

1993—No. 624

**CENTENNIAL PARK AND MOORE PARK TRUST ACT  
1983—REGULATION**

(Centennial Park and Moore Park Trust Regulation 1993)

NEW SOUTH WALES



*[Published in Gazette No. 140 of 17 December 1993]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Centennial Park and Moore Park Trust Act 1983, has been pleased to make the Regulation set forth hereunder.

CHRISTOPHER HARTCHER, M.P.,  
Minister for Environment.

**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Centennial Park and Moore Park Trust Regulation 1993.

**Commencement**

2. This Regulation commences on the 20th of December 1993.

**Definitions**

3. In this Regulation:

“**animal**” includes bird, fish, reptile and mammal;

“**authorised person**” means a person appointed in writing by the Trust as an authorised person for the purposes of this Regulation;

“**horse track**” means the track that is adjacent to the inner boundary of Grand Drive;

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**“person”** includes an organisation or group of persons;

**“the Act”** means the Centennial Park and Moore Park Trust Act 1983;

**“vehicle”** includes:

- (a) a motor vehicle; and
- (b) a trailer or caravan, whether or not it is in the course of being towed; and
- (c) an apparatus that is propelled by human, animal or mechanical power, or by the wind, and is wholly or partly used for the conveyance of persons or things, other than a wheelchair, pram or stroller; and
- (d) a boat, raft, canoe, ski, barge or other vessel.

**PART 2—USE OF THE TRUST LANDS****Entry**

**4. (1)** The Trust may designate points on the perimeter of the Trust lands as entrances to the Trust lands for vehicles by a sign or signs displayed adjacent to those points.

**(2)** A person must not drive a vehicle into the Trust lands other than at a point designated in accordance with this clause.

Maximum penalty: 10 penalty units.

**(3)** A person must not drive a vehicle or ride or lead a horse into or within the Trust lands after sunset and before sunrise.

Maximum penalty: 10 penalty units.

**(4)** Pedestrians may enter the Trust lands at any time.

**Parking**

**5. (1)** The Trust or the Director may regulate the parking of vehicles on any part of the Trust lands by a sign or signs displayed on or adjacent to the part.

**(2)** A person must not park a vehicle on a part of the Trust lands in contravention of a sign displayed in accordance with this clause.

Maximum penalty: 10 penalty units.

(3) A person must not park, or leave a vehicle parked, on the Trust lands after sunset and before sunrise except with the written permission of the Trust, the Director or an authorised person.

Maximum penalty: 10 penalty units.

(4) The Trust is entitled to require payment of a fee (not exceeding \$50) determined by it for the opening of a gate after sundown and before sunrise to permit the removal of a vehicle from the Trust lands.

### **Parts approved for designated purposes**

6. (1) The Trust or the Director may designate part of the Trust lands for use for the purpose of:

- (a) an organised sporting activity; or
- (b) an organised entertainment; or
- (c) an organised ceremony; or
- (d) any other organised activity.

(2) A person may, with the written permission of the Trust or the Director, use a part of the Trust lands for a purpose designated in respect of the land under this clause.

(3) The use of a part of the Trust lands in accordance with a permission granted under this clause is not a contravention of clause 9 (Commercial and other activities on Trust lands).

### **Fees for use of Trust lands**

7. (1) The Trust may from time to time determine the fees that are payable by a person to whom the Trust has given permission to use part of the Trust lands (including a permission under clause 6). The Trust may require payment of such a fee in advance.

(2) The person to whom the permission is granted is liable to the Trust for payment of the fee.

(3) Any unpaid fee may be recovered by the Trust from the person liable to pay it as a debt in a court of competent jurisdiction.

(4) The Trust may reduce, or waive payment of, a fee payable under this clause.

### **Parts of Trust lands and buildings may be closed to the public**

8. (1) The Trust, the Director or an authorised person may close to the public any part of the Trust lands or any building within the Trust lands by a sign or signs displayed on or adjacent to the part or building.

(2) A person must not enter any part of the Trust lands, or any building within the Trust lands, that is fenced off, or locked, or closed to the public by a sign or signs displayed under this clause, except with the written permission of the Trust or the Director.

Maximum penalty: 10 penalty units.

(3) In this clause:

“**building**” includes part of a building;

“**fenced off**” means surrounded by a fence with no open pedestrian or vehicular access;

“**part of the Trust lands**” includes any road, footpath, cycle track, horse track, equestrian grounds and playing fields within the Trust lands.

### **Commercial and other activities on Trust lands**

9. (1) A person must not on the Trust lands, except with the written permission of the Trust or the Director, do any of the following things or assist a person to do any of the following things:

- (a) collect or attempt to collect money;
- (b) sell or hire or attempt to sell or hire, expose for sale or hire or solicit for sale or hire any papers, printed matter, food, article, thing or service;
- (c) conduct or cause the conduct of an amusement, entertainment, promotion, instruction or performance, whether free of charge or for money or consideration of any kind or so as to compete with or hinder the commercial operations of any person holding a lease or licence from the Trust;
- (d) establish or operate a business;
- (e) organise or participate in, or cause to be organised, a public meeting, public function, public demonstration, public gathering or other public activity;
- (f) use television, cinematographic or photographic equipment for commercial or promotional purposes;
- (g) erect a hoarding, banner or notice, or display or distribute commercial, promotional or political advertising matter, sign, bill, poster or other printed matter;
- (h) erect a sign or attach a sign to a tree, pole, rail or fence.

Maximum penalty: 10 penalty units.

(2) A person who uses equipment in the course of committing an offence under this clause must, when directed to do so by the Trust, the Director, an authorised person or a police officer, immediately remove the equipment from the Trust lands.

Maximum penalty: 10 penalty units.

(3) If a person fails to comply with a direction under this clause, the Trust, the Director, an authorised person or a police officer may remove the equipment:

- (a) to the care of the person to whom the direction was given; or
- (b) to a place of safe keeping at the expense of the owner or the person responsible for it.

(4) The Trust, the Director, an authorised person or a police officer acting under subclause (3) is not responsible for the safe keeping of, or for damage to, equipment removed under this clause.

### **Races on Trust lands**

**10.** A person must not on the Trust lands, except with the written permission of the Trust or the Director, organise or conduct a foot race, cycle race, horse race, wheelchair race, fun run, rollerblade run or similar event.

Maximum penalty: 10 penalty units.

### **Camping, erection of tents etc. on Trust lands**

**11. (1)** A person must not on the Trust lands, except with the written permission of the Trust or the Director:

- (a) camp or reside; or
- (b) erect or occupy or cause to be erected or occupied a building, tent, screen, awning, enclosure or other structure or thing.

Maximum penalty: 10 penalty units.

(2) A person who has erected or occupied or caused to be erected or occupied a building, tent, screen, awning, enclosure or other structure or thing contrary to this clause must, when directed to do so by the Trust, the Director, an authorised person or a police officer, immediately remove that building, tent, screen, awning, enclosure or other structure or thing.

Maximum penalty: 10 penalty units.

(3) If a person fails to comply with a direction given under this clause, the Trust, the Director, an authorised person or a police officer may remove, or cause to be removed, the building, tent, screen, awning, enclosure or other structure or thing:

- (a) to the care of the person to whom the direction was given; or
- (b) to a place of safe keeping at the expense of the owner or the person responsible for it.

(4) The Trust, the Director, an authorised person or a police officer acting under this clause is not responsible for the safe keeping of, or any damage to, a building, tent, screen, awning, enclosure or other structure or thing removed under this clause.

### **Conditions attaching to permission to use Trust lands**

12. (1) The Trust or the Director may give a permission under this Regulation subject to such conditions as the Trust or the Director considers appropriate.

(2) An example of such a condition is a requirement that any fee payable in connection with a permission to use Trust lands be paid before that use is commenced.

(3) The Trust or the Director may require a person to whom a permission under this Regulation is proposed to be given to give security in such amount and form as the Trust or the Director determines for fulfilment of the person's obligations under the conditions of that permission.

(4) A person who fails to comply with a condition to which a permission is subject is guilty of an offence.

Maximum penalty (subclause (4)): 10 penalty units.

### **Damage to Trust lands, vegetation etc.**

13. A person must not on the Trust lands, except with the written permission of the Trust or the Director:

- (a) damage a lawn, playing field or green except in the course of, and as a normal incident of, recreational or sporting activity on a part designated for use for that activity under clause 6; or
- (b) remove, uproot, or cause damage to, or remove a part from, a tree, shrub, fern, creeper, vine, palm, plant or other vegetation; or
- (c) remove any timber, log or stump, standing or fallen; or
- (d) deface, dig up or remove any rock, soil, sand, stone or similar substance; or

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- (e) write on, paint on, damage, deface, interfere with, destroy or remove any machinery, equipment, road, path, fence, barrier, gate, lock, latch, fence-post, wall, building, seat, furniture, play equipment, fountain, statue, ornament or monument or an article, sign, notice, descriptive plate, label or other fixture, fitting or structure erected, displayed or placed by the Trust or the Director; or
- (f) block or inhibit access through, to or on a gate, access-way, path or road; or
- (8) damage, destroy, remove, interfere with, pass through or step over temporary fencing or a barricade regulating access to any part of the Trust lands by foot or vehicle; or
- (h) destroy, capture, injure or annoy an animal within the Trust lands; or
- (i) destroy or interfere with the habitat of an animal; or
- (j) light a fire:
  - (i) at a time when the lighting of fires on the Trust lands is prohibited by the Trust or the Director by signs displayed on or near the Trust lands or a time when the lighting of fires in the area in which the Trust lands are situated is prohibited by or under the provisions of the Bush Fires Act 1949; or
  - (ii) at any other time except in a fireplace or on equipment provided for the purpose by the Trust or in portable cooking equipment; or
- (k) empty coals from a barbecue on to any grass, lawn, playing field, green or vegetation or into a waterway.

Maximum penalty: 10 penalty units.

**Recreational activities on Trust lands**

**14.** A person must not on the Trust lands, except with the written permission of the Trust or the Director, do any of the following:

- (a) operate a motorised model aircraft, boat, car or similar thing; or
- (b) bathe, wade, wash or swim in a lake, pond or stream or in ornamental water; or
- (c) play or practice golf except in an area designated by the Trust or the Director for that activity under clause 6; or
- (d) use ski stocks with roller blades or roller skis except in an area designated by the Trust or the Director for that activity under clause 6; or
- (e) operate or attempt to operate a hang-glider; or

- (f) use a land sailing vehicle except in an area designated by the Trust or the Director for that activity under clause 6; or
  - (g) land an aircraft, helicopter, hot-air balloon or parachute; or
  - (h) discharge fireworks; or
  - (i) use a starting pistol except in an area designated by the Trust or the Director under clause 6 for an activity that involves the use of a starting pistol; or
  - (j) have in his or her possession without reasonable cause a firearm within the meaning of the Firearms Act 1989 unless the person is a member of a police force of any State or Territory or of the Commonwealth; or
  - (k) ride a cycle, horse or rollerblades without wearing a protective helmet; or
  - (l) play a musical instrument in a brass band or marching band.
- Maximum penalty: 10 penalty units.

#### **Activities involving horses and animals**

**15.** A person must not on the Trust lands, except with the written permission of the Trust or the Director, do any of the following:

- (a) bring stock (other than horses) or poultry;
- (b) allow stock (including a horse) to depasture;
- (c) ride a horse unless the horse is properly saddled and bridled with a bit;
- (d) ride a horse except on a track or other part of the Trust lands designated for the purpose by the Trust or the Director by a sign or signs displayed on or near the track or the part;
- (e) break-in a horse;
- (f) permit a horse to gallop except on a part of the Trust lands designated for the purpose by the Trust or the Director by a sign or signs displayed on or near the part;
- (g) train a racehorse or trotting horse;
- (h) lead a horse unless the horse is wearing a bit;
- (i) lead more than one horse at a time;
- (j) lunge a horse except in an area designated for the purpose by the Trust or the Director by a sign or signs displayed on or near the area;
- (k) drive a horse-drawn vehicle on a road or track that is situated within the area surrounded by the horse track and Grand Drive;
- (l) long rein a horse;



- (m) use the horse track for a purpose other than riding or leading a horse;
  - (n) lead a dog on a leash:
    - (i) while in control of a horse; or
    - (ii) from or attached to a moving vehicle;
  - (o) run or exercise a dog that is not on a leash from a moving vehicle.
- Maximum penalty: 10 penalty units.

### **Vehicles**

**16. (1)** A person must not abandon a vehicle on the Trust lands.

Maximum penalty: 10 penalty units.

**(2)** A person must not on Trust lands, except with the written permission of the Trust or the Director, do any of the following:

- (a) drive a vehicle other than on a sealed road;
- (b) teach a person to drive or ride a motor vehicle;
- (c) learn to drive or ride a motor vehicle;
- (d) cause or permit a vehicle (other than an authorised vehicle) to be driven or stood or be parked on a lawn, grass, parkland, green, garden, footpath or cycle track or the horse track unless the area is designated for that purpose by the Trust or the Director by a sign or signs displayed on or near the area;
- (e) drive, ride or park a vehicle (other than an authorised vehicle) contrary to, or act contrary to, a sign approved by the Trust or the Director that regulates the movement or parking of vehicles or the movement or confinement of animals;
- (f) drive an omnibus, or a vehicle with a tare weight of more than 3 tonnes;
- (g) drive or ride a vehicle at a speed exceeding 30 kilometres per hour.

Maximum penalty: 10 penalty units.

**(3)** For the purposes of subclause (2), **“authorised vehicle”** means a golf buggy when operated within the Moore Park Golf Course.

### **Use of cycles, pedal cars and rollerblades**

**17.** A person must not on the Trust lands, except with the written permission of the Trust or the Director, do any of the following:

- (a) ride a cycle or rollerblades in a group of more than 15 persons;

- (b) ride a cycle or rollerblades abreast of one or more persons;
- (c) ride a cycle or rollerblades closer than 3 metres behind, or while holding onto, a moving motor vehicle (slip streaming);
- (d) ride a pedal-car on a road or track that is situated within the area surrounded by the horse track and Grand Drive;
- (e) ride a cycle or rollerblades on a footway, building forecourt or paved area or on an area in which the activity is prohibited by the Trust or the Director by a sign or signs displayed on or near the area.

Maximum penalty: 10 penalty units.

### **Personal conduct**

**18.** A person must not on the Trust lands do any of the following:

- (a) use indecent, obscene, insulting or threatening language;
- (b) behave in an offensive or indecent manner;
- (c) by disorderly conduct cause serious alarm or affront to a person;
- (d) obstruct a person in the performance of that person's work or duties;
- (e) fail to comply with a reasonable request or direction given, for the purpose of securing good order and management and enjoyment of the Trust lands, by a member of the Trust, the Director, an authorised person or a police officer.

Maximum penalty: 10 penalty units.

### **Persons to leave Trust land on request**

**19. (1)** A person who trespasses or causes annoyance or inconvenience on the Trust lands or who commits a breach of this Regulation must leave the Trust lands if requested to do so by the Trust, the Director, an authorised person or a police officer.

**(2)** A person who fails to comply with a request made under this clause may be removed from the Trust lands by the Trust, the Director, an authorised person or a police officer.

### **Pollution of Trust lands**

**20. (1)** A person must not on the Trust lands do any of the following:

- (a) deposit refuse, rubbish or waste (including industrial waste);
- (b) leave any litter, bottle, broken glass, china, pottery, plastic, rubbish, refuse or waste material other than in a receptacle provided by the Trust or the Director for that purpose;

- (c) deposit oil or allow oil to escape;
- (d) pollute any water;
- (e) being the owner of a motor vehicle, sound, or cause, or allow to be sounded, a motor vehicle intruder alarm or sounding device continuously or intermittently for more than 90 seconds after the device or alarm has first sounded.

(2) A person must not on the Trust lands, except with the written permission of the Trust or the Director:

- (a) operate a radio, cassette player, record player, compact disc player or other similar device at a volume likely to cause nuisance or annoyance to a person; or
- (b) operate a public address system or similar device.

Maximum penalty: 10 penalty units.

### **Requirement to state name and address**

**21. (1)** The Director, an authorised person or a police officer who suspects on reasonable grounds that a person on the Trust lands has committed an offence against the Act or this Regulation may require the person to state his or her full name and residential address and produce evidence to establish his or her identity.

(2) A person must not:

- (a) fail without reasonable excuse to comply with a requirement under this clause; or
- (b) in purported compliance with such a requirement, furnish information or evidence that the person knows to be false or misleading in a material particular.

Maximum penalty: 10 penalty units.

(3) A person is not guilty of an offence under this section unless it is established that the Director, authorised person or police officer warned the person that the failure to comply with the requirement is an offence.

### **Penalty notices**

**22.** For the purposes of section 24 of the Act:

- (a) the Director, an authorised person and a police officer are prescribed officers; and
- (b) the amount specified opposite an offence described in Schedule 1 is the prescribed amount of penalty prescribed for the offence against this Regulation if dealt with under that section.

**Lessees and licensees**

**23.** An act or omission does not constitute a breach of this Regulation, despite any other provision of this Regulation, if it is authorised expressly or impliedly by the terms or conditions of any lease or licence granted by the Trust.

**Application of Regulation to officers and employees etc.**

**24.** Nothing in this Regulation (other than as provided by clause 14 (i)) prevents a person employed under section 13 of the Act or an authorised person from doing, in the exercise of his or her functions under the Act, any act or thing the doing of which is otherwise prohibited by this Regulation.

**PART 3—CENTENNIAL PARK AND MOORE PARK TRUST  
COMMUNITY CONSULTATIVE COMMITTEE****Centennial Park and Moore Park Trust Community Consultative Committee**

**25.** In this Part, “**the Committee**” means the Centennial Park and Moore Park Trust Community Consultative Committee constituted for the purposes of section 7A (2) of the Act.

**Composition**

**26. (1)** The Committee is to consist of 10 members.

**(2)** The Director may recommend himself or herself for appointment as a member and may recommend any other person whom the Director is satisfied:

- (a) has a sound knowledge of the Trust lands and of Trust activities; and
- (b) resides in an area immediately surrounding the Trust lands; and
- (c) is able to communicate effectively with other local residents and local community groups; and
- (d) is able to attend the meetings of the Committee.

**(3)** A trustee is not eligible to be appointed as a member of the Committee (but this does not prevent the appointment of a member of the Committee as a trustee under section 7 (I) (b) of the Act and does not prevent that trustee being re-appointed as a member of the Committee).

**Term of office**

**27. (1)** Subject to this Part, a member (other than the Director) holds office for a period of one year, and is eligible for re-appointment as a member for any number of terms but not so as to hold office as a member for 3 consecutive terms.

**(2)** If the Director is appointed as a member of the Committee, the Director holds office as a member for so long as the Director holds office as Director, subject to this Part.

**Removal from office**

**28.** The Trust may, with the consent of the Minister, remove any member from office for any cause that seems to the Trust sufficient.

**Vacation of office**

**29.** A member of the Committee is taken to have vacated office if the member:

- (a) becomes a member of the Trust (except pursuant to an appointment under section 7 (1) (b) of the Act); or
- (b) completes a term of office and is not re-appointed; or
- (c) resigns the office by instrument in writing addressed to the Trust; or
- (d) is absent, without having been excused by the Committee, for 2 consecutive meetings of the Committee of which notice has been given to the member; or
- (e) is removed from office by the Trust under this Part; or
- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
- (g) becomes a mentally incapacitated person; or
- (h) is convicted in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable; or
- (i) dies.

**Filling casual vacancy**

**30.** The Trust may, on the recommendation of the Director, appoint a person to fill any vacancy in the office of a member of the Committee.

**Acting members**

**31. (1)** The Trust may, from time to time, appoint a person to act in the office of a member of the Committee during the illness or absence of the member.

**(2)** A person, while so acting, has and may exercise the functions of the member and is taken to be a member.

**Chairperson**

**32. (1)** If the Director is a member of the Committee, he or she is to be the chairperson of the Committee.

**(2)** In any other case, the chairperson of the Committee is to be the member appointed as chairperson in and by the member's instrument of appointment as a member or by a later instrument executed by the Trust.

**(3)** Any person appointed under clause 31 to act in the office of the chairperson during his or her illness or absence is to be the chairperson of the Committee.

**Chairperson's vote**

**33.** The chairperson is to have a deliberative vote and, in the event of an equality of votes, a second or casting vote.

**Quorum**

**34. (1)** The chairperson and 5 other members form a quorum at any meeting of the Committee and any duly convened meeting at which a quorum is present is competent to transact any business of the Committee.

**(2)** Questions arising at a meeting of the Committee are to be determined by a majority of the votes of the members present and voting.

**Procedure**

**35.** The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to the Act and this Regulation, to be as determined by the Committee.

**Minutes**

**36. (1)** The chairperson is to cause minutes of each meeting of the Committee to be recorded and preserved for such period as the Committee considers appropriate.

(2) A copy of the minutes is to be submitted to the Trust for its consideration as soon as practicable after being confirmed by a meeting of the Committee.

#### PART 4—MISCELLANEOUS

##### Repeal

37. The Centennial Park Regulation 1985 is repealed.

#### SCHEDULE 1—PRESCRIBED PENALTIES

(Cl. 22)

Offence	Penalty
	\$
Offences under clause 4 (2) and (3) .....	50
Offences under clause 5 (2) and (3) .....	75
Offence under clause 8 (2). .....	75
Offences under clause 9 (1) (a)–(d) .....	75
Offences under clause 9 (1) (e) and (f) .....	100
Offences under clause 9 (1) (g) and (h).....	50
Offence under clause 9 (2) .....	50
Offence under clause 10 .....	100
Offences under clause 11 (1) (a) and (b).....	75
Offence under clause 11 (2) .....	50
Offence under clause 12 (4) .....	75
Offences under clause 13 (a)–(k) .....	75
Offences under clause 14 (a)–(d) .....	50
Offences under clause 14 (e) and (f) .....	50
Offence under clause 14 (g) .....	75
Offences under clause 14 (h) and (i) .....	50
Offence under clause 14 (i) .....	100
Offences under clause 14 (k) and (l) .....	50
Offences under clause 15 (a)–(o) .....	50
Offence under clause 16 (1) .....	100
Offences under clause 16 (2) (a)–(g). .....	75
Offences under clause 17 (a)–(e).....	75
Offences under clause 18 (a)–(c) .....	75
Offences under clause 18 (d) and (e) .....	100
Offences under clause 20 (1) (a)–(d) .....	200

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Offence under clause 20 (1) (e) .....	50
Offence under clause 20 (2) (a) .....	50
Offence under clause 20 (2) (b) .....	150
Offences under clause 21 (2) (a) and (b).....	100

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SCHEDULE 1—PRESCRIBED PENALTIES

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal the Centennial Park Regulation 1985 and to replace it with this Regulation which deals with the lands vested in the Centennial Park and Moore Park Trust and with the Centennial Park and Moore Park Trust Community Consultative Committee.

This Regulation provides for the management, use and regulation of the Trust lands and for the issue of penalty notices in relation to offences occurring on those lands.

The Regulation also makes provision as to the number of members of the Centennial Park and Moore Park Trust Community Consultative Committee, their appointment, terms of office and removal, the filling of vacancies and the appointment of acting members.

This Regulation is made under the Centennial Park and Moore Park Trust Act 1983, including section 78 (community consultation), section 22 (the general regulation making power) and section 24 (which deals with penalty notices).

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