Western Australia

Botanic Gardens and Parks Regulations 1999

Compare between:

[21 Dec 2024, 00-f0-00] and [31 Mar 2025, 00-g0-00]

Western Australia

Botanic Gardens and Parks Authority Act 1998

Botanic Gardens and Parks Regulations 1999

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Botanic Gardens and Parks Regulations 1999.*

2. Commencement

These regulations come into operation on the day on which the *Botanic Gardens and Parks Authority Act 1998* comes into operation.

3. Definitions

In these regulations, unless the contrary intention appears —

bicycle has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

carriageway has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

designated, except in relation to designated land, means designated by traffic signs under regulation 9;

motor vehicle has the meaning given in the *Road Traffic (Administration) Act 2008* section 4;

parking area means an area designated for the parking of vehicles;

permission has a meaning affected by regulation 5;

road has the meaning given in the *Road Traffic (Administration) Act 2008* section 4;

section means section of the Act;

stand, in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of —

(a) avoiding conflict with other traffic; or

(b) complying with the provisions of any law;

traffic sign means a sign, marking, structure or device for the purpose of —

(a) restricting or regulating the use of roads, tracks or paths on the designated land; or

(b) prohibiting, restricting or regulating the use, standing or parking of vehicles on the designated land;

use, in relation to a vehicle, includes driving a vehicle and riding or pushing a bicycle.

[Regulation 3 amended: Gazette 8 Jan 2015 p. 77-8; 9 Sep 2016 p. 3872.]

4. Designated land

The land described in the Table to this regulation is prescribed for the purposes of the definition of "designated land" in section 3.

Table

All of the land from time to time within Class A Reserve No. 45409 (known as Bold Park).

5. Permissions

(1) Where a provision of these regulations states that an act or activity must not be done or carried on without permission, the reference to permission is to the permission of the Authority.

(2) For the purposes of any such provision, the Authority may refuse permission or in the exercise of the power to grant permission may —

(a) grant permission generally or for any specific instance; or

(b) grant permission on and subject to such terms and conditions as it considers appropriate including terms and conditions as to —

(i) the part of the designated land to which the permission applies;

(ii) the class or description of persons to whom the permission extends; or

(iii) the payment of any fee or charge whether before the act is done or the activity is commenced or otherwise.

(3) The Authority may amend or revoke a permission that has been granted.

(4) A permission must be in writing and must be obtained before the act is done or the activity is commenced.

(5) Where a permission has been given to a person subject to any condition, the permission is to be taken, in any prosecution against that person, to have lapsed during any period when the condition was not observed or performed according to its tenor by that person.

Part 2 — Access to designated land

6. Authority may restrict access

(1) The Authority may by the erection or establishment of signs —

(a) close the designated land or part of the designated land; or

(b) close a road, track or path on the designated land,

to pedestrians or vehicles or both for such period as the Authority thinks fit.

(2) The powers in subregulation (1) may only be exercised for the purpose mentioned in section 53(2)(c).

(3) The Authority must erect and maintain sufficient signs on or in the vicinity of the designated land, a part of the designated land, or a road, track or path, that is closed under this regulation to indicate that entry to that designated land, part of the designated land, road, track or path, as the case requires is prohibited without permission.

(4) The inscription on a sign erected or established under this regulation operates according to its tenor.

(5) A person must not, without permission —

(a) enter the designated land or any part of the designated land that is for the time being closed under this regulation; or

(b) use a road, track or path that is for the time being closed under this regulation.

Penalty for this subregulation: a fine of $1 000.

[Regulation 6 amended: Gazette 9 Sep 2016 p. 3872 and 3878.]

7. Unauthorized entry

(1) A person must not, without permission, enter any part of the designated land that is comprised predominantly of native flora

except on a road, track or path designated for use by pedestrians or vehicles or both.

Penalty for this subregulation: a fine of $1 000.

(2) A person must not, without permission, enter or attempt to enter the designated land except through an entrance provided by the Authority for that purpose.

Penalty for this subregulation: a fine of $1 000.

(3) A person must not, without permission, enter any part of the designated land that is set apart by the Authority for the cultivation of flowers, plants, shrubs or young trees.

Penalty for this subregulation: a fine of $1 000.

[Regulation 7 amended: Gazette 9 Sep 2016 p. 3878.]

8. Defence

It is a defence to a charge of an offence under regulation 6(5) or 7(1), (2) or (3) for the accused to prove that the act complained of was necessary to prevent or mitigate injury to a person or damage to property.

[Regulation 8 amended: Gazette 9 Sep 2016 p. 3872.]

Part 3 — Regulation of vehicles

9. Traffic signs and directions

(1) The Authority may erect or establish traffic signs on the designated land.

(2) The inscription on a traffic sign operates according to its tenor.

(3) A person must comply with the inscription on a traffic sign erected or established under subregulation (1).

Penalty for this subregulation: a fine of $2 000.

(4) A person must comply with a signal or direction by a park management officer as to the use, parking or movement of a vehicle that is addressed to the person and that is reasonably required for the regulation of traffic on the designated land.

Penalty for this subregulation: a fine of $2 000.

[Regulation 9 amended: Gazette 9 Sep 2016 p. 3873.]

10. Certain classes of vehicles prohibited

(1) A person must not, without permission, use on the designated land —

(a) an omnibus as defined in the *Road Traffic (Vehicles) Act 2012* section 130(1); or

(b) a taxi unless it is being used for the purpose of —

(i) bringing a passenger onto the designated land; or

(ii) taking a passenger from the designated land after being called to the land for that purpose; or

(iii) taking up a passenger at one point on the land and setting the passenger down at another point

on the land after being called to the land for that purpose,

and it leaves the land in completion of that purpose or when that purpose has been completed, as the case requires;

or

(c) a goods vehicle as defined in the *Road Traffic (Vehicles) Regulations 2014* regulation 3 with an unladen mass in excess of 1 524 kg; or

(d) a tractor, whether of a prime mover type or any other type; or

(e) a horse-drawn vehicle; or

(f) an off-road vehicle as defined in the *Control of Vehicles (Off-road Areas) Act 1978* section 3(1); or

(g) a vehicle (whether laden or not) ordinarily used for the carrying of goods, materials or merchandise of any kind, unless the vehicle is being used in connection with the delivery of goods, materials or merchandise to —

(i) the Authority; or

(ii) a person who has been granted a lease or licence by the Authority or is authorized by the Authority to use any part of the designated land;

or

(h) a hearse; or

(i) an electric personal transporter; or

(j) a mini bike; or

(k) a motorised scooter; or

(l) a motorised skateboard.

Penalty for this subregulation: a fine of $2 000.

(2) In subregulation (1) —

electric personal transporter has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

mini bike means a scaled down motor cycle that —

(a) is commonly known as a mini bike, monkey bike or pocket bike; and

(b) is powered by an internal combustion engine;

motorised scooter has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

taxi means a vehicle that is used for the purpose of standing or plying for hire or otherwise for the carrying of passengers for reward.

[Regulation 10 amended: Gazette 8 Jan 2015 p. 78-9; 9 Sep 2016 p. 3873 and 3878-9.]

11. Use of motor vehicles

A person must not, without permission, use a motor vehicle, or cause or permit a motor vehicle in his or her possession to be used, on the designated land except —

(a) on a road;

(b) on a track designated as a track that may be used by motor vehicles; or

(c) in a parking area.

Penalty: a fine of $2 000.

[Regulation 11 amended: Gazette 9 Sep 2016 p. 3879.]

12. Speed restriction

(1) A person must not drive or ride a vehicle on the designated land at a speed in excess of 40 km per hour.

Penalty for this subregulation: a fine of $2 000.

(2) Subregulation (1) does not justify the driver of a vehicle driving at a speed that may constitute driving carelessly, recklessly or at a speed, or in a manner, that is dangerous to the public, having regard to all the circumstances.

[Regulation 12 amended: Gazette 9 Sep 2016 p. 3878-9.]

13. Standing

(1) A person must not, without permission, stand a vehicle on part of a carriageway on the designated land if the standing of vehicles on that part of the carriageway is prohibited by a traffic sign.

Penalty for this subregulation: a fine of $2 000.

(2) A person must not, without permission, stand a vehicle at the side of a carriageway marked with a continuous yellow edge line.

Penalty for this subregulation: a fine of $1 500.

(3) In subregulation (2) —

edge line has the meaning given in the *Road Traffic Code 2000* regulation 3(1).

[Regulation 13 inserted: Gazette 9 Sep 2016 p. 3874.]

14. Parking

(1) A person must not, without permission, park a vehicle, or cause or permit it to be parked, on the designated land —

(a) in a place, other than a parking area, that is off a carriageway; or

(b) on part of a carriageway, if the parking of vehicles on that part of the carriageway is prohibited by a traffic sign; or

(c) during a period when the person is not on the designated land, whether or not the vehicle is parked in a parking area; or

(d) in a place for a period in excess of the time during which a vehicle is permitted by the Authority to be parked in that place; or

(e) in a place that is marked with parking bays, unless it is entirely within the confines of such a parking bay; or

[(f) deleted]

(g) in an area that is designated for the parking of vehicles by persons of a particular class, unless the person belongs to that class; or

(h) in an area that is designated as an area for the parking of vehicles of a particular class, unless the vehicle belongs to that class; or

(i) on part of a carriageway within 18 m of the approach side or 9 m of the departure side of a sign inscribed "Bus Stop" or "Hail Bus Here" unless the vehicle is an omnibus that is taking up or setting down passengers; or

(j) on a carriageway, unless it is as near as practicable to, and parallel with, either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which it is parked; or

(k) on a footpath or shared path; or

(l) in a manner that obstructs the path of a pedestrian or motor vehicle.

Penalty for this subregulation: a fine of $1 500.

(1A) A person must not, without permission, park a vehicle, or cause or permit it to be parked, on the designated land in an area designated for the parking of vehicles of people with disabilities, unless —

(a) a disability parking permit is displayed in a prominent position on the vehicle; and

(b) the holder of the disability parking permit is the driver of or a passenger in the vehicle.

Penalty for this subregulation: a fine of $2 000.

(2) Despite subregulation (1)(i), where the part of a carriageway referred to in that paragraph is also designated for bus parking or as a bus terminus, a person may park an omnibus on that part of the carriageway for such reasonable time as is necessary in the course of a journey.

(3) In subregulations (1) and (1A) —

disability parking permit means a current document issued by National Disability Services Limited (ACN 008 445 485), consisting of —

(a) an Australian Disability Parking Permit; and

(b) an ACROD Parking Program Card;

footpath has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

shared path has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

taking up or setting down passengers does not include waiting for passengers.

[Regulation 14 amended: Gazette 9 Sep 2016 p. 3874-5 and 3878.]

14A. Marking tyres

(1) In this regulation —

parked vehicle means a vehicle parked on the designated land.

(2) A park management officer may mark a tyre of a parked vehicle with chalk or any other temporary substance for the purpose of determining the period of time that the vehicle has been parked on the designated land.

(3) A person must not, without permission, remove a mark made under subregulation (2) from a tyre of a parked vehicle.

Penalty for this subregulation: a fine of $1 500.

[Regulation 14A inserted: Gazette 9 Sep 2016 p. 3875.]

15. Bicycles

A person must not, without permission, ride a bicycle on the designated land except —

(a) on a road;

(b) on a track designated for use by vehicles;

(c) on a path designated for use by cyclists; or

(d) in a parking area.

Penalty: a fine of $1 000.

[Regulation 15 amended: Gazette 9 Sep 2016 p. 3879.]

16. Roller skates etc.

A person must not, without permission, ride —

(a) a roller skate; or

(b) any vehicle that is mounted on small wheels or rollers and not fitted with an efficient mechanism for braking,

on the designated land except on a track or path designated for such use.

Penalty: a fine of $1 000.

[Regulation 16 amended: Gazette 9 Sep 2016 p. 3879.]

17. Instruction in driving motor vehicles etc.

A person must not, without permission —

(a) use any road on the designated land for the purpose of instructing another person in how to drive a motor vehicle;

(b) repair a motor vehicle on the designated land unless such repair is necessary because the motor vehicle has broken down; or

(c) use the designated land for the purpose of testing or displaying a motor vehicle.

Penalty: a fine of $1 000.

[Regulation 17 amended: Gazette 9 Sep 2016 p. 3879.]

18. Emergency vehicles

(1) Despite any other provision of these regulations, the driver of an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so —

(a) stop, stand or park the vehicle at any place on the designated land and at any time; or

(b) exceed the speed prescribed in regulation 12(1).

(2) In subregulation (1) —

emergency vehicle means a motor vehicle being used in connection with —

(a) urgent police duties;

(b) the fighting of fire or the answering of a fire call;

(c) providing assistance to a sick or injured person; or

(d) any other emergency in which human life is reasonably believed by the driver of the vehicle to be in danger.

18A. Using or parking vehicle for advertising purposes

A person must not, without permission, use or park a vehicle, or cause a vehicle to be used or parked, on the designated land for the primary purpose of advertising.

Penalty: a fine of $2 000.

[Regulation 18A inserted: Gazette 9 Sep 2016 p. 3876.]

Part 4 — Protection of biological diversity and the environment

19. Protection of flora and fungi

(1) A person must not, without permission, or without authorization (however described) under another written law, damage, destroy or take any flora or fungi living or dead on the designated land.

Penalty for this subregulation: a fine of $2 000.

(2) A person must not, without permission, remove any stake supporting, any label on or near, or any protective fencing around or near, any flora or fungi living or dead on the designated land.

Penalty for this subregulation: a fine of $1 000.

(3) In this regulation —

flora means any form of plant life including any part, seeds or spores;

take includes gather, pluck, cut, pull up and dig up.

[Regulation 19 amended: Gazette 9 Sep 2016 p. 3878 and 3878-9.]

20. Protection of fauna

(1) A person must not, without permission, or without authorization (however described) under another written law, injure, kill, take, chase or interfere with any fauna on the designated land.

Penalty for this subregulation: a fine of $2 000.

(2) A person must not, without permission, or without authorization (however described) under another written law, carry or have in the person's possession on the designated land a trap, cage, net, or other device for taking or transporting fauna.

Penalty for this subregulation: a fine of $2 000.

(3) A person must not, without permission, or without authorization (however described) under another written law, lay or place any trap, net or other device for the taking of fauna on the designated land.

Penalty for this subregulation: a fine of $2 000.

(4) A person must not, without permission, or without authorization (however described) under another written law, interfere with or destroy any nest or habitat of fauna on the designated land.

Penalty for this subregulation: a fine of $2 000.

(5) In this regulation —

fauna means any living thing that is not a human being or a plant and the eggs and immature stages of any such living thing;

take includes remove, catch, trap and snare.

[Regulation 20 amended: Gazette 9 Sep 2016 p. 3878-9.]

21. General prohibition on animals and birds

(1) A person must not, without permission, bring an animal or bird onto the designated land.

Penalty for this subregulation: a fine of $1 000.

(2) A person must not, without permission, leave, abandon, or release an animal or bird on the designated land.

Penalty for this subregulation: a fine of $1 000.

(3) Subregulation (1) does not apply in relation to a dog if it is held by a person at all times by means of a chain, cord or leash not exceeding a length of 2 m.

[Regulation 21 amended: Gazette 9 Sep 2016 p. 3876 and 3878.]

22. Feeding animals and birds

(1) The Authority may by resolution determine that the feeding of an animal or bird of a kind specified in the resolution is prohibited on the designated land.

(2) A person must not, on the designated land, feed an animal or bird in respect of which a resolution has been made under subregulation (1) if the Authority has —

(a) erected signs on the designated land notifying the public that feeding an animal or bird of that kind is prohibited; or

(b) otherwise notified that person that the feeding of an animal or bird of that kind is prohibited.

Penalty for this subregulation: a fine of $1 000.

[Regulation 22 amended: Gazette 9 Sep 2016 p. 3878.]

23. Protection of rocks, soil, etc.

A person must not, without permission, or without authorization (however described) under another written law —

(a) remove, damage, interfere with or mark any rock or other geological material on the designated land;

(b) remove or displace soil on the designated land; or

(c) otherwise damage or interfere with the natural surface of the designated land.

Penalty: a fine of $2 000.

[Regulation 23 amended: Gazette 9 Sep 2016 p. 3879.]

24. Litter

(1) A person must not —

(a) deposit litter, or cause litter to be deposited, on the designated land unless the litter is deposited in a litter receptacle; or

(b) deposit litter, or cause litter to be deposited, in a litter receptacle on the designated land if the litter was not generated on the designated land.

Penalty for this subregulation: a fine of $1 000.

(2) In subregulation (1) —

litter has the same meaning as it has in the *Litter Act 1979*.

[Regulation 24 amended: Gazette 9 Sep 2016 p. 3878.]

25. Dog excrement

A person who brings a dog onto the designated land must not cause or permit any excrement from the dog to be left on the designated land.

Penalty: a fine of $1 000.

[Regulation 25 amended: Gazette 9 Sep 2016 p. 3879.]

Part 5 — Control of certain activities

26. Unauthorized structures

(1) A person must not, without permission, erect or place a structure on the designated land.

Penalty for this subregulation: a fine of $1 000.

(2) In subregulation (1) —

structure means a building, tent, shelter, fence or other thing that is fixed to land or to anything that is fixed to land.

[Regulation 26 amended: Gazette 9 Sep 2016 p. 3878.]

27. Unauthorized trading, etc.

(1) A person must not, without permission, on the designated land sell, hire, or offer or expose for sale or hire, any goods or services.

Penalty for this subregulation: a fine of $1 500.

(2) A person must not, without permission, on the designated land provide any service or conduct any business or activity for fee or reward.

Penalty for this subregulation: a fine of $1 500.

(3) A person must not, without permission, on the designated land sell, distribute, or carry or expose for sale or distribution, any printed or written matter.

Penalty for this subregulation: a fine of $1 500.

(4) It is immaterial for the purposes of subregulation (3) that any matter is distributed or carried or exposed for distribution free of charge.

[Regulation 27 amended: Gazette 9 Sep 2016 p. 3878.]

28. Commercial photography

A person must not, without permission, take still or motion pictures on the designated land by photographic or electronic means for —

(a) the purpose of public display, broadcast or transmission; or

(b) use in the promotion or sale of goods or services.

Penalty: a fine of $1 500.

[Regulation 28 amended: Gazette 9 Sep 2016 p. 3876.]

29. Organized events, meetings etc.

(1) A person must not, without permission —

(a) organize, hold or participate in any fete, picnic, concert, spectator event or public meeting;

(b) engage in any public speaking;

(c) conduct a marriage ceremony; or

(d) collect money for any purpose,

on the designated land.

Penalty for this subregulation: a fine of $1 500.

(2) Subregulation (1)(a) does not apply to a picnic if the number of persons attending the picnic is 25 or less.

[Regulation 29 amended: Gazette 9 Sep 2016 p. 3876 and 3878.]

30. Sporting events

(1) A person must not, without permission, organize or hold any sporting event on the designated land.

Penalty for this subregulation: a fine of $1 500.

(2) A person must not, without permission, participate in any sporting event on the designated land if the event is —

(a) of a dangerous nature;

(b) likely to constitute an inconvenience or annoyance to persons; or

(c) likely to affect the natural surface of the designated land.

Penalty for this subregulation: a fine of $1 000.

(3) Subregulation (2) does not apply to participation in a sporting event that is organized or held with the permission of the Authority.

(4) In this regulation —

sporting event includes a race, game, motor rally, training session and fitness class.

[Regulation 30 amended: Gazette 9 Sep 2016 p. 3878.]

31. Bill sticking, advertising, etc.

A person must not, without permission —

(a) post, stick, stamp, stencil, paint, or otherwise affix any placard, handbill, notice, banner, advertisement or other document on or to any rock, tree, fence, post, gate, wall, road, track, path, natural surface, or building or other structure, on the designated land;

(b) write, draw or paint on or deface any rock, tree, fence, post, gate, wall, road, track, path, natural surface, or building or other structure, on the designated land; or

(c) cause any of the acts prohibited by paragraph (a) or (b) to be done by another person.

Penalty: a fine of $2 000.

[Regulation 31 amended: Gazette 9 Sep 2016 p. 3876 and 3879.]

31A. Decorations

(1) In this regulation —

decoration includes a light, lantern, balloon and streamer.

(2) A person must not, without permission —

(a) attach a decoration to a rock, tree, fence, post, gate, wall, road, track, path, natural surface, or building or other structure, on the designated land; or

(b) cause the act prohibited by paragraph (a) to be done by another person.

Penalty for this subregulation: a fine of $2 000.

[Regulation 31A inserted: Gazette 9 Sep 2016 p. 3876-7.]

32. Weapons, etc.

(1) A person must not, without permission, carry or discharge any firearm, speargun, catapult or other weapon on the designated land.

Penalty for this subregulation: a fine of $2 000.

(2) Subregulation (1) does not apply to the carrying or use of a firearm by a police officer in the course of duty.

(3) A person must not, without permission, throw or release any missile or dangerous object or material of any kind on the designated land.

Penalty for this subregulation: a fine of $2 000.

(4) In this regulation —

firearm has the ~~same~~ meaning ~~as it has~~given in the *Firearms Act ~~1973~~2024* section 6.

[Regulation 32 amended: Gazette 9 Sep 2016 p. 3878-9; SL 2024/298 r. 6.]

33. Lighting fires

A person must not, without permission, make, light or use a fire on the designated land.

Penalty: a fine of $2 000.

[Regulation 33 inserted: Gazette 9 Sep 2016 p. 3877.]

33A. Portable gas barbecues or cookers

A person must not, without permission, use a portable gas barbecue or other portable cooker on the designated land.

Penalty: a fine of $2 000.

[Regulation 33A inserted: Gazette 9 Sep 2016 p. 3877.]

33B. Portable generators

A person must not, without permission, use a portable generator on the designated land.

Penalty: a fine of $2 000.

[Regulation 33B inserted: Gazette 9 Sep 2016 p. 3877.]

34. Explosive devices

A person must not, without permission, possess, throw, set off or ignite a firework, sparkler or other explosive device on the designated land.

Penalty: a fine of $2 000.

[Regulation 34 amended: Gazette 9 Sep 2016 p. 3879.]

35. Camping

(1) A person must not, without permission, camp on the designated land.

Penalty for this subregulation: a fine of $1 000.

(2) In subregulation (1) —

camp means to stay or lodge, whether in a tent, temporary shelter, vehicle or otherwise.

[Regulation 35 amended: Gazette 9 Sep 2016 p. 3878.]

36. Unauthorized removal of property

A person must not, without permission, remove from the designated land, or disturb or move, any article or property that is lying or left on the designated land and of which the person is not —

(a) the owner; or

(b) legally entitled to possession.

Penalty: a fine of $1 000.

[Regulation 36 amended: Gazette 9 Sep 2016 p. 3879.]

36A. Scattering or burying ashes

A person must not scatter or bury, or cause to be scattered or buried, the ashes of a deceased person or animal on the designated land.

Penalty: a fine of $1 000.

[Regulation 36A inserted: Gazette 9 Sep 2016 p. 3877.]

Part 6 — Offensive behaviour

37. Assault

(1) A person must not unlawfully assault any person on the designated land.

Penalty for this subregulation: a fine of $2 000.

(2) In subregulation (1) —

assault and ***unlawfully*** have the same respective meanings as those terms have in Chapter XXX of Part V of *The Criminal Code.*

[Regulation 37 amended: Gazette 9 Sep 2016 p. 3878-9.]

38. Indecent language

A person must not use indecent, obscene, threatening, abusive or insulting language on the designated land.

Penalty: a fine of $2 000.

[Regulation 38 amended: Gazette 9 Sep 2016 p. 3879.]

39. Indecent acts

A person must not do or engage in any indecent, offensive, or improper act, conduct or behaviour on the designated land.

Penalty: a fine of $2 000.

[Regulation 39 amended: Gazette 9 Sep 2016 p. 3879.]

40. Nuisance

A person must not act in such a way as to cause a nuisance or annoyance to persons on the designated land.

Penalty: a fine of $2 000.

[Regulation 40 amended: Gazette 9 Sep 2016 p. 3879.]

41. Dissemination of indecent matter

A person must not write, draw, print, publish, record, broadcast, distribute, or otherwise disseminate on the designated land indecent or obscene matter of any kind.

Penalty: a fine of $2 000.

[Regulation 41 amended: Gazette 9 Sep 2016 p. 3879.]

42. Offensive noise

A person must not, without permission, by the use of any electronic, mechanical or other instrument or machine, or by natural means, on the designated land cause or produce a noise that unreasonably interferes with the convenience, comfort or amenity of another person.

Penalty: a fine of $2 000.

[Regulation 42 amended: Gazette 9 Sep 2016 p. 3879.]

43. Damage to property, etc.

A person must not, without permission —

(a) destroy, damage, deface, remove or interfere with —

(i) any building or other structure on the designated land; or

(ii) any property on the designated land owned by, or under the care, control and management of, the Authority;

or

(b) damage, deface or interfere with the surface of a road, track or path on the designated land.

Penalty: a fine of $2 000.

[Regulation 43 amended: Gazette 9 Sep 2016 p. 3879.]

Part 7 — Miscellaneous

43A. Relevant amount

For the purposes of the definition of ***relevant amount*** in section 11(4), the amount is $5 000 000.

[Regulation 43A inserted: SL 2022/13 r. 4.]

44. Notice under s. 49(3)

A notice given under section 49(3) is to be in the form of Form 1 in Schedule 1.

45. Modified penalties

(1) The offences created by the provisions of these regulations specified in the second column of Schedule 2 are prescribed for the purposes of section 51(2).

(2) The amount specified in the fourth column of Schedule 2 corresponding to an offence created by a provision of these regulations specified in the second column of that Schedule is the modified penalty for that offence.

46. Infringement notice

An infringement notice given under section 51(2) is to be in the form of Form 2 in Schedule 1.

47. Withdrawal of infringement notice

A notice under section 51(7) withdrawing an infringement notice is to be in the form of Form 3 in Schedule 1.

48. Removal of certain notices prohibited

A person, other than the owner, driver or person in charge of a vehicle, must not remove any notice attached to, or left in or on, the vehicle under section 49(4) or 52(2)(b).

Penalty: a fine of $1 000.

[Regulation 48 amended: Gazette 9 Sep 2016 p. 3879.]

49. Impersonation of park management officer

A person must not impersonate a park management officer.

Penalty: a fine of $2 000.

[Regulation 49 amended: Gazette 9 Sep 2016 p. 3879.]

50. Recovery of costs of removing vehicle, etc.

The Authority may recover the costs of exercising the power in section 28(2)(c) from the owner of the vehicle, animal or other thing concerned in a court of competent jurisdiction as a debt due to the Authority.

Schedule 1 — Forms

[r. 44, 46 and 47]

[Heading amended: Gazette 9 Sep 2016 p. 3877.]

Form 1

Botanic Gardens and Parks Authority Act 1998

Notice to owner of vehicle involved in offence

Date …../…../…..

To: (1) .....
of: (2) .....
It is alleged that on …../…../….. at (3) ….....
at (4) ..... your vehicle (5) .....
was involved in the commission of the following offence —
.....
.....
.....
contrary to regulation (6)..... of the *Botanic Gardens and Parks Regulations 1999*.
You are required under section 49 of the *Botanic Gardens and Parks Authority Act 1998* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.
If you do not prove otherwise, you will be deemed to have committed the offence unless —

(a) within 28 days after being served with this notice —
  (i) you inform the chief executive officer of the Botanic Gardens and Parks Authority as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
  (ii) you satisfy the chief executive officer of the Botanic Gardens and Parks Authority that the vehicle had been stolen or unlawfully taken, or was being unlawfully used, at the time the offence is alleged to have been committed;
  or
(b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

Identifying number of park management officer giving the notice
.....
Signature .....

(1) Name of owner or "owner of (*vehicle identification*) "
(2) Address of owner (not required if owner not named)

(3) Time at which offence allegedly committed
(4) Place at which offence allegedly committed
(5) Vehicle identification
(6) Regulation designation

[Form 1 amended: Gazette 9 Sep 2016 p. 3878.]

Form 2

Botanic Gardens and Parks Authority Act 1998

Infringement notice

Serial No .....
Date ……/……/……..

To: [1] .....
of: [2] .....

It is alleged that on ……/……/…….. at [3] .....
at [4] .....
you committed the following offence —
.....
.....
.....

contrary to regulation [5] ..... *of the Botanic Gardens and Parks Regulations 1999*.

The modified penalty for the offence is $ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorized person at [6]
.....……
within a period of 28 days after the giving of this notice.

Identifying number of park management officer giving the notice
.....….

Signature .....

(1) Name of alleged offender ["owner of (*vehicle identification*) " suffices if notice given with a notice under section 49 of the Act]
(2) Address of alleged offender [not required if notice given with a notice under section 49 of the Act]
(3) Time at which offence allegedly committed
(4) Place at which offence allegedly committed
(5) Regulation designation
(6) Place where modified penalty may be paid

[Form 2 amended: Gazette 9 Sep 2016 p. 3878.]

Form 3

Botanic Gardens and Parks Authority Act 1998

Withdrawal of infringement notice

Serial No .....

Date ……/…../…..

To: (1) .....
of: (2) .....

Infringement notice No. ..... dated ……/…../…... for the alleged offence of .....
.....
.....
has been withdrawn.

The modified penalty of $ .....

* has been paid and a refund is enclosed.
* has not been paid and should not be paid.

* Delete as appropriate

Name and title of authorized person giving this notice .....

Signature .....

(1) Name of alleged offender to whom infringement notice was given

(2) Address of alleged offender

Schedule 2 — Modified penalties

[r. 45]

Item	Regulation	Description of offence	Modified penalty ($)
1.	6(5)(a)	Entering designated land when closed without permission	100
2.	6(5)(b)	Using road, etc. when closed without permission	100
3.	7(1)	Entering designated land comprised of native flora except on road, track, etc. without permission	100
4.	7(2)	Entering designated land except through entrance provided without permission	100
5.	7(3)	Entering place set apart for cultivation without permission	100
6.	9(3)	Failing to comply with traffic sign	200
7.	9(4)	Failing to comply with sign or direction by park management officer	200
8.	10	Using vehicle of prohibited class without permission	200
9.	11	Using motor vehicle except on road, etc. without permission	200
10.	12	Exceeding speed limit —	
		(a) by not more than 9 km/h	100
		(b) by more than 9 km/h but not more than 19 km/h	150
		(c) by more than 19 km/h but not more than 29 km/h	200
		(d) by more than 29 km/h but not more than 40 km/h	300
		(e) by more than 40 km/h	400
11.	13(1)	Standing vehicle where prohibited without permission	200

Item	Regulation	Description of offence	Modified penalty ($)
11A.	13(2)	Standing vehicle at side of carriageway without permission	150
12.	14(1)(a)	Parking off a carriageway without permission	150
13.	14(1)(b)	Parking where prohibited by sign without permission	150
14.	14(1)(c)	Parking when person not on the designated land without permission	150
15.	14(1)(d)	Parking in excess of period permitted without permission	150
16.	14(1)(e)	Parking not entirely within parking bay without permission	150
[17.	*deleted]*		
18.	14(1)(g)	Parking in area designated for parking by persons of particular class without permission	150
19.	14(1)(h)	Parking in area designated for parking of vehicles of particular class without permission	150
20.	14(1)(i)	Parking vehicle other than omnibus within prescribed distance of bus stop, etc. without permission	150
21.	14(1)(j)	Parking in opposite direction to traffic flow without permission	150
21A.	14(1)(k)	Parking on footpath or shared path without permission	150
21B.	14(1)(l)	Parking so as to obstruct pedestrian or motor vehicle without permission	150
21C.	14(1A)	Parking in area designated for parking by people with disabilities without permission	200
21D.	14A(3)	Removing mark made by park management officer without permission	150

Item	Regulation	Description of offence	Modified penalty ($)
22.	15	Riding bicycle except on road, etc. without permission	100
23.	16	Riding roller skates, etc. except on designated track or path without permission	100
24.	17(a)	Using road for purpose of driving instruction without permission	100
25.	17(b)	Repairing motor vehicle without permission	100
26.	17(c)	Using designated land for purpose of testing or displaying motor vehicle without permission	100
27.	19(1)	Injuring, etc. flora or fungi without permission or authorization	200
28.	19(2)	Removing stake, label or fencing without permission	100
29.	20(1)	Injuring, etc. fauna without permission or authorization	200
30.	20(2)	Carrying or having trap, etc. without permission or authorization	200
31.	20(3)	Laying trap, etc. without permission or authorization	200
32.	20(4)	Interfering with nest or habitat without permission or authorization	200
33.	21(1)	Bringing animal or bird onto designated land without permission	100
34.	21(2)	Leaving animal or bird on designated land without permission	100
35.	22(2)	Feeding animal or bird when prohibited	100
36.	23(a)	Removal of rock, etc. without permission or authorization	200
37.	23(b)	Removal of soil without permission or authorization	200

Item	Regulation	Description of offence	Modified penalty ($)
38.	23(c)	Damaging natural surface without permission or authorization	200
39.	24(1)(a)	Depositing litter except in litter receptacle	100
40.	24(1)(b)	Depositing litter in litter receptacle when litter not generated on designated land	100
41.	25	Causing or permitting dog excrement to be left on designated land	100
42.	26	Erecting structure without permission	100
43.	27(1)	Selling etc. goods or services without permission	150
44.	27(2)	Providing service, etc. for fee or reward without permission	150
45.	27(3)	Selling etc. printed or written matter without permission	150
46.	28(a)	Taking pictures for public display, etc. without permission	150
47.	28(b)	Taking pictures for promotional purposes, etc. without permission	150
48.	29(1)(a)	Organizing picnic, fete, etc. without permission	150
49.	29(1)(b)	Engaging in public speaking without permission	150
50.	29(1)(c)	Conducting marriage ceremony without permission	150
51.	29(1)(d)	Collecting money without permission	150
52.	30(1)	Organizing or holding sporting event without permission	150
53.	30(2)	Participating in sporting event without permission	100
54.	31(a)	Posting, sticking, etc. notices on things on designated land without permission	200

Item	Regulation	Description of offence	Modified penalty ($)
55.	31(b)	Writing, drawing, etc. on things on designated land without permission	200
56.	31(c)	Causing act prohibited by regulation 31(a) or (b) to be done without permission	200
56A.	31A(2)(a)	Attaching decorations to things on designated land without permission	200
56B.	31A(2)(b)	Causing act prohibited by regulation 31A(2)(a) to be done without permission	200
57.	32(1)	Carrying or discharging firearm, etc. without permission	200
58.	32(3)	Throwing missile, etc. without permission	200
59.	33	Lighting fire without permission	200
60.	33A	Using portable barbecue or cooker without permission	200
60A.	33B	Using portable generator without permission	200
61.	34	Possessing, etc. explosive device without permission	200
62.	35(1)	Camping on designated land without permission	100
63.	36	Removing property from designated land without permission	100
64.	43(a)	Destroying, etc. property on designated land	200
65.	43(b)	Damaging or defacing road, etc. on designated land	200
66.	48	Removing notice attached to vehicle	100
[67.	*deleted]*		

[Schedule 2 amended: Gazette 9 Sep 2016 p. 3879-82.]

Notes

This is a compilation of the *Botanic Gardens and Parks Regulations 1999* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table. ~~For provisions that have not yet come into operation see the uncommenced provisions table.~~

Compilation table

Citation	Published	Commencement
Botanic Gardens and Parks Regulations 1999	30 Jun 1999 p. 2881-903	1 Jul 1999 (see r. 2 and *Gazette* 30 Jun 1999 p. 2879)
Botanic Gardens and Parks Amendment Regulations 2014	8 Jan 2015 p. 77-9	r. 1 and 2: 8 Jan 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and *Gazette* 17 Apr 2015 p. 1371)
Botanic Gardens and Parks Amendment Regulations 2016	9 Sep 2016 p. 3872-82	r. 1 and 2: 9 Sep 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Sep 2016 (see r. 2(b))
Botanic Gardens and Parks Amendment Regulations 2022	SL 2022/13 11 Feb 2022 ~~SL 2022/13~~	r. 1 and 2: 11 Feb 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Feb 2022 (see r. 2(b))

~~Uncommenced provisions table~~

~~To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA Legislation website.~~

~~Citation~~	~~Published~~	~~Commencement~~
Environment Regulations Amendment (Firearms) Regulations 2024 Pt. 3	SL 2024/298 21 Dec 2024	31 Mar 2025 (see r. 2(b) and SL 2024/289 cl. 2)

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