

WESTERN AUSTRALIA

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**AMERICA'S CUP YACHT RACE  
(SPECIAL ARRANGEMENTS)  
AMENDMENT ACT**

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**No. 55 of 1986**

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**AN ACT to amend the *America's Cup Yacht Race (Special Arrangements) Act 1986*.**

[Assented to 17 November 1986]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

**Short title**

**1.** This Act may be cited as the *America's Cup Yacht Race (Special Arrangements) Amendment Act 1986*.

### **Commencement**

2. (1) Subject to subsection (2), this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Section 5 shall be deemed to have come into operation on the day on which Part II of the principal Act came into operation.

### **Principal Act**

3. In this Act the *America's Cup Yacht Race (Special Arrangements) Act 1986\** is referred to as the principal Act.

[\*Act No. 43 of 1986.]

### **Section 2 amended**

4. Section 2 of the principal Act is amended—

(a) in subsection (2), by deleting “Part II” and substituting the following—

“ Part II or IIA or both ”;

(b) in subsection (3), by deleting “Part II” and substituting the following—

“ Part II or Part IIA or both ”; and

(c) in subsection (6), by inserting after “Part II” the following—

“ or Part IIA ”.

### **Section 6 amended**

5. Section 6 of the principal Act is amended in subsection (6) by inserting after “43” the following—

“ (4), (5), ”.

**Part IIA added**

6. After section 11 of the principal Act the following Part is inserted—

“ PART IIA—TRAFFIC CARAVANS, CAMPS  
AND OTHER AMENITIES

*Division 1—General*

Interpretation

11A. In this part unless the contrary intention appears—

“Order” means an Order made by the Minister under this Part.

*Division 2—Traffic*

Minister may make Orders

11B. (1) Where the Minister is of the opinion that it is necessary or convenient to make special arrangements for the purposes of any one or more of the following purposes—

- (a) the movement of traffic or pedestrians or both; or
- (b) the assembly of persons or parking of vehicles or both,

in any area of the State for the purposes of any activities held or proposed to be held in connection with or incidentally to or with reference to the America's Cup Yacht Race or any event relating thereto the Minister may by Order give such directions as the Minister considers are necessary or convenient for that purpose.

(2) Without derogating from the generality of subsection (1) an Order may include directions—

- (a) regulating, prohibiting or controlling the use of a road for such period as is specified;
- (b) relating to the erection of traffic signs and traffic control signals and similar devices;
- (c) for the seizure, removal and detention of obstructing or abandoned vehicles;

- (d) relating to the duties, obligations, conduct and behaviour of owners, persons in charge, drivers and passengers of vehicles;
- (e) setting aside areas of public land (including land reserved as of Class A under the *Land Act 1933*) whether vested in any person or body or not for—
  - (i) the assembly of persons;
  - (ii) the parking or standing of vehicles; and
  - (iii) such other purposes as may be specified,and permitting the carrying out of the purposes so specified on that land by such persons or classes of persons as is or are specified subject to such terms and conditions as are specified;
- (f) regulating or prohibiting—
  - (i) the assembly of persons on;
  - (ii) the parking or standing of vehicles on; and
  - (iii) the entry into or the egress from,any area (including private land) referred to in the Order absolutely or subject to the terms and conditions specified in the Order; and
- (g) empowering any specified authority or specified person or person of a specified class to exercise all or any of the powers referred to in paragraphs (a) to (f).

(3) An Order may require the payment of charges to a specified person or authority for the use of any public land for any purpose specified in the Order, the parking of vehicles and the removal and detention of any obstructing vehicle before any such vehicle is returned to the owner.

#### Transport Advisory Committee

11C. (1) Before making an Order the Minister may consult with the Transport Advisory Committee constituted under subsection (2).

(2) The Transport Advisory Committee shall consist of 5 persons appointed by the Minister consisting of—

- (a) 1 person who shall be chairman;
- (b) 1 person nominated by the Minister charged with the administration of the *Local Government Act 1960*;
- (c) 1 person nominated by the Mayor or President, as the case may be, of the local authority or local authorities, as the case requires, in whose district or districts the part of the State referred to in the proposed Order is comprised;
- (d) 1 person nominated by the Commissioner of Police; and
- (e) 1 person nominated by the Commissioner of Main Roads.

(3) 3 members for the Transport Advisory Committee constitute a quorum.

#### Offences and infringement notices

11D. (1) A person who contravenes an Order or any direction given under an Order commits an offence.

Penalty: \$500.

(2) Section 102 of the *Road Traffic Act 1974* applies as though—

- (a) the contravention of an Order or a direction under an Order were a prescribed offence under that section;
- (b) a person who is a specified person under section 11B (2) (g) were an authorized person under that section; and
- (c) the penalty prescribed for the prescribed offence were \$20.

#### *Division 3—Caravans, camping and other amenities*

#### Orders relating to caravans and camps

11E. (1) Where the Minister is of the opinion that it is necessary or convenient to make special arrangements for the purposes of the provision of accommodation of persons in caravans or in camps or for the purposes of any other amenities

specified in the Order in any area of the State during the holding of the America's Cup Yacht Race or any activities held or proposed to be held in connection with or incidentally to or with reference to that event the Minister may, notwithstanding any other law, by Order give such directions as are necessary or convenient for that purpose.

(2) Without derogating from the generality of subsection (1) an Order may include directions—

- (a) setting aside areas of public land (including land reserved as of Class A under the *Land Act 1933*) whether vested in any person or body or not for the purposes of caravan sites or camping sites or both or for the purposes of the provision of any amenities specified in the Order;
- (b) regulating or prohibiting the parking of caravans, the erection of camps or structures on any land (including private land) for the purposes of camps, caravans or other amenities;
- (c) providing for the removal of any caravan, camp or structure sited or erected or used contrary to the terms of an Order;
- (d) relating to hygiene and sanitation and the numbers of persons permitted to use a caravan, a caravan site, campsite or other amenity;
- (e) empowering any specified authority or specified person or person of a specified class to exercise any power referred to in paragraph (b) or (c).

(3) Notwithstanding any other law an Order may—

- (a) specify the terms and conditions applicable in relation to the occupation of any land vested in a public authority under any written law;
- (b) require the payment of such charges as are specified for the parking of caravans or the erection of camps or structures on public land and for any services or facilities provided for or in connection with any such purposes;
- (c) require the payment of such fees as are specified for the inspection of caravan or camp sites in connection with the Order;

- (d) enlarge the number of caravans or camps that may be contained on a site;
- (e) enlarge the period during which a caravan may be parked or a camp used on a site;
- (f) exempt a caravan or camp site from the provisions of any written law or such provisions of a written law as are specified.

(4) An Order may contain such terms, conditions and restrictions as the Minister thinks fit. ”.

### **Heading inserted**

7. Before section 12 of the principal Act the following heading is inserted—

“ PART III—MISCELLANEOUS ”.

### **Section 12 amended**

8. Section 12 of the principal Act is amended by inserting after subsection (6) the following—

“ (7) In this section—

“Navigation Authority” means a navigation authority as defined in section 3. ”.

### **Heading deleted**

9. The heading “PART III—MISCELLANEOUS” after section 12 of the principal Act is deleted.

## Sections 12A to 12D inserted

10. After section 12 of the principal Act the following sections are inserted—

### Interpretation

“ 12A. In sections 12B to 12D—

“Order” means an Order made by the Minister under Part IIA.

### General provisions relating to Orders

12B. (1) Section 43 (4), (5), (7), (8) and (9) of the *Interpretation Act 1984* applies to an Order as though the Order were subsidiary legislation.

(2) Notwithstanding anything in section 41 of the *Interpretation Act 1984* an Order is not required to be published in the *Government Gazette*.

(3) An Order shall be published for general information in the part of the State affected by the Order as soon as is practicable and in such manner as the Minister directs having regard to the circumstances and what may be practicable and if the original manner of publication was not by means of a notice in a newspaper shall be made known in that manner as soon as circumstances permit.

### Evidentiary provisions relating to Orders

12C. (1) A Statement signed or purporting to be signed by the Minister—

(a) to which is attached a copy of an Order;

(b) stating that the Order—

(i) was made;

(ii) was made by the Minister;

(iii) was in force during the time, the day or days or the period specified in the statement,

is, in the absence of evidence to the contrary, sufficient evidence of the Order and the facts set out in the statement.

(2) In any legal proceedings for an offence against any written law it is a defence to prove that the act or omission complained of was in compliance with, or permitted under, an Order.

(3) A certificate signed or purporting to be signed by the Minister stating that the person named in the certificate was at the time specified in the certificate an authorized person for the purposes of Part IIA is evidence of that fact in the absence of evidence to the contrary.

#### Recovery of fees and charges

12D. Where an Order provides for the payment of fees or charges to a specified person or authority the person or authority so specified may recover any amount of such fee or charge that remains unpaid in any court of competent jurisdiction. ”.

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