



Western Australia

Parks and Reserves Act 1895

Parliamentary Reserve By-laws 1972

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Parliamentary Reserve By-laws 1972

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Defined terms

Parliamentary Reserve By-laws 1972

1. Citation

These by-laws may be cited as the *Parliamentary Reserve By-laws 1972*¹.

2. Interpretation

In these by-laws unless the contrary intention appears —

footpath means any thoroughfare of a width of less than 4 metres;

road means any thoroughfare surfaced with bitumen, gravel, concrete, wood, or other hard material, other than a footpath, and includes every part thereof;

the Board means the Parliamentary Reserve Board constituted under the *Parks and Reserves Act 1895* to control and manage the Reserve;

the Reserve means the land comprised in Reserve A↑1162;

the Traffic Act means the *Traffic Act 1919*² and includes regulations made thereunder.

[By-law 2 amended in Gazette 8 Oct 2004 p. 4729.]

3. Board may close road or footpath

The Board may close to any traffic, whether vehicular or pedestrian, any road or footpath in the Reserve by notice posted on such road or footpath.

4. Person to keep to roads

Except with the prior consent in writing of the Board, no person shall drive or ride upon or over the Reserve other than along a road or parking area.

5. Destruction of flora

(1) Except with the prior consent in writing of the Board, no person shall —

- (a) destroy, injure or remove any tree, shrub, plant or flower or cut, burn or remove any dead or fallen wood;
- (b) break up, damage or disfigure the natural surface, any natural feature or any turf;
- (c) destroy, damage or interfere with any improvement, fitting or installation; or
- (d) break up or damage the surface of any road or footpath,

on the Reserve or cause any of those things to be done on the Reserve.

(2) A person shall not deposit or leave any refuse or litter on the Reserve except in a receptacle provided by the Board for that purpose.

6. Removal of mulch

Except with the prior consent in writing of the Board, no person shall remove from the Reserve or disturb or move —

- (a) any leaf mould or other decayed or decaying vegetable lying within the Reserve; or
- (b) any article or property which is lying or left within the Reserve and of which he is not —
 - (i) the owner; or
 - (ii) legally entitled to possession.

7. Misconduct

No person shall misconduct himself, on the Reserve —

- (a) by singing any obscene song;
- (b) by writing or drawing any indecent or obscene word, figure or representation;
- (c) by using any profane, indecent or obscene language;
- (d) by using or manifesting any threatening, abusive or insulting words or behaviour, whether calculated to lead to a breach of the peace or not;
- (e) by molesting or annoying any other person lawfully on the Reserve;
- (f) by offending against decency in the nature of his apparel,

or behave in such a manner as may reasonably give offence to other persons lawfully on the Reserve.

8. Camping

No person shall camp on the Reserve.

9. Bill posting

Except with the prior consent in writing of the Board, no person shall post, mark, paint or affix any placard, bill, notice, or sign or document of any kind whatever on or to any tree or other natural feature, or any fence, post, gate, wall, flagging, road, or footpath, on the Reserve.

10. Explosive, guns, etc.

Except with the prior consent in writing of the Board, no person shall —

- (a) fire or discharge any firearm;
- (b) throw, dislodge or discharge any stone or other missile;
- (c) throw or set fire to any fireworks;

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- (d) kindle, make, light, or maintain any fire other than in a part set aside for that purpose by the Board; or
 - (e) use any explosive substance of any kind whatever,
- on the Reserve.

11. Hawking

- (1) Except with the prior consent in writing of the Board, no person shall sell or expose for sale or distribute for the purpose of promoting a sale any goods, wares, merchandise, or things, or solicit or gather money on the Reserve or place on the Reserve any chair, seat, or other thing of any kind whatever, for hire.
- (2) Except with the prior consent in writing of the Board, no person shall, within the Reserve, distribute, sell, carry for sale or distribution, or expose for sale or distribution any printed or written matter.

12. Public meetings

Except with the prior consent in writing of the Board, no person shall within the Reserve, organise, hold, advertise or take part in any fete, picnic or concert, or engage in public worship, in preaching or in public speaking of any kind whatever or hold or take part in any public meeting or collect money for any purpose.

13. Tents, sheds, booths, etc.

- (1) Except with the prior consent in writing of the Board, no person shall erect, place, or maintain any booth, tent, shed, stand, wall, post, rail, fence, swing, chair, or seat or other erection or obstruction of any kind whatever on the Reserve, or make or maintain any enclosure of any part thereof.
- (2) No person shall remain in or about any booth, tent, shed, stand, wall, post, rail, fence, swing, chair, or seat or other erection or obstruction that is erected, placed, or maintained, or in or about any enclosure that is made or maintained, contrary to the

provisions of sub-by-law (1), after being requested to leave it by the Secretary of the Board or any police constable or special constable.

14. Toilets

No person shall improvise any sanitary convenience or ablution on the Reserve or use or maintain thereon any sanitary convenience or ablution other than such as has been established by the Board.

15. Vehicles

- (1) Every person driving, riding, or in charge of any carriage, motor car, motor cycle, bicycle, tricycle, or other vehicle shall, while in the Reserve, observe and conform in all respect with the provisions of the Traffic Act.
- (2) A person shall not drive a vehicle on a road in the Reserve at a speed in excess of 40 kilometres per hour.
- (3) In this by-law the word, “**vehicle**”, has the same meaning as it has in, and for the purposes of, the Traffic Act.

[By-law 15 amended in Gazette 8 Oct 2004 p. 4729.]

16. Parking

- (1) A person in charge of a motor vehicle or any other class of vehicle shall not park that vehicle, or cause or permit it to be parked, within the Reserve —
 - (a) in any place that is off a carriageway, unless he is a visitor accredited by the Board and the place is within an area set apart by the Board for the parking of vehicles by visitors so accredited;
 - (b) in any place that is on a carriageway, if the parking of vehicles in that place is prohibited by the Board;
 - (c) in any place for any period in excess of the time during which a vehicle is permitted by the Board to be parked in that place.

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- (2) In and for the purposes of this by-law —
carriageway means all that portion of a road improved, designed and ordinarily used for vehicular traffic; and includes the shoulders and areas in the road used for the parking of vehicles.

17. Driving on footpaths

No person shall park, drive, ride, or impel any carriage, motor vehicle, motor cycle, bicycle, tricycle, or other vehicle, or ride or drive any animal along or over any footpath in the Reserve.

18. Animals

Except with the prior consent in writing of the Board, no person shall ride, drive or lead any animal on the Reserve.

19. Offensive noise

No person shall, by the use of any wireless, mechanical or other instrument or thing, make or cause to be made any offensive noise in the Reserve.

20. Removal of persons

The Secretary of the Board or any police constable or special constable may remove from the Reserve any person who contravenes or fails to comply with any of the provisions of these by-laws.

21. Board may remove certain vehicles, animals etc.

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) a vehicle of any kind whatever that is on, or is parked, driven, ridden, or impelled, on the Reserve; or

- (c) any animal that is on, or is ridden, driven, or lead on, the Reserve,

contrary to any of the provisions of these by-laws.

22. Interference with Board member, etc.

No person shall, on the Reserve, obstruct or interfere with any member of the Board, the Secretary of the Board or any police constable or special constable, or refuse to give, upon request, his name and address to any member of the Board, the Secretary of the Board, or any such constable.

23. Proceedings

The Secretary of the Board may institute proceedings with respect to an offence against these by-laws.

24. Penalty

Any person who contravenes or fails to comply with any of the provisions of these by-laws is guilty of an offence and is liable to a penalty of \$150.

Notes

- ¹ This is a compilation of the *Parliamentary Reserve By-laws 1972* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Parliamentary Reserve By-laws 1972</i>	28 Jul 1972 p. 2827-9	28 Jul 1972
Reprint 1: The <i>Parliamentary Reserve By-laws 1972</i> as at 6 Aug 2004		
<i>Parliamentary Reserve Amendment By-laws 2004</i>	8 Oct 2004 p. 4729	8 Oct 2004

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Parliamentary Reserve Amendment By-laws 2014</i> bl. 3-5 ³	8 Jan 2015 p. 119-20	Operative on the day fixed under the <i>Road Traffic (Administration) Act 2008</i> s. 2(b) (see bl. 2(b))

- ² Repealed by the *Road Traffic Act 1974*.

- ³ On the date as at which this compilation was prepared, the *Parliamentary Reserve Amendment By laws 2014* bl. 3-5 had not come into operation. They read as follows:

3. By-laws amended

These by-laws amend the *Parliamentary Reserve By-laws 1972*.

4. By-law 2 amended

- (1) In by-law 2 delete “In these” and insert:

- (1) In these

- (2) In by-law 2 delete the definition of *the Traffic Act*.

- (3) In by-law 2 insert in alphabetical order:

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

- (4) At the end of by-law 2 insert:

- (2) These by-laws are subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

5. By-law 15 amended

- (1) In by-law 15(1) delete “the provisions of the Traffic Act.” and insert:

each road law as defined in the *Road Traffic (Administration) Act 2008* section 4.

- (2) Delete by-law 15(3).

Note: The heading to amended by-law 15 is to read as follows:
Application of road laws

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)
carriageway	16(2)
footpath	2
road	2
the Board.....	2
the Reserve.....	2
the Traffic Act.....	2