



# **Aurukun Shire Council**

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

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

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## Part 1 Preliminary

### 1 Short title

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

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 4 (Indigenous Community Land Management) 2021* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and 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 prescribing of conditions of use for camping sites; and
  - (e) the prohibition or restriction of particular activities on local government controlled areas or roads.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 4 (Indigenous Community Land Management) 2021* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) In this subordinate local law –

**Native Title Prescribed Body Corporate** means Registered Native Title Prescribed Body Corporate under the *Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth)*.

**resident** means a person who resides in the local government's area on a permanent basis.

**traditional owner** means determined common law holders of *Native Title under the Native Title Act 1993 (Cth)*, as amended.

**traditional visitor** means a traditional visitor approved entry to the local government's area Native Title Prescribed Body Corporate.

**visitor** means a person who is not a resident and/or a traditional owner of the local

government's area and excludes traditional visitors. To avoid doubt, this includes but is not limited to: -

- (a) all visiting employees, contractors and/or agents of the Commonwealth, State and Federal Governments; and
- (b) visiting guests of a resident of the local government's area; and
- (c) visiting guests of a traditional owner of the local government's area.

## **Part 2                      Camping sites**

### **5      Conditions regarding the use of camping site, s 7**

For section 7 of the authorising local law, the conditions regarding the use of a camping site are—

- (a) all rubbish must be removed by the camper or placed in receptacles provided;
- (b) camping sites must be kept in a clean and tidy state;
- (c) fires must not be lit other than in the fireplaces provided and in accordance with *Local Law No. 3 (Community and Environmental Management) 2021*;
- (d) total fire bans imposed by authorised persons must be observed;
- (e) plants, animals, natural and cultural resources must not be disturbed or damaged;
- (f) wildlife must not be fed, and food must not be left in a place where it can be scavenged;
- (g) watercourses must not be polluted with shampoos, soaps, detergents, sunscreens or other harmful substances;
- (h) any directions given by an authorised person must be complied with;
- (i) noise must not be made as to disturb other visitors, particularly between 10pm and 7am;
- (j) camping permit holders must not disturb, remove or damage any natural or cultural resources;
- (k) electric generating equipment and compressors must not be used without approval;
- (l) if camping in an area without toilet facilities, all human waste must be buried at least 45cm deep, at least 50 metres from any lakes, watercourses, walking tracks, campsites or public facilities; and
- (m) where Native Title exists over the camping site, consent must be obtained from a duly authorised officer of the Native Title Prescribed Body Corporate for the land upon which the camping site traverses.

## Part 3 Parks and reserves

### 6 Designation of parks and reserves—Authorising local law, s 11

- (1) For section 11(1) of the authorising local law, the following land is designated as a park—
  - (a) Bicentenary Park identified as Lot 53 on SP 239441;
  - (b) Bowenda Park identified as Lot 46 on SP 239441;
  - (c) Kleidon Park identified as Lot 45 SP 239441;
  - (d) Bartlett Park identified as Lot 78 on SP 239441;
  - (e) Archewald Park identified as Lot 352 on SP 267943;
  - (f) Ian Peinkinna Park identified as Lot 351 on SP 267943;
  - (g) Sivyer Park identified as Lot 801 on SP 288978;
  - (h) Town Square Park identified as Lot 217 on SP 267943;
  - (i) Aak Min Pukak Park identified as Lot 353 on SP 267943;
  - (j) Kach Street Park identified as Lot 192 on SP 267943 and Lot 199 on SP 267943;
  - (k) Park located on the corner of Pikkuw and KoAn Streets identified as Lot 157 on SP 267943;
  - (l) Park located on the corner of Muttich Street and McKenzie Drive identified as Lot 177 on SP 267943; and
  - (m) Waterfront described as Road Reserve as shown in the map at Figure 1 below.

**Figure 1:**



- (2) For section 11(2) of the authorising local law, the following land is designated as a reserve—

*Nil*

**7 Prohibited and restricted activities—Authorising local law, s 12(1)**

- (1) For section 12(1)(a) of the authorising local law, the activities described in column 2 of schedule 2 are declared to be prohibited in the corresponding local government controlled area or road mentioned in column 1 of schedule 2.
- (2) For section 12(1)(b) of the authorising local law, the activities described in column 2 of schedule 3 are declared to be restricted in the corresponding local government controlled area or road mentioned in column 1 of schedule 3, to the extent described in column 3 of schedule 3.

**8 Motor vehicle access in local government controlled areas—Authorising local law, s 13(1)(b)**

For section 13(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 4 are declared to be motor vehicle access areas.

**9 Prohibited vehicles—Authorising local law, s 16(3)**

For section 16(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 4 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 4.

**Part 4 Miscellaneous**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

## Schedule 1 Prohibited activities for local government controlled areas or roads

section 7(1)

	<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Local government controlled area or road</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prohibited activity</b></p>
<p>1</p>	<p>All local government controlled areas and roads within the local government area</p>	<p>(a) Contravene a sign prohibiting an activity.</p> <p style="padding-left: 40px;"><i>For example –</i></p> <ul style="list-style-type: none"> <li>• Diving or swimming;</li> <li>• Riding a bicycle, wheeled recreational device or wheeled toy.</li> </ul> <p>(b) Remove any turf, sand, clay, soil or other material.</p> <p>(c) Damage, interfere with, or wilfully misuse any animal, vegetation, facilities, notices, official signs, equipment or property owned by local government.</p> <p>(d) Fish, dive or jump from, or on, a bridge, structure or building.</p> <p>(e) Advertise a vehicle including a trailer, caravan, boat, motorbike for sale or hire.</p> <p>(f) Engage in conduct that in an authorised person’s opinion is dangerous or creates a risk to the safety of members of the public.</p> <p>(g) Repair a vehicle/vessel except in an emergency.</p> <p>(h) Park, stand or leave an unregistered vehicle on a local government controlled area.</p> <p>(i) Store a vessel on a local government area.</p> <p>(j) Exercise rights of occupation or use over any local government controlled area or road.</p> <p>(k) Carry out domestic tasks, including</p>

		ablutions, cooking and washing unless on infrastructure provided by the local government for that purpose.
2	All roads in the Local Government Area	<p>(a) Obstruct the effective illumination of a road or a footway with a tree or vegetation</p> <p>(b) Obstruct the vision by vehicular and pedestrian traffic with a tree, vegetation or structure.</p> <p>(c) Camp.</p>
3	All bridges and culverts within the local government area	<p>(a) Loiter.</p> <p>(b) Dive or jump from a bridge.</p> <p>(c) Throw or drop an object from a bridge.</p> <p>(d) Obstruct or interfere with the bridge or culvert.</p>
4	Cemeteries	<p>(a) Sell or buy an article or thing.</p> <p>(b) Distribute or put up any handbill, card, circular or advertisement</p> <p>(c) Depasture any animal.</p> <p>(d) Take part in any meeting other than of a religious or commemorative nature.</p> <p>(e) Disturb or interfere with a funeral service.</p> <p>(f) Discharge a firearm except at a military funeral or other recognised type of funeral service ordinarily involving such discharge.</p> <p>(g) Drive any vehicle otherwise than upon a designated roadway.</p>
5	All jetties, barge loading ramps and boat ramps in the local government area.	<p>(a) A person must not use or interfere with any fitting or appliance on any jetty, barge loading ramp or boat ramp for any purpose other than for which such fitting or appliance is provided.</p> <p>(b) A person must not drive or stand a vehicle on a boat ramp other than to</p>



		<p>launch or retrieve a vessel.</p> <p>(c) A person launching or retrieving a vessel at a boat ramp must do so as quickly as is reasonable possible.</p> <p>(d) A person must not obstruct another person's use of a boat ramp, barge loading ramp or jetty.</p> <p>(e) A person must not take or drive a vehicle on to a boat ramp, barge loading ramp or jetty if the mass of the vehicle and its load, if any, together with any trailer that the vehicle is towing and its load, if any, is more than:</p> <p>(i) 5t; or</p> <p>(ii) if the local government erects on or near the boat ramp, barge loading ramp or jetty a notice displaying a greater mass—the greater mass.</p> <p>(f) A person using a boat ramp, barge loading ramp or jetty must comply with any direction given by an authorised officer if the direction is reasonably necessary for ensuring safety and security of the boat ramp, barge loading ramp or jetty, its users or the local government's employees unless the person has a reasonable excuse, and if the person fails to comply with the direction—</p> <p>(i) the authorised officer must warn the person it is an offence not to comply with the direction unless the person has a reasonable excuse; and</p> <p>(ii) the authorised officer must give the person a further reasonable opportunity to comply with the direction.</p> <p>(g) A person must not gut, clean or wash fish, shellfish or other crustacean except at an area that the local government has erected a sign</p>
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		<p>authorising the activity</p> <p>(h) A person must not carry out major boat maintenance, repairs, sanding grinding, painting or refitting of vessels unless the vessel is temporarily disabled with a minor fault and the vessel is moored for no longer than is necessary to perform repairs limited to repairs necessary to allow the vessel to be removed from the jetty, barge or ramp.</p> <p>(i) A person must not allow the vessel to lie alongside, or remain attached to, the jetty or ramp, except for the purpose of embarking or disembarking passengers or loading or unloading cargo, stores or goods from the jetty or ramp.</p> <p>(j) A person must not erect or maintain a sign, notice board or other fixtures for the purposes of exhibition of bills or notices.</p> <p>(k) A person must not use, employ or permit any vessel for delivery of fuel to vessels on the jetty unless approved under other legislation.</p> <p>(l) A person must not fish, including by using a cast net, crab pot or other fishing device, in a manner that obstructs or interferes with the use of the jetty, barge or ramp by a vessel, vehicle or another person.</p>
6	Caravan Parks	<p>(a) Reside or carry out domestic tasks in a caravan that in the opinion of an authorised person is dilapidated, unsightly or overcrowded or unfit for use.</p> <p>(b) Light or maintain a fire in the open air except in a properly constructed fireplace approved by the local government.</p> <p>(c) Display or exhibit advertising matter.</p> <p>(d) Use hand washing facilities for purposes other than their intended</p>

		use. (e) Lay down floor covering on the ground surface.
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## Schedule 2 Restricted activities for local government controlled areas and roads

section 7(2)

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
1	All local government controlled areas and roads	<p>A person must not enter or remain in a local government controlled area outside the opening hours shown on a notice displayed at each public entrance to the area.</p> <p>A person must not camp, sleep, occupy or remain overnight on any local government controlled area or road</p>	<p>The activity is permitted if—</p> <p>(a) authorised by a sign exhibited in the local government area; or</p> <p>(b) authorised with the written authorisation of the chief executive officer</p>
2	Aurukun Harbour and Three Rivers	<ul style="list-style-type: none"> <li>• Swim, dive or undertake any underwater activity.</li> <li>• Anchor any vessel.</li> <li>• Operate a commercial vessel for commercial purposes.</li> </ul>	Permitted only with the written authorisation of the chief executive officer
3	Foreshores in the Local Government Area	<ul style="list-style-type: none"> <li>• Operate a commercial barge or vessel.</li> </ul>	Permitted only with the written authorisation of the chief executive officer
4	Cemeteries	<p>Visit a cemetery</p> <p>Bringing an animal into the cemetery</p> <p>Interfering with a grave, memorial or with flowers or tokens on a grave or memorial.</p>	<p>Permitted only during opening hours</p> <p>Permitted only with the written authorisation of the chief executive officer</p> <p>Permitted only with the written authorisation of the chief executive officer</p>
5	All footpaths in the local government area	Driving, riding, leading wheeling or standing any	Does not apply to ingress or egress from adjoining

		goods, vehicle, vessel, animal or other thing in, or across a footpath	properties; or walking a pet
6	All jetties, barges and ramps infrastructure and access areas	<p>Any activity that may obstruct the safe movement of users of the jetty, barge or ramp or which has the potential to damage the jetty, barge or ramp access or infrastructure.</p> <p>Use of a jetty, barge or ramp by a commercial vessel for any purpose.</p> <p>Moor or fasten a private vessel to a jetty, barge or ramp for any purpose including the time that is reasonably required in the opinion of an authorised person for embarking or disembarking passengers or crew or loading or unloading cargo, stores or goods.</p> <p>Moor, fasten or berth a vessel for any period exceeding one (1) hour.</p>	Permitted only with the written authorisation of the chief executive officer
7	Parks and Reserves	Drive or otherwise use a vehicle within a park and/or reserve	All vehicles except authorised vehicles of the local government for the purposes of maintenance and other operations as required by the local government and only with the written authorisation of the chief executive officer

### Schedule 3 Motor vehicle access areas in local government controlled areas

sections 8 and 9

	<b>Column 1</b> <b>Motor vehicle access areas</b>	<b>Column 2</b> <b>Prohibited vehicles</b>
1		
2		
3		
4		
5		
6		
7		