

## **CITY OF SOUTH PERTH**

### **LOCAL LAW RELATING TO COLLIER PARK GOLF COURSE**

IN pursuance of the powers conferred by the Local Government Act 1995 and all other powers enabling it the Council of the above mentioned Local Government hereby records having resolved on                    day of                    1999 to make the following Local Law.

#### **Short Title**

1.0 This Local Law may be cited as the Collier Park Golf Course Local Law 1999.

#### **Commencement**

2.0 This Local Law comes into operation 14 days after the date of its publication in the *Government Gazette*.

#### **Contents and Intent**

3.0 This Local Law provides for the good order and management of the Collier Park Golf Course and provides for safety and good order and comfort for patrons thereof.

#### **Repeal of Previous Local Laws**

4.0 The By-laws published in the Government Gazette on 8 July 1994 are hereby repealed.

#### **Interpretation**

5.0 In this Local Law, unless the context otherwise requires:-

“Act” means the Local Government Act 1995;

“CE” means the Chief Executive of the City and in the absence of the Chief Executive, the Acting Chief Executive of the City;

“City” means the City of South Perth;

“Controller” means the person or persons for the time being appointed by the Council to direct, control and manage the golf course and shall include any assistant to the Controller approved in writing by the Council;

“Council” means the Council of the City;

“District” means the local government district of the City;

“gender and number” in these Local Laws shall when denoting a gender or genders include each other and words in the singular number include the plural and vice versa;

“golf course reserve” means the land known as Reserve 38794 vested in the City of South Perth and includes all buildings, structures, fittings, fixtures and equipment forming part thereof;

“golf course” means that portion of the golf course reserve which is laid out as a golf course and includes all tees, fairways, bunkers greens and practice tees, practice fairways, practice greens, practice bunkers and any driving range now or in the future forming part of the golf course;

“person” and words applying to any person or individual include a body corporate and in the plural a group of persons and a club association or other body of persons;

“sufficient and suitable golfing equipment” shall comprise not less than one putter, two clubs, two golf balls and a golf bag.

### **Prohibited Activities on the Golf Course**

6.1 A person must not:-

- (a) in or on the golf course reserve behave in a manner which is likely to interfere with or does interfere with the enjoyment of any person who might use the golf course reserve;
- (b) enter or remain on the golf course reserve whilst offending against decency or good order as regards dress, language, conduct or otherwise;
- (c) drop or otherwise discard or dispose of any paper, cardboard, can top, bottle, bottle top, container or other litter of any kind on the golf course except into receptacles set aside for the deposit or collection thereof;
- (d) commit any nuisance or create or take part in any disturbance on the golf course reserve;
- (e) operate any radio, tape recorder, amplifier or other radio or sound transmission on the golf course reserve;
- (f) wilfully obstruct any portion of the golf course reserve;
- (g) damage or interfere with any tee, green, bunker, mound, slope, bank lake border, water course or any other prepared landscaped or construction portion of the golf course reserve;
- (h) cause inconvenience, annoyance, interference or obstruction to any member of the public, an officer or employee of the Council or the Controller;
- (i) pick up, remove or have in his possession on the golf course reserve any golf ball, unless on that day and at that time he is authorised to play or is a person authorised to act as a caddie and is acting as such at the time;
- (j) having been refused permission to enter or having been removed from the golf course reserve or have appealed to the Council in accordance with Clause 9 of these Local Laws and such appeal having been disallowed, enter onto or remain on the golf course reserve;
- (k) play or practise any other game or sport or carry out any physical activity other than golf on the golf course reserve or play or practise golf on any portion of the golf course reserve except and only on such parts of the golf course reserve as may from time to time be laid out and designated for such play or practice;
- (l) remain on the golf course reserve after being lawfully directed by the Controller to leave;
- (m) leave on the golf course reserve any vehicle, object or thing or any animal which the Controller may direct him to remove;
- (n) damage, destroy, apply graffiti to, interfere with, remove anything from or affix anything to any part of any building, fixture, fitting, accessory or installation on or about the golf course reserve;
- (o) enter or remain on the golf course reserve while in a state of intoxication;

- (p) use any lake or ornamental pond within the golf course reserve for swimming, boating, sailing, fishing or any other sport, recreation or activity or enter or remain on any such lake or ornamental pond other than for the purpose of retrieving their golf ball therefrom in the course of playing a round of golf;
- (q) take onto the golf course reserve any alcoholic beverages or consume any alcoholic beverages except on such part of the golf course reserve as may from time to time be set aside for such purpose and licensed with the relevant liquor licence issued under the Liquor Licensing Act 1988; and
- (r) use any taps, showers, hand basins, toilet and related facilities other than for the purposes and in the matter for which the same are designed.

6.2 No person except an employee or officer of the Council carrying out his normal duties shall:-

- (a) enter or leave the golf course reserve other than by the public entrance and exist ways;
- (b) enter or remain on the golf course reserve except on those days and during those hours in which the golf course is open for playing or practising;
- (c) pick, cut, prune, lop or damage any tree or portion of any tree, shrub, turf or any other type of vegetation on or from the golf course reserve;
- (d) kill, injure or interfere with any fauna on the golf course reserve;
- (e) take any golf buggy, wheelchair or like conveyance fitted with wheels to any part of the golf course reserve unless the width thereon is 25mm or greater;
- (f) enter or remain upon any portion of the golf course reserve when by doing so damage is likely to be caused thereto or where notices have been posted directing persons not to so enter or remain on such portion or contrary to any instruction or direction given by the Controller;
- (g) unless with the prior written consent of the Council, drive, use or park a bicycle, motor cycle, motor car, motorised or other vehicle on any portion of the golf course reserve except in such areas paved, marked and set apart for such purpose;
- (h) while driving using or parking any bicycle, motor car, motorised or other vehicle on any portion of the golf course reserve refuse or fail to comply with all signs applicable thereto and any order or direction given by an officer or employee of the Council or the Controller;
- (i) bring or allow any animal to enter onto or remain upon any part of the golf course reserve;
- (j) bring onto or discharge or fire any firearms, bow, slingshot or other like weapon or device on or from the golf course reserve; and
- (k) bring on to or set or use or attempt to bring on to, set or use the golf course reserve any animal trap, bird trap, fish trap, net or like device.

6.3 Unless with the prior written consent of the Controller, no person shall:-

- (a) for a fee, coach or instruct any person in the playing of golf within the golf course reserve;
- (b) offer himself for employment or be employed for a fee as a caddie on the golf course reserve; and
- (c) sell, offer or expose for sale or exchange any golf ball or any golf equipment or other goods or services in the golf course reserve unless with the prior written consent of the Council.

## **Prohibited Activities in Relation to Playing Golf**

7.0 No person shall:-

- (a) commence or continue to practise golf on the golf course until he has first obtained permission of the Controller to do so;
- (b) commence or continue to play golf on the golf course unless in the possession of a written authorisation or a ticket issued to him by the Controller which is appropriate for the number of holes of golf being played and valid for play on that day and at that time;
- (c) play the holes other than in the sequence directed by the Controller except when using any practice area with the permission of the Controller;
- (d) play golf on the golf course unless in full possession of sufficient and suitable golfing equipment for that purpose;
- (e) play golf on the golf course if not in the opinion of the Controller reasonably and suitably attired, including suitable footwear, to play golf;
- (f) take any golf bag or golf bag buggy onto any part of the golf course laid out as a putting green, practise putting green, sand trap or bunker;
- (g) practise golf on any part of the golf course reserve except on those parts set aside and indicated by notice boards as practice tees, practice fairways and practice greens;
- (h) whilst playing golf on the golf course be accompanied by a non-playing spectator unless with the prior written consent of the Controller;
- (i) cross or trespass upon any portion of the golf course prepared for play or practice or on any practice fairway or practice putting green unless that person is a fee paying player or otherwise has permission of Council or the Controller to do so;
- (j) commence to play or practice golf when and for such period as the Controller shall direct when the Controller is of the opinion that such play or practise cannot commence or continue without damaging the golf course or creating a danger or hazard;
- (k) play golf otherwise than in a group of players of such minimum or maximum number as the Controller shall direct, provided that the maximum number shall not exceed that specified in clause 12 of these Local Laws; and
- (l) play golf with any group of players in any round other than the group with which he commenced that round unless with the prior consent of the Controller.

## **General**

8.0 The golf course shall be open for the playing or practising of golf on such days and at such times as the Council shall from time to time determine.

9.0 The Controller may at any time refuse permission for any person other than an officer of the Council to enter onto or remain on any portion of the golf course reserve but any person aggrieved by such refusal may appeal to the Council in writing and the Council's decision upon such appeal shall be final.

10.0 Any written authorisation granted, ticket issued or scorecard provided to a person to play golf shall be produced for inspection at any time to any person duly authorised by the Council to demand the production of same or to the Controller.

11.0 Any persons permitted to act as a caddie on the golf course reserve shall abide by any reasonable direction given by the Controller.

- 12.0 The number of persons playing golf together in any group on the golf course shall not exceed 4 (four) and in order to facilitate the even flow of play, the Controller may direct golfers at the commencement of the round to form into groups not exceeding 4 (four).
- 13.0 Any person authorised to play golf on the golf course shall commence play at the time directed by the Controller and any person who for any reason is unable to commence play at the time so directed shall thereafter only be entitled to play when the Controller directs.
- 14.0 Every player shall endeavour to keep his position in the order of play on the golf course and when a player is unable to do so for any reason he shall invite and permit the player or players next following him to play through.
- 15.0 Every player shall observe and comply with the directions of the Controller in respect of any special conditions of play and shall observe the requirements of any notice erected to direct or control play.
- 16.0 Every player shall at all times while on the golf course reserve observe the etiquette of golf and the rules of golf except as varied by any local rules detailed on any score card issued by the Controller and displayed on the notice board at the Controller's office.
- 17.0 The Controller may at any time withdraw, cancel or annul any permission or ticket authorising any person to play on the golf course where any of the by law provisions are breached.
- 18.0 No person shall be entitled to any refund of any fee paid for playing or practising on the golf course notwithstanding that such play or practice may for any reason not be completed on the day or within the hours permitted by any authorisation or ticket issued to that person.
- 19.0 All persons admitted to the golf course reserve are admitted on the condition that neither the Council nor any person for whose acts Council is responsible in law shall be liable to any person so admitted for injury or damage sustained by that person through any neglect default or omission of any other person thereon.

### **Administration**

- 20.0 Nothing in these Local Laws shall be construed so as to inhibit or preclude an employee, contractor or agent of the City from carrying out his normal and lawful duties.
- 21.0 The Council may, in writing under the hand of the CE, appoint an officer or officers to carry out the powers and duties conferred by these Local Laws including authorisation to service notices under Part 9 Division 2 Subdivision 2 and Part 5 of the Local Government (Functions and General) Regulations.
- 22.0 An officer appointed under clause 21 of these Local Laws shall, on demand show an identification card and certificate of appointment.
- 23.0 A person on the golf course reserve is to obey any lawful order of an officer appointed under clause 21 and must not in any way obstruct or hinder such officer.

**Penalties**

- 24.0 Every person who shall commit a breach of any provision of these Local Laws may forthwith be removed from or directed to leave the golf course reserve by any officer or employee of the Council, the Controller or by any member of the Police Force and such person shall also be liable to prosecution for such breach.
  
- 25.0 Any person who commits an offence under these local laws is liable, upon conviction, to the penalty specified in these local laws or, if no penalty is specified, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
  
- 26.0 (a) An offence against any provision of these local laws is a prescribed offence for the purposes of Section 9.16 (1) of the Act.  
(b) The modified penalty for an offence against any provision of these local laws is \$100.
  
- 27.0 For the purposes of this local law –  
(a) the form of infringement notice referred to in Section 9.17 of the Act is that of Form 1 in the Third Schedule; and  
(b) the form of the notice referred to in Section 9.20 of the Act is that of Form 2 in the Third Schedule.

Dated ..... day of ..... 1999

The Common Seal of the City )  
of South Perth was hereunto )  
affixed in the presence of:- )

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JE HARDWICK, JP  
MAYOR

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LL METCALF  
CHIEF EXECUTIVE