
LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

Shire of Wickepin

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Wickepin resolved on 15 November 2000 to make the following local law—

The Shire of Moora Local Government Property Local Law as published in the *Government Gazette* of 30 November 1999, is adopted as a local law of the Shire of Wickepin with the modifications which follow—

1. Preliminary

Wherever “Shire of Moora” is mentioned in the local law substitute “Shire of Wickepin”.

2. Clause 1.2—Definitions

2.1 In the appropriate alphabetical position insert—

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

2.2 In the definition of “vehicle”, add a new paragraph—

“(e) a boat.”

3. Clause 1.5—Repeal

Delete clause 1.5(1) and substitute—

“1.5 (1) The following local laws are repealed—

- Smoking in Halls, published in the *Government Gazette* of 11 January 1924;
- Care and Control of Reserve No. 9610, published in the *Government Gazette* of 31 October 1975; and
- Swimming Pool By-laws, published in the *Government Gazette* of 14 September 1979.”.

4. Clause 2.7—Activities which may be pursued on specified local government property

4.1 In clause 2.7(1) renumber paragraphs (e) to (h) inclusive to (g) to (j) respectively and insert the following two paragraphs—

“(e) launch, beach or leave a boat;

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

4.2 In clause 2.7(2)(d), insert “boats,” after “vehicles,” in both places where this occurs.

5. Clause 2.8—Activities which may be prohibited on specified local government property

5.1 In clause 2.8(1)—

(a) delete paragraph (g);

(b) renumber paragraphs (e) and (f) to (f) and (g) respectively; and

(c) insert the following paragraph—

“(e) taking or using a boat, or a particular class of boat;”.

5.2 In clause 2.8(2)(c), insert “boats,” after “vehicles,” in both places where this occurs.

6. Divisions, clauses renumbered

In Part 5, renumber Divisions 2 and 3 to 3 and 4 respectively and clauses 5.2 and 5.3 to 5.7 and 5.8 respectively.

7. New clause and Division inserted

7.1 In Part 5, after clause 5.1 insert—

“Consumption of food or drink may be prohibited

5.2 A person shall not consume any food or drink in an area where consumption is prohibited by a sign”.

7.2 In Part 5, after Division 1 insert the following—

“Division 2—Lake Yealering

Application

5.3 This Division applies to Reserve No 9610.

Appointment of authorised persons

5.4 The local government may authorise, under section 9.10 of the Act, a person or persons to perform all or any of the functions under this local law in relation to the reserve.

Speed of vehicles

5.5 A person shall not on the reserve drive a motor vehicle of any kind, whether towing a boat or caravan or not, other than upon a defined road or on an approved parking area—

- (a) at a speed in excess of fifteen (15) kilometres per hour;
- (b) in a reckless, negligent or dangerous manner; or
- (c) while under the influence of drugs or alcohol.

Water activities on Lake Yealering

5.6 (1) A person shall not swim, ski, sail, row or drive a motor powered boat on or in any part of Lake Yealering—

- (a) other than in an area which may be set aside, from time to time for the purpose; or
- (b) which may from time to time, be declared unfit for the purpose.

(2) For the purpose of subclause (1) areas may be delineated by a map, notice, flags, markers or buoys placed in position by a person or persons authorised by the local government to do so.”.

8. SCHEDULE 1

In Schedule 1, Prescribed Offences—

- (a) Under the heading “Clause” renumber 5.2 and 5.3 to 5.7 and 5.8 respectively;
- (b) Under the headings “Clause, Description, Modified Penalty \$” insert the following prescribed offences in the appropriate numerical position—

5.2	Consuming food or drink in prohibited area	100
5.5(a)	Driving at excess speed	100
5.5(b)	Driving in a reckless, negligent or dangerous manner	400
5.5(c)	Driving while under the influence	400
5.6	Engage in water activities in prohibited area	100

Dated this Thirtieth day of November 2000.

The Common Seal of the Shire of Wickepin was affixed by authority of a resolution of the Council in the presence of—

H. M. LANG, President.
L. J. CALNEGGIA, Chief Executive Officer.