



Western Australia

Parks and Reserves Act 1895

Burswood Park By-laws 1988

Burswood Park By-laws 1988

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Defined terms



Western Australia

Reprinted under the
Reprints Act 1984 as
at 16 July 2004

Parks and Reserves Act 1895

Burswood Park By-laws 1988

Part 1 — Preliminary

1. Citation

These by-laws may be cited as the *Burswood Park By-laws 1988*¹.

2. Commencement

These by-laws shall come into operation on 7 October 1988.

3. Application

These by-laws apply to all the land set apart as Public Reserve No. 39361, the boundaries of which are described in the *Gazette* of 3 January 1986 at p. 29.

4. Interpretation

In these by-laws, unless the contrary intention appears —

authority means permission to do any act, matter or thing given orally or in writing by the Board, a person authorised by the Board or an authorised person;

Board means the Burswood Park Board constituted under section 3 of the Act;

Burswood Park means a portion of the land comprised in reserve No. 39361 and includes that portion of the reserve laid out as a golf course;

golf course means that portion of the reserve which is laid out as a golf course and known as the Burswood Park Golf Course and includes all tees, fairways, greens and practice tees, practice fairways, practice greens and driving ranges;

reserve means reserve No. 39361 placed under the control and management of the Board under section 3 of the Act and includes Burswood Park, Charles Paterson Park and Kagoshima Park;

the Act means the *Parks and Reserves Act 1895*.

Part 2 — Control and management of the reserve

Division 1 — Public access to the reserve

5. Restriction of public access

The Board may by notice —

- (a) erected at the entrance to the reserve; or
- (b) erected near any road, track or footpath in the reserve,

temporarily close the reserve, part of the reserve, or any road, track or footpath to members of the public for such purpose as the Board may think fit.

6. Improper entry

(1) A person shall not without authority —

- (a) enter or attempt to enter the reserve other than through an access provided by the Board for that purpose;
- (b) enter or remain on the reserve or any part of the reserve that is for the time being closed to members of the public;
- (c) use any track or footpath that is for the time being closed to members of the public under by-law 5; or
- (d) enter any place on the reserve set apart for the cultivation of flowers, plants, shrubs or young trees, or stop or walk upon or jump across any bed or plot on the reserve in which flowers, plants or shrubs are growing.

Penalty: \$20.

(2) Where an entrance to the reserve is controlled by a gate a person shall not without authority enter the reserve through the gate unless the gate has been opened by an authorised person.

Penalty: \$50.

- (3) A person shall not without lawful excuse enter any enclosure or the immediate vicinity of any area on the reserve in which a vehicle or plant or a machinery shed is located.

Penalty: \$50.

Division 2 — Regulation of vehicles

7. Traffic signs

The Board may erect or display signs, markings or notices regulating the use of roads and tracks in the reserve by vehicles, the manner in which vehicles may be driven on such roads and tracks and the manner in which vehicles may be parked in the reserve.

8. Certain classes of vehicles prohibited

A person shall not without authority drive onto or within, or bring onto or have within, the reserve —

- (a) any vehicle (whether laden or not) ordinarily used for the carrying of goods, materials, merchandise, produce, machinery, freezers or other plant; or
- (b) any earthmoving, drilling or cultivating vehicle or equipment.

Penalty: \$500.

9. Driving of vehicles

A person shall not without authority drive a vehicle, or suffer, allow or permit a vehicle in his or her possession to be driven, in any part of the reserve other than —

- (a) a sealed road;
- (b) a parking area set aside by the Board; or
- (c) a track approved by the Board for use by vehicular traffic and so designated by notices or signs.

Penalty: \$500.

10. Closure of roads and tracks

- (1) Notwithstanding anything contained in by-law 7 or 8 the Board may by traffic sign close a road or track on the reserve to —
- (a) vehicles of all classes;
 - (b) vehicles other than those of a class or classes specified in the traffic sign; or
 - (c) vehicles of a class or classes specified in the traffic sign,
- for such period and for such purpose as the Board thinks fit.
- (2) A person shall not without authority drive a vehicle of a class specified in a traffic sign under sub-by-law (1), or suffer, allow or permit such a vehicle in his or her possession to be driven, on any road or track that is for the time being closed to vehicles of that class under sub-by-law (1).
- Penalty: \$500.

11. Traffic

- (1) A person shall not drive a vehicle on the reserve in a dangerous or careless manner or without all reasonable consideration for other persons or vehicles in the vicinity.
- Penalty: \$200.
- (2) Unless otherwise indicated by a notice or sign, a person shall not drive a vehicle at a speed in excess of —
- (a) 20 kilometres per hour on a road or track in the reserve; or
 - (b) 5 kilometres per hour in a parking area in the reserve.
- Penalty: \$200.
- (3) A person driving or in charge of a vehicle on the reserve shall —
- (a) obey every signal, order or direction addressed to him by an authorised person in relation to the movement or

control of traffic or the parking or standing of vehicles;
and

- (b) comply with all traffic signs.

Penalty: \$200.

12. Parking of vehicles

- (1) A person shall not without authority park a vehicle, or cause or permit a vehicle to be parked, on the reserve other than in a part of the reserve set apart by the Board by notices or signs as a parking area.

Penalty: \$200.

- (2) A person shall not park any vehicle or cause or permit any vehicle to be parked in any part of the reserve during any hours specified by notice at that part of the reserve as hours during which the parking of vehicles in that part of the reserve is prohibited.

Penalty: \$200.

- (3) Where parking stalls or spaces have been marked or defined in a part of the reserve set aside by the Board as a parking area, a person shall not park any vehicle or cause or permit any vehicle to be parked in that part of the reserve otherwise than wholly within a parking stall or space so marked or defined.

Penalty: \$50.

13. Removal of vehicles

- (1) A vehicle that is —
- (a) parked contrary to by-law 12 or in such a position as to interfere with traffic or obstruct other vehicles on the reserve; or
- (b) apparently abandoned on the reserve,

may be removed by an authorised person to a place whether on or off the reserve appointed by the Board for that purpose or, if

no such place has been appointed, to a place on or off the reserve determined by the authorised person.

- (2) A person removing a vehicle under the authority of this by-law is entitled to take such action whether by way of unlocking, entering by any means, driving or towing the vehicle or otherwise as may be reasonably necessary for the purpose of effecting the removal.
- (3) The owner of a vehicle removed by the Board under this by-law shall pay any costs incurred by the Board in removing it and neither the Board nor any authorised person shall be liable to the owner of the vehicle for any loss or damage arising out of or in consequence of the vehicle being so removed.
- (4) The Board may retain possession of a vehicle removed under this by-law until any amount payable under sub-by-law (3) is paid.

14. Aircraft

Except in an emergency a person shall not without authority —

- (a) land or touch-down an aircraft or helicopter on the reserve; or
- (b) take off or ascend from, or land or touch-down on, the reserve in a glider, hand-glider, kite or balloon.

Penalty: \$1 000.

Division 3 — Protection of flora, fauna and the environment

15. Presentation of existing features

A person shall not, without authority —

- (a) destroy, injure, cut, break, pull up, fell, pick, burn or remove any tree, shrub, plant or flower, living or dead;
- (b) break up or damage the natural surface, any natural feature or any turf;

- (c) destroy, damage, disfigure or interfere with any building improvement, fitting, machinery, electrical equipment or installation;
- (d) break up or damage the surface of any road, track or footpath; or
- (e) destroy, injure, take or molest any animal or bird,

on the reserve or cause any of these things to be done on the reserve.

Penalty: \$400.

16. Pollution of water

A person shall not pollute or interfere with any waters or water supply on the reserve.

Penalty: \$1 000.

17. Lighting of fires prohibited

A person shall not without authority light or attempt to light, make or use a fire on the reserve.

Penalty: \$1 000.

18. Weapons etc.

- (1) A person shall not without authority —

- (a) carry or discharge any firearm or speargun or other offensive weapon, device or means for the taking of fauna; or
- (b) throw or release any missile or dangerous object or material of any kind,

on the reserve.

Penalty: \$1 000.

- (2) A person shall not without authority bring onto or have on a reserve any explosive device.

Penalty: \$1 000.

- (3) A person carrying any firearm, speargun, weapon, device, missile, object or material mentioned in sub-bylaw (1) or (2) without permission shall surrender it to an authorised person when requested to do so.

Division 4 — Conduct of persons on the reserve

19. Offensive or indecent behaviour prohibited

A person shall not on the reserve —

- (a) use abusive or insulting language or do or engage in any offensive or obscene act, conduct or behaviour; or
- (b) otherwise act in such a way as to cause or be likely to cause a nuisance or annoyance to other persons on the reserve.

Penalty: \$1 000.

[By-law 19 amended: Gazette 19 Mar 1996 p. 1248.]

20. Disorderly behaviour prohibited

A person shall not behave in a disorderly manner on the reserve, whether as a result of being affected by alcohol or otherwise.

Penalty: \$1 000.

[By-law 20 inserted: Gazette 19 Mar 1996 p. 1248.]

21. Prohibition on bringing liquor onto the reserve

A person shall not without authority bring onto or consume on the reserve any alcoholic liquor.

Penalty: \$200.

Division 5 — Miscellaneous

22. Swimming prohibited

A person shall not without authority swim in any waters within the reserve.

Penalty: \$200.

23. Boating prohibited

A person shall not without authority have or use a boat on any waters within the reserve.

Penalty: \$400.

24. Camping prohibited

A person shall not without authority camp on the reserve.

Penalty: \$400.

25. Litter

A person shall not —

- (a) leave rubbish, refuse, paper, bottles, scraps, glass or any other litter or waste material in the reserve except in a litter receptacle; or
- (b) leave in a litter receptacle in the reserve any litter or waste material generated in any premises or vehicle outside the reserve.

Penalty: \$100.

26. Horse riding

A person shall not without authority ride a horse or suffer, allow or permit a horse, in his or her possession to be ridden in the reserve except on a road or track open for use by vehicles or on any other area set aside by the Board for the riding of horses and so designated by notice or signs.

Penalty: \$200.

27. Bill sticking, advertising, etc.

A person shall not, without authority —

- (a) post, stick, stamp, stencil or otherwise affix any placard, handbill, notice, advertisement, paper or other document

on or to any rock, tree, fence, post, gate, wall, pavement, roadway, footway, or building or other structure on the reserve;

- (b) write, draw or paint on or deface any rock, tree, fence, post, gate, wall, pavement, roadway, footway, or building or other structure on the reserve; or
- (c) cause any act prohibited by paragraph (a) or (b) to be done.

Penalty: \$200.

28. Trading

A person shall not sell or expose for sale any goods, wares, refreshments, or other merchandise or things or solicit or gather money on any portion of the reserve unless authority is first obtained.

Penalty: \$300.

29. Erection of buildings etc.

A person shall not without authority erect on a reserve any building of structure whatsoever, or any fence, pole, mast or notice.

Penalty: \$1 000.

30. Animals

Subject to by-law 30A, a person shall not without authority bring any animal or bird to the reserve.

Penalty: \$200.

[By-law 30 amended: Gazette 24 Jan 1992 p. 376.]

30A. Dogs shall be restrained at all times

- (1) A person may bring a dog onto the reserve, provided that at all times whilst on the reserve, the dog is restrained by the person responsible for the dog by means of a chain, cord, leash or

harness of sufficient strength and not exceeding a length of 3 metres.

- (2) A person who contravenes sub-by-law (1) commits an offence.
Penalty: \$200.

[By-law 30A inserted: Gazette 24 Jan 1992 p. 376.]

31. Certain activities restricted

A person shall not organize or participate in an activity within the reserve that is —

- (a) likely to constitute an inconvenience to other persons; or
- (b) likely to affect the natural surface or any feature of the reserve.

Penalty: \$200.

32. Unauthorised removal of property

A person shall not without authority remove from the reserve or disturb or move any article or property which is lying or left within that reserve and of which the person is not —

- (a) the owner; or
- (b) legally entitled to possession.

Penalty: \$400.

33. Removal of animals etc.

- (1) The Board may remove or cause to be removed from the reserve —
- (a) anything that is on, or is placed, erected, used, or maintained on, the reserve;
 - (b) any animal that is on the reserve or any part of the reserve contrary to any of the provisions of these by-laws.
- (2) The owner of any object or animal that is removed or caused to be removed by the Board under this by-law shall pay costs incurred by the Board in removing it and neither the Board nor

any authorised person shall be liable to the owner of the object or animal for any loss or damage arising out of or in consequence of the object or animal being so removed.

- (3) The Board may retain possession of an object or animal removed under this by-law until any amount payable under sub-by-law (2) is paid.

34. Removal of offenders

An authorised person may remove from a reserve any person who has committed a breach of these by-laws.

35. Directions and notices to be complied with

A person shall not disobey or fail to comply with any direction, instruction, request or requirement lawfully given or made by an authorised person in the discharge of his duty.

Penalty: \$200.

36. Obstruction or impersonation of authorised persons

- (1) A person shall not wilfully obstruct an authorised person acting in execution of the Act or these by-laws.

Penalty: \$200.

- (2) Without derogating from the generality of sub-by-law (1) a person shall be treated as having wilfully obstructed an authorised person within the meaning of that sub-by-law if —

- (a) the person interferes with an authorised person acting in the execution of the Act or these by-laws in the reserve; or
- (b) upon the request of an authorised person, acting in the execution of the Act or these by-laws in the reserve, to give his or her name and address —
 - (i) the person refuses or neglects to give his or her name and address or either of them; or
 - (ii) the person gives a false name or address.

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Part 2 Control and management of the reserve

Division 5 Miscellaneous

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- (3) A person shall not impersonate an authorised person.

Penalty: \$200.

37. Acts by authorised persons

Nothing in these by-laws prevents the doing of any act, matter or thing by an authorised person when —

- (a) discharging the duties; or
- (b) exercising the powers,

of an authorised person under these by-laws.

Part 3 — Burswood Park Golf Course

38. Definitions

For the purpose of this Part —

controller means the person or persons appointed by the Board to control and manage the golf course and includes any assistant to the controller approved in writing by the Board.

39. Regulation of persons on the golf course

- (1) A person shall not without authority —
- (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 the days and during the hours in which the golf course is open for playing or practising;
 - (c) take any buggy or similar conveyance on to any part of the golf course unless the width of the wheels is 25 mm or greater;
 - (d) wilfully obstruct any portion of the golf course;
 - (e) 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;
 - (f) cause any inconvenience, annoyance, interference or obstruction to any member of the public or the controller;
 - (g) pick up, remove or have in his or her possession on the golf course, any golf ball, unless on that day and at that time he or she is authorised to play golf or being a person authorised to act as a caddie is so acting;
 - (h) having been refused permission to enter or having been removed from the golf course, enter onto or remain on the golf course;

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- (i) play any other game or sport or carry out any physical activity other than golf on the golf course;
 - (j) remain on the golf course after being lawfully directed by the controller to leave;
 - (k) leave on the golf course any vehicle, object, or thing or any animal which the controller has directed to be removed;
 - (l) do anything which may cause or be likely to cause damage to anything constructed, erected or installed within the golf course;
 - (m) for a fee, coach or instruct any person in the playing of golf on the golf course;
 - (n) sell, offer or expose for sale or exchange any golf ball or any golf equipment or other goods or services on the golf course;
 - (o) offer himself or herself for employment or be employed for a fee as caddie on the golf course;
 - (p) enter or remain in any lake or ornamental pond within the golf course; or
 - (q) use any lake or ornamental pond within the golf course for swimming, boating, sailing, fishing or any other sport, recreation or activity.
- (2) A person who contravenes any of the provisions of sub-by-law (1) commits an offence.

[By-law 39 amended: Gazette 13 Jan 1988 p. 80.]

40. Certain behaviour prohibited

- (1) A person shall not —
- (a) commence or continue to practise golf on the golf course without the permission of the controller;
 - (b) commence or continue to play golf on the golf course unless in possession of a written authorisation or a ticket issued by the controller 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 a practice area with the permission of the controller;
 - (d) play golf on the golf course unless in possession of sufficient golfing equipment for that purpose;
 - (e) play golf on the golf course, if in the opinion of the controller, the person is not suitably dressed to play golf;
 - (f) play golf in bare feet or in footwear not approved by the controller;
 - (g) take a golf bag or golf bag buggy onto any part of the golf course laid out as a putting green, practice putting green, sand trap or bunker;
 - (h) practise golf on any part of the golf course except those parts set aside and indicated by notice boards as practice tees, practice fairways and practice greens;
 - (i) whilst playing golf on the golf course be accompanied by a non-playing spectator unless with the prior consent of the controller;
 - (j) take onto the golf course a bicycle, motor cycle, motor car, motorised or any other vehicle unless with the prior consent of the controller;
 - (k) 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 from the controller so to do;
 - (l) play golf otherwise than in a group of players in accordance with by-law 45 or as directed by the controller; or
 - (m) play golf with any group of players other than the group with whom the player commenced the round unless directed otherwise by the controller.

bl. 41

- (2) For the purposes of this by-law —
sufficient golfing equipment means not less than one putter, 6 clubs and a golf bag.
- (3) A person who contravenes any of the provisions of sub-by-law (1) commits an offence.
[By-law 40 amended: Gazette 13 Jan 1989 p. 81.]

41. Opening and closing times

The golf course shall be open for playing or practising golf on the days and times determined by the Board.

42. Controller may refuse entry

- (1) The controller may at any time refuse permission for a person, other than an authorised person, to enter onto or remain on any portion of the golf course.
- (2) A person who is refused permission to enter or remain on the golf course may appeal to the Board in writing and the Board's decision in relation to the appeal shall be final.

43. Ticket or authorisation to be produced

A person who fails to produce for inspection any written authorisation granted or ticket issued to the person to play or practise golf, when so requested by the controller or an authorised person, commits an offence.

[By-law 43 inserted: Gazette 13 Jan 1989 p. 81.]

44. Caddies

A person, permitted to act as a caddie on the golf course, who fails to comply with any reasonable direction given by the controller commits an offence.

[By-law 44 inserted: Gazette 13 Jan 1989 p. 81.]

45. Number of persons playing together

In any round of golf no more than 4 persons shall play together at one time.

46. Controller may direct players into groups

In order to facilitate the flow of play the controller may, at the commencement of a round, direct players to form into groups.

[By-law 46 amended: Gazette 13 Jan 1989 p. 81.]

47. Time of commencement

A person authorised to play golf on the golf course shall commence play as directed by the controller.

48. Order of play

Where a player is unable to maintain his or her position in the order of play on the golf course, the player shall invite the player or players next following to play through.

49. Special conditions

A player who fails to comply with the directions of the controller in respect of any special condition of play and the requirements of any notice erected to direct or control play commits an offence.

[By-law 49 inserted: Gazette 13 Jan 1989 p. 81.]

50. Etiquette and rules of golf

A player who, while on the golf course, fails to observe —

- (a) the etiquette and rules of golf; or
- (b) the rules of golf as varied by local rules displayed on a score card issued by the controller and on a notice board at the controller's office,

commits an offence.

[By-law 50 inserted: Gazette 13 Jan 1989 p. 81.]

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51. Admission fee

- (1) The fee payable for a ticket referred to in by-law 402(b) shall be determined by the Board from time to time and displayed on a notice board at the controllers' office.
- (2) The Board may —
 - (a) grant authority to a person or group of persons to play golf on the golf course; and
 - (b) waive payment of the fee or part of the fee referred to in sub-by-law (1).

52. Ticket etc. may be cancelled

The controller may at any time cancel any permission or ticket authorising a person to practise or play golf on the golf course.

53. Fees not refunded

Where a person, for any reason, is unable to complete playing or practising golf on the golf course within the time permitted by any authorisation or ticket issued for that purpose, the person shall not be entitled to a refund of the fee paid or any part thereof.

Part 4 — Penalties

54. Penalties under Part 3

- (1) A person who commits an offence under Part 3 may be —
 - (a) forthwith removed from the golf course; or
 - (b) directed to leave the golf course,by the controller or an authorised person.
- (2) A person who commits an offence under Part 3 is, in addition to the action referred to in sub-bylaw (1)(a) or (b), liable to a fine not exceeding \$500.

55. Modified penalties

Where a person to whom a notice is given under section 14 of the Act proceeds in the manner described in subsection (2)(d) of that section the sum payable by way of penalty by the person in respect of an offence created by each provision of the by-laws specified in column 1 of the Schedule and briefly described in column 2 of that Schedule opposite to that provision shall be the sum specified in column 3 of that Schedule opposite to that brief description.

Schedule

Schedule

[By-law 55]

Modified penalties

By-law	Brief description of offences	Modified penalty \$
6(1)	Entering or being where closed by notice*	10
6(2)	Entering through a closed gate without authority*	25
6(3)	Entering an enclosure without lawful excuse*	25
8	Driving a prohibited class of vehicle*	25
9	Driving except upon sealed road, parking area or track*	25
10(2)	Driving a vehicle of a specified class on a closed road or track	25
11(2)	Exceeding speed limit	25
12	Parking where not permitted*	25
15	Damaging or destroying flora*, fauna, natural features or installation*	30
17	Lighting a fire in the reserve	30
21	Bringing or consuming alcoholic liquor on reserve	20
22	Swimming on the reserve*	20
23	Using a boat on the reserve*	25
24	Camping on the reserve*	25
25	Littering or depositing rubbish on the reserve	25
26	Riding a horse on the reserve*	25
30A(2)	Contravening a provision of by-law 30A(1)	25
39(2)	Contravening a provision of by-law 39(1)	25
40(3)	Contravening a provision of by-law 40(1)	25
43	Failing to produce ticket or authorisation when requested	25
44	Failing, when permitted to act as a caddie, to comply with a direction by the controller	25
49	Failing to comply with directions of the controller or a notice	25
50	Failing to observe —	
	(a) the etiquette or rules of golf; or	25
	(b) the local rules of golf	25

* unless acting with authority.

[Schedule amended: Gazette 13 Jan 1989 p. 81; 24 Jan 1992 p. 376-7; 19 Mar 1996 p. 1248.]

Notes

- ¹ This reprint is a compilation as at 16 July 2004 of the *Burswood Park By-laws 1988* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Burswood Park By-laws 1988</i>	7 Oct 1988 p. 4112-19	7 Oct 1988 (see bl. 2)
<i>Burswood Park Amendment By-laws 1988</i>	13 Jan 1989 p. 80-1	13 Jan 1989
<i>Burswood Park Amendment By-laws 1991</i>	24 Jan 1992 p. 376-7	24 Jan 1992
<i>Burswood Park Amendment By-laws 1996</i>	19 Mar 1996 p. 1248	19 Mar 1996
Reprint 1: The <i>Burswood Park By-laws 1988</i> as at 16 Jul 2004 (includes amendments listed above)		

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
authority	4
Board	4
Burswood Park.....	4
controller.....	38
golf course	4
reserve.....	4
sufficient golfing equipment	40(2)
the Act.....	4