

Kowanyama Aboriginal Shire Council Subordinate Local Law No. 4 (Indigenous Community Land Management) 2015

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Indigenous Community Land Management) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 4 (Indigenous Community Land Management) 2015* in order to enable the local government with jurisdiction over the trust area under the Aboriginal and *Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* to regulate the use of that area.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by—

- (a) *Local Law No. 4 (Indigenous Community Land Management) 2015* (the **authorising local law**); and
- (b) *Local Law No. 1 (Administration) 2015*.

4 Definitions

The dictionary in Schedule 1 defines particular words used in this local law.

Part 2 Authority to enter etc. trust area

5 Persons authorised to enter etc. trust area—Authorising local law, s 5

For section 5 of the authorising local law, the classes and categories of persons listed in column 1 of Schedule 2 are authorised to enter, be in or live in the parts of the trust area mentioned in column 2 of Schedule 2, subject to the conditions specified in column 3 of Schedule 2.

6 Persons authorised to enter etc. trust area—Authorising local law, s 6

For section 6 of the authorising local law, an approval granted under section 7 of *Local Law No. 1 (Administration) 2015* applies to—

The whole trust area comprising all the land within title reference 50887354 being Lot 18 on CP BH164 and Lot 9 on CP BH194, County of Bauhinia, Parish of Kowanyama, Lot 5 on CP KM135 and Lot 39 CP KM148, County of Kimberley, Parish of Kowanyama, Lot 1 on CP LR146, County of Leura, Parish of Kowanyama, Lot 135 on SP241206, Lot 136 on SP241206, Lot 137 on SP241206, Lot 138 on SP241206, Lot 139 on SP241206 and Lot 140 on SP241206, County of Wooroona, Parish of Kowanyama, exclusive of Lot 73 on Plan WNA156.

[The following is a description of Council's DOGIT area/the township area only]

The area comprising all the land within title reference 50912332 being Lot 117 – 134, Lot 147 – 152, Lot 156, Lot 158 – 159, Lot 161 – 162, Lot 182 – 191, Lot 193, Lot 214, Lot 223, Lot 225 – 228, Lot 254, Lot 256, Lot 258, Lot 263 – 269, Lot 272 – 273, Lot 275 – 280, Lot 282 – 290, Lot 294 – 295, Lot 298 – 301, Lot 316, Lot 327 – 330, Lot 332 – 333, Lot 336 – 338, Lot 340 – 343, Lot 367 – 368 and Lot 370 on CP DB23, County Dunbar, Parish of Columbia and Lot 1 on SP

243943, County of Dunbar, Parish of Cassotis and Parish of Columbia and Lot 157 on SP 243943, County of Dunbar, Parish of Columbia and Lot 352 and 355 on SP 243943, County of Dunbar and Parish of Columbia.

Part 3 Camping sites

7 Conditions regarding the use of camping sites

For section 8 of the authorising local law, the conditions regarding the use of a camping site are—

- (a) all rubbish must be removed by the camper or placed in receptacles provided;
- (b) camping sites must be kept in a clean and tidy state;
- (c) fires must not be lit other than in the fireplaces provided;
- (d) total fire bans imposed by authorised persons must be observed;
- (e) any dogs brought into a camping site must be under effective control at all times;
- (f) no domestic animals, other than dogs must be brought into a camping site;
- (g) plants, animals and natural and cultural resources must not be disturbed or damaged;
- (h) fish must not be gutted or cleaned on the banks of any watercourse;
- (i) wildlife must not be fed, and food must not be left in a place where it can be scavenged;
- (j) watercourses must not be polluted with shampoos, soaps, detergents, sunscreens or other harmful substances;
- (k) any directions given by an authorised person must be complied with;
- (l) appliances such as axes must not be used other than to split firewood or drive tent pegs;
- (m) machetes must not be used;
- (n) noise must not be made as to disturb other visitors, particularly between 10 pm and 7 am;
- (o) electric generating equipment and compressors must not be used without approval;
- (p) if camping in an area without toilet facilities, all human waste and toilet paper must be buried at least 45 cm deep, at least 50 metres from any lakes, watercourses, walking tracks or campsites and covered with dirt;
- (q) soiled nappies and sanitary products must be removed from the campsite at the conclusion of the stay or placed in receptacles provided;
- (r) any licenced firearms must remain in vehicles.

Part 4 Parks and reserves

8 Designation of parks and reserves—Authorising local law, s 12

- (1) For section 12(1) of the authorising local law, the following land is designated as a park—
 - (a) None designated
- (2) For section 12(2) of the authorising local law, the following land is designated as a reserve—
 - (a) None designated.

9 Prohibited and restricted activities—Authorising local law, s 12(1)

- (1) For section 13(1)(a) of the authorising local law, the activities described in column 2 of schedule 3 are declared to be prohibited in the corresponding local government controlled area mentioned in column 1 of schedule 3.
- (2) For section 13(1)(b) of the authorising local law, the activities described in column 2 of schedule 4 are declared to be restricted in the corresponding local government controlled area mentioned in column 1 of schedule 4, to the extent described in column 3 of schedule 4.

10 Motor vehicle access in local government controlled areas—Local Law No. 1 (Administration) 2015), Schedule 1

For definition of motor vehicle access areas in Schedule 1 of *Local Law No. 1 (Administration) 2015*, the areas prescribed in column 1 of schedule 5 are declared to be motor vehicle access areas.

11 Prohibited vehicles in motor vehicle access areas—Local Law No. 1 (Administration) 2015 , Schedule 2

For the definition of bringing or driving prohibited vehicles onto motor vehicle access area in Schedule 2 of *Local Law No. 1 (Administration) 2015*, the specific types of motor vehicle prescribed in column 2 of schedule 5 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 5.

Schedule 1 Dictionary

Section 4(1)(b)

boat landing area includes a jetty, boat landing areas and any other designated stopping area adjacent to the jetty, pontoon or boat landing areas for the purpose of landing boats and other vessels prior to use of the jetty, pontoon or boat landing areas.

cemetery means the area set apart or used by the local government for the burial of human remains.

jetty includes any wharf, quay, pier, landing place or stage or platform which is owned or controlled by the local government and includes, all buildings and other works on the jetty and the appurtenances of the jetty.

public swimming pool means the swimming pool open to the public and operated by the local government as a public swimming pool within the designated town area.

relevant person means—

- (a) in relation to an aircraft—
 - (i) the owner, operator, hirer or pilot in command of an aircraft; or
 - (ii) the person apparently in charge of the aircraft; or
 - (iii) in relation to an activity, the person apparently in charge of organising the activity.

trailable vessel means a vessel that is mounted on a trailer for road transport.

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

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

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

Schedule 2 Authority to enter, be in and live in the trust area

Section 5

This schedule has been intentionally left blank

Schedule 3 Prohibited activities for parks and reserves

Section 9(1)

Column 1 Park or reserve	Column 2 Prohibited activity
1. All local government controlled areas or roads within the local government area	Engaging in conduct that in the reasonable opinion of an authorised person— <ul style="list-style-type: none"> • could cause annoyance, disturbance or offence to others; or • could obstruct or unreasonably interfere with the rights of use of others; or • creates a risk to the safety of others; or • constitutes a nuisance.
	Depositing any rubbish other than in a receptacle provided by the local government for depositing rubbish.
	Positioning a vehicle, vessel or trailer for the primary purpose of advertising the vehicle, vessel or trailer for sale.
	Breaking, destroying, damaging, defacing, disfiguring or writing upon any structure or any notice, whether intentionally or unintentionally.
	Participating in the following sports or activities or other sport or activity that in the reasonable opinion of an authorised person is likely to cause damage or a risk to the safety of any person— <ul style="list-style-type: none"> • golf; or • javelin; or • archery or any similar activity including the use of a cross bow, long bow or bow hunter; or • fire twirling; or • paint ball. Failing to comply with an authorised person's direction— <ul style="list-style-type: none"> • to remove an object to that, in the reasonable opinion of an authorised person may endanger the safety of others or cause damage to the park

		<p>or reserve; or</p> <ul style="list-style-type: none"> • to cease an activity that in the reasonable opinion of an authorised person is likely to injure, endanger or unduly obstruct another person; or • to stop or reduce the volume of noise emanating from the playing of a musical device including radio, stereo or musical instrument; or • to cease an activity which contravenes the local government's local laws or subordinate local laws.
		Using any threatening, abusive or insulting words to any other person.
2.	Cemetery	Disturbing or interfering with a lawfully conducted funeral or commemorative service.
3.	Public swimming pool	<ul style="list-style-type: none"> • Bringing glass objects into the facility. • In the case of a child under the age of 10 years old for whom the person is a parent or guardian – leaving the child at the pool facility unaccompanied by a person of at least 16 years of age.
4.	Boat landing areas	<ul style="list-style-type: none"> • Stopping of any vehicle at the shore end of any boat ramp so as to obstruct or interfere with or be likely to obstruct or interfere with access or egress from the boat landing areas by persons using or desiring to use the boat landing areas. • Obstructing or impeding the use of the boat landing areas by others. • Gutting, cleaning or washing fish except at locations specifically set aside for this activity. •

Schedule 4 Restricted activities for parks and reserves

Section 9(2)

Column 1 Park or reserve	Column 2 Restricted activity	Column 3 Extent of restriction
1. All local government controlled areas	Alteration or improvement including planting or removal or, damage to or interfering with vegetation.	Permitted only if authorised by an approval under Local Law No. 1 (Administration) 2015.
	Lighting or maintaining a fire.	Permitted only where the fire is— <ul style="list-style-type: none"> • in a designated fireplace provided by the local government; or • authorised under the <i>Fire and Rescue Service Act 1990</i>; or • authorised by an authorised person; or • authorised under a condition of an approval granted under Local Law No. 1 (Administration) 2015.
	Posting a bill or flyer or other advertisement on any fixture.	Permitted only where— <ul style="list-style-type: none"> • a notice board or other place has been set aside specifically for the purpose; or • authorised by an authorised person in writing.

	Repairing, altering or maintaining a vehicle.	Permitted only where— <ul style="list-style-type: none"> the vehicle is temporarily disabled with a minor fault; the driver of the vehicle stops for no longer than reasonably necessary to perform maintenance work to allow the vehicle to be moved from the park or reserve
	Discharging a firearm	<ul style="list-style-type: none"> Permitted only in a cemetery at a military, police or other recognised type funeral service
2.	Cemetery	<p>Constructing, installing, moving, damaging, disturbing or interfering with—</p> <ul style="list-style-type: none"> a memorial, monument, plaque, grave or inscription; or any flowers or tokens placed on or adjacent to a grave or memorial, monument or plaque.
	Bringing an animal into a cemetery.	Permitted only— <ul style="list-style-type: none"> for the purpose of a funeral; or where authorised by an authorised person.
	Discharging a firearm	Permitted only at a military, police or other recognised type funeral service.

	Placing vases, bottles or containers for the holding of flowers, other than those which are installed as part of the monument and fixed permanently.	Permitted only where authorised by an authorised person.
	The planting of trees, shrubs, roses or any other plants.	Permitted only where authorised by an authorised person.
3.	All boat landing areas	<p>Driving, parking or stopping a vehicle on any part of the boat landing areas.</p> <p>Permitted only-</p> <ul style="list-style-type: none"> • for the purpose of launching or retrieving a trailable vessel, provided that- <ul style="list-style-type: none"> o vehicle weight complies with any weight restrictions advertised at the ramp; and o the wheels of the vehicle designed to make contact with the boat landing areas are fitted with rubber tyres; and o the vehicle is on the ramp only for the time necessary to complete launching or retrieving the vessel; or • where the vehicle is an emergency vehicle or service vehicle.

	Berthing or mooring a vessel.	Permitted only where- <ul style="list-style-type: none"> the vessel is moored to a fixing on the boat landing areas specifically designed for mooring; and the vessel is moored only for the time necessary to retrieve the vehicle required to remove the vessel.
	Carrying out maintenance or repairs to a vessel or vehicle on the boat landing areas, the approach to the ramp, or areas set aside for rigging and de-rigging.	Permitted only if moving the vessel or vehicle from its position would involve danger to the vessel, vehicle or any person.
	Placing an item in such a manner as to obstruct or impede or threaten the safety of vehicular or pedestrian traffic accessing or on the boat landing areas.	Permitted only where authorised by an authorised person.
	Entering onto a boat landing area.	Permitted only for the purpose of launching, landing or mooring a vessel.

Schedule 5 Motor vehicle access areas in local government controlled areas

Sections 10 and 11

Column 1 Motor vehicle access areas	Column 2 Prohibited vehicles
<i>Intentionally left blank.</i>	