

Local Law relating to the **Point Walter Golf Course**

Local Government Act 1960
The Municipality of the City of Melville
Local Law Relating to the Point Walter Golf Course

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on 19th day of October 1993 to repeal the whole of the Local Laws relating to the Point Walter Golf Course published in the Government Gazette on 16 January 1963 and amended from time to time thereafter, and to make and submit for confirmation by the Governor the following Local Law.

Citation

1. This Local Law may be cited as the City of Melville Local Law relating to the Point Walter Golf Course.

Interpretation

2. In this Local Law -

"the Act" means the Local Government Act 1960

"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 employee or agent of the Controller:

"Council" means the Council of the municipality of the City of Melville or an officer duly authorised to carry out the functions of this Local Law;

"golf course" means the land within the Point Walter Reserve (No A4813) set aside as a Golf Course, and shown in the First Schedule hereto and includes all tees, fairways, greens, practice tees, practice fairways, practice greens and any driving range now or hereafter comprised therein; and all buildings, structures, fittings, fixtures and equipment forming part thereof;

"liquor" has the same meaning given to it in the Liquor Licensing Act 1988

"vehicle" has the same meaning given to it in the Road Traffic Act 1974.

Conduct Required on Golf Course

3. No person shall -
- (a) take a golf buggy or wheelchair fitted with wheels on to any part of the golf course unless the width of the wheels thereon is 25mm or greater;
 - (b) enter or remain on the golf course whilst offending against decency or good order as regards dress, language, conduct or otherwise
 - (c) deposit or leave any rubbish, refuse, offal, paper, bottles, broken glass, china or litter of any kind whatsoever except in a receptacle provided for that purpose;
 - (d) commit any nuisance or create or take part in any disturbance on the golf course;
 - (e) operate any radio, tape recorder, television, amplified or other radio or sound producing device on the golf course unless fitted with a suitable attachment whereby the sound made by the device is only audible to the operator or user;
 - (f) cause inconvenience, annoyance, interference or obstruction to any member of the public, an officer of the Council or the Controller;
 - (g) pick up, have in that person's possession or by other means remove from the golf course any golf ball other than a golf ball the property of that person playing the game of golf at the golf course;
 - (h) enter onto or remain on the golf course where permission to enter has been refused, that person has been directed to leave the golf course or an appeal to the Council in accordance with clause 7 of this Local Law has been disallowed;
 - (i) play any game or sport or carry out any physical activity on the golf course, other than golf or any other game, sport or physical activity approved by the Council;
 - (j) bring or allow any animal to enter upon any part of the golf course, other than a guide dog for the use of a visually impaired person;
 - (k) take onto the golf course any liquor or consume liquor thereon without having first obtained the written permission of the Council;
 - (l) enter or remain on the golf course when, in the opinion of the Controller, that person is in a state of intoxication;
 - (m) play or practice golf on any portion of the golf course except and only on such parts as may from time to time be laid out for such play or practice;
 - (n) coach or instruct any person in the playing of golf for a fee within the golf course unless with the prior written consent of the Controller;
 - (o) sell, offer or expose for sale or exchange any golf ball or any golf equipment or other goods or services on the golf course unless with the prior written consent of the Council;

- (p) offer himself or herself for employment or be employed for a fee as a caddie on the golf course without the prior consent of the Controller;
 - (q) use any lake or ornamental pond within the golf course for swimming, boating, sailing, fishing or any other sport, recreation or activity;
 - (r) take into the golf course any prohibited drug or consume or use any prohibited drug thereon;
4. Unless authorised to do so by the Council, no person shall -
- (a) enter or leave the golf course other than by the public entrance and exit ways;
 - (b) enter or remain on the golf course except on those days and during those hours in which the golf course is open for playing or practising;
 - (c) prune, lop, damage, or injure any plant, lawn, flower, shrub, tree or any other vegetation;
 - (d) kill, injure or interfere with any fauna on the golf course;
 - (e) damage or interfere with any building, property or thing placed or used on the golf course belonging to the Council;
 - (f) enter or remain upon any portion of the golf course if, by doing so, damage is likely to be caused thereto;
 - (g) enter or remain upon any portion of the golf course 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;
 - (h) damage or interfere with any tee, green, bunker, mound, slope, bank, lake, lake border, water course or any other prepared, landscaped or constructed portion of the golf course.
 - (i) leave on the golf course any vehicle, object or thing or any animal;
 - (j) drive, use or park a vehicle on any portion of the golf course except in such areas paved, marked and set apart for such purpose unless with the prior consent of the Council;
 - (k) while driving, using or parking any vehicle on any portion of the golf course refuse or fail to comply with all signs applicable thereto and any order or direction given by an officer of the Council or the Controller in relation thereto;
 - (l) bring on to or discharge or fire any firearms, bow, slingshot or other like weapon or device on or from the golf course;
 - (m) bring on to, set or use or attempt to bring on to, set or use on the golf course any animal trap, bird trap, fish trap, net or like device;
 - (n) use any taps, showers, hand basins, toilet and related facilities other than for the purposes and in the manner for which the same are designed;

- (o) take onto the golf course a vehicle except where:
 - (i) the vehicle is used on roadways or parked in parking areas in accordance with directions as specified by clause 4(j); or
 - (ii) with the prior consent of the Council or the Controller; or
 - (iii) the vehicle is a wheelchair; or
 - (iv) the vehicle is under the control of the Controller; or
 - (v) the vehicle is hired by that person from the Controller for use on the golf course;
- (p) cross or trespass upon any portion of the golf course prepared for play or practise or on any practice fairway or practice putting green unless that person is a fee paying player or otherwise has permission of the Council or Controller to do so.

Rules of Golf

- 5. 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.
- 6. Every player shall at all times while on the golf course 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.

Exclusion

- 7. The Controller may at any time refuse permission for any person to enter onto or remain on any portion of the golf course 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.

Authorisation or Ticket

- 8. No person shall be permitted to play on the golf course reserve until they have first obtained and are in possession of a ticket or receipt issued by the Controller, and any person found playing golf in contravention of this clause shall be liable, in addition to any penalty prescribed, to be refused by the Controller entrance to the golf course reserve for such period as the Controller may, in each particular case, determine.
- 9.
 - (1) Any written authorisation granted or ticket issued 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.
 - (2) The Controller may at any time withdraw or cancel an authorisation or ticket authorising any person to play on the golf course.
 - (3) 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.

Liability

10. All persons admitted to the golf course are admitted upon the condition that neither the Council nor any person for whose acts the Council is responsible at law, nor the Controller, shall be liable to any person so admitted for injury or damage sustained by that person through any act, neglect, default or omission of any other person thereon.

Council Staff or Agents

11. Nothing in this Local Law shall be construed so as to inhibit or preclude an employee, contractor or agent of the Council from carrying out his normal lawful duties;

Penalties

12.

- (1) A person who does not do a thing which by or under this Local Law is required or directed and a person who does a thing which by or under this Local Law is prohibited, commits an offence against this Local Law and on conviction shall be liable to the maximum penalty prescribed in section 190(7) of the Act
- (2) The modified penalty for an offence against clause 4(i) as far as it relates to vehicles and clauses 4(j), 4(k) and 4(o) of this Local Law, if dealt with under Section 669D of the Act is \$50.
- (3)
 - (a) A notice served under subsection (2) of Section 669D of the Act in respect of an offence against this Local Law shall be in, or to the same effect as Form 1 of the Second Schedule of this Local Law.
 - (b) An infringement notice served under Section 669D of the Act in respect of an offence against this Local Law shall be in, or to the same effect as Form 2 of the Second Schedule of this Local Law.
 - (c) A notice sent under subsection (5) of Section 669D of the Act withdrawing an infringement notice served under that section in respect of an offence against this Local Law shall be in, or to the same effect as of Form 3 the Second Schedule to this Local Law.

First Schedule

The Point Walter Golf Course - being the area within the Point Walter Reserve (No A4813) bounded by a line taken from the south eastern corner of Point Walter Reserve westerly to the south western corner of that reserve.

Then generally north east along the boundary which runs between the Point Walter Reserve and the Blackwall Reach Reserve (No 11240) to where the boundary meets with the western side of the roundabout at the intersection of Honour Avenue and Carroll Drive.

Then generally north east for approximately 33.3 metres, then generally east for approximately 17.5 metres, then south for approximately 29.7 metres around the golf course car park. Then generally east for approximately 15.6 metres north of the golf course club house, then generally south east for approximately 67.4 metres to the south west corner of the existing fence between the golf course and the recreation camp and then along the fence in a south easterly direction to the eastern boundary of the Point Walter Reserve and then southerly along the boundary of that reserve to the starting point.

Second Schedule: Form 1

City of Melville

Local Law Relating to the Point Walter Golf Course

Notice Requiring Owner of Vehicle to Identify Driver

To..... Serial No.....

Owner of vehicle: Date.....

Make:..... Type.....

Plate No.....

You are hereby notified that it is alleged that on the

day of.....20.....at aboutam/pm

the driver or person in charge of the above vehicle did

in contravention of the provisions of the City of Melville Local Law Relating to the Point Walter Golf Course

You are hereby required to identify the person who was the driver or person in charge of the above vehicle at the time when the above offence is alleged to have been committed.

Unless within twenty-one days after the date of the service of this notice you:-

(a) inform the Council of the City of Melville, Almondbury Road, Booragoon

as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the above offence; or

(b) satisfy the Council that the above vehicle had been stolen or unlawfully taken, or was being unlawfully used, at the time of the above offence,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and Court proceedings may be instituted against you.

Signature of Authorised Officer.....Designation.....

Second Schedule: Form 2

City of Melville

Local Law Relating to the Point Walter Golf Course

Infringement Notice

To Serial No.....
(not to be completed where notice is attached to or left in or on vehicle)

Date

Owner of vehicle: Make

Type..... Plate No..

You are hereby notified that it is alleged that on

the..... day of.....

at about.....you did.....

in contravention of the provisions of the City of Melville Local Law Relating to the Point Walter Golf Course

The modified penalty prescribed for this offence is \$.....

If you do not wish to have a complaint of the above offence heard and determined by a Court you may pay the modified penalty within twenty-one days after the date of the service of this notice.

Unless within twenty-one days after the date of the service of this notice-

- (a) the modified penalty is paid; or
- (b) you inform the Council of the City of Melville
 - (i) as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the above offence; or
 - (ii) satisfy the Council that the above vehicle had been stolen or was being unlawfully used at the time of the above offence, you will, in the absence of proof to the contrary, be deemed to have committed the above offence and Court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of \$..... to the City of Melville or by delivering this form and paying that amount at the City of Melville Civic Centre, 10 Almondbury Road, Booragoon between 8.30am – 5.00pm, Monday to Friday.

Signature of Authorised Officer..... Designation.....

Second Schedule: Form 3

City of Melville

Local Law Relating to the Point Walter Golf Course

Withdrawal of Infringement Notice

To
.....
..... Date.....

Infringement Notice No. Date.....

for the alleged offence of.....

Modified Penalty.....

is hereby withdrawn.

No further action will be taken.
It is proposed to institute court proceedings for the alleged offence.

Delete whichever does not apply.

Signature of Authorised Officer..... Designation.....

