



LOCAL GOVERNMENT ACT 1995

Shire of Toodyay

Local Government Property

Local Law 2026



Gazette Date t.b.a.

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Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on 5 March 2026 to make the following local law.

PART 1. PRELIMINARY

1.1 Citation

This local law may be cited as the Shire of Toodyay Local Government Property Local Law 2026.

1.2 Commencement

This local law comes into operation in accordance with the Act and the *Interpretation Act 1984*, 14 days following its publication in the Government Gazette.

1.3 Purpose and Intent

- (1) The purpose of this local law is to regulate the care, control and management of local government property within the district, so as to –
 - (a) promote its safe, orderly and respectful use and enjoyment by the community;
 - (b) protect local government property from damage, misuse and inappropriate activities; and
 - (c) provide for the efficient management and operation of local government property, including saleyards.
- (2) The intent of this local law is to ensure that persons using local government property do so in a manner that is consistent with –
 - (a) the good governance of the district;
 - (b) the safety and amenity of the community; and
 - (c) applicable written laws, including the Graffiti Vandalism Act and Regulations made under the Act.

1.4 Application

- (1) This local law applies throughout the district.
- (2) Subject to subclause (3), this local law applies to local government property that is owned by, vested in, or under the care, control or management of the local government.
- (3) Without limiting subclause (2), this local law applies, to the extent permitted by law, to local government property that is managed on behalf of the local government by a regional

subsidiary established in accordance with the Regional Subsidiaries Regulations.

- (4) Notwithstanding anything to the contrary in this local law, the local government may –
- (a) hire or otherwise authorise the use of local government property by any person; or
 - (b) enter into a written agreement with any person about the use of local government property,
- (5) A written agreement referred to in subclause (4) may include conditions about the use of local government property, provided those conditions are not inconsistent with this local law or any other written law.
- (6) Policies or administrative procedures adopted by the local government may guide the preparation and administration of written agreements under this clause, but do not create, vary or remove any obligation under this local law or override this local law.

1.5 Repeal

- (1) The Shire of Toodyay Local Government Property Local Law 2001, as published in the Government Gazette on 25 October 2001 (page 5681-5683) is repealed.

1.6 Terms used

- (1) In this local law unless the context otherwise requires –

Term	Meaning
Act	The <i>Local Government Act 1995</i> ;
Administration Regulations	The <i>Local Government (Administration) Regulations 1996</i> .
Animal	Any living thing that is not a human being or a plant.
applicant	A person who applies for a permit under clause 3.2;
Auction	Has the meaning given to it in the <i>Auction Sales Act 1973</i> .
authorised person	A person authorised by the local government under section 9.10 of the Act to perform any

Term	Meaning
	of the functions of an authorised person under this local law;
building	Any building which is local government property and includes a – (a) hall or room; (b) corridor, stairway or annexe of any hall or room; and (c) jetty;
CEO	The chief executive officer of the local government;
commencement day	The day on which this local law comes into operation;
Council	The council of the local government;
date of publication	Where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is first published in a newspaper circulating generally throughout the district or is otherwise given in accordance with the Act;
determination	A determination made under clause 2.1;
Detrimental to the property includes –	Removing any thing from local government property, such as a rock, a plant or a seat provided for the use of any person; destroying, defacing or damaging any thing on local government property, such as a plant, a seat provided for the use of any person or a building; and marking, painting, tagging or otherwise applying any inscription, figure or symbol on local government property without the prior approval of the local government, whether or not the conduct constitutes an offence under the Graffiti Vandalism Act.
district	The district of the local government;

Term	Meaning
Facility	Has the same meaning as is given to it in section 5(1) of the <i>Caravan Parks and Camping Grounds Act 1995</i> .
Fauna	Any animal indigenous to, or which periodically migrates to, any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes, in relation to any such animal <ul style="list-style-type: none"> (a) –any class of animal or individual member; (b) the eggs or larvae; or (c) the carcass, skin, plumage or fur.
Functions and General Regulations	The <i>Local Government (Functions and General) Regulations 1996</i> .
function	An event or activity characterised by all or any of the following – <ul style="list-style-type: none"> (a) formal organisation and preparation; (b) its occurrence is generally advertised or notified in writing to particular persons; (c) organisation by or on behalf of a club, association or other body; (d) payment of a fee to attend it; and (e) systematic recurrence in relation to the day, time and place;
liquor	Has the same meaning as is given to it in section 3 of the <i>Liquor Control Act 1988</i> ;
local government	The Shire of Toodyay;
local government property	Anything except a thoroughfare within the meaning of the Act – <ul style="list-style-type: none"> • which belongs to the local government; • of which the local government is the management body under the <i>Land Administration Act 1997</i>; or

Term	Meaning
	<ul style="list-style-type: none"> • which is an 'otherwise unvested facility' within section 3.53 of the Act; but does not include anything to which the Uniform Local Provisions Regulations apply.
Local law	This Shire of Toodyay <i>Local Government Property Local Law 2026</i> .
Manager	The person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the person's assistant or deputy;
permit	A permit issued under this local law;
permit holder	A person who holds a valid permit;
person	Includes a body corporate and an association or body of persons, whether incorporated or not, but does not include the local government;
pool area	Any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of, or used in connection with, such swimming and wading pools and spas which are local government property;
Policy	A policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved.
Premises	A building, stadium or similar structure which is local government property, but does not include an open space such as a park or a playing field.
Regulations	other than in the defined terms Administration Regulations, Functions and General Regulations, Model Code Regulations, Regional Subsidiaries

Term	Meaning
	Regulations and Uniform Local Provisions Regulations, means subsidiary legislation made under the Act.
Sale	means a sale by way of auction.
Saleyard	means local government property which is used for the sale of stock.
sign	includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;
Stock	has the meaning given to “livestock” in the Auction Sales Act 1973.
Stock agent	means any person appointed by the owner of stock to sell that stock at a saleyard.
trading	means the selling or hiring, or the offering for sale or hire, of goods or services, and includes displaying goods for the purpose of (a) offering them for sale or hire; (b) inviting offers for their sale or hire; (c) soliciting orders for them; or (d) carrying out any other transaction in relation to them;
Uniform Local Provisions Regulations	means the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
vehicle includes –	(a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and (b) an animal being ridden or driven, but does not include – (a) a wheelchair or any device designed for use, by a physically impaired person with a disability on a footpath; (b) a pram, a stroller or a similar device;

- (2) A term that is used in this local law and is not defined in this clause but is defined in the Act or in any Regulations referred to in this clause, has the same meaning as it has in the Act or those Regulations.

1.7 Interpretation

- (1) Unless the context otherwise requires, a reference in this local law to local government property includes a reference to any part of that local government property.
- (2) A reference in this local law to a written law, or to a provision of a written law, is a reference to that written law or provision as it may be amended from time to time, and includes any subsidiary legislation made under it.
- (3) Notes, headings and examples in this local law are provided for convenience only and do not limit the operation of any provision.

1.8 Relationship with other written laws

- (1) Nothing in this local law limits the operation of –
 - (a) the Administration Regulations;
 - (b) the Functions and General Regulations;
 - (c) the Model Code Regulations;
 - (d) the Regional Subsidiaries Regulations;
 - (e) the Uniform Local Provisions Regulations; or
 - (f) the Graffiti Vandalism Act.
- (2) To the extent of any inconsistency between this local law and any written law referred to in subclause (1), that written law prevails.

1.9 Administrative Procedures

- (1) The CEO may prepare, amend or revoke administrative procedures to support the efficient administration of this local law.
- (2) Administrative procedures may include operational guidelines, forms, templates and information requirements.
- (3) Administrative procedures are for guidance only and do not create, vary or remove any obligation under this local law.
- (4) A person performing a function under this local law may have regard to any administrative procedure prepared by the CEO.

PART 2. DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1 - Determinations

2.1 Determinations as to use of local government property

- (a) set aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
 - (b) prohibit a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
 - (c) deal with the extent to which, and the manner in which, an activity referred to in clauses 2.7 and 2.8 may be pursued or is prohibited; and
 - (d) make provision about any matter that is ancillary or necessary to give effect to a determination, including conditions applicable to the use of the local government property.
- (a) are taken to have been made in accordance with clause 2.2;
 - (b) may be amended or revoked in accordance with clause 2.6.

2.2 Procedure for making a determination

- (a) the local government intends to make a determination;
 - (b) the purpose and effect of the proposed determination, summarised in sufficient detail to enable a person to understand its general nature;
 - (c) a copy of the proposed determination may be inspected and obtained from the offices of the local government during normal business hours; and
 - (d) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;

- (b) amend the proposed determination, in which case subclause (5) applies; or
- (c) not proceed with the proposed determination.
- (a) consider those submissions; and
- (b) decide –
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to proceed with the proposed determination.
- (a) of the effect of the amendments; and
- (b) that the proposed determination, as amended, has effect as a determination on and from the date of publication.

2.3 Signs giving notice of determinations

- (1) The local government may erect or place a sign on local government property to give notice of the effect of a determination that applies to that property.
- (2) A sign erected or placed under subclause (1) may summarise the effect of the determination in ordinary language, and may include diagrams, symbols or other information to assist in its understanding.
- (3) A sign erected or placed under this clause is for the purpose of giving notice of the effect of a determination and does not limit the operation of the determination.

2.4 Compliance with Determinations

- (1) A person must comply with a determination that applies to that person or to the local government property on which the person is present.
- (2) A person who fails to comply with a determination commits an offence.

2.5 Register of determinations

- (1) The local government is to keep and maintain a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) The register referred to in subclause (1) is to be made available for inspection by members of the public during normal business hours, and copies or extracts may be made available on request.

- (3) Sections 5.94 and 5.95 of the Act apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 2.2 apply with any necessary modifications, to a proposed amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination, it is to give local public notice of the revocation and, on and from the date of publication of that local public notice, the determination ceases to have effect.

Division 2 - Activities which may be authorised or prohibited under a determination

2.7 Activities that may be authorised on specified local government property

- (a) bring, ride or drive an animal;
- (b) take, ride or drive a vehicle, or a particular class of vehicle;
- (c) fly or use a motorised model aeroplane or similar device;
- (d) use a children's playground, provided that the person using the equipment is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
- (e) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
- (f) play or practice –
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, subject to the person's compliance with the *Firearms Act 1973* and any other applicable written law; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile that, in the

opinion of the local government, may cause injury or damage to a person or property;

- (g) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
- (h) be without clothing in an area so designated for that purpose.

- (a) the days and times during which the activity may be pursued;
- (b) whether the activity may be pursued on a class of local government property, specified local government property or all local government property;
- (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
- (d) any limitation of the activity to a class of vehicles, equipment or things, or an extension to all vehicles, equipment or things;
- (e) whether the activity may be pursued by a class of persons or by all persons; and
- (f) distinctions between different classes or forms of the activity.

2.8 Activities that may be prohibited on specified local government property

- (a) smoking on premises;
- (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
- (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
- (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
- (e) the playing or practice of -
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile that, in the opinion of the local

government may cause injury or damage to a person or property;

- (f) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
- (g) the traversing of sand dunes or land which, in the opinion of the local government, has environmental value warranting protection, either absolutely or except by paths, tracks or areas provided for that purpose.
- (a) the days and times during which the activity is prohibited;
- (b) whether the activity is prohibited on a class of local government property, specified local government property or all local government property;
- (c) whether the activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;
- (d) whether the activity is prohibited in respect of a class of persons or all persons; and
- (e) distinctions between different classes or forms of the activity.

Division 3 - Transitional

2.9 Signs taken to be determinations

- (1) Where a sign erected on local government property was erected under a local law of the local government that is repealed by this local law, then, on and from the commencement day, the sign is taken to be, and to have effect as, a determination under clause 2.1 to the extent that —
 - (a) the sign could lawfully have been made the subject of a determination under this local law; and
 - (b) the sign is not inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3. PERMITS

Division 1 - Preliminary

3.1 Application of this Part

- (1) Policies or administrative guidelines may inform the preparation and administration of written agreements under subclause (1) but do not override this local law or impose mandatory requirements on any person.
- (2) Nothing in this Part prevents the local government from requiring a permit in addition to, or instead of, a written agreement where it considers this appropriate.

Division 2 - Applying for a permit

3.2 Application for a permit

- (1) Where a person is required to obtain a permit under this local law, that person must apply for a permit in accordance with this clause.
- (2) An application for a permit under this local law is to -
 - (a) be made in the form determined by the local government;
 - (b) be signed by the applicant or by a person lawfully authorised to sign on the applicant's behalf;
 - (c) provide the information required by the application form approved by the local government and
 - (d) be lodged with the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information that is reasonably related to an application before determining an application for a permit.
- (4) The local government may refuse to consider an application for a permit which is not in accordance with this clause, or which is incomplete.

3.3 Determination of application for permit

- (a) approve an application for a permit with or without conditions; or

- (b) refuse to approve an application for a permit.
- (a) that the application does not comply with this local law or any other written law;
- (b) that the use or activity for which the permit is sought is, in the opinion of the local government, likely to –
 - (i) cause a nuisance;
 - (ii) cause damage to local government property; or
 - (iii) pose an unacceptable risk to the safety or amenity of persons;
- (c) that the use or activity for which the permit is sought is, in the opinion of the local government, not in the public interest;
- (d) that the applicant has previously failed to comply with a permit, a notice or a requirement under this local law or another written law in connection with the use of local government property; or
- (e) any other reasonable ground that relates to the care, control or management of local government property.

Division 3 - Conditions

3.4 Conditions on which permits may be issued

- (a) the payment of a fee, bond or security;
- (b) compliance with a standard or a policy of the local government adopted by the local government;
- (c) the duration and commencement of the permit;
- (d) the commencement of the permit being contingent on the happening of an event or the satisfaction of a requirement;
- (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (f) the approval of another application for a permit which may be required by the local government under any written law;
- (g) the area of the district to which the permit applies;

- (h) where a permit is issued for an activity that will or may cause damage to local government property, the payment of a deposit or bond against such damage in an amount determined by the local government; and
- (i) the obtaining and maintenance of public risk insurance in an amount and on terms reasonably required by the local government, and the provision of evidence of that insurance to the local government; and
- (j) any standard conditions or requirements set out in an administrative procedure approved by the CEO for the purposes of this local law.
- (a) when and how fees and charges are to be paid;
- (b) compliance with relevant written laws;
- (c) payment of a bond against possible damage or cleaning expenses or both;
- (d) restrictions on the erection of materials, external decorations, or signage;
- (e) requirements governing the use of furniture, plant, equipment and effects;
- (f) limitations on the number of persons who may attend any function in or on local government property;
- (g) the duration and commencement of the permit to hire and the times during which the property may be occupied;
- (h) restoration or remediation requirements;
- (i) approval of any other permit required under written law;
- (j) the protection of public safety or amenity;
- (k) the right of the local government to cancel a booking including during the course of an annual or seasonal booking, if it sees fit to do so in the reasonable exercise of its discretion;
- (l) a prohibition on the sale, supply or consumption of liquor unless a liquor licence or permit has first been obtained for that purpose under the *Liquor Control Act 1988*;

- (m) whether or not the hire is for the exclusive use of the local government property;
- (n) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
- (o) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

3.5 Advice of standard conditions

- (1) The local government may publish guidance material describing standard conditions commonly applied to permits.
- (2) Guidance material published under sub-clause (1) does not create mandatory conditions and does not limit the discretion of local government.
- (3) Where the local government approves an application for a permit subject to conditions, it is to provide the permit holder with written notice of those conditions.

3.6 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, the permit holder must comply with each of those conditions.
- (2) The local government may vary amend or revoke the conditions of a permit, by giving written notice to the permit holder, and the permit holder must comply with the conditions as varied, amended or substituted.
- (3) Before varying the conditions of a permit in a way that is likely to significantly and adversely affect the permit holder, the local government is to, where practicable –
 - (a) give the permit holder written notice of the proposed variation; and
 - (b) provide the permit holder with a reasonable opportunity to make submissions in respect of the proposed variation.

Division 4 - General

3.7 Agreement for building on local government property

- (a) the ownership of the materials in the building, or structure; and
- (b) any other matters the local government considers appropriate for the care, control and management of the local government property.

3.8 Duration of permit

- (1) Subject to subclauses (2) and (3), a permit is valid for one year from the date on which it is issued;
- (2) A permit may specify a shorter or longer period of validity, including a single event or series of events, if the local government considers this appropriate.
- (3) A permit ceases to be valid if it is cancelled under clause 3.12.

3.9 Renewal of permit

- (1) A permit holder may apply to the local government in writing for the renewal of a permit prior to expiry of a permit.
- (2) The provisions of this Part apply with any necessary modifications to an application for the renewal of a permit as if it were an application for a new permit.

3.10 Transfer of permit

- (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be lodged with the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (a) approve an application for the transfer of a permit, with or without conditions; and
 - (b) refuse to approve an application for the transfer of a permit.

3.11 Production of permit

3.12 Cancellation of permit

- (a) condition of the permit; or
- (b) a determination or a provision of any written law which may relate to the activity regulated by the permit.
- (a) cease the activity authorised by the permit; and
- (b) return the permit to the CEO.

Division 5 - When a permit is required

3.13 Activities requiring a permit

- (a) subject to subclause (3), hire or otherwise use local government property for a function or organised activity;
- (b) advertise anything by any means on local government property;
- (c) erect a structure for public amusement entertainment or for any performance, whether for gain or otherwise, on local government property;
- (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
- (e) plant any plant or sow any seeds on local government property;
- (f) carry on any trading on local government property unless the trading is conducted –
 - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with that permit; or
 - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
- (g) unless an employee or contractor of the local government acting in the course of their duties or on an area set aside for that purpose –

- (i) drive, ride or take any vehicle on to local government property; or
- (ii) park or stand any vehicle on local government property;
- (h) conduct a function on local government property;
- (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
- (j) light a fire on local government property except in a facility or area provided or approved for that purpose;
- (k) parachute, hang glide, abseil or base jump from or on to local government property;
- (l) erect a building or a refuelling site on local government property;
- (m) make any excavation on or erect or remove any fence on local government property;
- (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person; or
- (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property.

3.14 Permit required to camp outside a facility

- (1) In this clause –"facility" has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.
- (2) This clause does not apply to a facility operated by the local government.
- (3) A person must not, without a permit -
 - (a) camp on, lodge at, or occupy any structure at night for the purpose of sleeping on, local government property; or
 - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.
- (4) The maximum period for which the local government may approve an application for a permit under subclause (3) is

that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

3.15 Permit required for possession and consumption of liquor

- (a) that is permitted under the *Liquor Control Act 1988*;
and
- (b) a permit has been obtained from the local government for that purpose.

Division 6 - Responsibilities of permit holder

3.16 Responsibilities of permit holder

- (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) ensure that the local government property is left in a clean and tidy condition after its use including by removing any rubbish, equipment or other items brought on to the property by or on behalf of the permit holder;
- (c) promptly report to the local government any damage to, or defacement of, the local government property of which the permit holder is aware; and
- (d) prevent the consumption of any liquor on the local government property unless the permit allows it, and a licence or permit has been obtained under the *Liquor Control Act 1988* for that purpose.
- (e) comply with any reasonable direction of an authorised person given in connection with the use of the local government property; and
- (f) ensure that every person who uses the local government property under the permit complies with the requirements of this local law and any conditions of the permit.

PART 4. BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1 - Behaviour on and interference with local government property

4.1 Behaviour which interferes with others

- (a) is likely to interfere with the reasonable use and enjoyment of the property by any person who might use the property; or
- (b) interferes with the use and enjoyment of the property by a person who is using the property.
- (a) acts in a disorderly, offensive, threatening or abusive manner;
- (b) makes unreasonable noise or otherwise disturbs the peace or good order of the area; or
- (c) engages in conduct that a reasonable person would consider to be a nuisance in the circumstances.

4.2 Behaviour detrimental to property

- (a) removing any thing from local government property, such as a rock, a plant, sign, fixture or seat provided for the use of any person, without the prior approval of the local government; and
- (b) destroying, defacing or damaging any thing on the local government property, such as a plant, sign, seat provided for the use of any person or a building.
- (c) marking, painting, tagging, scratching, engraving or otherwise applying any inscription, figure or symbol on local government property, without the prior approval of the local government, whether or not the conduct constitutes an offence under the Graffiti Vandalism Act; and
- (d) placing or leaving any substance, thing or object on local government property so as to cause, or be likely to cause, damage to the property or a risk to the safety of any person.

4.3 Taking or injuring fauna

- (1) A person must not, on or above any local government property, take, injure or kill, or attempt to take, injure or

kill, any fauna, unless that person is authorised to do so under a written law or by the local government.

- (2) For the avoidance of doubt, this clause does not apply to –
 - (a) a person acting under the authority of a licence, permit or other approval granted under a written law; or
 - (b) activities carried out by, or on behalf of, the local government for the purposes of pest control, conservation or land management in accordance with a written law.

4.4 Intoxicated persons not to enter local government property

- (1) A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.
- (2) For the purposes of subclause (1), a person is under the influence of liquor or a prohibited drug if the person's faculties are, by reason of the consumption of liquor or a prohibited drug, so impaired that they are incapable of exercising effective control over their behaviour, or their behaviour is likely to cause a nuisance or a risk to the safety of any person.

4.5 No prohibited drugs

- (1) A person must not bring a prohibited drug on to, or consume or use a prohibited drug on, local government property.
- (2) In this clause, prohibited drug has the same meaning as it has in the *Misuse of Drugs Act 1981*.

Division 2 - Signs

4.6 Signs

- (a) by or under this local law;
 - (b) by or under a determination; or
 - (c) by or under any other written law.
- (a) not to be inconsistent with any provision of this local law or any determination; and
 - (b) to be taken to be for the purpose of giving notice of the effect of a provision of this local law, a determination or another written law.

PART 5. MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1 - Swimming pool areas

5.1 Refusal of entry and removal from pool areas

- (a) is under 6 years of age and is not accompanied by a responsible person over the age of 14 years;
- (b) is suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
- (c) is under the influence of liquor or a prohibited drug; or
- (d) is to be refused admission under, or removed in accordance with, a decision of the local government for breaching any clause of this local law.

Division 2 - Fenced or closed property

5.2 No entry to fenced or closed local government property

- (1) A person must not enter local government property that has been fenced, barricaded, locked, taped or otherwise closed to the public, authorised to do so by the local government.
- (2) A person must not remove, interfere with or damage any sign, barrier, tape, lock, fencing or other thing used to close or restrict access to local government property.
- (3) A person must comply with any sign, notice or direction indicating that local government property is closed, restricted or otherwise not available for public access.

Division 3 – Reserved

5.3 Reserved clause

This Division is intentionally reserved for future use and does not create any obligation or right.

Division 4 – Additional provisions for controlled or restricted access areas

5.4 Entry to controlled access areas

- (1) The local government may, by sign or written notice, designate any local government property, or part of local government property, as a controlled access area for the purposes of public safety, maintenance, protection of environmental values, or protection of local government assets.
- (2) A person must not enter or remain in a controlled access area except –
 - (a) in accordance with the terms of the sign or written notice;
 - (b) with the authorisation of the local government; or
 - (c) as an employee, contractor or agent of the local government acting in the course of their duties.

5.5 Activities prohibited in controlled access areas

- (1) A person must not, in a controlled access area –
 - (a) remove, disturb, damage or interfere with any installation, equipment, plant, structure, landscaping or environmental feature; or
 - (b) conduct any activity contrary to any sign or notice placed by the local government.

Division 5 – Maintenance, cleanliness and exclusive-use areas

5.6 Cleanliness and hygiene in facilities

- (1) A person using any toilet block, change room, shower facility, parent room, pool area or similar facility on local government property must –
 - (a) use the facility in a clean, orderly and hygienic manner;
 - (b) take reasonable steps to prevent damage, soiling or misuse; and
 - (c) comply with any sign, instruction or direction relating to hygiene or facility use.
- (2) A person must not deposit any human waste, hazardous substance, sanitary product or offensive matter on local government property except in a receptacle or facility provided for that purpose.

5.7 Exclusive-use or reserved-use areas

- (1) The local government may designate an area of local government property as an exclusive-use or reserved-use area for any period, by sign or written notice.
- (2) A person must not enter or use an exclusive-use or reserved-use area unless –
 - (a) that person is a permit holder and the permit authorises access; or
 - (b) the person is otherwise authorised by the local government.
- (3) A person must comply with any condition stated on a sign, permit or written notice relating to the use of an exclusive-use or reserved-use area.

PART 6. FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY

6.1 Entry to functions or events for which a fee is charged

- (a) enters through the proper entrance designated for that purpose; and
- (b) pays the entry fee applicable at the time of entry.
- (a) the local government has granted a permit or other written authorisation exempting a person from the requirement to pay an entry fee; or
- (b) the person is an employee, contractor, agent or volunteer of the local government acting in the course of their duties.

6.2 Fees to be imposed in accordance with the Act

- (1) Any fee, charge or entry fee payable under this Part, or otherwise under this local law, must be imposed and determined by the local government in accordance with sections 6.16 to 6.19 of the Act.
- (2) Without limiting subclause (1), the local government may impose and determine –
 - (a) entry fees for admission to events, functions, performances or activities conducted on local government property;
 - (b) hire fees and related charges for the use of local government property; and
 - (c) concession rates, waiver conditions, refund conditions or other fee-related arrangements, consistent with the Act.

6.3 Notice of fees and charges

- (1) The local government may give notice of any fee or charge imposed under this local law by any one or more of the following means –
 - (a) publication in the annual Schedule of Fees and Charges adopted as part of the local government's annual budget;

- (b) local public notice;
 - (c) signage at, or near, the entrance to the relevant local government property;
 - (d) notice on the local government's website; or
 - (e) any other method the local government considers appropriate for informing the public.
- (2) A sign or notice stating the amount of a fee or charge applying to local government property is, unless the contrary is proved, evidence of the amount of the fee or charge.

6.4 Payment of fees

- (1) A person liable to pay a fee or charge under this local law must pay the fee or charge at the time, and in the manner, determined by the local government.
- (2) Where a person fails to pay a fee or charge in accordance with subclause (1), the local government may refuse that person entry to, or require that person to leave, the relevant local government property.

6.5 Enforcement of non-payment

- (1) A person who enters or remains on local government property without paying an applicable fee or charge commits an offence.
- (2) A person who falsely claims to be exempt from paying a fee or charge under this local law commits an offence.
- (3) A person who, having been required to leave local government property under this clause, fails to do so immediately commits an offence.

6.6 Waiver, reduction or refund of fees

- (1) The local government may, in any particular case or class of cases, waive, reduce or refund a fee or charge imposed under this local law.
 - (a) In making a decision under subclause (1) the local government may have regard to any relevant considerations relating to equity, hardship, community benefit or operational circumstances.
- (2) The local government is not required to grant a waiver, reduction or refund, and may refuse an application even if similar applications have been approved in the past.

PART 7. OBJECTIONS AND APPEALS

7.1 Application of Division 1 of Part 9 of the Act

- (a) a decision to grant, renew, refuse, vary, transfer or cancel a permit under Part 3;
 - (b) a decision to give a person a direction, notice or requirement under this local law that directly affects the interests of that person; and
 - (c) any other decision under this local law that the Act identifies as being subject to objection or review.
- (a) regulation 33 deals with the form, manner and period for making an objection; and
 - (b) regulation 34 deals with the reconsideration of decisions by the local government.

7.2 Right of objection

- (1) A person who is adversely affected by a decision of the local government to which this Part applies may object to the decision in accordance with section 9.5 of the Act and regulation 33 of the Functions and General Regulations.
- (2) An objection must —
 - (a) be made in writing;
 - (b) set out the grounds on which the person objects to the decision; and
 - (c) be lodged with the local government within the period prescribed under the Act and regulation 33.

7.3 Reconsideration of decision

- (1) Upon receiving an objection under section 9.5 of the Act, the local government is to deal with the objection in accordance with regulation 34 of the Functions and General Regulations.
- (2) The local government may —
 - (a) confirm the decision;
 - (b) amend the decision; or
 - (c) revoke the decision and substitute a new decision.
- (3) The local government is to give the person written notice of its decision made under this clause, including —
 - (a) the reasons for the decision; and

- (b) advice of the person's right to apply for a review by the State Administrative Tribunal under section 9.7 of the Act, if applicable.

7.4 Review by the State Administrative Tribunal

- (1) A person who is dissatisfied with a decision of the local government made under clause 7.3 may apply to the State Administrative Tribunal for a review of that decision, to the extent permitted by section 9.7 of the Act.
- (2) Nothing in this local law limits the operation of section 9.7 of the Act or any written law relating to external review rights.

7.5 No limitation of other review rights

This Part does not limit any right of review or appeal that a person may have under any other written law.

PART 8. SALEYARDS

Division 1 - Preliminary

8.1 Terms used

auction has the meaning given to it in the *Auction Sales Act 1973*;

sale means a sale by way of auction;

saleyard means local government property which is used for the sale, holding and management of stock;

stock has the meaning given to "livestock" in the *Auction Sales Act 1973*; and

stock agent means a person appointed by the owner of stock to sell, manage, transport or otherwise handle that stock at a saleyard.

Division 2 - Sale of stock

8.2 Auctioneer's licence required

- (1) A person must not sell, or attempt to sell, any stock by auction at a saleyard unless that person is the holder of an auctioneer's licence to sell stock under the Auction Sales Act 1973.
- (2) A person who conducts, facilitates, or otherwise participates in a sale in contravention of subclause (1) commits an offence.

8.3 Approval of sale days and times

- (1) Sales of stock at a saleyard may only be conducted on such days and at such times as may be approved by the CEO.
- (2) A stock agent must not conduct, or attempt to conduct, a sale at a time not approved under subclause (1).

8.4 Order of sales

- (1) The order in which stock agents conduct sales on any sale day is ----
- (2) A stock agent must comply with any order determined under subclause (1).

Division 3 - Care of and responsibility for stock

8.5 Diseased or injured stock

- (1) A person must not -
 - (a) offer for sale any stock which is diseased, emaciated, injured or suffering from ill health; or
 - (b) deliver to a saleyard any stock which is diseased, emaciated, injured or suffering from ill health.
- (2) Where an authorised person forms the opinion that stock in a saleyard is diseased, emaciated, injured or suffering from ill health, the authorised person may direct the stock agent, owner, or person apparently in control of the stock, to remove the stock from the saleyard immediately.
- (3) A person given a direction under subclause (2) must comply with the direction.

8.6 Care of stock

- (1) A stock agent or, if there is no stock agent, the owner of stock in a saleyard must ensure that the stock is properly cared for at all times -
- (2) Where stock is kept in a saleyard for more than 24 hours, the person responsible for the stock must ensure the provision of adequate food and water.

8.7 Responsibility for stock following sale

8.8 Removal of stock after sale

- (1) A purchaser must remove stock purchased at a saleyard by 5.00pm on the day after the day of sale, or by such later time as may be allowed by an authorised person.
- (2) A purchaser who fails to comply with subclause (1) commits an offence.

8.9 Removal of unsold stock

- (1) Where stock yarded offered for sale remains unsold, the stock agent or, if there is no stock agent, the owner of the stock must —
 - (a) care for the stock in accordance with clause 8.6; and
 - (b) remove the stock from the saleyard as soon as practicable.
- (2) Where stock has died or has been maimed, its removal must occur immediately —
 - (a) by the stock agent or owner, if the stock is unsold; or

- (b) by the purchaser, if the stock has been sold.

Division 4 - Payment of yard fees

8.10 Payment of yard fees and submission of stock statements

- (a) the total number of stock, by class, brought into the saleyard; and
- (b) the date on which the stock was brought into the saleyard.

8.11 Inspection of documents

- (1) The stock agent or owner must, on demand by the CEO, make available for inspection such documents as may be necessary to verify a statement given under clause 8.10.
- (2) A person who fails to comply with a requirement under subclause (1) commits an offence.

Division 5 - Control of dogs

8.12 Only working dogs permitted

- (1) A person must not bring a dog into a saleyard unless the dog is a working dog that is actively required for the management of stock on the day it is brought in.
- (2) A person who contravenes subclause (1) commits an offence.

8.13 Diseased dogs prohibited

Division 6 – General conduct requirements

8.14 Compliance with directions of authorised persons

- (1) A person in a saleyard must comply with any lawful direction of an authorised person relating to —
- (a) the safety or welfare of persons;
- (b) the treatment, care or movement of stock;
- (c) the maintenance of order; or
- (d) compliance with this Part.
- (2) A person who fails to comply with a direction given under subclause (1) commits an offence.

PART 9. MISCELLANEOUS

9.1 Compliance with directions of authorised persons

- (1) A person on local government property must comply with any lawful direction given by an authorised person in the performance of their functions under this local law or any other written law.
- (2) A person must not in any way obstruct, hinder, threaten, abuse or refuse to give their name and address (or give a false name or address) to an authorised person who is lawfully performing a function under this local law or any other written law.
- (3) A person who contravenes subclause (1) or (2) commits an offence.

9.2 Direction to leave local government property

- (a) has contravened a provision of this local law or any other written law; or
- (b) is behaving in a manner that is likely to —
 - (i) endanger the safety of any person;
 - (ii) cause damage to local government property; or
 - (iii) unduly interfere with the reasonable use and enjoyment of the property by any other person.

9.3 Disposal of lost property

- (1) An article or thing found on, or left upon, any local government property, and delivered to the local government or an authorised person is to be dealt with in accordance with this clause, unless another written law applies to its custody or disposal.
- (2) The local government is to make reasonable endeavours to identify and notify the owner of any article or thing referred to in subclause (1).
- (3) If an article or thing is not claimed within a period of 3 months from the date it is found or received by the local government, the local government may dispose of it in any manner it thinks fit, including by sale, destruction or donation for charitable purposes.
- (4) Any money received by the local government from the sale of an article or thing under this clause, after deducting any

reasonable expenses incurred in respect of the article or thing, is to be dealt with in accordance with the Act.

- (5) No person is entitled to any compensation from the local government in respect of —
- (a) the disposal of an article or thing under this clause; or
 - (b) any loss or damage resulting from the local government's custody, retention or disposal of an article or thing under this clause, unless caused by the negligence of the local government.

9.4 Liability for damage to local government property

- (a) pay to the local government the costs of reinstating the property to the state it was in immediately prior to the damage occurring; or
 - (b) pay to the local government the costs of replacing the property.
- (a) the damage is caused by a vehicle or a boat and at the time the damage occurred, the person was the person responsible, for the control and management of the vehicle or the boat; or
- (b) the damage occurred in connection with an activity carried out under a permit, and the person is the permit holder in relation to that permit.
- (a) carry out or cause to be carried out the work necessary to reinstate or replace the property; and
 - (b) recover the costs referred to in subclause (1) as a debt due to the local government in a court of competent jurisdiction.
- (a) the operation of any other provision of this local law;
 - (b) any civil remedy the local government may have against any person; or
 - (c) any criminal liability that a person may incur in respect of their conduct.

PART 10. ENFORCEMENT

Division 1 - Notices under this local law

10.1 Failure to comply with a notice

- (1) Where this local law requires or empowers the local government to give a person a notice requiring the person to do, or to refrain from doing, any thing, the person must comply with the requirements of the notice within the time specified in the notice.
- (2) A person who fails to comply with a notice issued under this local law commits an offence.

10.2 Local government may undertake requirements of notice

- (a) the liability of the person for an offence under clause 10.1; or
- (b) any other action the local government may take under a written law.

Division 2 - Offences and penalties

Subdivision 1 - General

10.3 Offences and general penalty

Subdivision 2 - Infringement notices and modified penalties

10.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16 of the Act.
- (2) The amount appearing in Schedule 1 opposite a prescribed offence is the modified penalty for that offence.
- (3) For guidance only, before giving an infringement notice to a person under section 9.16 of the Act for a prescribed offence, an authorised person should be satisfied that –
 - (a) The commission of the offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the offence was

committed, and the facts in issue are readily ascertainable.

10.5 Form of infringement notices and related notices

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is Form 1 in Schedule 1 of the Functions and General Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is Form 2 in Schedule 1 of the Functions and General Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is Form 3 in Schedule 1 of the Functions and General Regulations.

Division 3 – Evidence in legal proceedings

10.6 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering —
- (2) Unless the contrary is proved, it is to be presumed that —
 - (a) the determination was properly made; and
 - (b) every requirement for the making, amendment or revocation of the determination has been satisfied.
- (3) Subclause (2) does not make valid any determination that has not been properly made.

Division 4 – General enforcement provisions

10.7 Further action not limited

The giving of a notice, the issuing of an infringement notice, the commencement of proceedings, or the taking of any other step under this Part does not limit the ability of the local government or any other person or agency to take any action or to exercise any power under any other written law.

10.8 Offences by corporations and responsible officers

- (1) Where a body corporate commits an offence under this local law, each director, manager, secretary or other officer concerned in the management of the body corporate is taken

to have also committed the offence, unless that person proves that —

- (a) they did not authorise or permit the commission of the offence; and
 - (b) they exercised all reasonable diligence to prevent the commission of the offence.
- (2) Nothing in this clause limits the liability of the body corporate itself.

10.9 Defence of honest and reasonable mistake of fact

It is a defence to a charge under this local law for the accused to prove, on the balance of probabilities, that the accused had an honest and reasonable but mistaken belief about facts which, if true, would have made the conduct lawful.

10.10 Continuing offences

Where a person commits an offence under this local law and the offence continues, the person is liable to a further penalty for each day or part of a day for which the offence continues, in addition to any other penalty imposed under this local law or the Act.

PART 11. SCHEDULE 1 – PRESCRIBED OFFENCES

Item	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
1	2.4 (1)	Failure to comply with determination	220
2	3.6 (1)	Failure to comply with a condition of a permit	220
3	3.13(1)	Engaging in an activity requiring a permit without holding a permit	220
4	3.14(3)	Camping, lodging or erecting a structure for sleeping on local government property without a permit	220
5	3.15(1)	Possessing or consuming liquor on local government property without a permit	220
6	3.16	Failure of a permit holder to comply with responsibilities under a permit	220
7	4.1(1)	Behaviour interfering with others' use or enjoyment of local government property	220
8	4.2(1)	Behaviour detrimental to local government property (includes graffiti, vandalism, defacement)	220
9	4.4(1)	Entering or remaining on local government property while under the influence of liquor or a prohibited drug	220
10	4.5(1)	Bringing, consuming or using a prohibited drug on local government property	420
11	4.6(2)	Failure to comply with a sign on local government property	220
12	5.1(2)	Failure to comply with a direction of Manager/authorised person in a pool area	220
13	5.2(1)	Unauthorised entry to fenced, closed, or restricted local government property	220
14	5.2(2)	Interfering with barriers, fencing, tape or closure devices	420
15	5.5(2)	Entering a controlled-access area contrary to a sign or without authorisation	220
16	5.6	Prohibited activities within a controlled-access area	220

LOCAL GOVERNMENT ACT 1995

Shire of Toodyay.

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Item	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
17	8.2(1)	Selling stock by auction without a valid auctioneer's licence	420
18	8.8(1)	Failure to remove purchased stock within the prescribed period	420
19	8.9(2)	Failure to immediately remove dead or maimed stock	420
20	8.10(1)	Failure to provide written stock statement within 7 days	420
21	8.10(2)	Failure to pay applicable yard fees within required period	420
22	8.11(1)	Failure to produce documents for inspection	420
23	8.12(1)	Bringing a non-working dog into a saleyard	220
24	8.13	Bringing a diseased dog into a saleyard	220
25	9.1	Failure to comply with direction of an authorised person; obstructing or hindering an authorised person	420
26	9.2(2)	Failure to comply with direction to leave local government property	420
27	10.1(2)	Failure to comply with a notice issued under the local law	420

PART 12. SCHEDULE 2 - DETERMINATIONS

The following determinations are to be taken to have been made by the local government under clause 2.1.

PART 1 – PRELIMINARY

1.1 Definitions

- (1) In this Schedule, unless the context otherwise requires –
local law means the *Shire of Toodyay Local Government Property Local Law 2026*;
terms used but not defined in this Schedule has the meaning given to it in the local law.

1.2 Interpretation

- (1) Unless the context otherwise requires, where a term is used in a determination and that term is defined in the local law, the term has the meaning given to it in the local law.
- (2) A reference in a determination to local government property includes a reference to any part of that property.

PART 2 — DETERMINATIONS MADE UNDER CLAUSE 2.1

2.1 General

- (1) The determinations in this Schedule are taken to have been made by the local government under clause 2.1 of the local law.
- (2) These determinations may be amended or revoked in accordance with clause 2.6 of the local law.
- (3) These determinations do not limit the power of the local government to make further determinations under the local law.

2.2 Activities authorised on specified local government property

The following activities may be authorised on specified local government property by determination —

- (a) bringing, riding or driving an animal, subject to any conditions imposed by the local government;

- (b) taking, riding or driving a vehicle, or a class of vehicle, within an authorised area;
- (c) flying or using a motorised model aeroplane, drone, model vehicle or similar device, in accordance with any conditions of use, including safety and noise restrictions;
- (d) using children’s playground equipment, in accordance with age restrictions specified by the local government;
- (e) depositing refuse, rubbish or liquid waste in designated areas, where expressly authorised for that purpose;
- (f) playing or practising —
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, subject to compliance with the Firearms Act 1973; or
 - (iii) any similar activity involving a projectile, where the local government is satisfied that public safety and property can be protected;
- (g) riding a bicycle, skateboard, rollerblades, sandboard or similar device within an authorised area;
- (h) being without clothing in any designated area set aside by the local government for that purpose.

2.3 Activities prohibited on specified local government property

A determination may prohibit the following activities on specified local government property —

- (a) smoking in or on premises designated as smoke-free areas;
- (b) riding a bicycle, skateboard, rollerblades, sandboard or similar device;
- (c) taking, riding or driving a vehicle, or a particular class of vehicle, on property not designated for that purpose;
- (d) riding or driving a vehicle above a specified speed limit;
- (e) playing or practising —
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) similar projectile-based activities, where the local government considers the activity may cause injury or damage;
- (f) playing or practising any ball game which may cause —
 - (i) detriment to the property; or
 - (ii) harm to any fauna on the property;

- (g) traversing sand dunes or environmentally sensitive land, except on paths or tracks provided for that purpose.

2.4 Extent and manner of authorised or prohibited activities

A determination may specify —

- (a) the days and times during which an activity may be pursued or is prohibited;
- (b) whether the activity applies to a class of local government property, specified property, or all property;
- (c) limitations or extensions applying to particular classes of vehicles, equipment, or persons;
- (d) distinctions between different types or classes of activities; and
- (e) any conditions considered necessary for the safety of persons or the protection of local government property.

PART 3 — ADMINISTRATION

3.1 Register of determinations

- (1) All determinations included in this Schedule are to be recorded in the register maintained under clause 2.5 of the local law.
- (2) Any amendment or revocation of a determination is to be entered in the register.

3.2 Relationship with signs

- (1) Where a sign is erected or placed to give effect to a determination, the sign may summarise the determination in ordinary language.
- (2) A sign referred to in subclause (1) does not limit the effect of the determination itself.

3.3 Transitional provision — signs under repealed local laws

A sign erected under a repealed local law has effect as a determination under clause 2.9 of the local law to the extent provided for in that clause.

AUTHORISATION

Dated this day of 2026

The Common Seal of the)
Shire of Toodyay was affixed by)
authority of a resolution)
of the Council in the)
presence of -)

Cr M McKeown
Shire President

Mr Aaron Bowman JP
Chief Executive Officer