

LOCAL GOVERNMENT ACT 1995 (WA) (CKI)

Shire of Cocos (Keeling) Islands

LOCAL LAW - CAMPING

In pursuance of the powers conferred upon it by the Act and all other powers enabling the Council of the Shire of Cocos (Keeling) Islands hereby records having resolved on 25 November 2009, to adopt the following Local Law.

Citation

- 1.1 This Local Law may be cited as the *Shire of Cocos (Keeling) Islands Local Law - Camping 2009*.

Object

- 1.2 The object of this Local Law is:-
- (a) to ensure the responsible management and control of camping on Cocos (Keeling) Islands.
 - (b) to provide for the access and enjoyment of all residents and visitors intending to camp on the islands.
- to ensure that persons erecting a tent or camping do not adversely impact on the amenity and comfort of other persons in the vicinity.

Interpretation

- 1.3 In this Local Law:-
- (c) "*Act*" means the Local Government Act 1995 (WA) (CKI).
 - (d) "*Council*" means the council of the Shire of Cocos (Keeling) Islands.
 - (e) "*Local Law*" means the Shire of Cocos (Keeling) Islands Local Law Camping 2009.
 - (f) "*Authorised Person*" means the Chief Executive Officer of the Council, or a person authorised by the Council to administer the provisions of this Local Law.
 - (g) "*District*" means the local government district of the Shire of Cocos (Keeling) Islands.
 - (h) "*Tent*" means any portable shed or hut, tent, tent fly, awning, blind or other portable thing used as or capable of being used for habitation.
 - (i) "*Owner*" for the purpose of this local law, owner means a person having charge, control or in possession of the tent at the time.
 - (j) "*Camping Area*" means:
 - (i) the whole of Direction Island
 - (ii) the area commonly known as Scout Park on West Island, and
 - (iii) the western portion of South Island within 200 metres of the high-water level.

Camping

2.1 No person shall:-

- (a) erect a tent in any area other than a camping area without the written permission of an Authorised Person.
- (b) allow a tent to remain erected in the district for a period greater than seven (7) days without written approval of an Authorised Person.
- (c) erect a tent in a location that interferes with the free movement of persons accessing the area.
- (d) create a nuisance so as to disturb the quiet comfort and enjoyment of persons in the vicinity.

Removal of a tent

2.2 When requested by an Authorised Person a person shall:-

- (a) remove a tent from a location.
- (b) clean the area in the vicinity of a tent of all rubbish, refuse and other material.

Control of camping

3

- (a) An authorised person may where the provisions of this local law apply, seize any tent and associated camping equipment where the tent and associated camping equipment is being used in contravention of this local law.
- (b) Any tent and associated camping equipment seized under subsection 6(a) may be impounded after seizure for a period not exceeding three months.
- (c) The Council may from time to time prescribe fees which it may charge on the impoundment of a tent and associated camping equipment in order to defray the cost associated with the impoundment and including the cost of administrative time.
- (d) Where a tent and associated camping equipment is not claimed by the owner within two months after the expiry of the period for which the tent and associated camping equipment has been impounded the tent and associated camping equipment may be sold by the Council and the proceeds of such sale may be applied towards the recouping of the costs incidental to impounding of the tent and associated camping equipment.
- (e) Where the proceeds of the sale referred to in subsection 6 (d) exceed the costs of the impoundment then the excess shall be paid to the owner of the of the tent and associated camping equipment, or

where the owner cannot be located placed in a trust fund and dealt with in accordance with the provisions of the Act.

General

- 4** Council shall not be liable or held responsible for any loss or damage whatsoever which occurs during the removal, transport, storage or disposal of a tent or associated camping equipment by an authorised person in applying the provisions of this local law, except in the case of negligence or breach of statutory duty by Council