

WESTERN AUSTRALIA

ACTS AMENDMENT (EVENTS ON ROADS) ACT

No. 64 of 1988

AN ACT to amend the *Road Traffic Act 1974* and the *Police Act 1892*.

[Assented to 8 December 1988]

The Parliament of Western Australia enacts as follows:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Acts Amendment (Events on Roads) Act 1988*.

Commencement

2. This Act shall come into operation on a day to be fixed by proclamation.

PART 2—ROAD TRAFFIC ACT 1974

Principal Act

3. In this Part the *Road Traffic Act 1974** is referred to as the principal Act.

[*Reprinted as approved 19 July 1983 and amended by Acts Nos. 95 and 102 of 1984, 54 and 89 of 1985, 78 of 1986 and 121 of 1987.]

Part VA inserted

4. The principal Act is amended by inserting after section 81 the following Part—

“ PART VA—EVENTS ON ROADS

Interpretation

81A. In this Part, unless the contrary intention appears—

“event”—

- (a) includes a race meeting or speed test; and
- (b) does not include an event that is a public meeting or procession under the *Public Meetings and Processions Act 1984*;

“order” means an order granted under this Part;

“road” includes part of a road.

Application for order

81B. (1) A person who, or body which, proposes to hold an event on a road, or to conduct an event which will proceed through a road, and wishes that road to be closed for the duration of the event, may make written application in the prescribed manner and form to the Board setting out the proposal and applying for an order in respect of a road closure for that event.

(2) An application referred to in subsection (1)—

- (a) shall be made not later than the prescribed time before the date of the proposed event or within such shorter period as may be agreed by the Board; and
- (b) may be required to be verified in a manner acceptable to the Board.

Order

81C. (1) The Board shall have regard to the information furnished in any application made under section 81B and any other information available to it in relation to the proposed event and may—

- (a) subject to subsection (2), make an order directing the road to be closed; or
- (b) refuse to make an order directing the road to be closed.

(2) The Board shall not make an order for a road closure unless—

- (a) the Board is satisfied that the prescribed conditions relating to an application for a road closure have been met;
- (b) the approval of each local authority for the district within which the road is situated has been obtained; and
- (c) where the road is vested in the Commissioner of Main Roads, the approval of the Commissioner has been obtained.

(3) An order made by the Board shall be subject to such conditions and limitations as are specified by the Board.

(4) A copy of an order made by the Board shall be forwarded to—

- (a) the applicant for the order;
- (b) each local authority for the district within which the road concerned is situated; and
- (c) where a road to which the order relates is vested in the Commissioner of Main Roads, the Commissioner of Main Roads.

Road closure

81D. A road closure under this Part shall be effected by the erection by the local authority for the district within which the road concerned is situated of such barriers, signs and other equipment as are prescribed.

Effect of order

81E. (1) Subject to—

- (a) any directions given by a member of the Police Force under section 52 of the *Police Act 1892*; and
- (b) the provisions of subsection (2),

where the holding or conduct of an event on a closed road substantially conforms with the terms of the order relating to it, a person participating in that event who observes such conditions and limitations as are specified in the order may position himself in, or proceed over, any road referred to in the order and is not, by reason of any thing done or omitted to be done by him for the purposes only of his participating in that event, guilty of any offence against the provisions of this Act or any other enactment regulating the movement of traffic and pedestrians, or relating to the obstruction of a street.

(2) An order made under this Part shall be deemed to contain a condition requiring persons participating in the event on the closed road to which it relates not to obstruct the free passage of any ambulance, fire brigade vehicle or police vehicle, and where any person contravenes that condition the holding and conduct of that event shall be taken not to have conformed with the order.

(3) Subject to the provisions of this Part and any order granted in relation to a road, a road closed pursuant to this Part remains a “road” for the purposes of this Act and any other enactment.

Offences

81F. (1) Where a person at, or in relation to, an event held on a road closed pursuant to an order under this Part—

- (a) obstructs the free passage of any ambulance, fire brigade vehicle or police vehicle or, otherwise than in the manner or to the extent authorized by the order relating to the road closed for that event, impedes or disrupts the use by members of the public in general of that road;
- (b) otherwise than in the manner or to the extent authorized by the order relating to the road closed for that event, drives, takes or uses any vehicles on to or on that road; or
- (c) incites any other person so to do,

commits an offence.

Penalty: \$300.

(2) Where, in any proceeding for an offence against subsection (1), it is alleged on the complaint that—

- (a) an order had been granted under this Part to a person or body named in the order; or
- (b) a road was closed pursuant to an order,

it shall not be necessary for the complainant to prove the facts so alleged in the absence of evidence to the contrary.

(3) When in any proceedings for an offence against this Act or any other enactment regulating the movement of traffic or pedestrians or relating to the obstruction of a road, the defendant satisfies the court that a road closure was authorized under this Part by an order purporting to relate to it, it shall be presumed, in the absence of evidence to the contrary, that—

- (a) no irregularity occurred on, or in relation to, the grant of the order; and
- (b) the road closure substantially conformed with the terms of the order. ”.

**Section 83 repealed and
a section substituted**

5. Section 83 of the principal Act is repealed and the following section is substituted—

Temporary suspension of written law

“ 83. (1) Whenever any number of persons, or any club or clubs, for the purpose of enabling a race meeting or speed test to take place, request the Minister to temporarily suspend the operation of any provisions of, or regulations made under, this Act, the Minister may—

- (a) refuse to suspend those provisions or regulations for such purpose; or
- (b) subject to subsection (2), by notice published in the *Gazette* temporarily suspend those provisions or regulations for such purpose.

(2) The Minister shall not temporarily suspend the operation of any provisions or regulations unless he has first obtained the consent of the local authority for the district within which the race meeting or speed test will be held.

(3) Any temporary suspension of provisions or regulations under this section shall be subject to such conditions and limitations as are specified by the Minister.

(4) Where a person fails to observe a condition or limitation under which a provision or regulation is temporarily suspended under this section, that provision or regulation shall be taken to be in operation in relation to that person.

(5) Notwithstanding subsection (4), a person who fails to observe a condition or limitation under which a provision or regulation is temporarily suspended under this section commits an offence.

Penalty: For a first offence, \$150; for any subsequent offence, \$300 or imprisonment for 30 days.

(6) The Minister may delegate to the Board, the Commissioner of Police or any police officer specified in the instrument of delegation of all or any of the powers conferred upon the Minister under subsection (1). ”.

Section 101 amended

6. Section 101 of the principal Act is amended by deleting “or inspector” and substituting the following—

“ inspector, or other person authorized to carry out the provisions of this Act ”.

PART 3—*POLICE ACT 1892***Section 52 amended**

7. Section 52 of the *Police Act 1892** is amended in subsection (1) by deleting “frustrating the holding of a meeting or the conduct of a procession authorized pursuant to a permit or order granted under the Public Meetings and Processions Act 1984.” and substituting the following—

“ frustrating—

- (a) the holding of a meeting or the conduct of a procession authorized pursuant to a permit or order granted under the *Public Meetings and Processions Act 1984*; or
- (b) the holding or conduct of an event on a road closed pursuant to an order granted under Part VA of the *Road Traffic Act 1974*. ”.

[*Reprinted as approved 18 April 1983 and amended by Acts Nos. 21 and 30 of 1983, 22 and 23 of 1984, 10, 19 and 29 of 1985 and 74 of 1987.]
