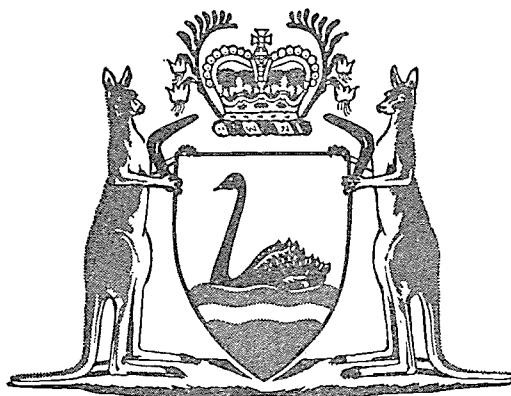


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Crown Law Department,
Perth, 27th February, 1980.

THE undermentioned By-laws made under the provisions of the Parks and Reserves Act, 1895, and amended from time to time up to and including the amendments published on the 14th September, 1979, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General.

R. M. CHRISTIE,
Under Secretary for Law.

PARKS AND RESERVES ACT, 1895.

KING'S PARK BY-LAWS.

Published in the *Government Gazette* on the 18th June, 1943, and reprinted in the *Government Gazette* published on the 11th March, 1957, incorporating all amendments thereto published in the *Government Gazette* up to and including the 7th December, 1956, and further reprinted in the *Government Gazette* published on the 6th August, 1969, incorporating all amendments thereto published in the *Government Gazette* up to and including the 28th November, 1968, and now reprinted incorporating all amendments thereto published in the *Government Gazette* on the 23rd August, 1972; 23rd September, 1977; 22nd December, 1978; 19th January, 1979; 2nd March, 1979, and the 14th September, 1979 pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General dated 27th February, 1980.

PARKS AND RESERVES ACT, 1895.

KING'S PARK BY-LAWS.

1. In these by-laws the terms shown below shall, unless the context otherwise indicates, bear the meanings set against them respectively, that is to say:—

- (a) "the Park" means King's Park, Reserve No. A1720, the boundaries of which are gazetted in the *Government Gazette* of Western Australia dated the 27th November, 1942, and includes any part of the said reserve.
- (b) "Road" means any thoroughfare surfaced with bitumen, gravel, concrete, wood or other hard material, other than a footpath, and includes every part thereof, and includes any land marked as a road upon the plan of the Park deposited in the Office of Titles either prior to or after the making of these by-laws.
- (c) "Footpath" means any thoroughfare of a width of less than 4.3 metres.
- (d) "Bridle tracks" means all thoroughfares marked upon the said plan of the Park as reserved for equestrians.
- (da) "Push-bicycle track" means a road set apart under by-law 3 of these by-laws for the use of push-cyclists.
- (db) "Recreation track" means a road set apart under by-law 3 of these by-laws for the use of pedestrians and push-cyclists.
- (e) "Traffic Act" means the Road Traffic Act, 1974, and all amendments thereto from time to time in force, and includes all regulations made thereunder from time to time in force.
- (ea) "the Act" means the Parks and Reserves Act, 1895.
- (f) "the Board" means "The Kings Park Board" constituted under section 3 of the Parks and Reserves Act, 1895.

By-law 1.
Substituted by G.G. 16/4/48, p. 824.
Amended by G.G. 28/11/68, p. 3462; G.G. 23/9/77, p. 3418; G.G. 22/12/78, p. 4810.

Park to be Open.

2. (1) The Park shall be open to the public continuously, but the Board may close any road or footpath in the Park or any other part or parts of the Park for any period or purpose at any time the Board may think fit by notice posted on such road or footpath or such part or parts of the Park.

By-law 2.
Amended by G.G. 16/4/48, p. 824; G.G. 22/12/78, p. 4810.

(2) A person shall not, unless the prior permission in writing of the Board to do so has been obtained, enter or be in or on any road or footpath in the Park or any other part or parts of the Park, which road, footpath, part or parts is or are closed under sub-by-law (1) of this by-law.

Restricting Driving or Riding over the Park.

- By-law 3. Amended by G.G. 16/4/48, p. 624; G.G. 22/12/78, p. 4810.
3. No person shall drive or ride upon or over the Park save along a road or parking area without permission from the Board first obtained: Provided, however, that the Board may set apart bridle tracks which equestrians and pedestrians may use, recreation tracks which pedestrians and push-cyclists may use and push-bicycle tracks which push-cyclists may use.

Prohibition of Certain Unauthorized Vehicles and Animals.

- By-law 4. Substituted by G.G. 22/12/78, pp. 4810-1.
4. (1) A person shall not, unless the prior permission in writing of the Board to do so has been obtained, drive upon or over the Park or any part thereof—
- (a) any omnibus;
 - (b) any taxi-car unless he so drives for the purpose of bringing a passenger into the Park or, having been summoned to the Park for the purpose, enters the Park for the purpose of fetching a passenger therefrom or taking up a passenger at one point in the Park and setting him down at another point therein and thereafter leaves the Park in completion of that purpose or when that purpose has been completed, as the case may be;
 - (c) any motor wagon with an unladen mass in excess of 1 524 kilograms;
 - (d) any tractor, whether of a prime mover type or any other type;
 - (e) any horse-drawn vehicle;
 - (f) any off-road vehicle;
 - (g) any vehicle, team, cart or wagon, whether laden or not, used for carrying any goods, timber, bricks, stone, wood, iron or merchandise of any kind; or
 - (h) any hearse or mourning coach.

(2) A person shall not, unless the prior permission in writing of the Board to do so has been obtained, cause or suffer any camel, donkey, mule, pack horse, bull, cow, calf, heifer, steer, sheep, lamb, dog (other than a dog on leash), goat or pig belonging to him or in his charge to enter, go upon or depasture upon the Park.

(3) In sub-by-law (1) of this by-law—

“motor wagon” means motor wagon as described in the First Schedule to the Road Traffic Act, 1974;

“off-road vehicle” means vehicle which is not licensed or deemed to be licensed, or is not the subject of a permit granted, under the Road Traffic Act, 1974;

“omnibus” means omnibus as defined by subsection (1) of section 5 of the Road Traffic Act, 1974;

“taxi-car” means taxi-car as defined by subsection (1) of section 5 of the Road Traffic Act, 1974.

Injuring or Destroying Flora.

5. No person shall injure, cut, break, deface, pull up, pick, remove, or destroy any tree, shrub, plant, or flower growing on the Park, nor climb any tree thereon. Nor shall any person cut or remove any dead wood or timber on or from the Park, unless with the permission in writing of the Board first obtained.

Injuring the Soil or Surface or Fences, etc.

6. No person shall cut, damage, injure, deface, disfigure, remove, or interfere with the soil or turf or surface of the Park, or any road or footway on the same, or any fence, building, rockwork, watercock, plant, tool, seat, notice, notice board, post, railing barrier or other thing which may be from time to time erected or placed on the Park by or by the authority of the Board or pollute or interfere with any ornamental water therein, or catch, trap, chase, interfere with, disturb, injure, destroy, or lay or place any trap for the taking of any bird or animal on or in the Park, leave or release in the Park any bird or animal, or bring into the Park or deposit or leave thereon, any rubbish or other substance or material whatsoever.

By-law 6.
Amended
by G.G.
22/12/78,
p. 4811.

Unauthorised Removal, etc., of Leaf Mould, Personal Property, etc., Forbidden.

6A. A person shall not, without the authority of the Board, remove from the Park or disturb or move—

Heading and
By-law 6A.
Added by
G.G. 1/12/61,
p. 3315.

- (a) any leaf mould or other decayed or decaying vegetable lying within the Park or;
- (b) any article or property which is lying or left within the Park and of which he is not—
 - (i) the owner; or
 - (ii) legally entitled to possession.

Persons Misconducting Themselves.

7. No person shall misconduct himself in any way in the Park or shall indulge in any riotous, disorderly, offensive, suspicious, or indecent conduct, or make use of any indecent or improper language, or commit any nuisance on the Park, nor shall any person sell, distribute or exhibit any indecent or infamous book, picture, or representation in the Park.

By-law 7.
Amended by
G.G. 16/4/48,
p. 824.

7A. While in the park a person shall at all times be decently clothed.

By-law 7A.
Added by
G.G. 9/12/55,
p. 2943.
Amended by
G.G. 23/9/77,
p. 3418; G.G.
22/12/78,
p. 4811.

Lodging on the Park in the Open Air.

8. No person shall camp, lodge, sleep, or tarry overnight on the Park or camp during the day on the Park.

By-law 8.
Amended by
G.G. 16/4/48,
p. 824; G.G.
22/12/78,
p. 4811.

Posting Bills.

9. No person shall post, stick, stamp, stencil, paint, or otherwise affix, or cause to be posted, stuck, stamped, stencilled, painted, or otherwise affixed any placard, handbill, notice, advertisement, or any document whatsoever upon any tree, fence, post, gate, wall flagging, road, path, or any place whatever on the Park.

Carving Names, etc.

10. No person shall paint, write, cut, carve or in any manner inscribe letters, figures, or marks upon or otherwise disfigure any rock or tree or any wall or fence or other structure or erection on the Park.

Shooting, etc., on the Park.

By-law 11. 11. No person shall fire or discharge any firearm, or throw, dislodge or discharge any stone or other missile, or set off any fire balloon, or throw or set fire to any fireworks, or kindle or make any fire except in a fireplace provided by the Board, or use any explosive substance whatever on the Park, unless the consent, in writing, of the Board shall be previously obtained.

Amended by G.G. 16/4/48, p. 824; G.G. 22/12/78, p. 4811.

Selling Goods on the Park.

By-law 12. 12. (1) No person shall sell or expose for sale or distribute for the purpose of promoting a sale any goods, wares, merchandise, or things, or solicit or gather money on the Park or place on the Park any chair, seat, or other thing for hire unless the consent in writing of the Board shall be previously obtained.

Amended by G.G. 1/12/61, p. 3316; G.G. 22/12/78, p. 4811.

(2) A person shall not, within the Park, distribute, sell, carry for sale or distribution, or expose for sale or distribution any printed or written matter without the permission in writing of the Board.

(3) A person shall not, unless the prior permission in writing of the Board to do so has been obtained, take still or motion pictures by photographic or electronic means for public display or broadcast transmission or advertisement or promotion or sale of goods or services or both.

Fetes, etc., in Park without Permission Forbidden.

By-law 12A. 12A. (1) A person shall not, within the Park, organise, hold, advertise or take part in any fete, picnic or concert, or engage in public worship, in preaching or in public speaking of any kind, or conduct any marriage, or hold or take part in any public meeting, or collect money for any purpose, without the permission in writing of the Board.

Added by G.G. 1/12/61, p. 3316. Amended by G.G. 22/12/78, p. 4811.

(2) For the purposes of this by-law "picnic" does not include a family gathering not exceeding twelve persons in number.

Races, etc., Forbidden.

By-law 13. 13. No person shall on the Park conduct or take part in any sporting game or match, or any game which may be considered dangerous or objectionable by the Board, or which may be calculated to interfere with the safety or comfort of persons lawfully using the Park, or likely to injure the surface of the ground, except on such portions of the Park as may be specially set apart for such purposes, and shown thereon by boundary posts, such boundary posts to be fixed or renewed from time to time as the Board may deem necessary.

Amended by G.G. 16/4/48, p. 824; G.G. 1/12/61, p. 3316.

Nor shall any person use the Park for the purpose of training, or exercising, any horse or other animal thereon.

Waste Litter of Picnics to be Removed.

By-law 14. 14. When any person, party, company, society, club, or organisation of any kind shall play any game or picnic on the Park, he or they (as the case may be) shall, immediately prior to leaving the ground, collect and remove, or cause to be collected and removed, all waste material, bottles, broken glass, scraps, paper, litter, or rubbish of any kind brought or made upon the ground by him or them or any member thereof, and shall deposit such collection in the receptacles provided for such purpose.

Amended by G.G. 16/4/48, p. 824.

Drills, Exercises, and Games.

15. No person or organised club or body shall practise or conduct drill or gymnastics, or play golf, cricket, football, baseball, racquet, or any exercise or game of like nature on the Park, except on such portion of the Park as shall be specially set apart for that particular purpose by the Board, and, except in accordance with the terms and conditions of a permit in writing, to be first obtained from the Board, which permit may fix the day or days upon which and the bounds or limits of the area or areas within which any drill, gymnastics, exercises, or games may take place—the Board reserving the right to refuse to grant any such permit.

Making Erection or Obstruction.

16. No person shall, without the previous consent in writing of the Board, erect or place any booth, tent, shed, stand, wall, post, rail, fence, swing, chair, or seat (other than a camp stool or other portable chair or seat) or other erection or obstruction of any kind whatsoever on the Park, or make any enclosure of any part thereof.

17. [Deleted by G.G. 16/4/48, p. 824.]

Driving Vehicles and Riding Cycles.

18. Every person driving, riding, or in charge of any carriage, motor car, motor cycle, bicycle, tricycle, or other vehicle shall, whilst in the Park, observe and conform in all respect with the provisions of the Traffic Act, for the time being in force.

By-law 18.
Amended by
G.G. 16/4/48,
p. 824.

19. (1) A person shall not drive a vehicle on a road in the Park at a speed in excess of forty kilometres per hour.

By-law 19.
Deleted by
G.G. 16/4/48,
p. 824; and
new By-law
19 added by
G.G.
28/11/68,
p. 3462.
Amended by
G.G. 23/9/77,
p. 3418.

(2) In this by-law the word, "vehicle", has the same meaning as it has in, and for the purposes of, the Traffic Act.

Standing.

19A. (1) A person in charge of a motor vehicle or any other class of vehicle shall not stand that vehicle, or cause or permit it to be stood, within the Park in any place that is on a carriageway, if the standing of vehicles in that place is prohibited by any sign thereon or adjacent or referable thereto.

By-law 19A.
Added by
G.G. 2/3/79,
p. 580.
Amended by
G.G. 14/9/79,
p. 2803.

(2) In and for the purposes of this by-law—

"carriageway" means all that portion of a road improved, designed and ordinarily used for vehicular traffic and includes the shoulders and areas in the road used for the parking of vehicles.

Parking.

20. (1) A person in charge of a motor vehicle or any other class of vehicle shall not park that vehicle, or cause or permit it to be parked, within the Park—

By-law 20.
Substituted
by G.G.
22/12/64,
p. 4066.
Amended by
G.G. 2/3/79,
p. 580;
G.G. 14/9/79,
p. 2803.

(a) in any place that is off a carriageway, except when that place is within an area set apart by the Board for the parking of vehicles;

(b) in any place that is on a carriageway, if the parking or standing of vehicles in that place is prohibited by any sign thereon or adjacent or referable thereto;

- (c) during any period when the person is not within the Park, whether the place in which the vehicle is parked is or is not within an area set apart by the Board for the parking of vehicles; or
- (d) in any place for any period in excess of the time during which a vehicle is permitted by the Board to be parked in that place.

(2) In and for the purposes of this by-law—

“carriageway” means all that portion of a road improved, designed and ordinarily used for vehicular traffic; and includes the shoulders and areas in the road used for the parking of vehicles.

Instruction in Handling Motor Vehicles.

By-law 21.
Amended by
G.G. 16/4/48,
p. 824.

21. No person shall use any road within the Park for the purpose of instructing any person how to drive or effect repairs or adjustments to any motor vehicle in the Park, nor shall any person drive any motor vehicle within the Park unless he or she is the holder of the requisite Driver's License under the Traffic Act, or make use of any road within the Park for the purpose of testing any motor vehicle.

Motor vehicle has the same meaning as in the Traffic Act.

Driving or Riding on Footways.

By-law 22.
Amended by
G.G. 16/4/48,
p. 824.

22. No person shall park, drive, ride, or impel any carriage, motor vehicle, motor cycle, bicycle, tricycle, or other vehicle, or ride or drive any animal along or over any footpath in the Park.

Leading any Animal.

23. No person whilst riding a horse or driving or riding in a vehicle on the Park shall lead another horse or any animal or have any other horse or animal attached by any means to such vehicle.

Offensive Noises.

24. No person shall, by the use of any mechanical, wireless, or other instrument or thing commit any offensive noise in the Park.

Obstruction of or Interference with Employees.

By-law 25.
Substituted
by G.G.
22/12/78,
p. 4811.

25. A person shall not obstruct or interfere with any employee of the Board in the performance of his duty in the Park.

Obstruction or Impersonation of Authorised Persons.

By-law 25A.
Added by
G.G.
22/12/78,
p. 4811.

25A. (1) A person shall not wilfully obstruct an authorised person acting in the execution of the Act or these by-laws.

(2) Without derogating from the generality of sub-by-law (1) of this by-law a person shall be treated as having wilfully obstructed an authorised person within the meaning of that sub-by-law if he interferes with, or refuses upon request to give his name and address to, an authorised person acting in the execution of the Act or these by-laws in the Park.

(3) A person shall not impersonate an authorised person.

General Clause.

26. No person shall do, aid in, or abet any act or thing which may not in these by-laws be specifically mentioned and which may tend to the injury or disfigurement of the Park, or to interfere with the use thereof by the public.

Owner of Vehicle may be Required to Identify Driver.

26A. Whenever it is alleged that a vehicle has been used, driven, parked, stood or left in breach of these by-laws and the identity of the alleged offender is not known, an authorised person may, within a period of thirty days from the date on which the offence is alleged to have been committed, serve on the owner of the vehicle a notice containing particulars of the offence alleged to have been committed and requiring that owner to inform the Board or an authorised person as to the identity and address of the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

By-law 26A.
Added by
G.G.
22/12/78,
p. 4811.

Owner of Vehicle Deemed to be Offender in Certain Cases.

26B. (1) Whenever, pursuant to by-law 26A of these by-laws, a notice is served on the owner of a vehicle in respect of an alleged offence against these by-laws, then, unless within a period of twenty-one days from the date of service of the notice that owner—

By-law 26B.
Added by
G.G.
22/12/78,
pp. 4811-2.

(a) informs the Board or an authorised person as to the identity and address of the person who he believes was the driver or person in charge of the vehicle; or

(b) satisfies the Board that the vehicle has been stolen, or was being unlawfully used,

at the time the offence is alleged to have been committed, that owner shall, in the absence of proof to the contrary, be deemed to have been the driver or person in charge of the vehicle at the time of the alleged offence.

(2) Whenever, pursuant to subsection (3) of section 14 of the Act, a notice is given to the owner of the vehicle in respect of an alleged offence against these by-laws, then, unless—

(a) within a period of twenty-one days from the date of the giving of the notice that owner—

(i) informs the Board or an authorised person as to the identity and address of the person who he believes was the driver or person in charge of the vehicle; or

(ii) satisfies the Board that the vehicle had been stolen, or was being unlawfully used,

at the time the offence is alleged to have been committed, or

(b) within the time appointed in the notice that owner proceeds in the manner described in paragraph (d) of subsection (2) of that section,

that owner shall, in the absence of proof to the contrary, be deemed to have been the driver or person in charge of the vehicle at the time of the alleged offence.

Prohibition on Removal of Certain Notices.

26C. A person, other than the owner, driver or person in charge of a vehicle, shall not remove any notice attached to, or left in or on, the vehicle pursuant to section 14 of the Act.

By-law 26C.
Added by
G.G.
22/12/78,
p. 4812.

Removal of Offenders.

27. An authorised person may remove from the Park any person who has committed a breach of these by-laws.

By-law 27.
Substituted
by G.G.
22/12/78,
p. 4812.

Penalty.

By-law 28. 28. (1) Any person committing a breach of any of the provisions
Amended by of the Park by-laws shall be liable on summary conviction to a
G.G. 23/8/72, penalty not exceeding one thousand dollars.
p. 3242, G.G. 22/12/78,
p. 4812.

(2) The sum payable by way of penalty by a person who proceeds in the manner described in paragraph (d) of subsection (2) of section 14 of the Act shall, in respect of an offence created by each provision of these by-laws specified in the first column of the Schedule to these by-laws and briefly described in the second column of that Schedule opposite to that provision, be the sum specified in the third column of that Schedule opposite to that brief description.

Schedule.
Added by
G.G.
22/12/78,
p. 4812.
Erratum
19/1/79,
p. 146.
Amended by
G.G. 2/3/79,
p. 580.

Schedule.
(By-law 28 (2))
Modified Penalties.

<i>By-law</i>	<i>Brief description of offence</i>	<i>Modified penalty</i>
		<i>\$</i>
2	Entering or being where closed by notice*	10
3	Driving or riding except upon a road or parking area*	20
4(1)	Driving a prohibited class of vehicle* ..	10
4(2)	Dog not on a leash*	10
5	Injure or destroy flora	20
6	Littering	20
	Bringing in and leaving rubbish	20
11	Kindling a fire except in fireplace*	20
13	Playing dangerous or injurious games*	10
14	Failure to deposit waste of picnics, broken glass, etc. in receptacles provided	20
19(1)	Exceeding 40 kmph speed limit by up to 20 kmph ..	15
	Exceeding 40 kmph speed limit by 21-35 kmph	30
	Exceeding 40 kmph speed limit by 36 or more kmph	50
19A.(1)	Standing on a road, where prohibited	10
20(1)	(a) Parking off a road, except where allowed	20
	(b) Parking on a road, where prohibited	10
	(b) Parking on a road, where No Standing	20
	(c) Parking while person in charge is not in Park	10
21	Giving instruction to learner-driver	10
22	Driving or riding vehicle on a footpath	20
23	Leading animal from vehicle	10

*means unless prior written permission obtained.