



# **Aurukun Shire Council**

## **Local Law No. 4 (Indigenous Community Land Management) 2021**

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## **Part 1 Preliminary**

### **1 Short title**

This model local law may be cited as *Local Law No. 4 (Indigenous Community Land Management) 2021*.

### **2 Purpose and how it is to be achieved**

- (1) The purpose of this local law is to—
  - (a) protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads; and
  - (b) preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (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 prohibition or restriction of particular activities on local government controlled areas or roads; and
  - (e) miscellaneous matters affecting roads.

### **3 Definitions—the dictionary**

The dictionary in the schedule defines particular words used in this local law.

### **4 Relationship with other laws<sup>1</sup>**

This local law is—

- (a) in addition to, and does not derogate from other laws about Aboriginal and Torres Strait Islander interests in land; and
- (b) to be read with *Local Law No. 1 (Administration) 202*

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<sup>1</sup> This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

## Part 2                      Camping sites

### 5      Designation of camping sites

The local government may, by resolution, designate a part of the local government's area for the purposes of camping (a *camping site*).

### 6      Approval required for camping

(1) For the purposes of *Local Law No.1 (Administration) 2021* section 5(b), it is a prescribed activity to camp within a camping site.<sup>2</sup>

(2) In this section—

*camp* see the *Recreation Areas Management Act 2006*, schedule.

### 7      Conditions on use of camping site

(1) The local government may, by subordinate local law, prescribe conditions regarding the use of a camping site, which may have regard to the traditional and cultural land uses of the residents of the local government's area or persons who have a particular connection with the camping site under Aboriginal tradition or Island custom.

(2) A person must not breach a condition prescribed under subsection (1) regarding the use of a camping site.

Maximum penalty for subsection (2)—20 penalty units.

### 8      Fee for camping approval

Prescribed fees fixed by the local government for approvals under section 5 may differ for residents and non-residents of the local government's area.<sup>3</sup>

### 9      Temporary closures

(1) An authorised person may temporarily close the whole, or part, of a camping site—

(a) if the authorised person reasonably believes that there is a likelihood of flooding, fire, other danger or emergency that may pose a risk to a person camping at the site; or

(b) if such closure is necessary for the observance of a traditional or cultural practice; or

(c) if such closure is necessary for maintenance or other work to be carried out; or

(d) if such closure is necessary for the rehabilitation of the place or site; or

(e) if such closure is necessary to conserve or protect the cultural or natural resources of the area or native wildlife.

<sup>2</sup> *Local Law No.1 (Administration) 2021*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

<sup>3</sup> See the Act, section 97, regarding the local government's power to fix cost-recovery fees.

- (2) A person must not camp in a camping site, or a part of a camping site, that is closed.

Maximum penalty for subsection (2)—20 penalty units.

## **Part 3 Parks and reserves**

### **10 Application to Aboriginal or Torres Strait Islander land**

A subordinate local law under this part may be made in relation to a place that is Aboriginal land or Torres Strait Islander land only with the written consent of the grantee.

### **11 Designation of parks and reserves**

- (1) The local government may, by subordinate local law, designate land under the local government's control as a *park*.
- (2) The local government may, by subordinate local law, designate land under the local government's control as a *reserve*.
- (3) Land should be designated as a park (rather than as a reserve) if it is to be used predominantly for public recreation.

### **12 Prohibited and restricted activities**

- (1) The local government may, by subordinate local law, declare an activity to be—
  - (a) prohibited in a local government controlled area or road (a *prohibited activity*); or
  - (b) restricted in a local government controlled area or road (a restricted activity).

*Example for paragraph (a)—*

The local government may declare that the lighting of fires is a prohibited activity in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

*Example for paragraph (b)-*

The local government may declare that the playing of sport generally, or the playing of certain sports, is a restricted activity in that it is restricted to particular times of the day, week, month or year in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

- (2) The local government must take reasonable steps to provide notice to members of the public regarding restricted activities declared for local government controlled areas or roads.

- (3) In this section—
- reasonable steps** may include the display of a notice at a prominent place within each local government controlled area for which a declaration under subsection (1)(b) has been made, stating—
- (a) if the declaration relates to the whole area—the restricted activities for the area; and
  - (b) if the declaration relates to a part of the area—the restricted activities and a description of the part of the area to which the declaration applies; and in general terms, the provisions of subsection (4).
- (4) A person must not engage in a prohibited activity or a restricted activity.
- Maximum penalty— 20 penalty units

### 13 Motor vehicle access to parks and reserves

- (1) A **motor vehicle access area** is an area within a park or reserve that is—
- (a) a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or
  - (b) declared under a subordinate local law for this paragraph as a motor vehicle access area.
- (2) For the purposes of *Local Law No.1 (Administration) 2021* section 5(b), it is a prescribed activity to bring a motor vehicle onto or drive a motor vehicle on any part of a park or reserve that is not a motor vehicle access area.
- (3) The local government may, by subordinate local law, declare a specific type of motor vehicle (a **prohibited vehicle**) as prohibited in a specified motor vehicle access area.
- (4) For the purposes of *Local Law No.1 (Administration) 2021* section 5(b), it is a prescribed activity<sup>4</sup> to bring a prohibited vehicle onto or drive a prohibited vehicle on the specified motor vehicle access area.
- (5) However, subsections (2) and (4) do not apply for an emergency vehicle.
- (6) The local government must take reasonable steps to provide notice to members of the public regarding—
- (a) declarations of motor vehicle access areas under subsection (1)(b); and
  - (b) declarations of prohibited vehicles under subsection (3).
- (7) In this section—
- emergency vehicle** includes the following—
- (a) an ambulance;
  - (b) a fire-engine;
  - (c) a police vehicle;
  - (d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.

*reasonable steps* include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area, stating—

- (a) a description of the declared motor vehicle access area; and
- (b) a description of prohibited vehicles for the area; and
- (c) in general terms, the provisions of subsections (2) and (4).

## **Part 4                      Miscellaneous**

### **14    Approval to be produced on request**

- (1) Where an authorised person reasonably believes that a person present in the local government's area is a person who is camping at a camping site<sup>5</sup> or conducting an activity<sup>6</sup>, the authorised person may request the person to produce the relevant approval for inspection.

- (2) A person must comply with a request under subsection (1).

Maximum penalty for subsection (2)—40 penalty units.

### **15    Subordinate local laws**

The local government may make subordinate local laws about—

- (a) conditions regarding the use of a camping site;<sup>7</sup> and
- (b) designating land as a park;<sup>8</sup> and
- (c) designating land as a reserve;<sup>9</sup> and
- (d) declaration of prohibited or restricted activities for a park or reserve;<sup>10</sup> and
- (e) declaration of motor vehicle access areas;<sup>11</sup> and
- (f) declaration of prohibited vehicles.<sup>12</sup>

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<sup>4</sup> See section 6.

<sup>5</sup> See section 12(1)(b) and section 13.

<sup>6</sup> See section 7.

<sup>7</sup> See section 11(1).

<sup>8</sup> See section 11(2).

<sup>9</sup> See section 12(1).

<sup>10</sup> See section 13(1)(b).

<sup>11</sup> See section 13(3).

## Schedule                      Dictionary

### Section 3

**Aboriginal land** see the *Aboriginal Land Act 1991*, section 10.

**authorised person** see *Local Law No.1 (Administration) 2021* schedule 1.

**camping site** see section 5.

**local government** means the Aurukun Shire Council.

**Local government's area** means a part of the local government's area that is:

- (a) granted in trust under the *Land Act 1994* for the benefit of the Aboriginal or Torres Strait Islander inhabitants or for Aboriginal or Torres Strait Islander purposes; or
- (b) a reserve for Aboriginal or Torres Strait Islander purposes under the *Land Act 1994*; or
- (c) land mentioned in paragraph (a) or (b) that has become Aboriginal or Torres Strait Islander land.

**park** includes part of a park.

**prescribed fee** see *Local Law No.1 (Administration) 2021* schedule 1.

**reserve** includes part of a reserve.

**resident** means a member of the community residing in the local government's area.

**Torres Strait Islander land** see the *Torres Strait Islander Land Act 1991*, section 9.

**the Act** means the *Local Government Act 2009*.