

# **Cherbourg Aboriginal Shire Council Subordinate Local Law No. 4 (Indigenous Community Land Management) 2021**

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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) 2021*.

### **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) 2021* 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.
- (2) The purpose is to be achieved by providing for –
  - (a) The regulation of access to local government controlled areas; and
  - (b) The designation and regulation of the use of parks and reserves within the local government's area; and
  - (c) The designation and management of camping sites within the local government's area; and
  - (d) The prescribing of conditions of use of camping sites; and
  - (e) The prohibition or restriction of particular activities on local government controlled areas or roads.

### **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) 2021* (the **authorising local law**); and
- (b) *Local Law No. 1 (Administration) 2021*.

### **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**

*Left intentionally blank*

## **Part 3 Camping sites**

## **7 Conditions regarding the use of camping site, s 8**

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

## **Part 4 Parks and reserves, local government controlled areas and roads**

### **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) the area identified as “Local Park and Playground” in Schedule 6;
  - (b) the area identified as “Open Space” in Schedule 6.
- (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) 2021, Schedule 1**

For definition of motor vehicle access areas in Schedule 1 of *Local Law No. 1 (Administration) 2021*, 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) 2021, 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) 2021*, 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)

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

***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.

***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*.

## **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 local government controlled areas and roads**

Section 9(1)

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

		<p>or reserve; or</p> <ul style="list-style-type: none"> <li>• to cease an activity that in the reasonable opinion of an authorised person is likely to injure, endanger or unduly obstruct another person; or</li> <li>• to stop or reduce the volume of noise emanating from the playing of a musical device including radio, stereo or musical instrument; or</li> <li>• to cease an activity which contravenes the local government's local laws or subordinate local laws.</li> </ul>
		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"> <li>• Bringing glass objects into the facility.</li> <li>• 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.</li> </ul>



## **Schedule 4     Restricted activities for local government controlled areas and roads**

Section 9(2)

1.	Column 1	Column 2	Column 3
	Park or reserve	Restricted activity	Extent of restriction
	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) 2021.
		Lighting or maintaining a fire.	Permitted only where the fire is— <ul style="list-style-type: none"> <li>• in a designated fireplace provided by the local government; or</li> <li>• authorised under the <i>Fire and Rescue Service Act 1990</i>; or</li> <li>• authorised by an authorised person; or</li> <li>• authorised under a condition of an approval granted under Local Law No. 1 (Administration) 2021.</li> </ul>
		Posting a bill or flyer or other advertisement on any fixture.	Permitted only where— <ul style="list-style-type: none"> <li>• a notice board or other place has been set aside specifically for the purpose; or</li> <li>• authorised by an authorised person in writing.</li> </ul>

2.

	Repairing, altering or maintaining a vehicle.	Permitted only where— <ul style="list-style-type: none"> <li>the vehicle is temporarily disabled with a minor fault;</li> <li>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</li> </ul>
Discharging a firearm		<ul style="list-style-type: none"> <li>Permitted only in a cemetery at a military, police or other recognised type funeral service</li> </ul>
Cemetery	Constructing, installing, moving, damaging, disturbing or interfering with— <ul style="list-style-type: none"> <li>a memorial, monument, plaque, grave or inscription; or</li> <li>any flowers or tokens placed on or adjacent to a grave or memorial, monument or plaque.</li> </ul>	Permitted only where— <ul style="list-style-type: none"> <li>the construction, installation, moving, damaging, disturbing or interference— <ul style="list-style-type: none"> <li>is carried out for or on behalf of a member of the family of the deceased person; and</li> <li>consists only of weeding around the memorial, monument, plaque, grave or inscription.</li> </ul> </li> </ul>
	Bringing an animal into a cemetery.	Permitted only— <ul style="list-style-type: none"> <li>for the purpose of a funeral; or</li> <li>where authorised by an authorised person.</li> </ul>
	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.

## **Schedule 5      Motor vehicle access areas in local government controlled areas**

Sections 10 and 11

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

## Schedule 6 Parks

### Section 8(1)

