

WUDINNA DISTRICT COUNCIL
LOCAL GOVERNMENT LAND BY-LAW 2012
By-law No. 3 of 2012

A By-law to regulate the access to and use of Local Government land (other than roads) for camping.

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PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Local Government Land By-law 2012* and is By-law No. 2 of the Wudinna District Council.

2. Authorising law

This By-law is made under sections 238 and 246 of the Act and sections 667(1) 4.I and 9.XVI of the *Local Government Act 1934*.

3. Purpose

The objects of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

- 3.1. to prevent and mitigate nuisances;
- 3.2. to prevent damage to Local Government land;
- 3.3. to protect the convenience, comfort and safety of members of the public;
- 3.4. to enhance the amenity of the Council area; and
- 3.5. for the good rule and government of the area.

4. Commencement, revocation and expiry

4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

4.1.1 By-Law No. 3 – Local Government Land 2005.²

4.2. This By-law will expire on 1 January 2020.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2012*.
- 5.2. Subject to clauses 5.3, this By-law applies throughout the Council area.
- 5.3. Clauses 7 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **camp** includes setting up a camp, or causing a tent, caravan, campervan, motor home or something similar to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.3. **Council** means Wudinna District Council
- 6.4. **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999*;
- 6.5. **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.6. **Emergency vehicle** has the same meaning as in the *Road Traffic Act 1961*.

PART 3 – USE OF LOCAL GOVERNMENT LAND

7. Activities requiring permission

Note-

Pursuant to section 238(7) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council must erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not without the permission of the Council, do any of the following on Local Government land.

7.1. *Camping and Tents*

- 7.1.1 Erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.
- 7.1.2 Camp or sleep overnight except where a person is in a caravan park on Local Government land, the proprietor of which has been given permission to operate the caravan park on that land.
- 7.1.3 Clauses 7.1.1 and 7.1.2 above do not apply to any Local Government land to which the Council has, by resolution, declared to be exempt from the application of this clause.

PART 4 – ENFORCEMENT

8. Directions

- 8.1. A person on Local Government land must comply with a reasonable direction from an authorised person relating to:
 - 8.1.1 that person's use of the land;
 - 8.1.2 that person's conduct and behaviour on the land;

8.1.3 that person's safety on the land; or

8.1.4 the safety and enjoyment of other persons on the land.

8.2. A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with a direction of an authorised person to leave that part of Local Government land.

9. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

- (1) If a person (***the offender***) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-
- (a) if the conduct is still continuing – to stop the conduct; and
 - (b) whether or not the conduct is still continuing – to take specified action to remedy the contravention.

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out.

10. Removal of animals and objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if no person is in charge of, or apparently in charge of, the animal or object.

PART 5 – MISCELLANEOUS

11. Exemptions

The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer, or to the drivers of Emergency Vehicles while driving that vehicle in an emergency.

This By-law was duly made and passed at a meeting of the Wudinna District Council held on 17 July 2012 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

ALAN McGUIRE Chief Executive Officer