

**Beach Access  
Local Law  
1997**

# LOCAL GOVERNMENT ACT 1995

## *Shire of Jerramungup*

### Beach Access Local Law 1997

In pursuance of the powers conferred upon it by the abovementioned Act, the Council of the Shire of Jerramungup hereby records having resolved on the 17 June 1997 to make the following local law -

1. Short Title

This local law may be referred to as the Shire of Jerramungup Beach Access Local Law 1997.

2. Commencement

By virtue of section 3.14 of the Act this local law comes into operation on the 14th day after the day on which it is published in the Gazette.

3. Interpretation

In this local law, unless the contrary intention appears:

'Act' means the Local Government Act 1995;

'district' means the district of the Shire of Jerramungup;

'drive' includes ride in the case of a motor cycle;

'emergency vehicle' has the same meaning as is given to it in the Road Traffic Code 1975;

'motor vehicle' includes motor cycle;

'prohibited area' means a part of the district described in Schedule 1;

'special purpose vehicle' has the same meaning as is given to it in the Road Traffic Code 1975.

4. Application

This local law shall apply to those parts of the district described in Schedule 1.

5. Crown to be Bound

(1) This local law binds the Crown not only in right of Western Australia but also, so far as the legislative power under the Act permits the Crown in all its capacities.

(2) This local law applies to and in respect of the Crown in any of its capacities to the same extent as if the crown were, in that capacity, a body corporate.

6. Driving of Motor Vehicles Prohibited

No person shall drive, park, stand or leave a motor vehicle on a prohibited area.

7. Launching of Boats Prohibited

No person shall:

- (a) bring a boat or vessel onto;
- (b) launch a boat or vessel from or on;
- (c) leave a boat or vessel on,

a prohibited area.

8. Exemptions

(1) This local law shall not apply to a person employed by or under a public authority while acting -

- (a) in the course of his or her duties under written law; and
- (b) in a safe and expedient manner.

(2) This local law shall not apply to the driver of an emergency vehicle or a special purpose vehicle in the course of his duties.

(3) This local law shall not apply to the holder of a current professional fisherman's license issued under the Fisheries Resources Management Act 1994 while he or she is engaged in commercial fishing operations.

(4) In this clause -

'commercial fishing operations' means the activities, carried out in a safe and expedient manner, of -

- (a) searching for, taking or attempting to take, or collecting, fish; and
- (b) launching and retrieving a licensed boat associated with the fishing operation.

(5) This local law shall not apply to the driver of a motorised wheelchair.

9. Infringement Notices

(1) For the purpose of Subdivision 1 of Division 2 of Part 9 of the Act, an offence under clause 6 is a prescribed offence.

(2) For the purpose of Subdivision 2 of Division 2 of Part 9 of the Act:

- (a) an offence under clause 6 or clause 7 is a prescribed offence;

- (b) the modified penalty for an offence under clause 6 and clause 7 is \$100.00.
  - (3) The form of a notice that may be given under section 9.13 of the Act to the owner of a motor vehicle that is involved in an offence under clause 6 is the form set out in Form 1 in Schedule 2.
  - (4) The form of an infringement notice that may be given under section 9.16 of the Act for an offence under clause 6 or clause 7 is the form set out in Form 2 in Schedule 2.
  - (5) The form of a notice that may be given under section 9.20 of the Act to withdraw an infringement notice for an offence under clause 6 or clause 7 is the form set out in Form 3 in Schedule 2.
10. Penalty

A person committing an offence under this local law is liable to a penalty of a fine of \$1,000.00.

#### SCHEDULE 1

#### PROHIBITED AREAS

For the purpose of this local law, a prohibited area is any of the following land.

- (a) the area known as John Cove being more particularly the beach area adjacent to Reserves 4120, 21496 and 27093.
- (b) the area known as Short Beach being more particularly the beach area adjacent to Bremer Bay locations 116 and 111.
- (c) the area known as Native Dog Beach being more particularly the beach area adjacent to Bremer Bay location 206.

Dated this 17th day of June 1997.

The Common Seal of the Shire of Jerramungup is hereunto affixed by authority of a resolution of Council in the presence of -

GF McGRATH, President

MN BROWN, Chief Executive Officer

SCHEDULE 2 - FORMS

FORM 1

Local Government Act 1995

Shire of Jerramungup Beach Access Local Law 1997

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date ..../../..

Shire of Jerramungup

To: (1) .....  
of: (2) .....

It is alleged that on ..../../.. at (3) .....  
at (4) ..... your vehicle (5) .....  
was involved in the commission of the following offence -

.....  
.....  
.....  
contrary to clause ..... of the Shire of Jerramungup Beach Access Local Law 1997.

You are required under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless -

- (a) within 28 days after being served with this notice -
  - (i) you inform the Chief Executive Officer, or another authorized officer, of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or

- (i) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

or

- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

Name and title of authorized person giving the notice .....

Signature .....

- (1) Name of owner or "owner of (vehicle identification)"
- (2) Address of owner (not required if owner not named)
- (3) Time at which offence allegedly committed
- (4) Place at which offence allegedly committed
- (5) Vehicle identification

FORM 2

Local Government Act 1995

Shire of Jerramungup Beach Access Local Law 1997

INFRINGEMENT NOTICE

Serial No .....

Date .../.../...

Shire of Jerramungup

To: (1) .....  
of: (2) .....

It is alleged that on .../.../... at (3) .....  
at (4) .....  
you committed the following offence -

.....  
.....  
.....  
contrary to clause .....of the Shire of Jerramungup Beach Access Local Law 1997.

The modified penalty for the offence is \$.....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorized person at (5) ..... within a period of 28 days after the giving of this notice.

Name and title of authorized person giving the notice .....

Signature .....

- (1) Name of alleged offender ["owner of (vehicle identification)" suffices if notice given with a notice under section 9.13 of the Act]
- (2) Address of alleged offender [not required if notice given with a notice under section 9.13 of the Act]
- (3) Time at which offence allegedly committed
- (4) Place at which offence allegedly committed
- (5) Place where modified penalty may be paid

Form 3

Local Government Act 1995

Shire of Jerramungup Beach Access Local Law 1997

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No .....

Date .../.../...

Shire of Jerramungup

To: (1) .....  
of: (2) .....

Infringement Notice No. .... dated .../.../.... for the alleged offence  
of .....  
.....  
.....  
has been withdrawn.

The modified penalty of \$ .....

- \* has been paid and a refund is enclosed.
- \* has not been paid and should not be paid.
- \* Delete as appropriate

Name and title of authorized person giving this notice .....

Signature .....

- (1) Name of alleged offender to whom infringement notice was given
- (2) Address of alleged offender