



New South Wales

## Bicentennial Park Regulation 2000

under the

Bicentennial Park Trust Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Bicentennial Park Trust Act 1987*.

CARMEL TEBBUTT, M.L.C.,

Minister for the Environment

### Explanatory note

This Regulation replaces the *Bicentennial Park Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

The new Regulation covers substantially the same matters as the repealed Regulation. It provides for the management, use and regulation of the lands vested in the Bicentennial Park Trust, including provision for the issuing of penalty notices in relation to offences occurring on those lands.

This Regulation is made under the *Bicentennial Park Trust Act 1987*, including sections 23 and 26 (the general regulation-making power).

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## 2000 No 509

Clause 1            Bicentennial Park Regulation 2000

Part 1             Preliminary

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# Bicentennial Park Regulation 2000

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Bicentennial Park Regulation 2000*.

### 2 Commencement

This Regulation commences on 1 September 2000.

**Note.** This Regulation replaces the *Bicentennial Park Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation:

**animal** includes any 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.

**the Act** means *the Bicentennial Park Trust Act 1987*.

**vehicle** includes any of the following:

- (a) a motor vehicle,
- (b) a trailer or caravan, whether or not it is in the course of being towed,
- (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,
- (d) a boat, raft, canoe, ski, barge or other vessel.

(2) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

## Part 2 Use of trust lands

### 4 Entry

- (1) The Trust may designate points on the perimeter of the trust lands as entrances to the trust lands by a sign or signs displayed adjacent to those points.
- (2) A person must not enter the trust lands otherwise than at a point designated in accordance with this clause.  
Maximum penalty: 2 penalty units.
- (3) A person must not drive a vehicle into or within the trust lands after sunset and before sunrise, except with the written permission of the Trust or the Manager.  
Maximum penalty: 2 penalty units.
- (4) Pedestrians may enter the trust lands at any time.

### 5 Parking

- (1) The Trust 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: 2 penalty units.

### 6 Parts approved for designated purposes

- (1) The Trust 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 Manager, 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 11.
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### **7 Fees for use of trust lands**

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

### **8 Conditions attaching to permission to use trust lands**

- (1) The Trust or the Manager may give a permission under this Regulation subject to such conditions as the Trust or the Manager thinks fit.
- (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 Manager 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 Manager determines for fulfilment of the person's obligations under the conditions of that permission.
- (4) A person who fails to comply with any condition to which a permission is subject is guilty of an offence.  
Maximum penalty (subclause (4)): 2 penalty units.

### **9 Closing parts of trust lands and buildings to the public**

- (1) The Trust, the Manager 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, except with the written permission of the Trust or the Manager, 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 in accordance with this clause.

Maximum penalty: 2 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 a road, a footpath (including the Boardwalk) and a cycle track within the trust lands.

#### 10 Alcohol-free zones

- (1) The Trust, the Manager or an authorised person may declare any part of the trust lands or any building within the trust lands to be an alcohol-free zone by the use of a sign or signs displayed on or adjacent to the part or building.

- (2) A person must not, except with the written permission of the Trust or Manager, consume any alcohol in any such alcohol-free zone.

Maximum penalty: 2 penalty units.

- (3) In this clause:

*alcohol* means ethanol, any liquid containing ethanol and any liquor within the meaning of the *Liquor Act 1982*.

#### 11 Commercial and other activities on trust lands

A person must not on the trust lands, except with the written permission of the Trust or the Manager, 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,

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- (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 any commercial, promotional or political advertising matter, sign, bill, poster or other printed matter.

Maximum penalty: 2 penalty units.

### **12 Races on trust lands**

A person must not on trust lands, except with the written permission of the Trust or the Manager, organise or conduct a foot race, cycle race, wheelchair race, fun run or similar event.

Maximum penalty: 2 penalty units.

### **13 Camping, erection or occupation of tents and similar activities on trust lands**

- (1) A person must not on the trust lands, except with the written permission of the Trust or the Manager:
  - (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: 2 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 Manager, an authorised person or a police officer, immediately remove that building, tent, screen, awning, enclosure or other structure or thing.

Maximum penalty: 2 penalty units.

- (3) If a person fails to comply with a direction given under this clause, the Trust, the Manager, an authorised person or a police officer:
- (a) may remove, or cause to be removed, the building, tent, screen, awning, enclosure or other structure or thing to the care of the person to whom the direction was given, or
  - (b) may impound the building, tent, screen, awning, enclosure or other structure or thing.

#### **14 Damage to or interference with trust lands, vegetation or other things**

A person must not on the trust lands, except with the written permission of the Trust or the Manager, do any of the following:

- (a) damage a lawn 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,
- (b) remove, uproot, or cause damage to, or remove a part from, a tree, shrub, fern, creeper, vine, palm, plant or other vegetation,
- (c) remove any timber, log or stump, standing or fallen,
- (d) deface, dig up or remove any rock, soil, sand, stone or similar substance,
- (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 any article, sign, notice, descriptive plate, label or other fixture, fitting or structure erected, displayed or placed by the Trust or the Manager,
- (f) destroy, capture, injure or annoy an animal,

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(g)    destroy or interfere with the habitat of an animal.

Maximum penalty: 2 penalty units.

### 15 Recreational activities on trust lands

A person must not on the trust lands, except with the written permission of the Trust or the Manager, do any of the following:

- (a)    operate a motorised model aircraft, boat, car or similar thing,
- (b)    bathe, wade, wash or swim in a lake, pond or stream or in ornamental water,
- (c)    play or practise golf,
- (d)    light a fire except in portable gas cooking equipment,
- (e)    discharge fireworks,
- (f)    operate or attempt to operate a hang-glider,
- (g)    land an aircraft, helicopter, hot-air balloon or parachute.

Maximum penalty: 2 penalty units.

### 16 Activities involving animals

(1) A person must not on the trust lands, except with the written permission of the Trust or the Manager, do any of the following:

- (a)    allow any stock to depasture,
- (b)    bring any animal other than a dog,
- (c)    bring a dog, except on a lead, or fail to keep the dog on a lead and under control at all times,
- (d)    bring a dog on to any part of the trust lands designated by the Trust by a sign or signs displayed in or near the part as a part in which dogs are prohibited.

Maximum penalty: 2 penalty units.

(2) This clause does not prohibit a person with a disability from bringing an assistance animal on to the trust lands.

(3) In this clause:

***assistance animal*** means an animal referred to in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth.

***disability*** has the same meaning as it has in the *Disability Discrimination Act 1992* of the Commonwealth.

### **17 Cycles and other vehicles**

A person must not on the trust lands, except with the written permission of the Trust or the Manager, do any of the following:

- (a) ride a cycle on a grassed portion,
- (b) drive a vehicle other than on a sealed road,
- (c) teach a person to drive or ride a motor vehicle,
- (d) learn to drive or ride a motor vehicle,
- (e) cause or permit a vehicle to be driven or stood or parked on any lawn, grass, parkland, green, garden, footpath or cycle track unless the area is designated for that purpose by the Trust or the Manager by a sign or signs displayed on or near the area,
- (f) drive, ride or park a vehicle contrary to, or act contrary to, a sign approved by the Trust or the Manager that regulates the movement or parking of vehicles,
- (g) drive or ride a vehicle at a speed exceeding 30 kilometres per hour,
- (h) drive or ride a vehicle over a pedestrian crossing at a speed exceeding 15 kilometres per hour,
- (i) use grass skis,
- (j) ride a three-wheeled pedal car.

Maximum penalty: 2 penalty units.

### **18 Noise on trust lands**

A person must not on the trust lands, except with the written consent of the Trust or the Manager:

- (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: 2 penalty units.

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### **19 Personal conduct**

A person must not on the trust lands do any of the following:

- (a) obstruct a person in the performance of that person's work or duties,
- (b) 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 Manager, an authorised person or a police officer.

Maximum penalty: 2 penalty units.

### **20 Persons to leave on request**

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

## Part 3 Miscellaneous

### 21 Requirement to state name and address

- (1) The Manager, 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.
- (2) A person must not:
  - (a) fail without reasonable cause to comply with a requirement under this clause, or
  - (b) in purported compliance with such a requirement, furnish information that the person knows to be false or misleading in a material particular.

Maximum penalty: 2 penalty units.

- (3) A person is not guilty of an offence under subclause (2) unless it is established that the Manager, authorised person or police officer warned the person that failure to comply with the requirement is an offence.

### 22 Lessees and licensees

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.

### 23 Application of Regulation to employees and certain other persons

Nothing in this Regulation prevents a person employed under section 18 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.

### 24 Penalty notices

For the purposes of section 23 of the Act:

- (a) each offence created by a provision of this Regulation specified in Column 1 of Schedule 1 is declared to be a penalty notice offence, and

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Part 3                        Miscellaneous

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- (b) the prescribed penalty for such an offence is the amount specified in Column 2 of Schedule 1, and
- (c) the Manager, an authorised person and a police officer are prescribed officers.

### 25 Short descriptions

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision of this Regulation specified in Column 1 of Schedule 1 consists of the IPB Code (if any) set out in relation to the offence in Column 3 of Schedule 1 and:
  - (a) the text set out in relation to the offence in Column 4 of Schedule 1, or
  - (b) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision of this Regulation specified in Column 1 of Schedule 1, the prescribed expression is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.
- (5) In this clause:

***Infringement Processing Bureau*** means the Infringement Processing Bureau within the Police Service.

***IPB Code***, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

**26 Savings provision**

Any act, matter or thing that was done for the purposes of or, immediately before the repeal of the *Bicentennial Park Regulation 1995*, had effect under that Regulation is taken to have been done for the purposes of or to have effect under this Regulation.

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Schedule 1 Penalty notice offences and short description of offences

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### Schedule 1 Penalty notice offences and short description of offences

(Clauses 24 and 25)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Offence</b>	<b>Amount of penalty</b>	<b>IPB Code</b>	<b>Short description</b>
Clause 4 (2)	\$75	4592	enter trust lands other than at designated entrance
Clause 4 (3)	\$75	4593	drive vehicle between sunset and sunrise
Clause 5 (2)	\$100	4594	park vehicle contrary to sign
Clause 8 (4)	\$100	4595	fail to comply with permit condition
Clause 9 (2)	\$100	4596	enter trust lands contrary to sign
Clause 10 (2)	\$100		consume alcohol in alcohol-free zone
Clause 11 (a)	\$100	4597	collect/attempt to collect money
Clause 11 (b)	\$100	4598	sell/hire/attempt to sell/hire thing/service
Clause 11 (c)	\$100	4599	conduct amusement/entertainment/promotion/instruction/performance
Clause 11 (d)	\$100	4600	establish/operate business
Clause 11 (e)	\$150	4601	participate in/organise public meeting/function/demonstration/gathering/activity
Clause 11 (f)	\$150	4602	use television/cinematographic/photographic equipment



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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Offence</b>	<b>Amount of penalty</b>	<b>IPB Code</b>	<b>Short description</b>
Clause 11 (g)	\$75	4603	erect/display/distribute hoarding/banner advertising/printed matter
Clause 12	\$150	4604	conduct race/fun run/event
Clause 13 (1) (a)	\$100	4605	camp/reside
Clause 13 (1) (b)	\$100	4606	erect/occupy structure/thing
Clause 13 (2)	\$150	4607	fail to remove structure/thing
Clause 14 (a)	\$100	4608	damage lawn/green
Clause 14 (b)	\$100	4609	remove/uproot/damage vegetation
Clause 14 (c)	\$100	4610	remove timber
Clause 14 (d)	\$100	4611	deface/dig up/remove substance
Clause 14 (e)	\$100	4612	harm park property/part of park
Clause 14 (f)	\$150	4613	destroy/capture/ injure/annoy animal
Clause 14 (g)	\$150	4614	destroy/interfere with habitat of animal
Clause 15 (a)	\$75	4615	operate motorised model/thing
Clause 15 (b)	\$75	4616	bathe/wade/wash/swim
Clause 15 (c)	\$75	4617	play/practise golf
Clause 15 (d)	\$75	4618	light fire
Clause 15 (e)	\$75	4619	discharge fireworks
Clause 15 (f)	\$75	4620	operate/attempt to operate hang-glider
Clause 15 (g)	\$150	4621	land aircraft/parachute

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### Bicentennial Park Regulation 2000

#### Schedule 1 Penalty notice offences and short description of offences

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Offence</b>	<b>Amount of penalty</b>	<b>IPB Code</b>	<b>Short description</b>
Clause 16 (1) (a)	\$75	4622	graze stock
Clause 16 (1) (b)	\$75	4623	bring animal (other than dog)
Clause 16 (1) (c)	\$75	4624	bring dog not on lead/fail to keep dog on lead
Clause 16 (1) (d)	\$100	4625	bring dog contrary to sign
Clause 17 (a)	\$100	4626	ride cycle on grass
Clause 17 (b)	\$150	4627	drive vehicle other than on sealed road
Clause 17 (c)	\$100	4628	teach person to drive/ride vehicle
Clause 17 (d)	\$100	4629	learn to drive/ride vehicle
Clause 17 (e)	\$100	4630	cause/permit vehicle to be driven/stood/parked
Clause 17 (f)	\$100	4631	drive/ride/park/act contrary to sign
Clause 17 (g)	\$100	4632	drive/ride vehicle in excess of 30kph
Clause 17 (h)	\$100	4633	drive/ride vehicle over crossing in excess of 15kph
Clause 17 (i)	\$100	4634	use grass skis
Clause 17 (j)	\$100	4635	ride pedal car
Clause 18 (a)	\$100	4640	operate audio device
Clause 18 (b)	\$100	4641	operate public address system/device
Clause 19 (a)	\$200	4642	obstruct person in performance of work

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Penalty notice offences and short description of offences

Schedule 1

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Offence</b>	<b>Amount of penalty</b>	<b>IPB Code</b>	<b>Short description</b>
Clause 19 (b)	\$200	4643	fail to comply with reasonable request/direction
Clause 21 (2) (a)	\$200	4644	fail to state name/address
Clause 21 (2) (b)	\$200	4645	give false/misleading information

BY AUTHORITY