



Western Australia

# **Road Traffic (Events on Roads) Regulations 1991**

Compare between:

[30 Jun 2008, 02-c0-06] and [23 Dec 2014, 02-d0-02]



Western Australia

Road Traffic Act 1974

## **Road Traffic (Events on Roads) Regulations 1991**

### **1. Citation**

These regulations may be cited as the *Road Traffic (Events on Roads) Regulations 1991*<sup>1</sup>.

### **2. Commencement**

These regulations shall come into operation on the day on which the *Acts Amendment (Events on Roads) Act 1988* comes into operation<sup>1</sup>.

### **3. Categories of events**

- (1) When making an application for an order the applicant shall describe the nature of the event in respect of which the application is made and categorize the event a —
  - (a) a category 1 event — being an event which involves large public participation;
  - (b) a category 2 event — being an event which involves the racing of motor vehicles and does not involve large public participation;
  - (c) a category 3 event — being an event which involves the racing of non-motorized vehicles, an athletic event or any other event, other than a locality or street event, which does not involve large public participation; or

- (d) a category 4 event — being a locality or street event which does not fall within categories 1, 2 or 3.
- (2) If the Commissioner of Police is of the opinion that an event has not been correctly categorized by the applicant the Commissioner may —
  - (a) refuse to grant an order in respect of that application; or
  - (b) subject to subregulation (3)(b) but notwithstanding any other provision of these regulations categorize the event as the Commissioner considers appropriate and grant the order.

*[Regulation 3 amended in Gazette 28 Nov 2006 p. 4913;  
10 Jun 2008 p. 2460.]*

#### **4. Approvals**

- (1) Before making an application for an order for a road closure the applicant shall obtain —
  - (a) the approval of each local authority for the district within which the road is situated; and
  - (b) where the road is vested in the Commissioner of Main Roads, the approval of the Commissioner,for the closure of the road.
- (2) A local authority and the Commissioner of Main Roads may require the payment of an administrative fee before granting an approval under this regulation.

#### **5. Occupier's consent**

- (1) Before making an application for an order for a road closure for a category 4 event the applicant shall obtain and record the consent of not less than two-thirds of the occupiers of land immediately adjacent to the road it is proposed to close.
- (2) The record of consent shall be in the form described on the reverse of the application form.

**6. Application for order**

- (1) An application for an order shall —
- (a) be made by a person of not less than 18 years of age; or
  - (b) in the case of an application by a body, specify a person of not less than 18 years of age as the person nominated to be directly responsible for the conduct of the event.
- (2) An application for an order shall be —
- (a) made in the form of Form 1 in Schedule 1;
  - (b) lodged at the police station nearest to the place where the proposed event is to take place; and
  - (c) accompanied by —
    - (i) the appropriate application fee as prescribed in the *Road Traffic (Charges and Fees) Regulations 2006*;
    - (ii) the approval, or approvals, referred to in regulation 4; and
    - (iii) the record of consents, if any, required under regulation 5.

*[Regulation 6 amended in Gazette 28 Nov 2006 p. 4913.]*

**7. Time for making application**

An application for an order in respect of —

- (a) a category 1 event shall be made not less than 6 months prior to the proposed date of the event;
- (b) a category 2 event shall be made not less than 3 months prior to the proposed date of the event;
- (c) a category 3 event shall be made not less than one month prior to the proposed date of the event;
- (d) a category 4 event shall be made not less than one month prior to the proposed date of the event,

or such shorter period as may be agreed by the Commissioner of Police.

*[Regulation 7 amended in Gazette 10 Jun 2008 p. 2460.]*

**8. Order**

- (1) The Commissioner of Police shall not make an order for a road closure —
  - (a) subject to regulation 3(2), if the application has not been made in accordance with these regulations;
  - (b) if the Commissioner has reasonable ground for apprehending that the event proposed to be held on that road may —
    - (i) not be conducted in an orderly manner or may occasion damage to public or private property;
    - (ii) create a public nuisance;
    - (iii) give rise in any road to an obstruction that is too great or too prolonged in the circumstances; or
    - (iv) place the safety of any person in jeopardy;or
  - (c) if the Commissioner has reasonable ground for apprehending that the applicant or person nominated under regulation 6(1)(b) is not a person of good character.
- (2) An order shall be in the form of Form 2 in Schedule 1.
- (3) An order shall only be valid on the day, and between such times, as are specified in the order.
- (4) It is a condition of every order that the person who applied for the order, or who is specified in the order as being directly responsible for the conduct of the event, shall be present at the event at all times the order is in force.

*[Regulation 8 amended in Gazette 10 Jun 2008 p. 2460.]*

**9. Erection of barriers, signs and other equipment**

- (1) A road closure ordered by the Commissioner of Police under Part VA of the Act shall be effected by the erection and maintenance by the local authority for the district within which the road concerned is situated of —
  - (a) barriers, being free standing posts and rails, or other barriers which are substantial and uniform in construction;
  - (b) signs, being substantial and uniform in design, with the words “Road Closed” or similar, clearly printed in black letters upon a reflective background; and
  - (c) such other equipment as the local authority considers is reasonably necessary to effect the road closure.
- (2) The costs of erecting, maintaining and removing barriers, signs and other equipment to effect a road closure are payable to the local authority by the person or body who applied for the order for that road closure.
- (3) A local authority may waive the payment of all or any of the costs referred to in subregulation (2).
- (4) Any costs payable to a local authority under subregulation (2) may be recovered as a debt due to that local authority in a court of competent jurisdiction.

*[Regulation 9 amended in Gazette 10 Jun 2008 p. 2461.]*

**10. Offences**

A person who —

- (a) without lawful excuse removes or interferes with any barrier, sign or equipment erected under section 81D;
- (b) at an event conducted on a road closed pursuant to an order acts in a disorderly manner for the purpose of disrupting the event; or

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- (c) incites other persons to commit an offence against paragraph (a) or (b),

commits an offence.

Penalty: Twenty penalty units (20 PU).

*[Regulation 10 amended in Gazette 23 Dec 1997 p. 7440.]*



**Schedule 1**

Form 1

*ROAD TRAFFIC ACT 1974*

APPLICATION FOR AN ORDER FOR A ROAD CLOSURE

(Reg. 6(2))

NOTE: Under section 97(b) of the *Road Traffic Act 1974* it is an offence to wilfully mislead a person in any particular likely to affect the discharge of that person's duty under the Act.

1. Full name of body on whose behalf the application is made .....
2. Full name of applicant or nominee making this application .....
3. Address .....
4. Date of birth: .....
5. Telephone Number: Home:..... Work: .....
6. Nature of event .....
7. Approximate number of participants .....
8. Date of event .....
9. Duration From:.....To:.....
10. Street/Locality event to be held at .....
11. Street/locality event (see also requirement E on reverse of this form)
  - (a) Total number of occupiers of land immediately adjacent to the nominated road or roads .....
  - (b) Number of occupiers who have consented to the road closure .....
  - (c) Number of occupiers who have opposed road closure .....

**Road Traffic (Events on Roads) Regulations 1991**  
**Schedule 1**

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12. Roads/road to be closed .....
13. Extent to which roads will be used (half/full carriageway) .....  
.....
14. Exact route that event will follow (including starting and finishing points)  
.....  
.....
15. Date of previous event, if any, conducted at the location/route .....
16. Date of previous event, if any, conducted by the applicant, club, group or organization.....
17. Race meetings and speed tests: specify any provisions of the *Road Traffic Act 1974*, or regulations made under that Act, (other than provisions or regulations relating to the movement of traffic and pedestrians or the obstruction of a street) requested to be suspended under section 83 of the Act —  
.....  
.....  
.....
18. Any other relevant information .....
19. I have read the requirements on the reverse of this application. The information supplied by me is true and correct to the best of my knowledge.  
  
Signature:.....Date: .....
20. LOCAL AUTHORITY APPROVAL: I.....  
designation.....  
approve/object to, this application on behalf of the City/Shire/Town of  
.....  
Signed:.....  
Date:.....  
Telephone:.....  
Official Stamp or Crest:

21. COMMISSIONER OF MAIN ROADS APPROVAL:

I.....  
designation .....approve/object  
to, this application on behalf of the Commissioner of Main Roads.  
Signed:.....  
Date:.....  
Telephone:.....  
Official Stamp or Crest:

22. LOCAL POLICE DECLARATION:

I.....  
designation.....approve/object  
to, this application.  
Signed:.....  
Date:.....  
Police Station .....

23. RECEIPT DETAILS:

The prescribed fee of \$ ..... received.  
General Receipt Number ..... issued.  
Signed:.....  
Date:.....  
Police Station:.....

**REQUIREMENTS**

- (A) Applications are to be lodged at the police station nearest to where the proposed event will be held. The prescribed application fee is to be paid at the time of lodgement.
- (B) To permit the relevant authorities adequate time to assess applications and organize resources, applications shall be lodged within the following prescribed periods —
  - (i) events involving large public participation e.g. City to Surf Fun Run, pageants, not less than 6 calendar months prior to the proposed event;
  - (ii) events involving the racing of motor vehicles but not large public participation, not less than 3 calendar months prior to the proposed event;

- (iii) events involving the racing of non-motorized vehicles, athletic events or other activities of a smaller nature, not less than one calendar month prior to the proposed event;
  - (iv) events involving street or locality events which do not involve large public participation, not less than one calendar month prior to the proposed event.
- (C) Where local authority/Commissioner of Main Roads approval is required, the relevant declarations on the application are to be completed prior to the application being lodged.
- (D) It is the applicant's responsibility to arrange with the local authority for —
- (i) the supply, erection and removal of prescribed road closure barriers and signs;
  - (ii) the payment of any associated fees and/or administrative charges.
- (E) Where an Occupier's Consent Form is required it must indicate that two-thirds of the occupiers affected are in favour of the proposed road closure.

The consent shall take the following form —

**OCCUPIER'S CONSENT FORM FOR A  
STREET/LOCALITY EVENT**

It is intended to apply to conduct a street/locality event in,.....  
between .....

(street/road)

.....and.....

(intersecting feature) (intersecting feature)

during the hours of .....and .....

on ....., 20 ...

The event is being conducted on behalf of .....

.....

(club, group, organization)

OCCUPIER'S NAME    ADDRESS    DATE    CONSENT/OBJECT

- (F) Where insufficient space is provided relevant details are to be included on a separate sheet and submitted with the application.

*[Form 1 inserted in Gazette 22 Feb 1991 p. 909-11.]*

Form 2

*ROAD TRAFFIC ACT 1974*

ORDER FOR ROAD CLOSURE

(Regulation 8(2))

To .....

Address .....

An order for a road closure has been made subject to the following conditions and limitations —

1. Nature of event.....
2. The event shall not commence before .....  
(time)  
on .....and shall conclude not later than  
(date)  
..... on .....  
(time) (date)
3. Locality where event is to be held.....  
.....  
.....
4. Road/Roads where event is to be held .....  
.....  
.....  
.....
5. Route that event shall follow (where applicable).....  
.....  
.....  
.....  
.....

- 6. The extent the event will occupy the road/roads (a) full carriageway, (b) half carriageway, (c) other, describe.....  
.....  
.....
- 7. This Order must be produced upon request of a police officer, officer of the local authority or Main Roads Department.
- 8. Other conditions and limitations applying —  
.....  
.....  
.....

- NOTE:
- (a) This Order does not permit liquor to be consumed in any public place whilst this event is in progress.
  - (b) No person shall obstruct the free passage of any ambulance, fire brigade vehicle or police vehicle during the progress of this event. Section 81F(1)(a) Road Traffic Act.

SIGNATURE: .....DESIGNATION  
(Authorised Officer)

TIME OF ISSUE: .....

DATE OF ISSUE: .....

*[Schedule 2 deleted in Gazette 28 Nov 2006 p. 4913.]*

### Notes

<sup>1</sup> This is a compilation of the *Road Traffic (Events on Roads) Regulations 1991* and includes the amendments made by the other written laws referred to in the following table [1a](#). The table also contains information about any reprint.

#### Compilation table

Citation	Gazettal	Commencement
<i>Road Traffic (Events on Roads) Regulations 1991</i>	1 Feb 1991 p. 549-54	1 Feb 1991 (see r. 2 and <i>Gazette</i> 1 Feb 1991 p. 511)
<i>Road Traffic (Events on Roads) Amendment Regulations 1991</i>	22 Feb 1991 p. 909-11	22 Feb 1991
<i>Road Traffic (Events on Roads) Amendment Regulations 1997</i>	23 Dec 1997 p. 7440	1 Jan 1998 (see r. 2 and <i>Gazette</i> 23 Dec 1997 p. 7400)
<i>Road Traffic (Events on Roads) Amendment Regulations 1998</i>	23 Jun 1998 p. 3344-5	1 Jul 1998 (see r. 2)
<i>Road Traffic (Events on Roads) Amendment Regulations 2000</i>	20 Jun 2000 p. 3075-6	1 Jul 2000 (see r. 2)
<i>Road Traffic (Events on Roads) Amendment Regulations 2001</i>	31 Aug 2001 p. 4887	31 Aug 2001
<b>Reprint of the Road Traffic (Events on Roads) Regulations 1991 as at 1 Feb 2002</b> (includes amendments listed above)		
<i>Road Traffic (Events on Roads) Amendment Regulations 2002</i>	28 Jun 2002 p. 3112-13	1 Jul 2002 (see r. 2)
<i>Road Traffic (Events on Roads) Amendment Regulations 2003</i>	27 Jun 2003 p. 2527	1 Jul 2003 (see r. 2)
<i>Road Traffic (Events on Roads) Amendment Regulations 2004</i>	25 Jun 2004 p. 2249-50	1 Jul 2004 (see r. 2)
<i>Road Traffic (Events on Roads) Amendment Regulations 2005</i>	30 Aug 2005 p. 4056	30 Aug 2005
<i>Road Traffic (Events on Roads) Amendment Regulations (No. 2) 2006</i>	23 Jun 2006 p. 2224-5	1 Jul 2006 (see r. 2)
<i>Road Traffic (Events on Roads) Amendment Regulations 2006</i>	28 Nov 2006 p. 4912-13	4 Dec 2006 (see r. 2 and <i>Gazette</i> 28 Nov 2006 p. 4889)
<b>Reprint 2: The Road Traffic (Events on Roads) Regulations 1991 as at 2 Feb 2007</b> (includes amendments listed above)		



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Citation	Gazettal	Commencement
<i>Road Traffic Consequential Amendment Regulations 2008</i> Pt. 3	10 Jun 2008 p. 2449-67	30 Jun 2008 (see r. 2(b) and <i>Gazette</i> 10 Jun 2008 p. 2471)

<sup>1a</sup> [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

### Provisions that have not come into operation

<u>Citation</u>	<u>Gazettal</u>	<u>Commencement</u>
<a href="#">Road Traffic (Repeals and Amendment) Regulations 2014</a> Pt. 6 <sup>2</sup>	<a href="#">23 Dec 2014</a> p. 4931-3	<a href="#">Operative on the day fixed under the Road Traffic (Administration) Act 2008 section 2(b) (see r. 2(b))</a>

<sup>2</sup> [On the date as at which this compilation was prepared, the Road Traffic \(Repeals and Amendment\) Regulations 2014 Pt. 6 had not come into operation. It reads as follows:](#)

## Part 6 — Road Traffic (Events on Roads) Regulations 1991 amended

### 30. Regulations amended

[This Part amends the Road Traffic \(Events on Roads\) Regulations 1991.](#)

### 31. Regulation 4 amended

[In regulation 4\(1\)\(a\) delete “each local authority for the” and insert:](#)

[the local government of each](#)

### 32. Regulation 6 amended

[Delete regulation 6\(2\)\(c\)\(i\) and insert:](#)

[\(i\) the fee set out in the Table that applies to the relevant category event; and](#)

Table

<u>Category event</u>	<u>Fee</u>
	<u>\$</u>
<u>Category 1 event</u>	<u>192.40</u>
<u>Category 2 event</u>	<u>115.70</u>
<u>Category 3 event</u>	<u>77.80</u>
<u>Category 4 event</u>	<u>77.80</u>

**33. Regulation 8 amended**

After regulation 8(4) insert:

(5) The Commissioner of Police may —

- (a) on making an order, refund the difference between the fee paid on the application for the order and a lower fee payable for an application for an order for the event as categorised by the Commissioner; or
- (b) make an order subject to the payment by the applicant of the difference between the fee paid on the application for the order and a higher fee payable for an application for an order for the event as categorised by the Commissioner.

**34. Various references to “local authority” amended**

In the provisions listed in the Table:

(a) delete “authority” (each occurrence) and insert:

government

(b) delete “AUTHORITY” and insert:

GOVERNMENT

**Table**

<a href="#">r. 4(2)</a>	<a href="#">r. 9(1), (2), (3) and (4)</a>
<a href="#">Sch. 1 Form 1 it. 20, Requirements (C) and (D)</a>	<a href="#">Sch. 1 Form 2 it. 7</a>

**35. Schedule 1 amended**

(1) In Schedule 1 Form 1:

(a) delete “NOTE: Under section 97(b) of the *Road Traffic Act 1974* it is an offence to wilfully mislead a person in any particular likely to affect the discharge of that person’s duty under the Act.” and insert:

NOTE: Under the *Road Traffic (Administration) Act 2008* section 36(1) it is an offence for a person to give information that the person knows to be false or misleading in a material particular to a person performing a function under a road law.

(b) delete item 17 and insert:

17. Race meetings and speed tests: specify each provision of each road law that the Minister is requested to temporarily suspend under the *Road Traffic (Administration) Act 2008* section 139 —

.....  
 .....  
 .....

(2) In Schedule 1 Form 2 item 7 delete “Department.” and insert:

Western Australia.