

Palm Island Aboriginal Shire Council

Subordinate Local Law No. 7 (Indigenous Community Land Management) 2014

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 7 (Indigenous Community Land Management) 2014*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 7 (Indigenous Community Land Management) 2014* in order to enable local governments that have jurisdiction over trust areas under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* to regulate the use of these areas.
- (2) The purpose is to be achieved by providing for—
 - (a) the authorisation of classes or categories of persons to enter, be in or live in the trust area; and
 - (b) the designation of the parts of the trust area where an approval to enter, be in or live in the trust area applies; and
 - (c) the prescribing of conditions of use for camping sites; and
 - (d) the designation of land as parks and reserves and the regulation of activities for these areas.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 7 (Indigenous Community Land Management) 2014* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Authority to enter etc. trust area

5 Persons authorised to enter etc trust area—Authorising local law, s 5

For section 5 of the authorising local law, the classes and categories of persons listed in column 1 of schedule 1 are authorised to enter, be in or live in the parts of the trust area mentioned in column 2 of schedule 1, subject to the conditions specified in column 3 of schedule 1.

6 Persons authorised to enter etc trust area—Authorising local law, s 6

[Where the local government wishes approvals to apply to the whole trust area, use the following format. Note that approvals can only apply to parts of the trust area that are held by Aboriginal land trusts or Torres Strait Islander land trusts if the consent of the trustees of that land (the 'grantee of Aboriginal land' or the 'grantee of Torres Strait Islander land') have given their written consent.]

For section 6(3) of the authorising local law, an approval granted under section 6(2) of the authorising local law applies to the whole trust area.

OR

[Where the local government wishes an approval to apply to only specific parts of the trust area, such as the DOGIT land held in trust by the local government, use the following wording. This might occur where the trustees of Aboriginal land or Torres Strait Islander land do not give their consent to approvals covering access to their land.]

For section 6(3) of the authorising local law, an approval granted under section 6(2) of the authorising local law applies to the following parts of the trust area—

- (a) ...;
- (b) ...

[Insert list of areas, defined with sufficient certainty to identify the boundaries.]

Part 3 Scientific research

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

Part 4 Camping sites

7 Conditions regarding the use of camping site, s 10

For section 10 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
- (d) total fire bans imposed by authorised persons must be observed
- (e) dogs, cats or other domestic animals must not be brought into a camping site
- (f) plants, animals and natural and cultural resources must not be disturbed or

damaged

- (g) wildlife must not be fed, and food must not be left in a place where it can be scavenged
- (h) watercourses must not be polluted with shampoos, soaps, detergents, sunscreens or other harmful substances
- (i) any directions given by an authorised person must be complied with
- (j) appliances such as axes must not be used other than to split firewood or drive tent pegs
- (k) machetes must not be used
- (l) noise must not be made as to disturb other visitors, particularly between 10pm and 7am
- (m) electric generating equipment and compressors must not be used without approval
- (n) 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.

Part 5 Parks and reserves

8 Designation of parks and reserves—Authorising local law, s 14

- (1) For section 14(1) of the authorising local law, the following land is designated as a park—

[Insert description of each area of land under the local government's control to be designated as a park with sufficient certainty to enable the boundary to be identified – for example:

- *Real property description of land (lot and plan number)*
- *Reserve description*
- *Physical description of land (e.g. using physical features such as watercourses, buildings etc)*
- *Reference to an area of land marked on a map included in the subordinate local law (e.g. 'portion X marked on the map included in schedule Y')*
- *Description of a road (e.g. 'Smith St' or 'Jones Rd between Acacia Dve and Hibiscus Ave')*
- *A combination of the above (e.g. 'the fenced section at the northern end of lot 1 on RP100')*

- (2) For section 14(2) of the authorising local law, the following land is designated as a reserve—

[Insert description of each area of land under the local government's control to be designated as a reserve with sufficient certainty to enable the boundary to be identified]

9 Prohibited and restricted activities—Authorising local law, s 15(1)

- (1) For section 15(1)(a) of the authorising local law, the activities described in column 2 of schedule 2 are declared to be prohibited in the corresponding park or reserve mentioned in column 1 of schedule 2.
- (2) For section 15(1)(b) of the authorising local law, the activities described in column 2 of schedule 3 are declared to be restricted in the corresponding park or reserve mentioned in column 1 of schedule 3, to the extent described in column 3 of schedule 3.

10 Motor vehicle access in local government controlled areas—Authorising local law, s 16(1)(b)

For section 16(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 4 are declared to be motor vehicle access areas.

11 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 6 Miscellaneous

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

Schedule 1 Authority to enter, be in and live in the trust area

Section 5

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Schedule 2 Prohibited activities for parks and reserves

Section 9(1)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas within the local government area	<p>Any activity not in accordance with the purposes or objects for which such park / reserve is held by Council.</p> <p>Any act which is likely to injure, endanger, obstruct, inconvenience or annoy any other person.</p> <p>Organise or play a game which is likely to interfere with the safety or comfort of the public, or likely to damage the park / reserve or anything appertaining thereto.</p> <p>Discharge a firearm or other weapon in, over or across a park / reserve provided that this prohibition does not apply to archery, pistol, gun or rifle shooting conducted in a park / reserve pursuant to a licence issued by Council under Clause 18 of the Local Law.</p> <p>Throw or discharge a stone or other projectile in, over or across a park/ reserve.</p> <p>Damage or interfere with vegetation.</p>
2	All roads within the local government area	Causing an offensive liquid, sediment or substance to be discharged onto a road.
3	<p>All Cemeteries</p> <p>Palm Island Cemetery</p> <p>Palm Island Cemetery No. 2</p> <p>Fantome Island Cemetery</p>	<p>Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery.</p> <p>Bringing an animal into a local government cemetery unless the cemetery authority approves.</p>

		A person must not interfere with a grave, memorial, or with flowers or tokens on a grave or memorial unless the cemetery authority approves.
4	The following parks and reserves— All parks	Riding of horses
5	The following camping areas To be designated by Council Resolution after being previously declared as an 'accessible place' under section 50 (1) (b) of the ATSIC (JLOM) Act.	'Disposing of liquid waste other than in a drainage point provided for that purpose' 'Disposing of refuse other than in a container provided for that purpose' 'Using facilities in a way that makes them unclean or insanitary']

2	All roads within the local government area	The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road' (see s.66(3)(b) of the Transport Operations (Road Use Management) Act 1995, which permits local laws to regulate these activities on roads)	Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
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**Schedule 4 Motor vehicle access areas in local
government controlled areas**

Sections 10 and 11

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Certificate

This and the preceding eleven (11) pages bearing my initials is a certified copy of *Local Law No.7 (Indigenous Community Land Management) 2014*, made in accordance with the provisions of the *Local Government Act 2009*, by the Palm Island Aboriginal Shire Council by resolution dated

Ross Norman
Chief Executive Officer