



Western Australia

National Trust of Australia (W.A.) Act 1964

## **National Trust of Australia (W.A.) By-laws 1972**



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### Contents

1.	Citation	1
1A.	Interpretation	1
2.	Offences relating to trust property	1
3.	Certain acts prohibited without consent, etc., of Trust	4
4.	Shooting into trust property prohibited	5
5.	Offences relating to vehicles within trust property	5
6.	Drunken and disorderly behaviour	5
7.	Trust may permit certain behaviour	5
8.	Trust may refuse to admit persons	6
9.	Removal of animals	6
10.	Written permission to be by authorised person	6
11.	Penalty	6

### Notes

Compilation table	7
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### Defined terms





Western Australia

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at 4 June 2004

National Trust of Australia (W.A.) Act 1964

## National Trust of Australia (W.A.) By-laws 1972

### 1. Citation

These by-laws may be cited as the *National Trust of Australia (W.A.) By-laws 1972*<sup>1</sup>.

*[By-law 1 inserted: Gazette 19 Nov 1982 p. 4508.]*

### 1A. Interpretation

In these by-laws *trust property* includes any lands, building, or places vested in, or acquired or owned by, or under the control of, The Trust.

*[By-law 1A inserted: Gazette 19 Nov 1982 p. 4508.]*

### 2. Offences relating to trust property

A person shall not within or upon any trust property —

- (a) deposit or leave any litter, bottle, tin, rubbish or refuse, except in a receptacle provided by The Trust for that purpose;
- (b) break glass, deposit or leave any offal, filth, dung, dead animal or any noisome, noxious or poisonous or polluted substance;

**bl. 2**

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- (c) remove, deface, damage or destroy any aboriginal relic, aboriginal rock carving, aboriginal painting or archaeological site;
- (d) remove, interfere with, damage or destroy any dam, water supply, causeway, rock, timber, plant or equipment, building, road, path, picnic area, table seat, sign, notice or fixture;
- (e) remove, poison, damage or destroy, or have in his possession for removal or otherwise any tree, shrub, fern, creeper, vine, palm, plant, flower, herbage or other vegetation, whether growing or otherwise;
- (f) remove, deface, damage, destroy or interfere with any object or thing exhibited or on display or used in connection therewith or any other object or thing whether or not the same is exhibited or on display for the time being owned by or in the possession or under the control of The Trust;
- (g) interfere with, or remove sand, soil, gravel, rock or any tree, dead timber, log or shrub except with the prior written permission of The Trust;
- (h) dig or excavate any hole or trench or otherwise disturb the surface of the land except with the prior written permission of The Trust;
- (i) carry or discharge any firearm, air-gun, speargun or other lethal weapon; carry, lay or set any trap or snare, interfere with, hunt, capture, destroy or have in his possession any bird or wild animal, or any bee or lizard, any introduced bird, animal or any fish or crustacean;
- (j) take any bird's egg or interfere with any bird's nest, or habitation or resting place of any animal or lizard or any beehive;
- (k) carry or use explosive or discharge any fireworks except with the prior written permission of The Trust and subject to any conditions imposed by The Trust;

- (l) obstruct, threaten, interfere with or refuse to comply with any lawful request by any officer or employee of The Trust or any person acting with the written authority of The Trust while in the execution of his duty;
- (m) permit or suffer any animal to be upon trust property except with the permission of The Trust;
- (n) fly any model aircraft of any description;
- (o) place or use any boat or craft of any kind on any waters within trust property except with the written permission of The Trust and in accordance with such terms and conditions as The Trust may determine;
- (p) light, maintain or use any fire except in accordance with the provisions of the *Bush Fires Act 1954*, and the *Bush Fires Regulations 1954*<sup>2</sup> and in accordance with any additional conditions determined and notified in a conspicuous position by The Trust; provided however that this paragraph shall not extend to any authorised officer or employee of The Trust lighting a fire for the disposal of dirt or rubbish or for any other purposes associated with the upkeep of trust property;
- (q) pollute the water in any river, stream, tank, dam or reservoir;
- (r) pass over or under or through or cross or remove or interfere with any rope or other boundary or line of demarcation or barrier which shall have been erected for the protection of any objects things or other property for the time being owned by or in the possession or under the control of The Trust;
- (s) play a musical instrument, record player, tape player, video player, television receiver, or radio receiver except with the permission of The Trust;
- (t) act contrary to, or fail to comply with, a notice on a sign erected by, or on behalf of, The Trust; or

**bl. 3**

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- (u) smoke a pipe, cigar, or cigarette within a building open to the public for the display of furniture or furnishings.

*[By-law 2 amended: Gazette 19 Nov 1982 p. 4508.]*

**3. Certain acts prohibited without consent, etc., of Trust**

- (1) A person shall not —
  - (a) enter or remain upon any trust property except at such times as may be specified in a notice conspicuously exhibited at or near the entrance to the trust property as being the times at which the trust property is open to the public;
  - (aa) enter any trust property except by an entrance at or near which there is conspicuously exhibited a notice specifying that entrance as being a public entrance;
  - (b) erect, occupy or use any tent, structure or vehicle within trust property for the purpose of occupying or residing therein;
  - (c) sell or expose for sale any animal, goods or other article or thing within trust property; or
  - (d) hold or take part in any performance, entertainment or meeting of any kind within trust property,

unless he —

- (e) obtains the consent of The Trust to do so;
  - (f) complies with such conditions as The Trust may determine; and
  - (g) pays such fees and charges, if any, as The Trust may impose.
- (2) A person shall not enter or remain on trust property at a time at which the trust property is open to the public unless he —
  - (a) complies with such conditions as The Trust may determine; and



- (b) pays such fees and charges, if any, as The Trust may impose.

*[By-law 3 amended: Gazette 19 Nov 1982 p. 4508.]*

**4. Shooting into trust property prohibited**

No person shall from outside trust property propel any missile or discharge any firearm, air-gun or other lethal weapon into trust property.

**5. Offences relating to vehicles within trust property**

A person shall not ride or drive any animal or vehicle within trust property except upon a road or path provided for the purpose, or park any vehicle within trust property except in an area in which The Trust has exhibited a conspicuous notice indicating that the parking of vehicles is permitted in that area.

**6. Drunken and disorderly behaviour**

- (1) A person in a state of intoxication shall not enter or remain within trust property.
- (2) A person shall not within trust property behave in a disorderly or insulting manner or use any bad language or commit any nuisance or act of indecency.

**7. Trust may permit certain behaviour**

- (1) The Trust may allow any person or persons the use of trust property for any scientific or cultural purpose subject to such conditions as The Trust may impose and such use may include the privilege of camping and use of buildings, water supplies and of all other conveniences in trust property.
- (2) The Trust may permit any scientist, teacher, student, athlete, youth leader, social organiser, boy scout or girl guide officer, bush walking or hiking club officer or any other person or organisation approved by The Trust to conduct research, experiment, class inspection, swimming or other approved sport,

**bl. 8**

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function, camp, social gathering or such like activity, within trust property under such conditions as The Trust may determine.

**8. Trust may refuse to admit persons**

The Trust or any person authorised in that behalf by The Trust may refuse to admit into any trust property any person who in their or his opinion would be likely to cause annoyance or inconvenience upon the trust property or any person intoxicated or any person who has been found guilty of a breach of these by-laws.

**9. Removal of animals**

Any person authorised by The Trust may remove any animal found trespassing on trust property.

**10. Written permission to be by authorised person**

Any written permission of The Trust with respect to any matter under these by-laws shall be signed by the Secretary or other person duly authorised by The Trust.

**11. 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 \$100.

**Notes**

<sup>1</sup> This reprint is a compilation as at 4 June 2004 of the *National Trust of Australia (W.A.) By-laws 1972* 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>National Trust of Australia (W.A.) By-laws</i> <sup>3</sup>	13 Oct 1972 p. 4093-4	13 Oct 1972
<i>National Trust of Australia (W.A.) Amendment By-laws 1982</i>	19 Nov 1982 p. 4508	19 Nov 1982
<b>Reprint 1: The National Trust of Australia (W.A.) By-laws 1972 as at 4 Jun 2004</b> (includes amendments listed above)		

<sup>2</sup> Formerly referred to the *Bush Fires Act 1954 Regulations* the citation of which was changed to the *Bush Fires Regulations 1954* by the *Bush Fires Amendment Regulations 1982*. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

<sup>3</sup> Now known as the *National Trust of Australia (W.A.) By-laws 1972*; citation changed (see note under bl. 1).

**efined 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)
trust property .....	1A