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WESTERN AUSTRALIAN SPORTS CENTRE TRUST ACT 1986

**WESTERN AUSTRALIAN
SPORTS CENTRE TRUST
(TRAFFIC) REGULATIONS 2017**

Western Australia

Western Australian Sports Centre Trust (Traffic) Regulations 2017

Contents

Part 1 — Preliminary

1. Citation
2. Commencement
3. Terms used
4. Application

Part 2 — Regulation of traffic

Division 1 — Parking

5. Regulation of parking
6. Parking permits
7. Parking offences
8. Directions by traffic management officer
9. Removal of vehicles

Division 2 — Driving

10. Driving offences

Division 3 — Emergency vehicles

11. Emergency vehicles excluded

Part 3 — Infringement notices

12. Modified penalties
13. Forms
14. Restriction on removal of infringement notice

Part 4 — General

15. Requirement to give name and address
16. Obstruction of traffic management officer
17. Impersonation of traffic management officer

Western Australian Sports Centre Trust (Traffic) Regulations 2017

Contents

Schedule 1 — Modified penalties

Schedule 2 — Forms

Western Australian Sports Centre Trust Act 1986

Western Australian Sports Centre Trust (Traffic) Regulations 2017

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Western Australian Sports Centre Trust (Traffic) Regulations 2017*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Terms used

In these regulations —

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;

emergency vehicle has the meaning given in the *Road Traffic (Vehicles) Regulations 2014* regulation 226;

parking area means an area that is designated under regulation 5(1) as an area in which the parking of vehicles is permitted;

Western Australian Sports Centre Trust (Traffic) Regulations 2017**Part 1** Preliminary**r. 4**

parking permit has the meaning given in regulation 6(1);

permit holder has the meaning given in regulation 6(1);

road marking means a word, figure, symbol, mark, line, raised marker or stud painted on or affixed to the surface of a roadway or other area;

sign means a notice, structure or device displaying words, figures or symbols;

traffic management officer means a person who is an authorised officer for the purposes of section 18C(2) of the Act;

unrestricted parking area means a parking area for which no maximum period has been determined under regulation 5(2)(d);

venue means a facility listed in regulation 4(1).

4. Application

- (1) These regulations apply to the following facilities that form part of the Centre —
- (a) the facility known as the Bendat Basketball Centre located at Underwood Avenue, Floreat;
 - (b) the facility known as the Champion Lakes Regatta Centre located at Henley Drive, Champion Lakes;
 - (c) the facility known as the HBF Arena located at Kennedy Drive, Joondalup;
 - (d) the facility known as the HBF Stadium located at Stephenson Avenue, Mount Claremont;
 - (e) the facility known as the nib Stadium located at Pier Street, Perth;
 - (f) the facility known as the Perth Arena located at Wellington Street, Perth;
 - (g) the facility known as the Perth Motorplex located at Anketell Road, Kwinana Beach;
 - (h) the facility known as the SpeedDome located at Eddie Barron Drive, Middle Swan;

Western Australian Sports Centre Trust (Traffic) Regulations 2017
Preliminary **Part 1**

r. 4

- (i) the facility known as the State Netball Centre located at Selby Street, Jolimont;
 - (j) the facility known as the WA Athletics Stadium located at Stephenson Avenue, Mount Claremont;
 - (k) the facility known as the WA Rugby Centre located at Underwood Avenue, Floreat;
 - (l) the facility known as the WAIS High Performance Service Centre located at McGillivray Road, Mount Claremont.
- (2) A change to the name of a facility listed in subregulation (1) does not affect the application of these regulations to the facility.

Western Australian Sports Centre Trust (Traffic) Regulations 2017**Part 2** Regulation of traffic**Division 1** Parking**r. 5**

Part 2 — Regulation of traffic**Division 1 — Parking****5. Regulation of parking**

- (1) The Trust may, by erecting a sign, or using a road marking, or both, do all or any of the following —
 - (a) designate 1 or more areas in a venue as an area in which the parking of vehicles is permitted;
 - (b) designate 1 or more areas in a venue as an area in which the parking of vehicles of a particular class is permitted;
 - (c) designate 1 or more areas in a venue as an area in which the parking of vehicles used by a particular person or class of persons is permitted;
 - (d) designate 1 or more areas in a venue as an area in which the parking of vehicles is prohibited;
 - (e) designate 1 or more areas in a venue as an area in which the standing of vehicles is prohibited.
- (2) When designating an area under subregulation (1), the Trust may also do all or any of the following —
 - (a) determine conditions or restrictions under which parking in the area is permitted;
 - (b) determine the manner in which parking in the area is permitted;
 - (c) determine times at which parking or standing in the area is permitted or prohibited;
 - (d) determine the maximum period for which parking in the area is permitted.
- (3) A sign or road marking used to designate an area under subregulation (1) must clearly indicate —
 - (a) the particular designation given to the area; and

Western Australian Sports Centre Trust (Traffic) Regulations 2017

Regulation of traffic

Part 2

Parking

Division 1**r. 6**

- (b) any conditions, restrictions or other matters determined in relation to the area under subregulation (2).
- (4) A traffic management officer may permit the driver of a vehicle to park or stand the vehicle at a venue in a place that is not a parking area, subject to any conditions or restrictions determined by the officer.

6. Parking permits

- (1) The Trust may issue a sticker or other document (*a parking permit*) to a person (*a permit holder*) authorising the permit holder to park a vehicle in a parking area.
- (2) A parking permit may be issued —
 - (a) subject to any condition the Trust thinks fit; and
 - (b) on the payment of a fee (if any) determined by the Trust.
- (3) Without limiting subregulation (2)(a), a parking permit may be subject to conditions relating to all or any of the following —
 - (a) the vehicle, vehicles, or kind of vehicles, to which it relates;
 - (b) the parking area in which the permit holder is permitted to park;
 - (c) the times during which, or period for which, the permit holder is permitted to park.
- (4) A parking permit —
 - (a) takes effect on the day specified in it; and
 - (b) remains in effect for the period specified in it, unless it is cancelled in accordance with its conditions before the end of that period.

7. Parking offences

- (1) A person must not park or stand a vehicle in a parking area —
 - (a) contrary to a sign or road marking; or

Western Australian Sports Centre Trust (Traffic) Regulations 2017**Part 2** Regulation of traffic**Division 1** Parking**r. 7**

- (b) in a manner that obstructs, or is reasonably likely to obstruct, another vehicle; or
- (c) on a pedestrian crossing or footpath; or
- (d) in an area designated for the parking of vehicles of people with disabilities, unless —
 - (i) a person with a disability is the driver of, or a passenger in, the vehicle; and
 - (ii) a disability parking permit is displayed in a prominent position at the front of the vehicle.

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

- (2) A person who parks a vehicle in a parking area where parking bays are designated must position the vehicle completely within a single parking bay.

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

- (3) A permit holder who parks a vehicle in a parking area in accordance with a parking permit must display the person's parking permit in a prominent position at the front of the vehicle while it is parked in the parking area.

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

- (4) A person must not park or stand a vehicle at a venue in a place that is not a parking area unless —
 - (a) the person has obtained the permission of a traffic management officer under regulation 5(4) to do so; and
 - (b) the person parks or stands the vehicle in accordance with any conditions or restrictions imposed by the traffic management officer.

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

Western Australian Sports Centre Trust (Traffic) Regulations 2017

Regulation of traffic

Part 2

Parking

Division 1**r. 8****8. Directions by traffic management officer**

- (1) If a traffic management officer considers it reasonably necessary for the regulation of traffic at a venue, the officer may direct the driver of a vehicle at the venue —
 - (a) to do something that is otherwise prohibited by this Division; or
 - (b) not to do something that is permitted by this Division.
- (2) A person must not, without reasonable excuse, fail to comply with a direction under subregulation (1).
Penalty for this subregulation: a fine of \$1 000.
- (3) A person does not commit an offence under subregulation (2) if the traffic management officer, when giving the direction to the person, did not inform the person that failure to comply with the direction constitutes an offence.
- (4) A person who does an act or makes an omission that is otherwise prohibited by this Division does not commit an offence if the person does or makes it in accordance with a direction under subregulation (1).

9. Removal of vehicles

- (1) If a traffic management officer believes on reasonable grounds that a vehicle is parked at a venue in contravention of this Division or is abandoned, the officer may remove the vehicle, or cause it to be removed, from the venue to a storage place approved by the Trust for the purposes of this regulation.
- (2) The Trust must cause a record to be kept of each vehicle removed under subregulation (1), including —
 - (a) a description of the vehicle; and
 - (b) details of the date and time of removal; and
 - (c) details of the place from which the vehicle was removed; and

Western Australian Sports Centre Trust (Traffic) Regulations 2017**Part 2** Regulation of traffic**Division 2** Driving**r. 10**

- (d) details of the place to which the vehicle was moved.
- (3) A traffic management officer may take, or cause to be taken, any action that is reasonably necessary for the purposes of removing a vehicle under subregulation (1), including unlocking, driving or towing the vehicle.
- (4) If a vehicle has been removed under subregulation (1), the Trust may hold the vehicle until the costs and expenses incurred by the Trust in moving and holding the vehicle are paid.

Division 2 — Driving**10. Driving offences**

- (1) A person must not drive a vehicle at a venue in a manner that is inherently dangerous or, having regard to the circumstances, is dangerous to the public or to any person.
Penalty for this subregulation: a fine of \$1 000.
- (2) A person must not drive a vehicle at a venue without due care and attention or reasonable consideration for other people in the vicinity of the vehicle.
Penalty for this subregulation: a fine of \$1 000.

Division 3 — Emergency vehicles**11. Emergency vehicles excluded**

Despite any other provision of this Part, the driver of an emergency vehicle may, in the course of their duties and when it is expedient and safe to do so, stop, stand or park the emergency vehicle at any place and at any time at a venue.

Western Australian Sports Centre Trust (Traffic) Regulations 2017
Infringement notices **Part 3**

r. 12

Part 3 — Infringement notices

12. Modified penalties

The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of section 18C(4) of the Act.

13. Forms

- (1) For the purposes of section 18C(3) of the Act, Schedule 2 Form 1 is the prescribed form for an infringement notice.
- (2) For the purposes of section 18C(7) of the Act, Schedule 2 Form 2 is the prescribed form for the withdrawal of an infringement notice.

14. Restriction on removal of infringement notice

A person must not remove an infringement notice that is left in or on, or attached to, a vehicle under section 18D(1)(b) of the Act unless the person is —

- (a) the driver, the owner or the person in charge of the vehicle; or
- (b) a traffic management officer.

Penalty: a fine of \$1 000.

Western Australian Sports Centre Trust (Traffic) Regulations 2017**Part 4** **General****r. 15**

Part 4 — General**15. Requirement to give name and address**

- (1) A traffic management officer may require a person to give the person's name and address to the officer if the officer believes on reasonable grounds that the person has committed an offence under these regulations.
- (2) A person must not, without reasonable excuse, fail to comply with a requirement under subregulation (1).
Penalty for this subregulation: a fine of \$1 000.
- (3) A person does not commit an offence under subregulation (2) if the traffic management officer, when requiring the person to give the person's name and address, did not inform the person that failure to comply with the requirement constitutes an offence.

16. Obstruction of traffic management officer

A person must not obstruct a traffic management officer in the performance of the officer's functions under these regulations.
Penalty: a fine of \$1 000.

17. Impersonation of traffic management officer

A person must not pretend to be a traffic management officer.
Penalty: a fine of \$1 000.

Western Australian Sports Centre Trust (Traffic) Regulations 2017
Modified penalties **Schedule 1**

Schedule 1 — Modified penalties

[r. 12]

Description of offence		Modified penalty
r. 7(1)(a)	Parking or standing contrary to sign or road marking	\$100
r. 7(1)(b)	Parking or standing in manner that obstructs, or is reasonably likely to obstruct, another vehicle	\$100
r. 7(1)(c)	Parking or standing on pedestrian crossing or footpath	\$100
r. 7(1)(d)	Parking or standing in area designated for parking of vehicles of people with disabilities	\$100
r. 7(2)	Failing to position parked vehicle completely within single parking bay	\$100
r. 7(3)	Failing to display parking permit	\$100
r. 7(4)	Parking or standing in area other than parking area without permission	\$100
r. 14	Removing infringement notice left in or on, or attached to, vehicle	\$100

Western Australian Sports Centre Trust (Traffic) Regulations 2017
Schedule 2 Forms

Schedule 2 — Forms

[r. 13]

Form 1 — Infringement notice

<i>Western Australian Sports Centre Trust Act 1986</i>		Infringement notice no.
INFRINGEMENT NOTICE		
Alleged offender	Name	
	Address	
Details of vehicle	Make/model	
	Plate no.	
Alleged offence	Date or period	
	Place	
	Details of offence	
	Written law contravened	<i>Western Australia Sports Centre Trust (Traffic) Regulations 2017 r.</i>
Date	Date notice was given	
Traffic management officer	Name	
	Office	
	Signature	
Modified penalty	\$ _____	

Western Australian Sports Centre Trust (Traffic) Regulations 2017
Forms **Schedule 2**

Notice to alleged offender	<p>Important information</p> <p>It is alleged that you have*/the driver or person in charge of the above vehicle has/committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty to an authorised officer** within 28 days after the giving of this notice.</p> <p>If you do not pay the modified penalty within 28 days court proceedings may be taken against you.</p> <p>If you need more time to pay the modified penalty, you should contact an authorised officer at the address below.</p> <p>If you consider that you have good reason to have this notice withdrawn, you can write to an authorised officer at the address below requesting that this notice be withdrawn and setting out the reasons why you consider that this notice should be withdrawn. Your letter must be received not later than 28 days after the date of this notice.</p> <p>Paying the modified penalty will not be regarded as an admission for the purposes of any civil or criminal proceedings.</p> <p>* The alleged offence relates to the use, driving, parking, standing or leaving of a vehicle, and you have been served with this notice as the owner of the vehicle because the identity of the driver or person in charge of the vehicle at the time of the commission of the offence could not be immediately established. In this case, the notice can be served on you —</p> <p style="margin-left: 40px;">(a) at your last known place of residence or business; or</p>
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Western Australian Sports Centre Trust (Traffic) Regulations 2017
Schedule 2 Forms

	<p>(b) where the allegation is of an offence of which the parking, standing or leaving of the vehicle is an element, by leaving the infringement notice in or on, or attaching it to, the vehicle.</p> <p>When an infringement notice is served on you as the owner of the vehicle in the circumstances referred to above, then, unless within 28 days after the service of this notice or that period as extended —</p> <p>(a) the modified penalty is paid; or</p> <p>(b) you —</p> <p>(i) identify to an authorised officer** the person who was the driver or person in charge of the vehicle at the relevant time; or</p> <p>(ii) satisfy an authorised officer** that, at the relevant time, the vehicle had been stolen or unlawfully taken or was being unlawfully used,</p> <p>you are deemed to be the driver or person in charge of the vehicle at the time of the commission of the alleged offence.</p> <p>** An authorised officer is an authorised officer appointed under section 18C(11) of the <i>Western Australian Sports Centre Trust Act 1986</i> for purposes other than to serve infringement notices under section 18C(2) of that Act.</p> <p>If you want this matter to be dealt with by prosecution in court, sign and date here:</p> <p>_____ / /20</p> <p>and post this notice to an authorised officer at the address below within 28 days after the service [giving] of this notice.</p>
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Western Australian Sports Centre Trust (Traffic) Regulations 2017
Schedule 2 Forms

Form 2 — Withdrawal of infringement notice

<i>Western Australian Sports Centre Trust Act 1986</i>		Withdrawal notice no.
WITHDRAWAL OF INFRINGEMENT NOTICE		
Alleged offender	Name	
	Address	
Details of infringement notice	Infringement notice no.	
	Date of issue	
Details of alleged offence	Date or period	
	Place	
	Details of offence	
	Written law contravened	<i>Western Australia Sports Centre Trust (Traffic) Regulations 2017 r.</i>
Authorised officer withdrawing notice	Name	
	Office	
	Signature	
Date	Date of withdrawal	

Western Australian Sports Centre Trust (Traffic) Regulations 2017
Forms **Schedule 2**

<p>Withdrawal of infringement notice</p> <p><i>[*Delete whichever is not applicable]</i></p>	<p>The above infringement notice issued against you for the above alleged offence has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.</p> <p>* Your refund is enclosed</p> <p>or</p> <p>* If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to:</p> <p>VenuesWest Stephenson Avenue Mt Claremont WA 6010</p>		
<p>Your signature</p>		<p>Date</p>	

R. NEILSON, Clerk of the Executive Council.