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[1966

PARKS AND RESERVES ACT, 1895-1963.

Rottnest Island Board.

WHEREAS it is provided by section 8 of the Parks and Reserves Act, 1895-1963, that a Board may, with the approval of the Governor, from time to time make, repeal or alter by-laws for giving effect to that Act in respect of the parks and reserves committed to them; and whereas the Rottnest Island Board is a Board within the meaning of the Act to which Reserve No. 16713 is committed: Now, therefore, the Rottnest Island Board in exercise of the powers aforesaid resolves—

- (a) to repeal the by-laws so made and published in the *Government Gazette* on the 8th December, 1933, and thereafter amended by notices published in the *Government Gazette*; and
- (b) to make the by-laws set out in the schedule hereunder.

Schedule.

By-laws.

1. These by-laws may be cited as the Rottnest Island By-laws, Citation. 1966.
2. In these by-laws, unless the context requires otherwise—

<p>“aircraft” means any machine that can derive support in the atmosphere from the re-action of the air;</p> <p>“authorised person” means a member of the Police Force or a person authorised by the Board to give effect to these by-laws;</p> <p>“by-law” means one of these by-laws;</p> <p>“captain” means the person having the command or charge of a vessel or aircraft;</p> <p>“casual resident”, in relation to the Island, means a person who is resident there, other than as a permanent resident, and “casual residence” shall be construed accordingly;</p> <p>“permanent resident”, in relation to the Island, means a person resident there for the purpose of carrying on any trade or business authorised by the Board or resident in the course of his employment there and includes a dependant of any such person;</p> <p>“serious misconduct” includes conduct constituting a crime, misdemeanour or a breach of the Police Act, 1892;</p>	<p>Interpreta- tion.</p>
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- “settlement” means that part of the Island contained in a circle having a radius of one-half mile from the Office of the Board;
- “the Board” means the Rottnest Island Board constituted under the Parks and Reserves Act, 1895;
- “the Island” means all that portion of Rottnest Island comprised in Reserve No. 16713 and includes every jetty, wharf, mole, groyne or seaward construction that is contiguous with the reserve;
- “vehicle” has the same meaning as that expression has in, and for the purposes of, the Traffic Act, 1919, or any Act for the regulation and control of traffic enacted in substitution for that Act, or for the time being in force;
- “vessel” includes every description of ship or boat.
- Preservation of existing features.
3. (1) A person shall not, without the authority of the Board—
- (a) destroy, injure or remove any tree, shrub, plant or flower or cut, burn or remove any dead or fallen wood;
 - (b) destroy, injure, take or molest any animal or bird;
 - (c) break up, damage or disfigure the natural surface, any natural feature or any turf;
 - (d) destroy, maim or interfere with any improvement, works, furniture, fitting or installation; or
 - (e) break up or damage the surface of any road or foot-way,
- or cause any of those things to be done, on any part of the Island.
- (2) A person shall not deposit or leave any refuse or litter on any part of the Island, other than in a receptacle provided for that purpose by the Board, or so dispose of refuse or litter that it is reasonably likely to find its way onto the Island.
- Restriction on the lighting of fires.
4. A person shall not, without the prior consent of an officer or servant of the Board, light or attempt to light a fire on any part of the Island, other than in a stove or hearth or in a place set aside by the Board for that purpose.
- Disorderly conduct.
5. A person shall not misconduct himself, on the Island—
- (a) by singing any obscene song or ballad;
 - (b) by writing or drawing any indecent or obscene word, figure or representation;
 - (c) by using any profane, indecent or obscene language;
 - (d) by using or manifesting any threatening, abusive or insulting words or behaviour, whether calculated to lead to a breach of the peace or not;
 - (e) by molesting or annoying any other person on the Island; or
 - (f) by offending against decency, in the nature of his apparel;
- or behave in such a manner as may reasonably give offence to other persons on the Island.
- Restriction on sporting events.
6. Except in such parts of the Island as the Board may set apart for that purpose, a person shall not organise, or participate in, any sporting event that is of a dangerous nature, is likely to constitute an inconvenience or annoyance to other persons or to affect the natural surface or any feature of the Island.
- Restriction on meetings, etc.
7. A person shall not, without the prior consent of the Board, organise or participate in any public meeting or address or attempt to address the public at large.
- Prohibition of signs.
8. A person shall not, without the prior consent of the Board, post, mark, paint or affix any placard, bill, notice or other sign on, or to, any tree, natural feature, road or improvement, on the Island.

9. A person shall not, without the prior consent of the Board, bring to the Island any firearm or any speargun, within the meaning of the Spearguns Control Act, 1955, or there discharge any firearm or speargun, set off any fireworks or throw or propel any stone or missile. Prohibition of shooting, etc.
10. A person, other than the lessee of shop or trade premises, shall not, without the prior consent of the Board, sell, or expose for sale, goods of any nature, on the Island. Restriction on hawking.
11. (1) A person shall not, without the prior consent of the Board, bring to the Island any animal or bird. Restriction on animals.
- (2) Every animal apparently brought to, and found wandering at large on, the Island may be taken by an employee of the Board and shall, thereafter, be dealt with according to law.
- (3) Every bird apparently brought to, and found at large on, the Island may be destroyed by an employee of the Board.
12. Except as may be permitted by law, a person shall not enter into any wager and shall not conduct any gaming or unlawful game. Prohibition of gaming, etc.
13. (1) Without limiting the meaning of the expression, "residence", a person is deemed to have taken up residence on the Island if he remains there, during the hours of darkness, without apparent means of taking his departure. Residence on the Island.
- (2) A person shall not take up casual residence on the Island, except—
- (a) as the guest or invitee of a permanent resident;
 - (b) in a dwelling or place specified in a licence issued to him by the Board for that purpose; or
 - (c) with the consent of that other person, in a dwelling or place specified in a licence issued by the Board to some other person;
- and the onus of showing that he has taken up casual residence in conformity with this by-law rests upon him who sets it up.
- (3) A licence issued for the purposes of this by-law is not transferable and is valid for residence in the dwelling or place specified in the licence, only.
- (4) The provisions of the Landlord and Tenant Act (Act 1 and 2 Vict. c.74 as adopted by Act 7 Vict. No. 13) do not apply to casual residence in a dwelling or place occupied by virtue of a licence issued for that purpose; and the licence may be revoked without notice, by reason of a breach of these by-laws or serious misconduct on the part of the licensee.
- (5) The fee payable for a licence issued for the purposes of this by-law is such amount as the Board may from time to time determine, having regard to the nature of the dwelling or place and the amenities there provided by the Board.
- (6) Where, under the provisions of this by-law, a licence is revoked, the fee paid in respect of the licence is not refundable and the Board is not responsible for any loss or inconvenience occasioned by the revocation.
- (7) An authorised person may enter into any dwelling or place occupied by virtue of a licence under this by-law, if he has reason to believe that the provisions of these by-laws are not being observed, or in order to ascertain whether or not they are being observed or whether or not serious misconduct has been, or is being, committed, by some person in that dwelling or place.
14. A person occupying a site in the camping area, whether as licensee or pursuant to a licence issued to some other person, shall not— By-laws applying to camping area.
- (a) without the consent of an authorised person, bring into, or consume in, the camping area any intoxicating liquor;

- (b) improvise any sanitary convenience or ablution or use any sanitary convenience or ablution other than such as has been established by the Board;
- (c) commit any nuisance; or
- (d) light a fire, except in conformity with by-law 4.
- Prohibition of removal of furniture, etc. 15. A casual resident shall not, without the prior consent of an officer or servant of the Board, remove any furniture, bedding or equipment from a dwelling or place to any other dwelling or place, on the Island.
- Supply of electricity. 16. The Board is not obliged to supply electricity to a person on the Island but may enter into agreements for its supply to persons occupying its premises.
- Limitation on interference with electrical supply, etc. 17. A person shall not, without the consent of an officer or servant of the Board—
- (a) draw electricity from the Board's supply;
 - (b) remove, or interfere with, any component of, or appliance or fitting attached to, the Board's electrical system;
 - (c) put electricity or any appliance or fitting attached to the Board's system to any use other than that for which it was installed; or
 - (d) attempt to replace or repair any appliance or fitting installed by the Board that has become unserviceable or ineffectual.
- Restriction on introduction of vehicles. 18. (1) A person shall not, without the consent in writing of the Board, bring on to the Island any vehicle, other than a bicycle or a wheel chair for the exclusive use of an invalid or person subject to a physical disability.
- (2) A person who brings a vehicle onto the Island contrary to this by-law, shall remove it, or cause it to be removed, therefrom, on being so required by an authorised person.
- (3) Every person who refuses or fails to comply with the requirement of an authorised person under sub-by-law (2) of this by-law commits an offence; and the authorised person may, thereupon, cause the vehicle to be removed from the Island, at the expense of the offender.
- Restriction on use or hire of vehicles or animals. 19. A person shall not, without the authority in writing of the Board—
- (a) drive a vehicle, other than a bicycle or wheel chair, on any road or track on the Island or remove it from one part of the Island to another; or
 - (b) use a vehicle or animal for the carriage of passengers or goods for reward or let, or stand it, for hire.
- Offence of assuming control of a vehicle, etc. 20. A person shall not, without the consent of the owner, assume control of a vehicle or interfere with the mechanism of a vehicle, on the Island.
- Speed restriction. 21. A person shall not drive a vehicle, within the settlement, at a speed exceeding 20 miles per hour or, outside the settlement, at a speed exceeding 35 miles per hour.
- Application of Traffic Act, 1919. 22. Except as otherwise provided by these by-laws, the Traffic Act, 1919, or any other Act for the regulation and control of traffic, enacted in substitution therefor or for the time being in force, and the regulations made thereunder apply to the driving of vehicles on the Island.
- Admission fees. 23. (1) Subject to sub-by-law (3) of this by-law, every person landing on the Island shall pay the admission fee prescribed by this by-law.

- (2) The prescribed admission fee is payable by a person—
- (a) if carried by a vessel or aircraft in which persons are usually carried for reward, before landing on the Island; and
 - (b) if carried by any vessel or aircraft other than such as is mentioned in paragraph (a) of this subregulation, as soon as practicable after landing on the Island.
- (3) An admission fee is not payable in respect of a person who—
- (a) is under the age of six years;
 - (b) is a member, officer or employee of the Board or a permanent resident on the Island;
 - (c) is a member of the Naval, Military or Air Force of the Commonwealth landing on the Island in the course of his duties; or
 - (d) has at any time paid an admission fee and has not thereafter returned to the mainland.
- (4) For the purposes of this by-law, the admission fee is, in the case of a person—
- (a) of six years, and under twelve years, of age, five cents; and
 - (b) of twelve years of age or more, fifteen cents.
- (5) The possession of a steamer or aircraft ticket issued by a person, firm or company approved by the Board or a ticket issued by the Fremantle Port Authority is *prima facie* evidence that a person has paid his admission fee, before landing on the Island; and the possession of an admission ticket in the form set out in the Schedule to these by-laws is *prima facie* evidence that the holder has paid his admission fee, after landing on the Island.
- (6) Every person who fails to pay the admission fee prescribed by this by-law, or who fails to produce his steamer, aircraft or admission ticket within a reasonable period after demand by an authorised person or a servant of the Board, commits an offence and shall, without prejudice to any penalty that he may incur for that offence, pay the admission fee to the authorised person or servant of the Board, on demand.
- (7) A person who passes his steamer, aircraft or admission ticket to another person, with the intention of providing false evidence that the other person has paid his admission fee, commits an offence.
24. (1) The captain of a vessel or aircraft in which persons are usually carried to the Island for fee or reward shall—
- (a) subject to these by-laws, collect the prescribed admission fee or cause it to be collected, from every person intending to land on the Island; and
 - (b) remit the fees collected during each month, pursuant to this by-law, to the Board, within seven days after the end of that month, together with a return setting out the number of trips made, and the number of passengers carried, to the Island by the vessel or aircraft (as the case may be), during that month.
- (2) A captain who, being required by this by-law collects admission fees, —
- (a) fails to collect an admission fee from a person liable to pay it;
 - (b) having collected admission fees, fails to remit them or to make the return required by this regulation; or
 - (c) fails to remit the fees or to make the return within the time limited by this by-law,
- commits an offence.

Recovery of
fees in
certain
cases.

Recovery of losses incurred by Board.

25. Where the Board incurs any loss or expense arising out of a breach of these by-laws or by reason of the transshipment of any person or thing from the Island, consequent upon a breach of these by-laws or serious misconduct, the Board may recover the amount of the loss or expense in a court of competent jurisdiction.

Obstruction of officers and employees of Board.

26. (1) A person shall not obstruct an officer or employee of the Board in the execution of his duties and shall obey the lawful directions of an authorised person, on the Island.

(2) Every officer or employee of the Board may demand from and require of any person on the Island his full name, usual place of residence and place of residence on the Island and every person failing or refusing to give his name and those places of residence or any of them when so demanded or required or who gives a false name or place of residence commits an offence.

Removal of persons from Island.

27. (1) Notwithstanding that a person may have been regularly admitted thereto, an authorised person may, without prejudice to any other proceedings that may be open to the Board, order a person who is guilty of a breach of any of these by-laws or guilty of serious misconduct to leave the Island, within a time specified, and the person so ordered shall thereupon quit the Island, within that time.

(2) A person who, on being ordered to quit the Island, does not do so, within the time specified by the order, is guilty of an offence and may, in that event, be forcibly removed from the Island by an authorised person.

(3) A person who has been ordered to quit the Island, under the provisions of this by-law, shall not return thereto without the prior consent of the Board.

Penalty.

28. Every person committing an offence against these by-laws is liable to a penalty of forty dollars.

Schedule.

Rottnest Island Board.

ADMISSION TICKET.

(By-law 23(5).)

Prescribed Admission Fee Paid cents.

This ticket must be produced to an authorised person or servant of the Board, on demand.

NOT TRANSFERABLE.

Passed at a meeting of the Board held on the 19th day of February, 1966.

E. LeB. HENDERSON,
Acting Chairman.

Approved by His Excellency the Governor in Executive Council this 24th day of March, 1966.

W. S. LONNIE,
Clerk of the Executive Council.
