



Western Australia

PARKS AND RESERVES ACT 1895

**By-Laws For the Regulation of the Wubin  
Memorial Park**



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## **By-Laws For the Regulation of the Wubin Memorial Park**

Department of Lands and Surveys,  
Perth, 24th June, 1952.

HIS Excellency the Governor in Executive Council, under the provisions of the *Parks and Reserves Act 1895*, has been pleased to approve of the by-laws made by the Wubin Memorial Park Board set forth in the Schedule hereunder.

H. S. FRANCIS,

Acting Under Secretary for Lands.

By-laws for the Regulation of the Wubin Memorial Park, pursuant to the *Parks and Reserves Act 1895*.

WHEREAS the Wubin Memorial Park, Wubin, is an "A" Class reserve gazetted under the provisions of the *Permanent Reserves Act 1899*, and is vested in the Wubin Memorial Park Board, hereinafter called "the Board", under and by virtue of the provisions of the *Parks and Reserves Act 1895*.

And whereas the undersigned are the members of such Board under the provisions of the said Statute.

Now, therefore, the members of the Board, in pursuance of the powers vested in them by the *Parks and Reserves Act 1895*, hereby make the following by-laws for the regulation of the park, and hereby impose the following penalties, that is to say: —

**1. Interpretation**

In the constructions of these by-laws, the expression “**the park**” means the Wubin Memorial Park, and includes any part thereof. The expression “**unauthorised person**” means any person other than a person for the time being duly authorised in writing by an officer of the Board.

**2. Behaviour of persons in the Park**

No unauthorised person shall do any of the following acts on the Park, that is to say: —

- (i) Cut, pluck, injure, or destroy any tree, bush or flower growing thereon.
- (ii) Dig, cut, or remove any sod, turf, loam, sand, gravel, or other substance thereon or therefrom.
- (iii) Light any fire, or wilfully, carelessly, or negligently do any act which may cause, or be likely to cause, damage by fire to anything growing or being there.
- (iv) Wilfully, carelessly, or negligently deposit or leave thereon, or on any part thereof, any rubbish, bricks, manure, timber or other substance or material whatsoever.
- (v) Catch or trap any bird, or lay or place any trap for the taking of birds, or take any bird's egg or nest, or shoot or chase or disturb any game or other animal.
- (vi) Cause or suffer any horse, pony, mule, ass, bull, ox, cow, calf, heifer, steer, sheep, lamb, goat, hog, or sow, belonging to him, or in his charge, to enter or go thereupon.
- (vii) Encamp thereon, or erect or place thereon, any booth, tent, shed, stand, screen, post, rail, fence, swing chair or seat (other than a camp-stool, or other portable chair or seat), or other erection or obstruction of any kind whatsoever, or make any enclosure of any part thereof.

- (viii) Carelessly, negligently or wilfully injure, deface or remove any seat, notice, or notice board, post, chair, railing fence, barrier or other thing which may be from time to time erected or placed thereon by or by the authority of the Board.
- (ix) Post or paint any bill, placard, or notice thereon, or on any fence, erection, or tree thereon.
- (x) Paint, write, cut, carve, or in any manner inscribe letter, figures, or marks upon, or otherwise disfigure, any rock or tree, or any wall or fence, or other structure or erection on the park.
- (xi) Drive any vehicle, save along any stoned, metalled, gravelled or otherwise defined road.
- (xii) Ride any horse, pony, donkey, or other animal, or drive any vehicle on the park, except in places described in writing by the Board.
- (xiii) Brawl, fight, use indecent language, or act in an indecent, disorderly, or offensive manner, or sell, distribute, or exhibit any indecent, or infamous book, picture, or representation to the obstruction, annoyance, or danger of persons resorting to the park.
- (xiv) Fire or discharge any firearm, or throw or discharge any missile.
- (xv) Climb any tree thereon.
- (xvi) Sell or let for hire any article, or distribute any bill or like thing, or place any chair or seat for hire without the consent in writing of the Board under the hand of some official.
- (xvii) Play any game or athletic sport upon the park, except in such areas and at such times and subject to such conditions and after payment of such fees and charges as may from time to time be prescribed in writing by the Board.

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- (xviii) Deliver or read any public speech, lecture, prayer, sermon, or address of any kind, or sing any sacred or secular song, or enter into any public discussion, or hold or cause to take part in any public assemblage, except between morning and sunset, and on the site or sites (if any) approved by the Board and defined by notice-boards.
- (ixx) Play or make sounds on any musical instrument without the consent of the Board in writing under the hand of some official.
- (xx) Bathe or wash or wash clothes or other articles in any water on the park, except under such conditions, in such places, at such times, and in such manner as the Board may from time to time in writing prescribe, and not to carry away or otherwise remove or use any water therein, whether natural water or otherwise.
- (xxi) Cause or allow any dog to enter any portion of the park, except under control on a leash.
- (xxii) Wilfully interfere with or obstruct the authorised user of the park, or wilfully obstruct any officer of the Board in the execution of his duty or in the proper execution of any work in connection with the laying out, planting, improvement or maintenance of the park.
- (xxiii) Do, aid in, or abet any act or thing which may not in these by-laws be specifically mentioned and which may tend to the injury or disfigurement of the park, or to interfere with the use thereof by the public for the purposes of exercise and recreation.

**3. Games and sports**

Where by a notice or notices which shall be conspicuously exhibited on the park, the Board shall from time to time set apart any portion of the park for any game or athletic sport, or generally for the assemblage of persons for any purpose, no



person shall on any portion of the park so set apart as aforesaid —

- (a) drive, ride, or pass over the ground with any vehicle or upon horseback;
- (b) drive or ride among or to the danger or annoyance of persons assembled for any of the purposes aforesaid;
- (c) take part in any such game or assemblage aforesaid, except at such time and under such regulations as the Board may from time to time prescribe;
- (d) obstruct, interfere with, or annoy, any person who is taking part or has made preparation to take part in, or is lawfully present at any gathering for any of the purposes aforesaid;
- (e) place any chair, seat, band-stand or other moveable erection on such portion of the park without the consent of the Board under the hand of some official.

**4. Removal of offenders**

Every person who shall infringe any by-laws for the regulation of the park may be removed therefrom by any officer of the Board or by any constable, in any one of the several cases hereinafter specified, that is to say: —

- (a) Where the infraction of the by-law is committed within the view of such officer or constable, and the name and residence of the person infringing the by-law is unknown and cannot be readily ascertained by such officer or constable.

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- (b) Where the infraction of the by-law is committed within the view of such officer or constable, and from the nature of such infraction or from any other fact of which such officer or constable may have knowledge, or of which he may be credibly informed, there may be reasonable ground for belief that the continuance on the park of the person infringing the by-law may result in another infraction of a by-law, or that the removal of such person from the park is otherwise necessary as a security for the proper use and regulation thereof.

**5. Penalty**

Every person who shall offend against any provisions of these by-laws shall be liable to a fine not exceeding twenty pounds (£20.)

**6. Powers of police not affected**

Nothing in these by-laws shall interfere with the powers of the police or any authority legally existing for preventing or punishing offences.

**7. Rights not affected**

Nothing in or done under any of the provisions of the foregoing by-laws shall in any respect prejudice or injuriously affect the rights of any person acting legally by virtue of some estate, right or interest in or over or affecting the park or any part thereof, or be deemed to confer on the Board any greater estate, right, or power than they possess under the abovementioned Statute.

**Notes**

<sup>1</sup> This is a compilation of the *By-laws for the Regulation of the Wubin Memorial Park* and includes the amendments referred to in the following Table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>By-laws for the Regulation of the Wubin Memorial Park</i>	4 Jul 1952 p. 1679-81	4 Jul 1952