



Western Australia

Parks and Reserves Act 1895

## **Recreation Camps and Reserve By-laws 1985**

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Western Australia

## Recreation Camps and Reserve By-laws 1985

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Reprinted under the  
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6 August 2004

Western Australia

Parks and Reserves Act 1895

## **Recreation Camps and Reserve By-laws 1985**

### **Part I — Preliminary**

**1. Citation**

These by-laws may be cited as the *Recreation Camps and Reserve By-laws 1985*<sup>1</sup>.

**2. Commencement**

These by-laws shall come into operation on the 28th day after the day on which they are published in the *Government Gazette*<sup>1</sup>.

**3. Application**

These by-laws are applicable to the parks and reserves placed under the control and management of the Board under section 3 of the Act.

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**4. Definitions**

In these by-laws unless the context otherwise requires —

**“authority”** means permission to do any act, matter or thing given orally or in writing by the Board or an authorised person;

**“Board”** means the Recreation Camps and Reserve Board constituted under the Act;

**“camp”** means to stay or lodge during any period of the night between 7.00 p.m. and 7.00 a.m.;

**“camping area”** means an area set apart by the Board under by-law 27 for the purposes of camping and open for these purposes;

**“drive”** includes ride;

**“reserve”** means a recreation camp or reserve placed under the control and management of the Board under section 3 of the Act;

**“traffic sign”** means a sign, marking or notice displayed by the Board under by-law 7.



## **Part II — Public access to reserves**

### **5. Restriction of public access**

The Board may by notice —

- (a) erected at the entrance to any reserve; or
- (b) erected near any road, track or footpath in a reserve,

temporarily close that reserve, part of that reserve, road, track or footpath to members of the public for such period and for such purpose as the Board thinks fit.

### **6. Improper entry**

(1) A person shall not without authority —

- (a) enter or attempt to enter any reserve other than through an access provided by the Board for that purpose;
- (b) enter or remain in a reserve or any part of a reserve that is for the time being closed to members of the public;
- (c) use any track or footpath that is for the time being closed to members of the public under by-law 5; or
- (d) enter any place on a reserve set apart for the cultivation of flowers, plants, shrubs or young trees, or step or walk upon or jump across any bed or plot on a reserve in which flowers, plants or shrubs are growing.

Penalty: \$50.

(2) Where an entrance to a reserve is controlled by a gate a person shall not without authority enter the reserve through the gate unless the gate has been opened by an authorised person.

Penalty: \$50.

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**Part II**                      Public access to reserves

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- (3) A person shall not without lawful excuse enter any enclosure or the immediate vicinity of any area on a reserve in which a dwelling house or a vehicle, plant or machinery shed is located.

Penalty: \$50.

*[By-law 6 amended in Gazette 20 Mar 1992 p. 1301.]*

## **Part III — Use of vehicles, horses and aircraft on reserves**

### **7. Traffic signs**

The Board may erect or display signs, markings or notices regulating the use of roads and tracks in a reserve by vehicles, the manner in which vehicles may be driven on such roads and tracks and the manner in which vehicles may be parked in a reserve.

### **8. Prohibition of certain classes of vehicles**

- (1) A person shall not without authority drive into or within, or bring into or have within, a reserve —
- (a) any vehicle (whether laden or not) ordinarily used for the carrying of goods, materials, merchandise, produce, machinery, freezers or other plant; or
  - (b) any earthmoving, drilling or cultivating vehicle or equipment.

Penalty: \$500.

- (2) Sub-by-law (1)(a) does not apply to a caravan or to a trailer that is being used for the carriage of picnicking or camping equipment.

### **9. Driving of vehicles**

A person shall not without authority drive a vehicle, or suffer, allow or permit a vehicle in his possession to be driven, in any part of a reserve other than —

- (a) a sealed road;
- (b) a parking area set aside by the Board; or
- (c) a track approved by the Board for use by vehicular traffic and so designated by notices or signs.

Penalty: \$500.

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**10. Closure of roads and tracks**

- (1) Notwithstanding anything contained in by-law 7 or 8 the Board may by traffic sign close a road or track on a reserve to —
  - (a) vehicles of all classes;
  - (b) vehicles other than those of a class or classes specified in the traffic sign; or
  - (c) vehicles of a class or classes specified in the traffic sign,for such period and for such purpose as the Board thinks fit.
- (2) A person shall not without authority drive a vehicle of a class specified in a traffic sign under sub-bylaw (1), or suffer, allow or permit such a vehicle in his possession to be driven, on any road or track that is for the time being closed to vehicles of that class under sub-bylaw (1).

Penalty: \$500.

**11. Traffic**

- (1) A person shall not drive a vehicle on a reserve in a dangerous or careless manner or without all reasonable consideration for other persons, vehicles or animals in the vicinity.  
Penalty: \$200.
- (2) Unless otherwise indicated by a notice or sign, a person shall not drive a vehicle at a speed in excess of —
  - (a) 40 kilometres per hour on a road or track in a reserve; or
  - (b) 15 kilometres per hour in a parking area, picnic site or camping area in a reserve.Penalty: \$200.
- (3) A person driving or in charge of a vehicle on a reserve shall —
  - (a) obey every signal, order or direction addressed to him by an authorised person in relation to the movement or control of traffic or the parking or standing of vehicles; and

(b) comply with all traffic signs.

Penalty: \$200.

**12. Parking of vehicles**

(1) A person shall not without authority park a vehicle, or cause or permit a vehicle to be parked, on a reserve other than in a part of the reserve set apart by the Board by notices or signs as a parking area, picnic site or camping area or on the side of the carriageway of a formed road.

Penalty: \$200.

(2) A person shall not park any vehicle or cause or permit any vehicle to be parked in any part of a reserve during any hours specified by notice at that part of the reserve as hours during which the parking of vehicles in that part of the reserve is prohibited.

Penalty: \$200.

(3) Where parking stalls or spaces have been marked or defined in a part of a reserve set aside by the Board as a parking area, picnic site or camping area or on the side of a carriageway of a formed road a person shall not park any vehicle or cause or permit any vehicle to be parked in that part of the reserve otherwise than wholly within a parking stall or space so marked or defined.

Penalty: \$50.

**13. Removal of vehicles**

(1) A vehicle that is —

(a) parked contrary to by-law 12 or in such a position as to interfere with traffic or obstruct other vehicles on a reserve; or

(b) apparently abandoned on a reserve,

may be removed by an authorised person to a place whether on or off the reserve appointed by the Board for that purpose or, if

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no such place has been appointed, to a place on or off the reserve determined by the authorised person.

- (2) A person removing a vehicle under the authority of this by-law is entitled to take such action whether by way of unlocking, entering by any means, driving or towing the vehicle or otherwise as may be reasonably necessary for the purpose of effecting the removal.
- (3) The owner of a vehicle removed by the Board under this by-law shall pay any costs incurred by the Board in removing it and neither the Board nor any authorised person shall be liable to the owner of the vehicle for any loss or damage arising out of or in consequence of the vehicle being so removed.
- (4) The Board may retain possession of a vehicle removed under this by-law until any amount payable under sub-by-law (3) is paid.

**14. Horse riding**

A person shall not without authority ride a horse or suffer, allow or permit a horse, in his possession to be ridden in a reserve except on a road or track open for use by vehicles or on any other area set aside by the Board for the riding of horses and so designated by notice or signs.

Penalty: \$200.

**15. Aircraft, etc.**

Except in an emergency a person shall not without authority —

- (a) land or touch-down an aircraft or helicopter on a reserve; or
- (b) take off or ascend from, or land or touch-down on, a reserve in a glider, hand-glider, kite or balloon.

Penalty: \$1 000.

## **Part IV — Boating and swimming**

### **16. Authority to be obtained**

- (1) A person shall not without authority have or use a boat on any waters within a reserve.  
Penalty: \$200.
- (2) The Board may by notices posted in such places as it thinks fit prohibit the use of an area of waters within a reserve by —
  - (a) motor boats generally; or
  - (b) motor boats propelled by motors of a greater capacity than that specified in the notice.
- (2a) A person shall not use a motor boat on an area of water within a reserve in contravention of a notice posted under sub-by-law (2).  
Penalty: \$200.
- (3) Nothing in this Part restricts the public right of navigation over tidal water.

*[By-law 16 amended in Gazette 20 Mar 1992 p. 1301.]*

### **17. Mooring**

A person shall not without authority moor any boat, or cause any boat to be moored, or leave any boat unattended, or cause any boat to be left unattended, on any waters within a reserve other than at a place set apart by the Board for the mooring of boats and so designated by notices or signs.

Penalty: \$200.

### **18. Launching of boats**

A person shall not without authority launch a boat on waters within a reserve other than at a place set apart for that purpose by the Board and so designated by notices or signs.

Penalty: \$200.

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**19. Beaching of boats**

- (1) A person shall not without authority beach a boat upon a reserve at any place other than a place set apart by the board for that purpose and so designated by notices or signs.

Penalty: \$200.

- (2) Any boat beached upon a reserve shall not be moved or interfered with by any person other than the owner or person acting with the authority of the owner, but the Board or an authorised person may at any time cause to be removed, or require the owner to remove, any boat wherever placed.

Penalty: \$200.

- (3) The Board is not responsible for the care of, or liable for any damage to, any boat wherever beached or moored.

**20. Abandoned boats**

- (1) A boat that is —
- (a) beached at a place upon a reserve other than a place set apart by the Board for that purpose;
  - (b) drifting unattended, or sunk; or
  - (c) in the opinion of the Board or an authorised person, abandoned,

may be removed by an authorised person to a place whether on or off the reserve appointed by the Board for that purpose or, if no such place has been appointed, to a place on or off the reserve determined by an authorised person.

- (2) A person removing a boat under the authority of this by-law is entitled to take such action as may reasonably be necessary for the purpose of effecting the removal.
- (3) The owner of a boat removed by the Board under this law shall pay any costs incurred by the Board in removing it and neither the Board nor any authorised person shall be liable to the owner



of the boat for any loss or damage arising out of or in consequence of the boat being so removed.

- (4) The Board may retain possession of the boat removed under this by-law until any amount payable under sub-bylaw (3) is paid.

**21. Swimming areas**

- (1) The Board may set apart areas within a reserve for the purposes of bathing and swimming, and may define any such area from time to time by placing posts at intervals along the shore of the area, and posting a notice or notices indicating the purposes for which the area is so set apart and the times during which it is open.
- (2) A person shall not bring a boat of any description or suffer, allow a permit a boat of any description to be brought into any area set apart under the provisions of sub-bylaw (1).

Penalty: \$200.

**Part V — Protection of flora, fauna and the environment**

**22. Preservation of existing features**

A person shall not, without authority —

- (a) destroy, injure, cut, break, pull up, fell, pick, burn or remove any tree, shrub, plant or flower, living or dead;
- (b) break up or damage the natural surface, any natural feature or any turf;
- (c) destroy, damage, disfigure or interfere with any building improvement, fitting, machinery, electrical equipment or installation;
- (d) break up or damage the surface of any road, track or footpath; or
- (e) destroy, injure, take or molest any animal or bird,

on a reserve or cause any of these things to be done on a reserve.

Penalty: \$400.

**23. Pollution of water**

A person shall not pollute or interfere with any waters or water supply on a reserve.

Penalty: \$1 000.

**23A. Littering**

A person shall not —

- (a) leave rubbish, refuse, paper, bottles, scraps, glass or any other litter or waste material in a reserve except in a litter receptacle; or

- (b) leave in a litter receptacle in a reserve any litter or other waste material generated in any premises or vehicle outside the reserve.

Penalty: \$400.

*[By-law 23A inserted in Gazette 20 Mar 1992 p. 1301.]*

**24. Lighting of fires**

A person shall not without authority light or attempt to light, make or use a fire on any part of a reserve other than in a place set aside by the Board for that purpose.

Penalty: \$300.

**25. Weapons etc.**

- (1) A person shall not without authority —
  - (a) carry or discharge any firearm or speargun or any other offensive weapon, device or means for the taking of fauna;
  - (b) throw or release any missile or dangerous object or material of any kind;
  - (c) carry, make or set any trap or snare for any fauna,on a reserve.  
Penalty: \$1 000.
- (2) A person shall not without authority bring onto or have on a reserve any explosive device.  
Penalty: \$1 000.
- (3) A person carrying any firearm, speargun, weapon, device, missile, object, material, trap or snare mentioned in sub-by-law (1) or (2) without permission shall surrender it to an authorised person when requested to do so.

## **Part VI — Camping**

**26.        Camping**

A person shall not without authority camp on a reserve.

Penalty: \$200.

**27.        Camping areas**

(1) The Board may —

- (a) set apart areas, huts, sheds, cabins or dormitories on a reserve for the purposes of camping; and
- (b) define an area so set apart by posting a notice or notices indicating the purpose for which the area is so set apart.

(2) A person shall not without authority camp except —

- (a) in an area, hut, shed, cabin or dormitory set apart for that purpose; and
- (b) on a site specified by an authorised person.

Penalty: \$200.

**28.        Sanitary provisions applying to camping**

A person camping on a reserve shall not improvise any sanitary convenience or ablution or use any sanitary convenience or ablution other than such as has been established by the Board.

Penalty: \$300.

## **Part VII — Offensive behaviour**

### **29. Offensive or indecent behaviour**

A person shall not on a reserve —

- (a) use abusive or insulting language or do or engage in any offensive act, conduct or behaviour; or
- (b) otherwise act in such a way as to cause or be likely to cause a nuisance or annoyance to other persons on the reserve.

Penalty: \$1 000.

### **30. Drunkenness**

A person shall not enter, nor remain upon a reserve when under the influence of alcoholic liquor.

Penalty: \$100.

### **31. Prohibition on bringing liquor onto reserves**

A person shall not without authority bring onto or consume on a reserve any alcoholic liquor.

Penalty: \$200.

**Part VIII — Miscellaneous**

**32. Bill sticking, advertising, etc.**

A person shall not, without authority —

- (a) post, stick, stamp, stencil or otherwise affix any placard, handbill, notice, advertisement, paper or other document on or to any rock, tree, fence, post, gate, wall, pavement, roadway, footway, or building or other structure on a reserve;
- (b) write, draw or paint on or deface any rock, tree, fence, post, gate, wall, pavement, roadway, footway, or building or other structure on a reserve; or
- (c) cause any act prohibited by paragraph (a) or (b) to be done.

Penalty: \$200.

**33. Trading**

A person shall not sell or expose for sale any goods, wares, refreshments, or other merchandise or things or solicit or gather money on any portion of a reserve unless authority is first obtained.

Penalty: \$300.

**34. Erection of buildings**

A person shall not without authority erect on a reserve any building or structure whatsoever, or any fence, pole, mast or notice.

Penalty: \$1 000.

**35. Animals**

A person shall not without authority bring any animal or bird to the reserve.

Penalty: \$200.

**36. Restriction on activities**

A person shall not organize or participate in an activity within a reserve that is —

- (a) likely to constitute an inconvenience to other persons; or
- (b) likely to affect the natural surface or any feature of the reserve.

Penalty: \$200.

**37. Unauthorised removal of property**

A person shall not without authority remove from the reserve or disturb or move any article or property which is lying or left within the reserve and of which he is not —

- (a) the owner; or
- (b) legally entitled to possession.

Penalty: \$400.

**38. Removal of animals etc.**

- (1) The Board 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) any animal that is on the reserve or any part of the reserve contrary to any of the provisions of these by-laws.
- (2) The owner of any object or animal that is removed or caused to be removed by the Board under this by-law shall pay costs incurred by the Board in removing it and neither the Board nor any authorised person shall be liable to the owner of the object or animal for any loss or damage arising out of or in consequence of the object or animal being so removed.

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- (3) The Board may retain possession of an object or animal removed under this by-law until any amount payable under sub-by-law (2) is paid.

**39. Removal of offenders**

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

**40. Directions and notices to be complied with**

A person shall not disobey or fail to comply with any direction, instruction, request or requirement lawfully given or made by an authorised person in the discharge of his duty.

Penalty: \$200.

**41. Obstruction or impersonation of authorised persons**

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

Penalty: \$200.

- (2) Without derogating from the generality of sub-by-law (1) a person shall be treated as having wilfully obstructed an authorised person within the meaning of that sub-by-law if —

- (a) he interferes with an authorised person acting in the execution of the Act or these by-laws in the reserve; or
- (b) upon the request of an authorised person, acting in the execution of the Act or these by-laws in the reserve, to give his name and address —
  - (i) he refuses or neglects to give his name and address or either of them; or
  - (ii) he gives a false name or address.

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

Penalty: \$200.



**42. Acts by authorised person**

Nothing in these by-laws prevents the doing of any act, matter or thing by an authorised person when he is acting in the discharge of his duties or the exercise of his powers as an authorised person.

**43. Penalties**

The sum payable by way of penalty by a person who proceeds in the manner described in section 14(2)(d) 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 Modified penalties**

**Schedule**

[By-law 43]

**Modified penalties**

<b>By-law</b>	<b>Brief description of offence</b>	<b>Modified Penalty \$</b>
6(1)	Entering or being where closed by notice* .....	20
8(1)	Driving prohibited class of vehicle* .....	30
9	Driving except upon sealed road, parking area or track* .....	40
10(2)	Driving vehicle on road or track closed to vehicles of that class* .....	40
11(2)	Exceeding speed limit by up to 20kmph .....	40
	Exceeding speed limit by 21-35kmph .....	60
	Exceeding speed limit by 36 or more kmph .....	90
12	Parking when or where not permitted* .....	30
14	Riding horse except where permitted* .....	20
16(2a)	Using motor boat where prohibited .....	40
21(2)	Bringing boat into swimming area .....	40
22	Damaging or destroying flora, fauna, natural features or installations* .....	40
23A	Littering in a reserve .....	40
24	Lighting fire except in place set aside for that purpose* .....	50
27(2)	Camping outside camping area* .....	20
29	Offensive language or behaviour .....	20
31	Bringing or consuming alcoholic liquor on reserve* .....	20
35	Bringing animal or bird to reserve* .....	20
36	Organizing or participating in activity likely to cause inconvenience or affect natural surface or feature .....	50

\*Unless authority obtained

[Schedule inserted in Gazette 20 Mar 1992 p. 1301-2.]

**Notes**

- <sup>1</sup> This reprint is a compilation as at 6 August 2004 of the *Recreation Camps and Reserve By-laws 1985* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Recreation Camps and Reserve By-laws 1985</i>	6 Dec 1985 p. 4538-43	3 Jan 1986 (see bl. 2)
<i>Recreation Camps and Reserve Amendment By-laws 1991</i>	20 Mar 1992 p. 1300-2	20 Mar 1992
<b>Reprint 1: The Recreation Camps and Reserve By-laws 1985 as at 6 Aug 2004</b> (includes amendments listed above)		