

# Subordinate Local Law No. 7 (Indigenous Community Land Management) 2010

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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) 2010*.

### **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) [insert year]* 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) [insert year]* (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) ...;
- (b) ...

*[Insert conditions, such as—*

- *all rubbish must be removed by the camper or placed in receptacles provided*
- *camping sites must be kept in a clean and tidy state*
- *fires must not be lit other than in the fireplaces provided*
- *total fire bans imposed by authorised persons must be observed*
- *dogs, cats or other domestic animals must not be brought into a camping site*

- *plants, animals and natural and cultural resources must not be disturbed or damaged*
- *wildlife must not be fed, and food must not be left in a place where it can be scavenged*
- *watercourses must not be polluted with shampoos, soaps, detergents, sunscreens or other harmful substances*
- *any directions given by an authorised person must be complied with*
- *appliances such as axes must not be used other than to split firewood or drive tent pegs*
- *machetes must not be used*
- *noise must not be made as to disturb other visitors, particularly between 10pm and 7am*
- *electric generating equipment and compressors must not be used without approval*
- *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

	<b>Column 1</b> <b>Class or category of person</b>	<b>Column 2</b> <b>Part of trust area that persons authorised to enter, be in and live in</b>	<b>Column 3</b> <b>Conditions of authorisation</b>
1	<p><i>[Insert class or category of persons, for example—</i></p> <ul style="list-style-type: none"> <li><i>the customers of a named tour operator]</i></li> </ul>	<p><i>[specify either ‘the whole of the trust area’ OR the specific parts of the trust area that the persons are permitted to enter e.g. a particular site or beach]</i></p>	<p><i>[Insert conditions of authorisation – for example:</i></p> <ul style="list-style-type: none"> <li><i>the persons must be accompanied by the tour operator at all times</i></li> <li><i>the persons must follow any direction given by an authorised person]</i></li> </ul>
2	<p><i>[Insert class or category of persons, for example—</i></p> <ul style="list-style-type: none"> <li><i>the employees of a named construction company]</i></li> </ul>	<p><i>[specify either ‘the whole of the trust area’ OR the specific parts of the trust area that the persons are permitted to enter]</i></p>	<p><i>[Insert conditions of authorisation – for example:</i></p> <ul style="list-style-type: none"> <li><i>the persons must follow any direction given by an authorised person]</i></li> </ul>
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## Schedule 2 Prohibited activities for parks and reserves

Section 9(1)

	<b>Column 1</b> <b>Park or reserve</b>	<b>Column 2</b> <b>Prohibited activity</b>
1	All parks within the local government area	<i>[Insert activities to be prohibited in all parks. Description of activity must have sufficient clarity to enable the conduct of the activity to be proven in a court of law]</i>
2	All reserves within the local government area	<i>[Insert activities to be prohibited in all reserves.]</i>
3	<i>[Insert name of specific park or reserve as described in section 7 of this subordinate local law]</i>	<i>[Insert activities to be prohibited in the specific park or reserve]</i>
4	<i>[Insert name of specific park or reserve as described in section 7 of this subordinate local law]</i>	<i>[Insert activities to be prohibited in the specific park or reserve]</i>
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## Schedule 3 Restricted activities for parks and reserves

Section 9(2)

	<b>Column 1</b> <b>Park or reserve</b>	<b>Column 2</b> <b>Restricted activity</b>	<b>Column 3</b> <b>Extent of restriction</b>
1	All parks within the local government area	<i>[Insert description of activity with sufficient clarity to enable the conduct of the activity to be proven in a court of law]</i>	<p><i>[Insert description of the extent to which the activity is restricted- for example:</i></p> <ul style="list-style-type: none"> <li>• <i>Permitted only between the hours of 7am and 6pm</i></li> <li>• <i>Permitted only with written approval of Council CEO or delegate</i></li> <li>• <i>Permitted if authorised under the conditions of an approval for a prescribed activity</i></li> <li>• <i>Permitted only if the following safety measures are first taken...]</i></li> </ul>
2	All reserves within the local government area	<i>[Insert description of activity]</i>	<i>[Insert description of the extent to which the activity is restricted]</i>
3	<i>[Insert description of a specific park or reserve]</i>	<i>[Insert description of activity]</i>	<i>[Insert description of the extent to which the activity is restricted]</i>
4	<i>[Insert description of a particular part of a park or reserve – for example, ‘the playing field area within Lions Park’]</i>	<i>[Insert description of activity]</i>	<i>[Insert description of the extent to which the activity is restricted]</i>
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## Schedule 4 Motor vehicle access areas in local government controlled areas

Sections 10 and 11

	<b>Column 1</b> <b>Motor vehicle access areas</b>	<b>Column 2</b> <b>Prohibited vehicles</b>
	<p><i>[Insert description of each motor vehicle access area with sufficient certainty to enable boundary to be identified. For example –</i></p> <ul style="list-style-type: none"> <li>• <i>Real property description of land (lot and plan number)</i></li> <li>• <i>Physical description of land (e.g. ‘the areas designated as motor vehicle access areas by signpost’)</i></li> <li>• <i>Reference to an area of land marked on a map included in the subordinate local law (e.g. ‘the areas marked on the map included in schedule X’)]</i></li> </ul>	<p><i>[Insert description of type of vehicle with sufficient clarity to enable a person to determine whether a vehicle is of the type described or not. Definitions may be necessary, or references to definitions in State legislation]</i></p>
1		<p><i>[For example –</i></p> <ul style="list-style-type: none"> <li>• <i>‘Trucks over 2 tonnes’</i></li> <li>• <i>‘Trail bikes’]</i></li> </ul>
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