



Western Australia

Parks and Reserves Act 1895

Government Domain Reserve By-laws 1977

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Government Domain Reserve By-laws 1977

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Defined terms

Western Australia

Parks and Reserves Act 1895

Government Domain Reserve By-laws 1977

1. Citation

These by-laws may be cited as the *Government Domain Reserve By-laws 1977*¹.

2. Interpretation and application

(1) In these by-laws unless the contrary intention appears —

authorised function means any function held with the permission of the Board or the Governor;

authorised person means —

- (a) any member of the Board;
- (b) any member of the Police Force or special constable;
- (c) any person appointed as an authorised person for the purposes of these by-laws;

drive includes ride;

footpath means any thoroughfare of a width of less than 4 metres;

road means any thoroughfare surfaced with bitumen, gravel, concrete, wood, or other hard material, other than a footpath, and includes every part thereof;

the Board means the Government Domain Reserve Board constituted under the *Parks and Reserves Act 1895* to control and manage the Reserve;

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the Reserve means the land comprised in Reserve A ↑ 1149;

the Road Traffic Act means the *Road Traffic Act 1974* and includes the regulations made thereunder;

vehicle has the same meaning as it has in and for the purposes of the Road Traffic Act.

- (2) The provisions of section 23 of the *Interpretation Act 1918*² do not apply to or in relation to these by-laws.
- (3) Unless the context otherwise requires these by-laws do not apply to or in relation to —
 - (a) a member of the Governor's household;
 - (b) a member of the Governor's staff acting in the course of his official duties; or
 - (c) a person acting under the direction of the Board.
- (4) Where one of these by-laws authorises an act or thing to be done if it is done with permission —
 - (a) the permission referred to is that of the Board or a member of the Board or of any person authorised by the Board to give permission for the purposes of that by-law or for the purposes of these by-laws generally; and
 - (b) that permission shall be obtained, in writing, before the act or thing is done.

3. Entry

- (1) A person shall not enter or remain on the Reserve unless —
 - (a) he has permission to do so;
 - (b) he does so for the purposes of engaging upon the legitimate business of the Government or Government House;
 - (c) he does so for the purposes of attending an authorised function at Government House Ballroom and does so by authority of a ticket or invitation issued by or on behalf

of the person or organization by whom or by which that function is being held; or

- (d) he does so during a time specified in a notice published pursuant to sub-bylaw (2).
- (2) The Board may with the approval of the Governor publish a notice in a newspaper circulating throughout the State specifying a time during which the Reserve shall be open to the public.
- (3) Sub-bylaw (1) does not apply to a person who enters or remains on the Reserve at the invitation of the Governor or of a member of the Governor's household or staff.

4. Unauthorised person to leave

- (1) A person shall not enter or remain in any building or other structure on the Reserve unless —
 - (a) he has permission to do so;
 - (b) he does so for the purposes of engaging upon the legitimate business of the Government or Government House;
 - (c) in the case of Government House Ballroom, he does so for the purposes of attending an authorised function at the Ballroom and does so by authority of a ticket or invitation issued by or on behalf of the person or organization by whom or by which that function is being held.
- (2) The Board shall not give permission for a person to enter Government House without the approval of the Governor.
- (3) Sub-bylaw (1) does not apply to a person who enters or remains in a building or other structure on the Reserve at the invitation of the Governor or of a member of the Governor's household or staff.

5. Traffic

The Board may by notice posted on a road, footpath, or other area in the Reserve close that road, footpath, or area —

- (a) to traffic generally;
- (b) to traffic of a class specified in the notice; or
- (c) to traffic other than traffic of a class specified in the notice.

6. Driving

A person shall not without permission drive or ride upon or over the Reserve other than along a road or parking area.

7. Application of the Road Traffic Act

- (1) Every person driving or in charge of any vehicle shall, while in the Reserve, observe and conform in all respects with the provisions of the Road Traffic Act.
- (2) A person shall not drive a vehicle on a road or in a parking area in the Reserve at a speed in excess of 25 kilometres per hour.

8. Parking

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 Reserve —

- (a) in any place that is off a road, unless he is a visitor accredited by the Board and the place is within an area set apart by the Board for the parking of vehicles by visitors so accredited;
- (b) in any place that is on a road, if the parking of vehicles in that place is prohibited by the Board;
- (c) 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.

9. Animals

A person shall not without permission ride, drive or lead any animal on the Reserve.

10. Grounds, lawns, works, etc.

(1) A person shall not without permission —

- (a) destroy, injure or remove any tree, shrub, plant or flower or cut, burn or remove any dead or fallen wood;
- (b) break up, damage or disfigure the natural surface, any natural feature or any turf;
- (c) destroy, damage or interfere with any improvement, fitting or installation; or
- (d) break up or damage the surface of any road or footpath,

on the Reserve or cause any of those things to be done on the Reserve.

(2) A person shall not deposit or leave any refuse or litter on the Reserve except in a receptacle provided by the Board for that purpose.

11. Removal of mulch, etc.

A person shall not without permission remove from the Reserve or disturb or move —

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

12. Offensive conduct

A person shall not misconduct himself, on the Reserve —

- (a) by singing any obscene song;

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- (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 lawfully on the Reserve;
- (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 lawfully on the Reserve.

13. Camping

A person shall not camp on the Reserve.

14. Advertising

A person shall not without permission post, mark, paint or affix any placard, bill, notice, or sign or document of any kind whatever on or to any tree or other natural feature, or any fence, post, gate, wall, flagging, road, or footpath, on the Reserve.

15. Fires and shooting

A person shall not without permission —

- (a) fire or discharge any firearm;
- (b) throw, dislodge or discharge any stone or other missile;
- (c) throw or set fire to any fireworks;
- (d) kindle, make, light, or maintain any fire other than in a part set aside for that purpose by the Board; or
- (e) use any explosive substance of any kind whatever,

on the Reserve.

16. Trading

- (1) A person shall not without permission 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 Reserve or place on the Reserve any chair, seat, or other thing of any kind whatever, for hire.
- (2) A person shall not without permission, within the Reserve, distribute, sell, carry for sale or distribution, or expose for sale or distribution any printed or written matter.

17. Fetes, picnics, concerts, etc.

A person shall not without permission —

- (a) organize, hold, advertise or take part in any fete, picnic or concert;
- (b) engage in public worship, preaching or public speaking of any kind whatsoever;
- (c) hold or take part in any public meeting; or
- (d) collect money for any purpose,

within the Reserve.

18. Erection of structures

- (1) A person shall not without permission erect, place, or maintain any booth, tent, shed, stand, wall, post, rail, fence, swing, chair, or seat or other erection or obstruction of any kind whatever on the Reserve, or make or maintain any enclosure of any part thereof.
- (2) A person shall not remain in or about any booth, tent, shed, stand, wall, post, rail, fence, swing, chair, or seat or other erection or obstruction that is erected, placed, or maintained, or in or about any enclosure that is made or maintained, contrary to the provisions of sub-by-law (1), after being requested to leave it by any authorised person.

19. Sanitary conveniences

A person shall not improvise any sanitary convenience or ablution on the Reserve or use or maintain thereon any sanitary convenience or ablution other than such as has been established by the Board.

20. Noise

A person shall not, by the use of any wireless, mechanical or other instrument or thing, make or cause to be made any offensive noise in the Reserve.

21. Removal of offenders

An authorised person may remove from the Reserve any person who contravenes or fails to comply with any of the provisions of these by-laws.

22. Removal of vehicles, animals, etc.

(1) An authorised person may remove or cause to be removed from the Reserve —

- (a) anything that is on, or is placed, erected, used, or maintained on, the Reserve;
- (b) a vehicle of any kind whatever that is on, or is parked, driven, ridden, or impelled, on the Reserve; or
- (c) any animal that is on, or is ridden, driven, or led on, the Reserve,

contrary to any of the provisions of these by-laws.

(2) Property removed from the Reserve pursuant to sub-bylaw (1) shall be taken —

- (a) in the case of a vehicle or other property, not being an animal — to the nearest or most conveniently located police station;
- (b) In the case of an animal — to the nearest or most conveniently located public pound established under the

*Local Government (Miscellaneous Provisions)
Act 1960³.*

23. Obstruction

A person shall not, on the Reserve, obstruct or interfere with any authorised person or refuse to give, upon request, his name and address to any authorised person.

24. Offences and penalties

Any person who contravenes or fails to comply with any of the provisions of these by-laws is guilty of an offence and is liable to a penalty of \$150.

Notes

¹ This is a compilation of the *Government Domain Reserve By-laws 1977*. The following table contains information about those by-laws and any reprint ^{1a}.

Compilation table

Citation	Gazettal	Commencement
<i>Government Domain Reserve By-laws 1977</i>	12 Aug 1977 p. 2642-5	12 Aug 1977
Reprint 1: The <i>Government Domain Reserve By-laws 1977</i> as at 8 Oct 2004		

^{1a} 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

Citation	Gazettal	Commencement
<i>Government Domain Reserve Amendment By-laws 2014</i> bl. 3-6 ⁴	8 Jan 2015 p. 113-15	Operative on the day fixed under the <i>Road Traffic (Administration) Act 2008</i> s. 2(b) (see bl. 2(b))

² Repealed by the *Interpretation Act 1984*.

³ Formerly referred to the *Local Government Act 1960* the short title of which was changed to the *Local Government (Miscellaneous Provisions) Act 1960* by the *Local Government Act 1995* s. 9.70. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

⁴ On the date as at which this compilation was prepared, the *Government Domain Reserve Amendment By-laws 2014* bl. 3-6 had not come into operation. They read as follows:

3. By-laws amended

These by-laws amend the *Government Domain Reserve By-laws 1977*.

4. By-law 2 amended

- (1) In by-law 2(1) delete the definition of *the Road Traffic Act*.
- (2) In by-law 2(1) in the definition of *vehicle* delete “same meaning as it has in and for the purposes of the Road Traffic Act.” and insert:

meaning given in the *Road Traffic (Administration) Act 2008* section 4.

- (3) In by-law 2(2) delete “section 23 of the *Interpretation Act 1918*” and insert:

the *Interpretation Act 1984* section 60

- (4) After by-law 2(4) insert:

- (5) These by-laws are subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

5. By-law 7 amended

In by-law 7(1) delete “the provisions of the Road Traffic Act.” and insert:

each road law as defined in the *Road Traffic (Administration) Act 2008* section 4.

Note: The heading to amended by-law 7 is to read as follows:
Application of road laws

6. By-law 22 amended

In by-law 22(2)(b) after “located” insert:

dog management facility as defined in the *Dog Act 1976* section 3(1), cat management facility as defined in the *Cat Act 2011* section 3(1) or

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
authorised function	2(1)
authorised person	2(1)
drive	2(1)
footpath	2(1)
road	2(1)
the Board.....	2(1)
the Reserve.....	2(1)
the Road Traffic Act	2(1)
vehicle.....	2(1)