

WESTERN AUSTRALIA

**WESTERN AUSTRALIAN SPORTS
CENTRE TRUST AMENDMENT
ACT 1997**

No. 4 of 1997

AN ACT to amend the *Western Australian Sports Centre Trust Act 1986*.

[Assented to 10 June 1997.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Western Australian Sports Centre Trust Amendment Act 1997*.

Commencement

2. This Act comes into operation on the day that it receives the Royal Assent.

Principal Act

3. In this Act the *Western Australian Sports Centre Trust Act 1986** is referred to as the principal Act.

[* *Act No. 101 of 1986.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 241, and Act No. 49 of 1996.]

Section 9 amended

4. Section 9 (2) of the principal Act is amended in paragraph (g) (ii) by inserting after “Centre” the following —

“ or parking of vehicles at the Centre ”.

Section 14 repealed and sections 14 and 14A substituted

5. Section 14 of the principal Act is repealed and the following sections are substituted —

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Minister may give directions

14. (1) The Minister may, after consultation with the board, give such directions in writing to the Trust with respect to the performance of its functions as appear to the Minister to be in the public interest and the Trust shall give effect to any such direction.

(2) A direction under subsection (1) may be given generally or in relation to a particular matter.

(3) The text of any direction given under subsection (1) shall be included in the annual report submitted by the accountable authority of the Trust under section 66 of the *Financial Administration and Audit Act 1985*.

Minister to have access to information

14A. (1) The Minister is entitled —

- (a) to have information in the possession of the Trust; and
- (b) where the information is in or on a document, to have, and make and retain copies of, that document.

(2) For the purposes of subsection (1) the Minister may —

- (a) request the Trust to furnish information to the Minister;
- (b) request the Trust to give the Minister access to information;
- (c) for the purposes of paragraph (b) make use of the staff and facilities of the Trust to obtain the information and furnish it to the Minister.

(3) The Trust shall comply with a request under subsection (2) and make its staff and facilities available to the Minister for the purposes of paragraph (c) of that subsection.

(4) The Minister is not entitled to have information under this section in a form that —

- (a) discloses the identity of a person with a disability; or

- (b) might enable the identity of any such person to be ascertained,

unless that person has consented to the disclosure.

- (5) In this section —

“**document**” includes any tape, disc or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;

“**information**” means information specified, or of a description specified, by the Minister that relates to the functions of the Trust.

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Section 18 amended

- 6.** Section 18 of the principal Act is amended —

- (a) in subsection (1) by deleting paragraph (i); and
(b) by repealing subsection (2).

Sections 18A, 18B, 18C and 18D inserted

- 7.** After section 18 of the principal Act the following sections are inserted —

“**Traffic regulations**

18A. (1) Without limiting section 18 the Governor may make regulations —

- (a) prohibiting or limiting the use of vehicles, including provisions as to —
(i) speed;
(ii) manner of driving;

- (iii) class of vehicles;
- (iv) routes;
- (v) entrances and exits;
- (vi) one-way traffic;
- (vii) parking;
- (viii) standing or leaving,

and for the regulation of traffic, on or in any part of the Centre generally;

- (b) prescribing conditions under which and the period or periods of time during which a vehicle may be parked at the Centre;
- (c) requiring the payment to the Trust of fees in respect of the parking of vehicles at the Centre and providing for the determination and collection of those fees;
- (d) prescribing the circumstances under which an authorized officer may remove a vehicle or cause it to be removed from the Centre to any specified place, whether a part of the Centre or not, prescribing his further powers in relation thereto, providing for the recovery of costs and expenses incurred by the Trust in moving and holding the vehicle, and authorizing the Trust to hold the vehicle until all costs and expenses are paid;
- (e) prohibiting the removal by any person, other than the driver or owner of a vehicle in respect of which an offence against such a regulation is alleged to have been committed, of any notice relating to the offence affixed to the vehicle or left in or on the vehicle by an authorized officer; and

- (f) requiring any person, when required to do so by an authorized officer, to give his name and address to the authorized officer.

(2) In this section —

“**authorized officer**” means a person authorized to serve infringement notices under section 18C (2).

Penalty for contravention of regulations

18B. Regulations may provide for any contravention of, or failure to comply with, any provision of the regulations to be an offence and may provide for the imposition of a penalty not exceeding \$1 000 for any such offence.

Infringement notices

18C. (1) A reference in subsection (2), (3), (5) or (7) to an “**authorized officer**” is a reference to an officer of the Trust appointed under subsection (11) to be an authorized officer for the purposes of the subsection in which the term is used.

(2) Subject to section 18D, an authorized officer who has reason to believe that a person has committed an offence against a regulation made under section 18A may, within 21 days after the alleged offence is believed to have been committed, serve an infringement notice on the alleged offender.

(3) An infringement notice shall —

- (a) be in the prescribed form; and
- (b) in every case —
 - (i) contain a description of the alleged offence;

- (ii) state that, if the alleged offender does not wish to have a complaint of the alleged offence heard and determined by a court, the amount of money specified in the infringement notice as being the modified penalty for the alleged offence may be paid to an authorized officer within a period of 28 days after the giving of the infringement notice; and
- (iii) inform the alleged offender what persons are authorized officers for the purposes of receiving payment of modified penalties.

(4) The amount specified in an infringement notice as being the modified penalty for the alleged offence referred to in the infringement notice shall be the amount that was the prescribed modified penalty at the time when that offence is believed to have been committed.

(5) An authorized officer may, in a particular case, extend the period of 28 days within which the modified penalty may be paid, and that extension may be allowed whether or not the period of 28 days has elapsed.

(6) When the modified penalty specified in an infringement notice has been paid within the period of 28 days or that period as extended and the infringement notice has not been withdrawn, the bringing of proceedings and the imposition of penalties are prevented to the same extent as they would have been if the alleged offender had previously been convicted by a court of, and punished for, the alleged offence.

(7) An authorized officer may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.

(8) When an infringement notice is withdrawn after the modified penalty has been paid, the amount shall be refunded.

(9) An amount paid as a modified penalty shall, subject to subsection (8), be dealt with as if it were a fine imposed by a court as a penalty for an offence.

(10) Payment of a modified penalty is not to be regarded as an admission for the purposes of any proceedings, whether civil or criminal.

(11) The Trust may in writing appoint persons, or the members of classes of persons, to be authorized officers for the purposes of subsection (2), (3), (5) or (7) or for the purposes of 2 or more of those subsections, but a person who is authorized to serve infringement notices under subsection (2) is not eligible to be an authorized officer for the purposes of any of the other subsections.

(12) The Trust shall issue to each authorized officer who is authorized to serve infringement notices under subsection (2) a certificate stating that the authorized officer is so authorized, and each such authorized officer shall produce the certificate whenever required to do so by a person to whom the authorized officer has given or is about to give an infringement notice.

Owner onus in relation to motor vehicles

18D. (1) If an allegation is made of an offence against a regulation made under section 18A, where an element of that offence is the use, driving, parking, standing or leaving of a motor vehicle, and the identity of the driver or person in charge of the motor vehicle at the time of the commission of that offence cannot be immediately established, an

infringement notice in respect of that allegation may be served under section 18C (2) on the owner of the motor vehicle —

- (a) in any case, at the owner's last known place of residence or business; or
- (b) where the allegation is of an offence of which the parking, standing or leaving of the motor vehicle is an element, by leaving the infringement notice in or on, or attaching it to, the motor vehicle.

(2) When an infringement notice is served on the owner of a motor vehicle in the circumstances referred to in subsection (1), then, unless within the period stated in the infringement notice or that period as extended —

- (a) the modified penalty is paid; or
- (b) the owner —
 - (i) identifies to an authorized officer the person who was the driver or person in charge of the motor vehicle at the relevant time; or
 - (ii) satisfies an authorized officer that, at the relevant time, the motor vehicle had been stolen or unlawfully taken or was being unlawfully used,

the owner is deemed to be the driver or person in charge of the motor vehicle at the time of the commission of the alleged offence.

(3) In this section —

“authorized officer” means an authorized officer appointed under section 18C (11) for purposes other than to serve infringement notices under section 18C (2);

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“motor vehicle” has the meaning given by the *Road Traffic Act 1974*;

“owner” in relation to a vehicle means the person who is the holder of the requisite vehicle licence under the *Road Traffic Act 1974* in respect of that vehicle, or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession.

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