

Proposed **Public Places and Local Government Property Local Law 2020**
 Summary of submissions received

Dept of Local Government, Sport and Cultural Industries(WA) –

Item	Clause	Comment	Review Comment	Recommendation
1	1.5	<p>1. Applying local law beyond water mark Traditionally, the jurisdictional boundary of a WA local government ends at coastal water. This means a local law require the WA Governor’s approval if it is intended to apply beyond that point (for example, if it applies to swimmers in ocean water, or a portion of jetty lying beyond the beach’s water mark)</p> <p>If any part of the Shire’s local law is intended to be enforced beyond the water mark, the Shire may wish to clarify with federal authorities:</p> <ul style="list-style-type: none"> a. whether this creates any jurisdictional issues; and b. if so, whether any additional approval from the federal Minister is required. <p>If the Shire doesn’t intend to apply the law beyond the water mark – or its jurisdiction extends beyond the water mark due to other legislation – there won’t be any issues.</p>	<p>It has been verified with Dept of Infrastructure, Transport, Cities & Regional Development that the Shire boundaries extends to include all territorial waters.</p> <p>Noted</p>	<p>Noted</p> <p>Noted</p>
2	4.8	<p>2. Prohibition of glass Clause 4.8 states that a person must not take glass on to local government property unless when permitted by sign or by a permit.</p> <p>WA local governments have previously experienced problems with clauses of this kind. This is because:</p> <ul style="list-style-type: none"> a. The term “glass” is general – in addition to bottles, it covers reading glasses, watches, mobile phones and anything else with glass in it. b. Since the prohibition can be imposed by signs, it can lead to the sudden imposition of restrictions which the public might not have anticipated. <p>The Shire may wish to consider deleting this clause. Alternatively, it might want to retain the clause but define “glass” in more specific detail (for example, limiting it to glass bottles).</p>	<p>The wording in the draft local law is as suggested by the JSCDL. It does not operate on the basis of glass is prohibited unless signed, but rather glass is only prohibited when signed.</p> <p>Recommend the clause be retained as is.</p>	<p>Noted</p> <p>Retain wording as is</p>

3	8.3	<p>“temporary sign vs initial temporary sign”</p> <p>Clause 8.3(1) states that a person must not place a temporary sign without a permit. Subclause (2) states that a permit is not needed for an “initial temporary sign”. However, the local law does not specify what distinguishes an “initial temporary sign” from other temporary signs. The Shire may wish to clarify this to avoid any confusion.</p>	Amend wording to “one”	Amend
4		<p>Minor edits</p> <p>The following minor edits are suggested:</p> <ul style="list-style-type: none"> • Clause 1.3: It is suggested that an additional subclause be inserted stating “This local law applies to the district”. • Clause 1.6: It is suggested that the Shire delete paragraph (c) of the definition of nuisance. Damage to the environment is not generally recognised as a form of nuisance unless it relates to private property. It also might be unnecessary, since several clauses in the local law already prohibit damage to flora, fauna and land. • Clause 1.9: This clause contains the same information as clause 1.3(4). One of these provisions is unnecessary and can be deleted. • Clause 2.6: Subclause (3) states that a revocation is effective on the same day that the public is notified of it. The Shire might prefer to replace “date of publication” with “date specified in the notice”, as this will provide more flexibility. • Clause 3.1(1)(l): After UAV, replace the colon with a semicolon. • Clause 6.6(5): Change “6.9” to “6.7”. • Clause 8.4: Since this clause isn’t binding on the Shire’s decisions, paragraph (e) doesn’t need to be overly specific on how much coverage is needed. The paragraph can be simplified to read “whether the applicant has obtained public liability insurance”. • Clause 13.2: In subclause (1) and (2), change “Schedule 2” to “the Schedule”, as the local law only has one Schedule. • Schedule: Item 44 can be deleted. Clause 9.1 does not establish any offence in itself - it merely sets out how permit applications should be submitted. <p>The Shire should also ensure that all references and cross references are checked for accuracy, particularly if any changes are made because of the Department's comments.</p>	<p>Amended</p> <p>While actual damage is prohibited by the local law, the definition applies to prohibit behaviour likely to be detrimental Suggest delete 1.3(4)</p> <p>Amend</p> <p>Amended Amended</p> <p>Amount of cover required deleted, now discretionary</p> <p>Amended</p> <p>Deleted</p> <p>Noted</p>	<p>Amend</p> <p>Retain</p> <p>Delete</p> <p>Amend</p> <p>Amend</p> <p>Amend</p> <p>Amend</p> <p>Delete</p> <p>Noted</p>