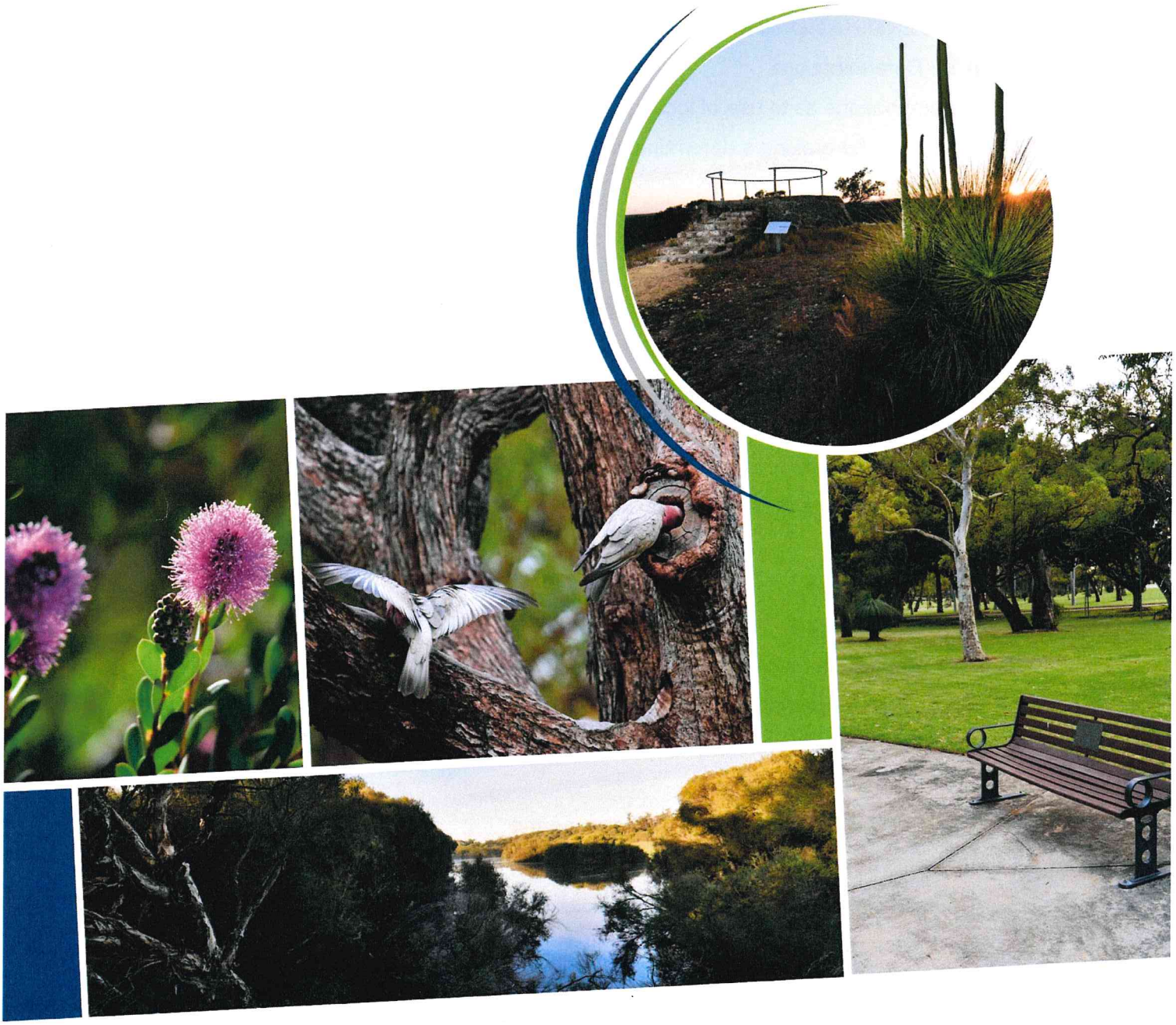
City of Kwinana

Local Government Property Local Law 2026



City of Kwinana

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2026

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Local Government Act 1995

City of Kwinana

Local Government Property Local Law 2026

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Kwinana resolved on 27 May 2026 to make the following local law.

PART 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Kwinana Local Government Property Local Law 2026.*

1.2 Commencement

This local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

1.3 Repeal

The *Town of Kwinana Local Government Property Local Law* published in the *Government Gazette* on 23 December 2003 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Definitions

(1) In this local law unless the context otherwise requires —

Act means the *Local Government Act 1995*;

Applicant means a person who applies for a permit under clause 3.2;

authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

boat means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

building means any building which is local government property and includes a —

(a) hall or room;

(b) corridor, stairway or annexe of any hall or room, and includes all plumbing, electrical installations, fixtures, fittings, furniture and other contents, owned or under the care, control and management of the local government;

(c) jetty; and

(d) ablution block;

CEO means the chief executive officer of the local government;

commencement day means the day on which this local law comes into operation;

Council means the council of the local government;

date of publication means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

determination means a determination made under clause 2.1;

district means the district of the local government;

function means an event or activity characterised by all or any of the following —

(a) formal organisation and preparation;

(b) its occurrence is generally advertised or notified in writing to particular persons;

(c) organisation by or on behalf of a club;

(d) payment of a fee to attend it; and

(e) systematic recurrence in relation to the day, time and place;

gymnasium means any indoor sport and/or recreation area;

liquor has the meaning given in section 3 of the *Liquor Control Act 1988*;

local government means the City of Kwinana;

local government property means anything except a thoroughfare —

(a) which belongs to the local government;

(b) of which the local government is the management body under the *Land Administration Act 1997*; or

(c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

person does not include the local government;

pool area means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

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

smoke or smoking means to smoke, hold or otherwise have control over an ignited tobacco product, light a tobacco product or use an e-cigarette;

trading means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of —

(a) offering them for sale or hire;

(b) inviting offers for their sale or hire;

(c) soliciting orders for them; or

(d) carrying out any other transaction in relation to them; and

vehicle includes —

(a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and

(b) an animal being ridden or driven,

but excludes –

(c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;

(d) a pram, a stroller or a similar device; and

(e) a boat.

(2) Any word or term used in this local law that is not defined in subclause (1) shall have the meaning given to it in the Act.

1.6 Interpretation

In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

PART 2 – DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1 – Determinations

2.1 Determinations as to use of local government property

(1) The local government may make a determination in accordance with clause 2.2 —

(a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;

(b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;

(c) as to the matters in clauses 2.7(2) and 2.8(2); and

(d) as to any matter ancillary or necessary to give effect to a determination.

(2) The determinations in Schedule 2 —

(a) are to be taken to have been made in accordance with clause 2.2;

(b) may be amended or revoked in accordance with clause 2.6; and

(c) have effect on the commencement day.

(3) Before making a determination under this clause that restricts or prohibits the use of local government property, the local government is to have regard to —

(a) the purpose of the land;

(b) the impact on the community; and

(c) any other relevant matter.

2.2 Procedure for making a determination

(1) The local government is to give local public notice of its intention to make a determination.

(2) The local public notice referred to in subclause (1) is to state that —

(a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;

(b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and

(c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.

(3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to —

(a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;

(b) amend the proposed determination, in which case subclause (5) will apply; or

(c) not continue with the proposed determination.

(4) If submissions are received in accordance with subclause (2)(c) the Council is to —

(a) consider those submissions; and

(b) decide —

(i) whether or not to amend the proposed determination; or

(ii) not to continue with the proposed determination.

(5) If the Council decides to amend the proposed determination, it is to give local public notice —

(a) of the effect of the amendments; and

(b) that the proposed determination has effect as a determination on and from the date of publication.

(6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.

(7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).

(8) A decision under subclause (3) or (4) is not to be delegated by the Council.

2.3 Discretion to erect sign

The local government or an authorised person may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

A person shall comply with a determination.

2.5 Register of determinations

(1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.

(2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

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

(2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.

(3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

Division 2 – Activities which may be pursued or prohibited under a determination

2.7 Activities which may be pursued on specified local government property

(1) A determination may provide that specified local government property is set aside as an area on which a person may —

2.8 Activities which may be prohibited on specified local government property

(1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property —

(a) fly a drone or other remotely piloted aircraft;

(b) bring, ride or drive an animal;

(c) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;

(d) taking, riding or driving a vehicle on the property or a particular class of vehicle;

(e) riding or driving a vehicle of a particular class or any vehicle above a specified speed;

(f) use, launch or fly motorised model aeroplanes, gliders or rockets that are propelled by mechanical hydraulic, combustion or pyrotechnic means;

(g) use, launch or sail a motorised boat, including electronic and remote controlled model boats;

(h) taking or using a boat, or a particular class of boat;

(i) the playing or practice of —

(i) golf, archery, pistol shooting or rifle shooting; or

(ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government or an authorised person may cause injury or damage to a person or property;

(j) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and

(k) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.

(2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular —

(a) the days and times during which the activity is prohibited;

(b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;

(c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;

(d) that an activity is prohibited in respect of a class of persons or all persons; and

(e) may distinguish between different classes of the activity.

(3) In this clause —

(a) bring, ride or drive an animal;

(b) take, ride or drive a vehicle, or a particular class of vehicle;

(c) fly or use a motorised model aeroplane;

(d) use, launch or sail a motorised model boat, including electronic and remote controlled model boats;

(e) launch, beach or leave a boat;

(f) take or use a boat, or a particular class of boat;

(g) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;

(h) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;

(i) play or practice —

(i) golf or archery;

(ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or

(iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;

(j) use an electric rideable device, bicycle, skateboard, rollerblades, sandboard or similar device; and

(k) wear no clothing.

(2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular —

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

(b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;

(c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;

(d) may limit the 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 activity can be pursued by a class of persons or all persons; and

(f) may distinguish between different classes of the activity.

"***premises***" means any building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

Division 3 – Transitional

2.9 Signs taken to be determinations

(1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.

(2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3 – PERMITS

Division 1 – Preliminary

3.1 Application of Part

This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

Division 2 – Applying for a permit

3.2 Application for permit

(1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).

(2) An application for a permit under this local law shall —

(a) be in the form determined by the local government;

(b) be signed by the applicant;

(c) provide the information required by the form; and

(d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.

(4) The local government may require an applicant to give local public notice of the application for a permit.

(5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

3.3 Decision on application for permit

(1) The local government may —

(a) approve an application for a permit unconditionally or subject to any conditions; or

(b) refuse to approve an application for a permit.

(2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.

(3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

(4) The local government may refuse an application for a permit on any one or more of the following grounds —

(a) the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;

(b) the proposed activity presents a risk to public safety, public health or property;

(c) the proposed activity is likely to cause a nuisance to users of the property or nearby residents; or

(d) upon such other grounds as the local government may consider to be relevant in the circumstances.

Division 3 – Conditions

3.4 Conditions which may be imposed on a permit

(1) Without limiting the generality of clause 3.3(1)(a), an authorised person may approve an application for a permit subject to conditions relating to —

(a) the payment of a fee;

(b) compliance with a standard or a policy of the local government adopted by the local government;

(c) the duration and commencement of the permit;

(d) the commencement of the permit being contingent on the happening of an event;

(e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;

(f) the approval of another application for a permit which may be required by the local government under any written law;

(g) the area of the district to which the permit applies;

(h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and

(i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.

(2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued —

(a) when fees and charges are to be paid;

(b) payment of a bond against possible damage or cleaning expenses or both;

(c) restrictions on the erection of material or external decorations;

(d) rules about the use of furniture, plant and effects;

(e) limitations on the number of persons who may attend any function in or on local government property;

(f) the duration of the hire;

(g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;

(h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Control Act 1988*;

(i) whether or not the hire is for the exclusive use of the local government property;

(j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and

(k) the amplification of, or any noise complies at all times with the *Environmental Protection (Noise) Regulations 1997*;

(l) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

3.5 Imposing conditions under a policy

(1) In this clause —

"***policy***" means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

(2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government shall give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).

(4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

3.6 Compliance with and variation of conditions

(1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.

(2) An authorised person may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 4 – General

3.7 Agreement for building

Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

3.8 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is —

(a) otherwise stated in this local law or in the permit; or

(b) cancelled under clause 3.12.

3.9 Renewal of permit

(1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of this Part shall apply to an application for the renewal of a permit *mutatis mutandis*.

3.10 Transfer of permit

(1) An application for the transfer of a valid permit is to —

(a) be made in writing;

(b) be signed by the permit holder and the proposed transferee of the permit;

(c) provide such information as the local government may require to enable the application to be determined; and

(d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) An authorised person may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.

(4) Where an authorised person approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

3.11 Production of permit

A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

3.12 Cancellation of permit

(1) Subject to clause 8.1, a permit may be cancelled by an authorised person if the permit holder has not complied with a —

(a) condition of the permit; or

(b) determination or a provision of any written law which may relate to the activity regulated by the permit.

(2) On the cancellation of a permit the permit holder —

(a) shall return the permit as soon as practicable to the CEO; and

(b) is to be taken to have forfeited any fees paid in respect of the permit.

Division 5 – When a permit is required

3.13 Activities needing a permit

(1) A person shall not without a permit —

(a) subject to subclause (3), hire local government property;

(b) advertise anything by any means on local government property;

(c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;

(d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility, tennis court or other outdoor reserve which is local government property;

(e) plant any plant or sow any seeds on local government property;

(f) carry on any trading on local government property unless the trading is conducted —

(i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or

(ii) by a person who has a licence or permit to carry on trading on local government property under any written law;

(g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose —

(i) drive or ride or take any vehicle on to local government property; or

(ii) park or stop any vehicle on local government property;

(h) conduct a function on local government property;

(i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;

(j) light a fire on local government property except in a facility provided for that purpose and in accordance with the *Bush Fires Act 1954* and other local laws;

(k) parachute, hang glide, abseil or base jump from or on to local government property;

(l) erect a building or a refuelling site on local government property;

(m) make any excavation on or erect or remove any fence on local government property;

(n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;

(o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property; or

(p) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly.

(2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

(3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.14 Permit required to camp outside a facility

(1) In this clause —

"**facility**" has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

(2) This clause does not apply to a facility operated by the local government.

(3) A person shall not without a permit —

(a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or

(b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

(4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

3.15 Permit required for possession and consumption of liquor

(1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless —

(a) that is permitted under the *Liquor Control Act 1988*; and

(b) a permit has been obtained for that purpose.

(2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 6 – Responsibilities of permit holder

3.16 Responsibilities of permit holder

A holder of a permit shall in respect of local government property to which the permit relates —

(a) maintain law and order and decent behaviour by all in attendance at any function held on or within a local government property or building;

(b) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;

(c) leave the local government property in a clean and tidy condition after its use;

(d) report any damage or defacement of the local government property to the local government;

(e) make good any damage to the local government property or building which occurs during the term of hire, or at the option of the local government, pay the local government the cost of the repair and replacement of any such property;

(f) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act 1988* for that purpose; and

(g) comply with all conditions that are imposed on the hire and use of the local government property or building.

PART 4 – BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1 – Behaviour on and interference with local government property

4.1 Behaviour which interferes with others

A person shall not in or on any local government property behave in a manner which —

(a) unreasonably interferes, or is likely to unreasonably interfere, with the use or enjoyment of the property by any other person;

(b) interferes with a person using the property; or

(c) unreasonably interferes with the amenity of adjoining residential properties.

4.2 Behaviour detrimental to property

(1) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.

(2) In subclause (1) —

'detrimental to the property' includes —

(a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and

(b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

4.3 Taking or injuring any fauna

(1) A person shall not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorised under a written law to do so and so as to not contravene any written law.

(2) In this clause —

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

"**fauna**" means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal —

(a) any class of animal or individual member;

(b) the eggs or larvae; or

(c) the carcass, skin, plumage or fur.

4.4 Taking or damaging any flora

(1) A person shall not take, damage, or attempt to take or damage any flora which is on or above any local government property, unless that person is authorised under a written law to do so

(2) In this clause —

"flora" means all vascular plants.

4.5 Intoxicated persons not to enter local government property

A person shall not enter or remain on local government property while under the influence of liquor or drug prohibited under the *Misuse of Drugs Act 1981*.

4.6 No prohibited drugs

A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

Division 2 – Signs

4.7 Signs

(1) The local government or an authorised person may erect or place a sign on local government property.

(2) A person shall comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is —

(a) not to be inconsistent with any provision of this local law or any determination; and

(b) to be for the purpose of giving notice of the effect of a provision of this local law.

PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1 – Swimming pool/Gymnasium areas

5.1 Directions to be observed

Every person, coach and spectator at a swimming pool/gymnasium, shall at all times observe any reasonable direction given by an authorised person.

5.2 When entry must be refused

(1) An authorised person shall refuse admission to, may direct to leave or shall remove or cause to be removed from a swimming pool/gymnasium area any person who —

(a) in her or his opinion is —

(i) under the age of 10 years and who is unaccompanied by a responsible person over the age of 16 years;

(ii) apparently suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or

(iii) under, or apparently under the influence of liquor or a prohibited drug;

(b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.

(2) A person shall on being requested by an authorised person to leave a swimming pool/gymnasium area, do so immediately, quietly and peacefully.

(3) An authorised person may temporarily suspend admission to, or remove from a swimming pool/gymnasium area or any part thereof, all or any person or persons, if in their opinion, such action is necessary or desirable.

(4) At the discretion of an authorised person, the swimming pool/gymnasium area or any part thereof, may at any time be set aside for the use of certain persons to the exclusion of others.

5.3 Swimming carnivals

A person, club, organisation or association conducting a carnival or event at a swimming pool 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 swimming pool/gymnasium areas and that the requirements of this local law are observed by all competitors, officials and spectators attending the carnival or event.

5.4 Water-based excursions

A State Education Department School conducting a school water-based excursion shall do so as a minimum, in accordance with any Education Department of Western Australia guidelines.

5.5 Responsibilities of swimming pool/gymnasium users

A person while in the swimming pool/gymnasium areas shall not —

(a) consume foodstuffs or drinks in any specific area in which food consumption is prohibited;

(b) climb up or upon any roof, fence, wall or partition in the swimming pool/gymnasium area; or

(c) enter or use or attempt to enter or use the swimming pool, spa or pool gymnasium areas whilst suffering from a contagious, infectious or cutaneous disease or whilst in an unclean condition.

Division 2 – Beaches

5.6 Persons to comply with signs and directions

A person shall —

(a) not act in contravention of any sign erected on a beach designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach;

(b) not enter an area which has been temporarily closed with rope, hessian, wire or any other means, unless they have obtained permission to enter from the local government.

Division 3 – Fenced or closed property

5.7 No entry to fenced or closed local government property

A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.

Division 4 – Toilet blocks and change rooms

5.8 Only specified gender to use entry of toilet block or change room

(1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by —

(a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or

(b) males, then a person of the female gender shall not use that entry of the toilet block or change room.

(2) Subclause (1) does not apply —

(a) where a child under 8 years of age is accompanied by a parent, guardian or caregiver; or

(b) where otherwise permitted by the local government or authorised person.

PART 6 – FEES FOR AND USE OF LOCAL GOVERNMENT PROPERTY

6.1 No unauthorised entry

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 other than by the public entrance or exit ways, except in an emergency; and

(b) enter or remain on local government property except on those days and during those times when access is available to the public.

6.2 No unauthorised entry to function

(1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except —

(a) through the proper entrance for that purpose; and

(b) on payment of the fee chargeable for admission at the time.

(2) An authorised person may exempt a person from compliance with subclause (1)(b).

6.3 No refund of fees

A person shall not be entitled to a refund of any fees paid for —

(a) entry into or participation in any activity on or in any local government property;

(b) where a booking for the use of the local government property is cancelled by the hirer;

provided that in special circumstances the local government may authorise repayment of a part or all of the amount paid.

PART 7 – JETTIES AND BRIDGES

Division 1 – Preliminary

7.1 Interpretation

(1) This Part only applies to bridges and jetties that are under the care, control or management of the local government.

(2) In this Part —
"**jetty**" means any jetty, pier, wharf or landing place which is local government property; and

"**bulk cargo**" means bulk produce, such as grain, coal, oil or mineral ore, which is not packaged.

Division 2 – Consents and fees

7.2 Application for consent and application fee

(1) Where a person is required to obtain the consent of the local government under this Part, the person is to apply for that consent in the manner required by the local government.

(2) The local government may require an application for consent made under subclause (1) to be accompanied by a fee.

(3) If an application for consent is not made in the manner required by the local government or the fee which is to accompany that application is not paid, the local government may refuse to consider the application for consent.

(4) The local government shall give its decision on an application for consent, in writing to the person who applied for that consent.

(5) Where a fee is referred to in this Part, the fee must be imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

Division 3 – Prohibitions on use of jetty

7.3 When use of jetty is prohibited

A person shall not land at, use or go on any part of a jetty which is —

(a) under construction or repair; or

(b) closed,

unless that person has first obtained the consent of the local government or an authorised person.

Division 4 – Mooring boats to jetties

7.4 Method of mooring boat

A person in control of a boat shall not moor or make fast the boat to a jetty, or to any part of the jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

Division 5 – When boats may remain at jetty

7.5 When boat may remain moored

A person in control of a boat shall not moor or make fast the boat to a jetty unless —

(a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;

(b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior consent of the local government or an authorised person;

(c) the loading or discharging of cargo or other goods is in progress in accordance with Division 7; or

(d) where the boat is used at that time for commercial purposes, the person has first paid the fee (if any) for such mooring or making fast to the local government.

7.6 Order for removal of boat

Notwithstanding anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside a jetty shall remove it immediately upon being directed to do so by the local government or an authorised person.

Division 6 – Launching of boats

7.7 Restrictions on launching

A person shall not launch a boat from or over any jetty (other than a boat ramp) unless she or he has first obtained the consent of the local government or an authorised person.

Division 7 – Cargo or other goods

7.8 Loading and discharging

A person in control of a boat shall not allow the boat to come alongside or be moored or made fast to a jetty for the purpose of loading or discharging cargo or other goods —

(a) until the cargo or other goods are ready to be loaded or discharged; or

(b) without the consent of the local government or an authorised person —

(i) between the hours of 6.00 pm to 6.00 am on the next day; or

(ii) for longer than 2 consecutive hours.

7.9 Outgoing cargo not to be stored on jetty

A person in control of cargo or other goods intended for loading on to a boat shall —

(a) not allow them to be stored or placed on a jetty unless and until the boat is moored or fastened to or alongside the jetty; and

(b) load them on to the boat as soon as practicable after the boat is moored or fastened to or alongside the jetty.

7.10 Removal of incoming cargo from jetty

Any person unloading cargo or other goods from a boat on to a jetty shall remove them, or cause them to be removed from the jetty as soon as practicable, but not later than 6.00 pm on the day on which they were placed there.

7.11 Local government may direct removal

The local government or an authorised person may direct a person who, in the opinion of the authorised person, is in charge of cargo or other goods which remain on a jetty contrary to any provision of this Part to remove them from the jetty.

7.12 Handling of bulk cargo

Except with the prior consent of the local government or an authorised person, a person shall not place or deposit bulk cargo from a vehicle, boat or container onto a jetty.

Division 8 – Polluting surrounding area

7.13 Polluting surrounding area

A person shall not tip or deposit anything on to a jetty so as to pollute the surrounding area.

Division 9 – Fishing from jetties and bridges

7.14 Limitations on fishing

A person shall not —

(a) fish from a jetty or a bridge so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or the bridge or so as to unreasonably interfere with the use of the jetty or the bridge by any other person; or

(b) hang or spread a fishing net from, on or over any part of a jetty or a bridge.

PART 8 – OBJECTIONS AND APPEALS

8.1 Application of Division 1, Part 9 of the Act

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

(a) grant a person a permit or consent under this local law;

(b) to refuse to allow entry, or to suspend admission to any local government property; or

(c) renew, vary, or cancel a permit or consent that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

PART 9 – MISCELLANEOUS

9.1 Authorised person to be obeyed

A person on local government property shall obey any lawful direction of an authorised person and shall not in any way obstruct or hinder an authorised person in the execution of their duties.

9.2 Persons may be directed to leave local government property

An authorised person may direct a person to leave local government property where it is reasonably suspected that the person has contravened a provision of any written law.

9.3 Refusal of entry to local government property

(1) An authorised person may refuse to allow entry, or suspend admission, to any local government property by any person whom they believe has behaved in a manner contrary to a provision of any written law.

(2) A refusal or suspension pursuant to subclause (1) can be for a period of up to 12 months.

(3) A decision under this clause is a decision to which clause 8.1 applies.

9.4 Disposal of lost property

An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

9.5 Liability for damage to local government property

(1) Where a person unlawfully damages local government property, an authorised person may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of —

(a) reinstating the property to the state it was in prior to the occurrence of the damage; or

(b) replacing that property.

(2) Unless there is proof to the contrary, a person is to be taken to have damaged local government property within subclause (1) where —

(a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or the boat; or

(b) the damage occurred under a permit, the person is the permit holder in relation to that permit.

(3) On a failure to comply with a notice issued under subclause (1), an authorised person may recover the costs referred to in the notice as a debt due to it.

9.6 Decency of dress

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 order that person to put on adequate clothing and that person is to comply with the order immediately.

PART 10 – ENFORCEMENT

Division 1 – Notices given under this local law

10.1 Issue of a notice

Where the local government requires works to be done to rectify a breach of any condition of permit, or to maintain public safety, an authorised person may give notice to the permit holder —

(a) advising details of the breach of the local law or works required; and

(b) requiring the permit holder to remedy the breach or do the works required within the time specified by the notice.

10.2 Offence to fail to comply with notice

Whenever an authorised person gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

10.3 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 10.2, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

Division 2 – Offences and penalties

Subdivision 1 - General

10.4 Offences and general penalty

(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) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding $5,000, 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.

Subdivision 2 - Infringement notices and modified penalties

10.5 Prescribed offences

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that —

(a) commission of the prescribed offence is a relatively minor matter; and

(b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

10.6 Form of notices

(1) For the purposes of this local law —

(a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;

(b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and

(c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

(2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Division 3 – Evidence in legal proceedings

10.7 Evidence of a determination

(1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.

(2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.

(3) Subclause (2) does not make valid a determination that has not been properly made.

SCHEDULE 1 – PRESCRIBED OFFENCES

[Clause 10.5(1)]

Clause	Description	Modified Penalty First Offence ($)	Subsequent Offences ($)
2.4	Failure to comply with determination	150	300
3.6	Failure to comply with conditions of permit	150	300
3.13(1)	Failure to obtain a permit	150	300
3.14(3)	Failure to obtain permit to camp outside a facility	150	300
3.15(1)	Failure to obtain permit for liquor	150	300
3.16	Failure of permit holder to comply with responsibilities	150	300
4.2(1)	Behaviour detrimental to property	150	300
4.5	Under influence of liquor or prohibited drug	150	300
4.7(2)	Failure to comply with sign on local government property	150	300
5.6	Failure to comply with sign or direction on beach	150	300
5.7	Unauthorised entry to fenced or closed local government property	150	300
5.8	Gender not specified using entry of toilet block or change room	150	300
6.2(1)	Unauthorised entry to function on local government property	150	300
7.3	Unauthorised use of any part of jetty which is closed or under repair or construction	150	300
7.4	Mooring of boats in unauthorised manner	150	300
7.5	Unauthorised mooring of a boat to jetty	150	300
7.6	Failure to remove moored boat on direction of authorised person	150	300
7.7	Launching of boat from jetty without consent	150	300
7.8	Mooring when not ready to load or discharge cargo, at times not permitted or for longer than permitted	150	300
7.9	Unlawful storing of goods on jetty	150	300
7.10	Removing goods from jetty during other than permitted hours	150	300
7.11	Failure to remove cargo from jetty on direction of authorised person	150	300

7.12	Unauthorised deposit of bulk cargo on jetty	150	300
7.14	Fishing from jetty or bridge so as to obstruct a boat or another person	150	300
10.2	Failure to comply with notice	150	300

SCHEDULE 2 – DETERMINATIONS

The following determinations are to be taken to have been made by the local government under clause 2.1.

PART 1 – PRELIMINARY

1.1 Definitions

In these determinations unless the context otherwise requires —

> ***local law*** means the Local Government Property Local Law made by the local government.

1.2 Interpretation

Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.

PART 2 – APPLICATION

2.1 Smoking

A person shall not smoke or use any e-cigarette on premises owned by the local government or under the care and control of the local government.

2.2 Taking or driving a vehicle

A person shall not take or drive a vehicle on any reserve vested in the local government except upon an area specified by a sign erected on the local government property unless authorised by the local government.

2.3 Speed of vehicles

A person shall not drive a vehicle on local government property at a speed exceeding 35 kilometres an hour except that —

(a) on any land marked by a sign as a parking area, a person shall not drive a vehicle at a speed exceeding 8 kilometres an hour; and

(b) on accessways within any reserve vested in council. A person shall not drive a vehicle at a speed exceeding 20 kilometres an hour.

2.4 Golf, archery, pistol shooting or rifle shooting and use of projectiles

(1) A person shall not play at or practice golf on any local government property except where a permit specifies a particular local government property.

(2) A person shall not aim, shoot or throw an arrow or similar projectile on any local government property except where a permit specifies a particular local government property.

(3) A person shall not have in their possession any gun or rifle or means of discharging any projectile that may cause injury or damage to a person or property on any local government property except where a permit specifies a particular local government property.

2.5 Ball Games

(1) A person shall not play or practice at any ball game in a place where the local government has made a determination prohibiting that activity which may cause detriment to the property or any fauna or flora on any reserve owned or vested in the local government.

(2) A person shall not, on any reserve owned or vested in the local government, play or practice at any ball game which is expressly prohibited by a sign erected pursuant to this local law.

(3) This clause does not operate to prohibit an activity unless the local government has made a determination under clause 2.1 in respect of that activity and relevant local government property.

2.6 Model Aircraft

A person shall not use, launch or fly a motorised aeroplane, glider or rocket that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from any local government property except where a permit or determination specifies a particular local government property.

2.7 Bring, drive or ride an animal

(1) A person shall not —

(a) tether any animal to a tree, shrub, tree, guard, wall or fence; or

(b) permit any animal to enter upon or into any local government property,

except where a permit or determination specifies a particular local government property.

(2) Sub-clause (1) does not apply to a guide dog used for the assistance of visually impaired persons.

Dated this 10th day of June 2026

The Common Seal of the)
City of Kwinana was hereunto)
affixed in the presence of :)



Peter Feasey
Mayor

Wayne Jack
Chief Executive Officer