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LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

**SPECIAL EVENTS LOCAL
LAW 2007**

LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

SPECIAL EVENTS LOCAL LAW 2007

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Perth resolved on 20 November 2007 to make the Special Events Local Law 2007, as set out below.

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LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

SPECIAL EVENTS LOCAL LAW 2007

PART 1—PRELIMINARY

Title

1.1 This local law may be cited as the *Special Events Local Law 2007*.

Commencement

1.2 This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

Purpose and intent

1.3 (1) The purpose of this local law is to provide for the regulation, control and management of the possession and consumption of liquor and the possession and use of large objects and sound equipment at special events held in public places within the district, and a means of enforcing those provisions.

(2) The effect of this local law is to establish the requirements with which any person attending a special event in the district with liquor, sound equipment and large objects, must comply.

Inconsistency

1.4 In any circumstances, where there is an inconsistency between this local law and any other City of Perth local laws other than the *City of Perth Parking Local Law 1999*, to the extent of any inconsistency, this local law prevails.

Application

1.5 This local law applies at special event locations on special event days throughout the district.

Definitions

1.6 In this local law unless the context requires otherwise—

“**Act**” means the *Local Government Act 1995*;

“**alcohol free location**” means an alcohol free location as described in the Second Schedule of this local law;

“**alfresco dining area**” means an area in which tables, chairs and other structures are provided for the purpose of the consumption of food or beverages or both by the public and where a licence has been issued under the *City of Perth Alfresco Dining Local Law 2000*;

“**appointed place**” means a place appointed by the City or CEO where any item confiscated or impounded under the provisions of this local law, may be—

- (a) placed by the City; and
- (b) recovered by the owner of the item;

“**authorised person**” means the CEO and any other person authorised by the City under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

“**CEO**” means the Chief Executive Officer of the City;

“**City**” means the local government of the City of Perth;

“**Council**” means the Council of the City of Perth;

“**district**” means the district of the City of Perth;

“**item**” includes a large object, liquor or a loud stereo;

“**large object**” includes—

- (a) a lounge chair;
- (b) a couch;
- (c) a bed;
- (d) a mattress;

- (e) a refrigerator (excluding a portable refrigerator);
- (f) a spa;
- (g) a swimming pool;
- (h) a wading pool;
- (i) a table with any dimensions that is greater than 1.2 metres;
- (j) an esky or box with any dimension that is greater than one metre; or
- (k) another object with any dimensions greater than 1.5 metres, but excludes—
 - (i) shade structures (such as beach umbrellas or beach tents) which may have a maximum permissible dimension of 2.5 metres; and
 - (ii) vehicles;

“**licensed premises**” has the meaning given to it in and for the purposes of the *Liquor Control Act 1988*;

“**liquor**” has the same meaning as is given to the term in section 3 of the *Liquor Control Act 1988* and includes liquor enclosed in a sealed container;

“**local government property**” means all land which belongs to or which is vested in, or under the care, control or management of the City;

“**loud stereo**” means any electronic sound equipment with—

- (a) any speaker that, when amplified, has a sound output greater than 40 watts root mean square; or
- (b) any combination of speakers that, when amplified, have a total sound output greater than 60 watts root mean square;

“**person**” means any person, company, employer and includes an owner, occupier and licensee;

“**public place**” means any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is on private property or not and includes, parklands, squares, reserves, and other lands set aside for the use and enjoyment of the public, including local government property, but does not include an alfresco dining area or licensed premises;

“**special event period**” means a special event period as described in the Second Schedule of this local law;

“**special event location**” means a special event location as described in the Second Schedule of this local law;

“**thoroughfare**” has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management and control of the City;

“**vehicle**” includes—

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels or tracks by any means; and
- (b) where the context permits, an animal being driven or ridden.

Agreement to use local government property

1.7 Notwithstanding anything to the contrary in this local law, the City may enter into an agreement with any person with respect to the operation and use of any local government property in or on a special event location and on a special event period.

PART 2—POSSESSION AND USE OF ITEMS

Possession of liquor

2.1 A person shall not possess liquor in a public place within an alcohol free location on a special event period unless the person—

- (a) is transporting the liquor to private property or a licensed premises; or
- (b) has the prior written approval of the City.

Possession and use of large objects

2.2 A person shall not possess or use a large object in a public place within a special event location and on a special event period unless the person—

- (a) is transporting the large object to private property or a licensed premises; or
- (b) has the prior written approval of the City.

Use of loud stereos

2.3 A person shall not use a loud stereo in a public place within a special event location and on a special event period so as to cause a nuisance.

Possession of loud stereos

2.4 A person shall not possess a loud stereo in a public place within a special event location and on a special event period, unless the person—

- (a) is transporting the loud stereo to a private property or a licensed premises; or
- (b) has the prior written approval of the City.

PART 3—SPECIAL EVENT LOCATIONS, SPECIAL EVENT DAYS AND ALCOHOL FREE LOCATIONS

Local public notice to be given

3.1 The City must give local public notice six weeks in advance of alcohol free locations, special event locations and special event periods created under this local law.

PART 4—GENERAL

Authorised persons

4.1 Unless expressly stated otherwise by the City, a person appointed by the City to be an authorised person for the purposes of this local law is deemed to have also been appointed by the City to be an authorised person for the purposes of sections 9.10 and 9.16 of the Act in relation to offences against this local law.

Actions of authorised person

4.2 An authorised person or a member of the WA Police may direct any person in a special event location and on a special event period to—

- (a) stop doing anything which they are in the process of doing, which is contrary to this local law; or
- (b) leave the special event location quietly and peacefully.

Substance seizure and impounding

4.3 (1) For the purposes of section 3.39 of the Act and regulation 29 of the *Local Government (Functions and General) Regulations 1996*, a contravention of any clause of this local law is a contravention that can lead to impounding.

(2) Where an authorised person or a member of the WA Police has impounded an item in accordance with sub clause (1), the impounded item shall be taken to an appointed place.

(3) The City may withhold impounded or confiscated items until costs are paid or dispose of the item in accordance with sections 3.46, 3.47 and 3.48 of the Act.

PART 5—OFFENCES AND PENALTIES

Offences

5.1 (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) An offence against any provision of this local law is a prescribed offence for the purposes of Section 9.16(1) of the Act.

(3) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day which the offence has continued.

Infringement and infringement withdrawal notices

5.2 For the purposes of this local law—

- (a) an infringement notice served under Section 9.16 of the Act in respect of a prescribed offence under this local law shall be in accordance with form 2 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*; and
- (b) a notice sent under section 9.20(1) of the Act withdrawing an infringement notice served in respect of an offence alleged to have been committed against this local law shall be in accordance with form 3 of First Schedule of the *Local Government (Functions and General) Regulations 1996*.

Offence description and modified penalty

5.3 The amount appearing in the final column of the table in the First Schedule of this local law is the modified penalty prescribed for the purposes of section 9.17 of the Act for the offence directly opposite that penalty in the table.

Prosecution for offences

5.4 A penalty for an offence against this local law (not being a modified penalty) may be recovered by the City by taking proceedings against the alleged offender in the Magistrates Court.

First Schedule

CITY OF PERTH

Special Events Local Law 2007

OFFENCES AND MODIFIED PENALTIES

| Item No | Clause No | Nature of Offence | Modified Penalty \$ |
|---------|-----------|---|---------------------|
| 1 | 2.1 | Possess liquor in a public place within an alcohol free location and on a special event period. | 100 |

| Item No | Clause No | Nature of Offence | Modified Penalty \$ |
|---------|-----------|--|---------------------|
| 2 | 2.2 | Possess or use a large object in a public place within a special event location and on a special event period. | 100 |
| 3 | 2.3 | Use a loud stereo in a public place within a special event location and on a special event period. | 100 |
| 4 | 2.4 | Possess a loud stereo in a public place within a special event location and on a special event period. | 100 |
| 5 | | Other offences not specified. | 100 |

Second Schedule

CITY OF PERTH

Special Events Local Law 2007

SPECIAL EVENT PERIOD, SPECIAL EVENT LOCATION AND ALCOHOL FREE LOCATION

1. Special event period

For the purpose of this local law, a special event period is defined as follows—

- (1) the period of the day commencing at 6.00am on the 26th of January and finishing at midnight, and that period of the day commencing at midnight and finishing at 6.00pm on the 27th of January each year; and
- (2) four consecutive days within the period 31st October and 30th November each year which must be advertised in accordance with clause 3.1.

2. Special event location

For the purposes of this local law, a special event location is defined as follows—

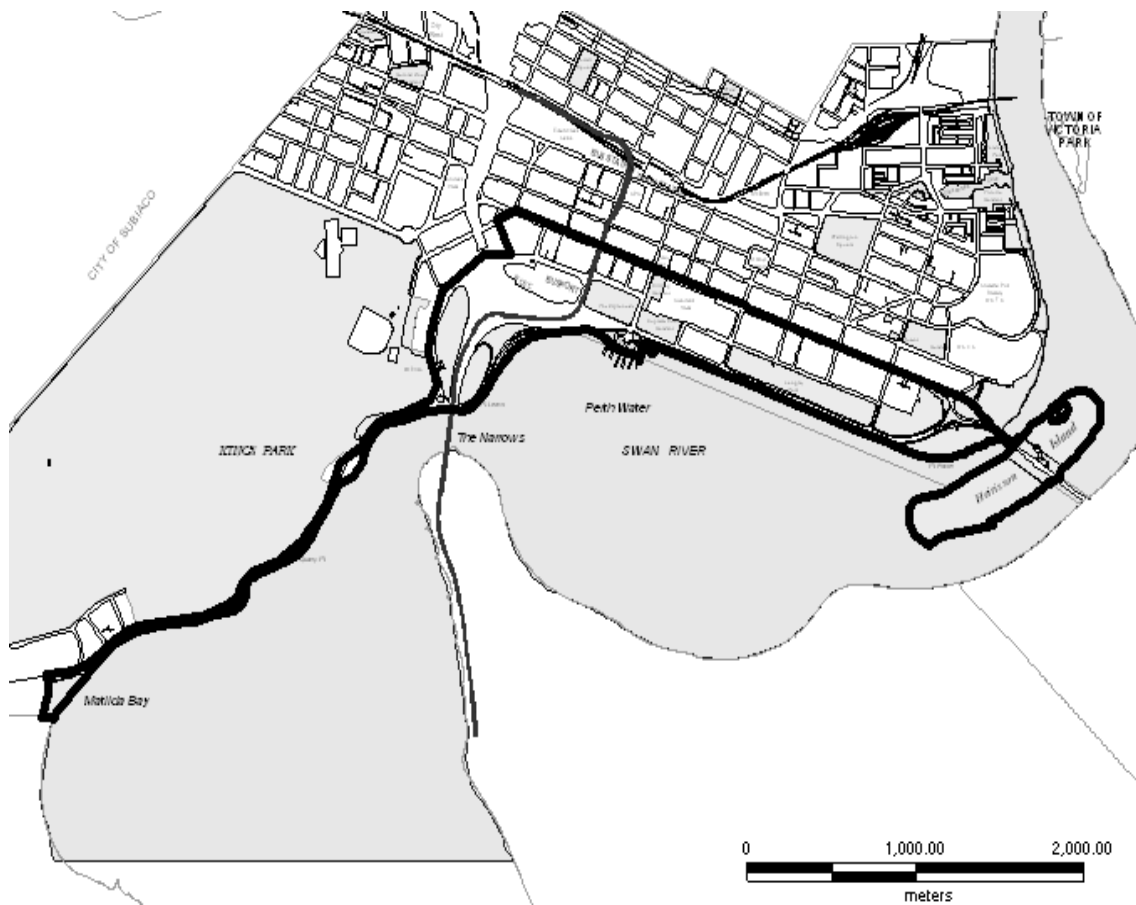
- (1) All public places within the delineated black line on the “Second Schedule Diagram 1—Special Event Location and Alcohol Free Location”, generally being all public places bounded by the black line starting from the intersection of the High Water Mark of the bank of the Swan River and the City’s most southern boundary, thence extending westerly along that boundary to Hackett Drive, thence generally northerly along Hackett Drive to the northern side of the Mounts Bay Road road reserve, thence generally northeasterly, northerly and northeasterly along the northern road reserve boundary of Mounts Bay Road to Spring Street, thence generally northwesterly along Spring Street to Mount Street, thence generally northeasterly along Mount Street to St Georges Terrace, thence generally southeasterly along St Georges Terrace to the intersection of Victoria Avenue, thence continuing southeasterly from Victoria Avenue along Adelaide Terrace to the northern side of the Causeway, thence southeasterly along that side of the Causeway to the High Water Mark of the Swan River on the western shore line of Heirisson Island, thence continuing generally northerly and around the High Water Mark of the Swan River adjoining Heirisson Island to the southern side of the Causeway, thence northwesterly along that side of the Causeway to the High Water Mark of the Swan River adjoining Riverside Drive, thence generally southwesterly, westerly and generally northeasterly along that water mark to the prolongation southeasterly of the southwestern side of Barrack Square; thence northwesterly to and along that side and onwards to the High Water Mark of the right bank of the Swan River; thence generally southwesterly downwards along that mark to the starting point.

3. Alcohol free location

For the purposes of this local law, an alcohol free location is defined as follows—

- (1) All public places within the delineated black line on the “Second Schedule Diagram 1—Special Event Location and Alcohol Free Location”, generally being all public places bounded by the black line starting from the intersection of the High Water Mark of the bank of the Swan River and the City’s most southern boundary, thence extending westerly along that boundary to Hackett Drive, thence generally northerly along Hackett Drive to the northern side of the Mounts Bay Road road reserve, thence generally northeasterly, northerly and northeasterly along the northern road reserve boundary of Mounts Bay Road to Spring Street, thence generally northwesterly along Spring Street to Mount Street, thence generally northeasterly along Mount Street to St Georges Terrace, thence generally southeasterly along St Georges Terrace to the intersection of Victoria Avenue, thence continuing southeasterly from Victoria Avenue along Adelaide Terrace to the northern side of the Causeway, thence southeasterly along that side of the Causeway to the High Water Mark of the Swan River on the western shore line of Heirisson Island, thence continuing generally northerly and around the High Water Mark of the Swan River adjoining Heirisson Island to the southern side of the Causeway, thence northwesterly along that side of the Causeway to the High Water Mark of the Swan River adjoining Riverside Drive, thence generally southwesterly, westerly and generally northeasterly along that water mark to the prolongation southeasterly of the southwestern side of Barrack Square; thence northwesterly to and along that side and onwards to the High Water Mark of the right bank of the Swan River; thence generally southwesterly downwards along that mark to the starting point.

Second Schedule
DIAGRAM 1—SPECIAL EVENT LOCATION AND ALCOHOL FREE LOCATION



Dated this 21st day of November 2007.

The Common Seal of the City of Perth was affixed by the authority of a resolution of the Council in the presence of—

LISA SCAFFIDI, The Rt Hon the Lord Mayor.
FRANK EDWARDS, Chief Executive Officer.