Common Seal of the)
City of Greater Geraldton)
was affixed by authority of a)
resolution of the Council in)
the presence of —)

Ian Carpenter
Mayor

Ken Diehm
Chief Executive Officer