

Barangaroo Delivery Authority Regulation 2015

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New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
Cl 4 (2) of this Regulation (cl 4 (2) repeals cl 4 on 31.10.2015)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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Barangaroo Delivery Authority Regulation 2015



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Barangaroo Delivery Authority Regulation 2015*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Definitions

(1) In this Regulation:

animal means any non-human mammal or any bird, fish, reptile, amphibian, crustacean, insect, arachnid, arthropod or mollusc, whether alive or dead.

authorised officer means an authorised officer appointed under clause 43.

protected structure means any of the following:

- (a) a fence, barrier, gate, post, railing or flagpole,
- (b) a step, stair, wall or building,
- (c) play equipment, a seat or other furniture,
- (d) a fountain, sculpture, statue, ornament, vase or plaque,
- (e) an art installation,
- (f) event infrastructure such as a stage or accompanying lighting.

sign includes a board, post, banner, notice or painted marking, flag or electronic or similar device, whether temporary or permanent.

the Act means the *Barangaroo Delivery Authority Act 2009*.

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 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 motorised wheelchair that is capable of a speed of more than 10 kilometres per hour over level ground.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Replacement of map

- (1) For the purposes of section 5 (2) of the Act, it is declared that the *Barangaroo Headland Park and Public Domain Map* is replaced by the map marked "*Barangaroo Headland Park and Public Domain Map No. 2*" and deposited in the head office of the Authority.
- (2) This clause is repealed on the day after its commencement.

Part 2 Entry into public domain

Note—

A person does not commit an offence under this Part if the act giving rise to the offence was done with the approval of the Authority under clause 35.

5 Entering parts of public domain that are closed to the public

- (1) The Authority may give a direction closing any part of the public domain to the public.
- (2) The part that is closed may include any road, path or building.
- (3) A person must not enter (whether on foot, by vehicle or otherwise) any part of the public domain that is closed to the public because of a direction given under this clause.

Maximum penalty: 20 penalty units.

Note—

The Authority can also reserve part of the public domain for particular purposes and restrict entry under clause 33.

- (4) A person who enters part of the public domain in breach of this clause must leave that part of the public domain if directed to do so by an authorised officer.

Maximum penalty: 20 penalty units.

- (5) A police officer may remove any person who has been directed to leave a part of the public domain under this clause.

6 Breaching conditions of entry to the public domain

- (1) The Authority may give a direction imposing conditions subject to which the public may enter any part of the public domain.
- (2) If the Authority has imposed such conditions, a person must not enter that part of the public domain without complying with the conditions.

Maximum penalty: 20 penalty units.

- (3) A person who enters a part of the public domain in breach of this clause must leave that part of the public domain if directed to do so by an authorised officer.

Maximum penalty: 20 penalty units.

- (4) A police officer may remove any person who has been directed to leave a part of the public domain under this clause.

7 Breaching a restriction on the number of persons that may be in parts of public domain

- (1) The Authority may give a direction limiting the number of persons who may enter or remain in any part of the public domain.
- (2) If the Authority has given a direction limiting the number of persons who may enter or remain in any part of the public domain, a person who enters the part of the public domain in wilful breach of the direction is guilty of an offence.

Maximum penalty: 10 penalty units.

- (3) A person who enters a part of the public domain in breach of a direction under this clause must leave that part of the public domain if directed to do so by an authorised officer.

Maximum penalty: 10 penalty units.

- (4) A police officer may remove any person who has been directed to leave a part of the public domain under this clause.

8 Removal of certain persons from public domain

- (1) An authorised officer or a police officer may direct a person to leave the public domain if the person:
- (a) causes inconvenience to other persons in the public domain, or
 - (b) contravenes any provision of this Regulation, or

(c) trespasses on any part of the public domain closed to the public.

(2) A direction made under this clause may specify any one or more of the following:

(a) the part of the public domain to which the direction relates,

(b) the period within which the person must leave the part of the public domain concerned,

(c) the period during which the person must not return to the part of the public domain concerned.

(3) In specifying a period under subclause (2) (b) or (c), the authorised officer or police officer must take into consideration the seriousness and persistence of the conduct concerned.

(4) A person must not remain on, enter or return to the public domain in breach of a direction given under this clause.

Maximum penalty: 20 penalty units.

(5) A person is not guilty of an offence under this clause unless it is established that the authorised officer or police officer warned the person that the failure to comply with the direction is an offence.

9 Failure by certain persons to remove equipment, vehicle or animal

A person who leaves or is removed from the public domain under this Part must remove any equipment, vehicle or animal, or any other item, belonging to or associated with the person from the public domain.

Maximum penalty: 20 penalty units.

Part 3 Prohibited conduct

10 Engaging in prohibited conduct

(1) A person must not do any of the following in the public domain:

(a) cause serious alarm or affront to a person by disorderly or unsafe conduct,

(b) behave in an offensive or indecent manner,

(c) use indecent, obscene, insulting or threatening language,

(d) throw, kick or hit any ball in a way that endangers others,

(e) fly any kite in a way that endangers others,

(f) carry or discharge, or have in the person's possession, a firearm or imitation

firearm within the meaning of the *Firearms Act 1996*,

- (g) carry, or have in the person's possession, a prohibited weapon within the meaning of the *Weapons Prohibition Act 1998*.

Maximum penalty: 20 penalty units.

- (2) Subclause (1) (f) and (g) do not apply to:

- (a) a police officer of the State or the Commonwealth who is acting in the ordinary course of the person's duties as a police officer, or
- (b) a person who is the holder of a licence under the *Security Industry Act 1997*, who is carrying out functions authorised by the licence and is the holder of the relevant licence or permit under the *Firearms Act 1996* or the *Weapons Prohibition Act 1998*.

11 Failing to observe signs that prohibit or restrict conduct

- (1) The Authority may place signs in the public domain prohibiting or restricting specified behaviour at that location for the purpose of securing good order, security, safety, management and enjoyment of the public domain.
- (2) The terms of any such sign may relate to any one or more of the following:
- (a) the payment of a fee for entry to or the use of the public domain,
- (b) the taking of a vehicle into the public domain,
- (c) the taking of any animal or thing into the public domain,
- (d) the use of any animal or thing in the public domain,
- (e) the doing of any thing in the public domain,
- (f) the use of any part of the public domain.
- (3) A person in the public domain must not act contrary to a sign erected under this clause.

Maximum penalty: 20 penalty units.

- (4) The terms of a sign referred to in this clause may:
- (a) apply generally or be limited in their application by reference to specified exceptions or factors, or
- (b) apply differently according to different factors of a specified kind,
- or may do any combination of those things.

- (5) This clause does not prevent the erection of a sign in a public area by a local council under the *Local Government Act 1993*. A sign erected by the Authority may be combined with a sign erected by a local council.
- (6) If a failure to comply with the terms of a sign also constitutes an offence against another provision of this Regulation or under the *Local Government Act 1993*, a person who fails to comply with the terms of the sign is not liable to be convicted of both offences.

12 Obstructing or failing to obey directions of authorised officers or staff

- (1) A person must not, in the public domain, obstruct any authorised officer, or member of staff of the Authority, in the performance of that officer's or member's work or duties.

Maximum penalty: 20 penalty units.

- (2) A person must not, in the public domain, fail to comply with any reasonable direction given for the purpose of securing good order, security, safety, management and enjoyment of the public domain by an authorised officer or by a member of staff of the Authority.

Maximum penalty: 10 penalty units.

- (3) A person who fails to comply with a direction given under this clause must leave the public domain if directed to do so by an authorised officer or a member of staff of the Authority.

Maximum penalty: 10 penalty units.

- (4) A person is not guilty of an offence under subclause (2) or (3) unless it is established that the authorised officer or member of staff:

- (a) identified himself or herself as an authorised officer or member of staff, and
- (b) warned the person that failure to comply with the direction is an offence.

Part 4 Conduct that is prohibited without approval

Note—

A person does not commit an offence under this Part if the act giving rise to the offence was done with the approval of the Authority under clause 35.

13 Causing disturbance or nuisance

A person must not do any of the following in the public domain:

- (a) operate a public address system, loudspeaker or any similar device,
- (b) operate a motorised model aircraft, boat, car or similar thing,

- (c) play any musical instrument at a volume likely to cause a nuisance to another person in the public domain or to unduly interfere with the amenity of the public domain,
- (d) operate, use or play any radio, cassette player, record player, compact disc player or similar equipment that emits sound in the public domain at a volume likely to cause a nuisance to another person or to unduly interfere with the amenity of the public domain,
- (e) conduct or participate in an organised assembly of persons for the purposes of holding a meeting, procession or performance,
- (f) conduct, or participate in, any other activity in a manner that causes a nuisance to another person or unduly interferes with the amenity of the public domain.

Maximum penalty: 20 penalty units.

14 Harming the environment

A person must not do any of the following in the public domain:

- (a) leave any rubbish or litter, except in a receptacle provided for the purpose,
- (b) bring in any waste (including any refuse, rubbish or industrial waste),
- (c) climb any tree,
- (d) suspend any thing from, or attach any thing to, any tree,
- (e) remove or destroy any tree, plant or other vegetation,
- (f) otherwise damage any tree, plant or other vegetation,
- (g) dig up or disturb the surface of any road or other land,
- (h) dig up any soil, sand, stone or similar substance,
- (i) bathe, wash or swim in any waters,
- (j) allow a vehicle to leak onto a sealed surface an amount of oil or similar fluid in excess of what a properly-maintained vehicle of that kind could reasonably be expected to leak.

Maximum penalty: 20 penalty units.

15 Harming animals or their habitat

A person must not do any of the following in the public domain:

- (a) destroy, capture, injure or annoy an animal,
- (b) destroy or interfere with the habitat of an animal,

- (c) abandon an animal,
- (d) fish in the waters of Sydney Harbour,
- (e) be in possession of a trap or device for the hunting or capturing of animals.

Maximum penalty: 20 penalty units.

16 Bringing in dogs and horses

(1) A person must not do any of the following in the public domain:

- (a) bring in a dog that is not on a leash,
- (b) be in charge of a dog that is not on a leash,
- (c) bring in a horse,
- (d) lead or ride a horse,
- (e) leave a horse unattended or untethered.

Maximum penalty: 20 penalty units.

(2) A person must remove and properly dispose of any faeces deposited in the public domain by a dog that the person is in charge of or has under his or her control.

Maximum penalty: 20 penalty units.

(3) Subclause (1):

- (a) does not prohibit a person who has a disability (within the meaning of the [Disability Discrimination Act 1992](#) of the Commonwealth) from bringing or allowing into the public domain an assistance animal (that is, an animal referred to in section 9 of that Act), and
- (b) does not apply to an animal that is being used for police purposes.

17 Damaging certain buildings and protected structures

A person must not do any of the following in the public domain:

- (a) damage, destroy or remove any building or protected structure,
- (b) climb any protected structure,
- (c) paint, erect or affix any decoration, sign or other equipment to any protected structure.

Maximum penalty: 20 penalty units.

18 Erecting certain structures and obstructions

A person must not do any of the following in the public domain:

- (a) erect any screen, awning, enclosure or other temporary structure,
- (b) camp, reside or use facilities for sleeping overnight,
- (c) erect or use a tent.

Maximum penalty: 20 penalty units.

19 Carrying out commercial activities and raising money

(1) A person must not do any of the following in the public domain:

- (a) sell any article,
- (b) provide, or offer to provide, any services for fee, gain or reward,
- (c) display any advertisement,
- (d) distribute any advertising material,
- (e) distribute any other brochure, leaflet or handbill,
- (f) use any broadcasting equipment or a camera (whether photographic, cinematic or video) for a commercial purpose,
- (g) busk,
- (h) collect or attempt to collect money.

Maximum penalty: 20 penalty units.

(2) Subclause (1) (c) does not prohibit the display of an advertisement on any clothing or personal effect worn or carried by the person or on a vehicle driven by the person that is not designed or, while in the public domain, used for the primary purpose of displaying advertisements.

(3) In this clause:

sell includes the following:

- (a) sell by wholesale, retail, auction or tender or otherwise supply for profit,
- (b) hire, barter or exchange,
- (c) offer for sale or hire, receive for sale or hire, have in possession for sale or hire or expose or exhibit for sale or hire,
- (d) conduct negotiations for sale or hire,

- (e) consign, deliver or solicit for sale or hire,
- (f) cause or permit anything referred to above.

20 Behaving in an unsafe manner

A person must not do any of the following in the public domain:

- (a) light any fire,
- (b) light any barbecue or stove (not being a cooking facility provided for that purpose by the Authority),
- (c) set off any fireworks,
- (d) land or launch an aircraft (including any remote controlled aircraft), helicopter, parachute, hang-glider or hot air or gas-filled balloon, or any similar thing.

Maximum penalty: 20 penalty units.

21 Cycling in unauthorised areas

(1) A person must not do any of the following in the public domain:

- (a) ride or push a bicycle, otherwise than on a shared cycle way, pedestrian path or other path designated for that purpose, or
- (b) tether a bicycle to a protected structure.

Maximum penalty: 20 penalty units.

(2) The Authority may give a direction regulating the speed at which bicycles may travel on any part of the public domain.

(3) A person must not ride a bicycle in the public domain in breach of a direction under this clause.

Maximum penalty: 20 penalty units.

22 Riding skateboards, skates and similar equipment on unauthorised areas

(1) A person must not ride or use any wheeled recreational device in the public domain, otherwise than in any areas or on any facilities designated for that purpose.

Maximum penalty: 20 penalty units.

(2) In this clause:

wheeled recreational device means any of the following devices used for recreational purposes:

- (a) a skate board,

(b) roller skates or in-line skates,

(c) any other similar device, whether motorised or not (but not a wheelchair or vehicle used to assist a person with a disability).

23 Conducting exercise classes and using exercise equipment

A person must not do any of the following in the public domain:

(a) conduct a fitness assessment, exercise class, personal training session or other exercise program,

(b) play or practise golf,

(c) use any exercise equipment,

(d) leave any exercise equipment or other similar equipment or thing unattended for more than one hour,

(e) tether any exercise equipment or other similar equipment or thing to any protected structure.

Maximum penalty: 20 penalty units.

24 Consuming or possessing liquor in restricted areas

(1) The Authority may give a direction prohibiting persons from being in possession of liquor in a part of the public domain during the conduct of a regulated activity in that part of the public domain.

(2) A person must not possess liquor in any part of the public domain, or in any building or part of a building, in breach of any such direction.

Maximum penalty: 10 penalty units.

(3) The Authority may give a direction prohibiting the consumption of liquor (either at any time or at any particular time) in any part of the public domain or in any building or part of a building in the public domain.

(4) A person must not consume liquor in any part of the public domain, or in any building or part of a building, in breach of any such direction.

Maximum penalty: 10 penalty units.

(5) A person is not guilty of an offence under subclause (4) unless it is established that:

(a) on the day of the breach, an authorised officer or police officer warned the person that the consumption of liquor was prohibited in the area, building or part of a building, and

(b) the person commenced to consume, continued to consume or resumed the consumption of liquor in breach of the prohibition after the warning was given.

(6) In this clause:

liquor has the same meaning as in the *Liquor Act 2007*.

regulated activity means a particular activity:

(a) that is promoted, organised or conducted by or on behalf of the Authority, or by a licensee of the Authority, and

(b) that is conducted in a fenced-off part of the public domain.

Part 5 Conduct relating to vehicles and vessels

Note—

A person does not commit an offence under this Part if the act giving rise to the offence was done with the approval of the Authority under clause 35.

25 Breaching restrictions on entry of vehicles

(1) The Authority may give a direction controlling the entry of vehicles into the public domain, including:

(a) prohibiting the entry of vehicles into the public domain, and

(b) regulating or otherwise controlling the entry of vehicles into the public domain, and

(c) refusing to allow a vehicle to enter the public domain.

(2) A person must not do anything in breach of a direction given under this clause.

Maximum penalty: 20 penalty units.

26 Driving or riding otherwise than on roads

A person must not drive or ride any vehicle in the public domain otherwise than on a road designated for that purpose.

Maximum penalty: 20 penalty units.

27 Breaching restrictions on driving or riding and parking of vehicles

(1) The Authority may give a direction regulating:

(a) the driving or riding of vehicles in any part of the public domain, or

(b) the speed at which vehicles may travel on any part of the public domain, or

(c) the parking of vehicles on any part of the public domain.

- (2) A person must not drive, ride or park a vehicle in the public domain in breach of a direction under this clause.

Maximum penalty: 20 penalty units.

- (3) The Authority may from time to time determine the fees payable for the parking of any vehicle on any part of the public domain.

- (4) The determination of fees under this clause is subject to any regulation made under any Act that regulates road transport and parking on roads or road related areas.

28 Driving buses in unauthorised manner

- (1) The Authority may designate any land in the public domain for use by buses.

- (2) The Authority may determine:

(a) the days and times during which, and the conditions on which, any such land may be used by buses, and

(b) the fees (if any) to be imposed for the use by buses of any such land.

- (3) A person must not:

(a) use a bus on that land during any day or time when not permitted by such a determination,

(b) contravene any conditions of use that are displayed in, or at the places of entry into, the land.

Maximum penalty: 10 penalty units.

29 Mooring and landing vessels in unauthorised manner

- (1) The Authority may determine:

(a) the days and times during which, and the conditions on which, a wharf in the public domain may be used to secure vessels, and

(b) the fees (if any) to be imposed for the use of a wharf in the public domain to secure vessels.

- (2) A person must not:

(a) secure a vessel to a wharf in the public domain during any day or time when not permitted by such a determination,

(b) contravene any conditions of use that are displayed in or at the wharf.

Maximum penalty: 20 penalty units.

(3) A person must not do any of the following in the public domain:

- (a) secure or moor a vessel to any fixture that is not a wharf,
- (b) tether a vessel to any vegetation.

Maximum penalty: 20 penalty units.

(4) A person must not land a small water craft in the public domain.

Maximum penalty: 10 penalty units.

(5) Subclause (2) does not apply:

- (a) to a water taxi that is secured to a wharf in the public domain temporarily, or
- (b) to a vessel that is secured to a wharf in the public domain at the direction or with the permission of any person or body entitled to give such a direction or permission.

(6) In this clause:

small water craft means any of the following:

- (a) a small open motorised vessel,
- (b) a kayak,
- (c) a small sailing craft,
- (d) a sailboard or kiteboard,
- (e) a raft, canoe or ski.

vessel includes a charter boat, water taxi or ferry.

wharf includes a pier, jetty, landing stage or dock.

Part 6 Removal of articles from public domain

30 Failure to remove articles used in offences

A person who uses any article or thing (including a vehicle) in the course of committing an offence under this Regulation must, when directed to do so by an authorised officer or police officer, immediately remove the article or thing from the public domain.

Maximum penalty: 20 penalty units.

31 Failure to remove obstructions, encroachments and dangers

(1) The Authority, an authorised officer or a police officer may direct the removal of any article or thing (including a vehicle):

- (a) that obstructs or encroaches on the public domain, or
 - (b) that constitutes a danger to persons or property in the public domain.
- (2) The direction may be given to either or both of the following:
- (a) the person who caused the obstruction, encroachment or danger,
 - (b) a person using the article or thing causing the obstruction, encroachment or danger.
- (3) A person to whom such a direction is given must comply with the direction.
Maximum penalty: 20 penalty units.
- (4) The Authority, an authorised officer, a police officer or a person authorised by the Authority may remove an article or thing causing the obstruction, encroachment or danger (other than a vehicle) whether or not a direction for its removal has been given under this clause.
- (5) The Authority may recover from either of the persons referred to in subclause (2) the Authority's reasonable costs and expenses incurred in removing an article or thing.
- (6) This clause does not apply to an obstruction, encroachment or danger if its presence in the public domain is authorised:
- (a) by the Authority, or
 - (b) by the person or body in whom the public domain is vested, or
 - (c) by or under the Act or any other Act,
- and its presence has not ceased to be so authorised.

32 Confiscation of articles used in offences

- (1) An authorised officer may take possession of any offending article if:
- (a) in the case of an article that is in the possession of a person in breach of this Regulation—the authorised officer has directed the person to remove it from the public domain and the person has not done so, or
 - (b) in the case of an article that is used by a person in breach of this Regulation—the authorised officer has directed the person to stop the use of the article and, despite the direction, the person has continued to use the article in breach of this Regulation,
- but may not use force to do so.
- (2) On taking possession of an offending article, the authorised officer must give a receipt

to the person from whom it has been taken, indicating the nature of the article and the date and time when the authorised officer took possession of it.

- (3) A confiscated offending article must be returned to the person from whom it was taken, or be delivered to a public pound (within the meaning of the *Impounding Act 1993*), within 24 hours after possession of it is taken.
- (4) If the confiscated offending article is delivered to a public pound, the person from whom it was taken must be notified in writing of the address of the pound.
- (5) The *Impounding Act 1993* (sections 20 and 23 (2) (b) and (c) excepted) applies to a confiscated offending article that is delivered to a public pound as if the article had been impounded under that Act. Accordingly, it will become returnable on demand.
- (6) The deadline for the release of a confiscated offending article, as referred to in section 24 of the *Impounding Act 1993*, is taken to be 28 days from the day on which possession of it was taken.
- (7) In this clause:
offending article means any article or thing (but not a vehicle) or any animal:
 - (a) that is in the possession of, or was abandoned by, a person in breach of this Regulation, or
 - (b) that is used by a person in breach of this Regulation.

Part 7 Reservation of parts of public domain for certain purposes

Note—

A person does not commit an offence under this Part if the act giving rise to the offence was done with the approval of the Authority under clause 35.

33 Entering or using part of public domain reserved for certain purposes

- (1) The Authority may direct that any part of the public domain is reserved for an approved activity and is otherwise closed to the public.
- (2) For this purpose, an **approved activity** may include, but is not limited to, any of the following:
 - (a) an organised non-commercial entertainment,
 - (b) an organised sporting activity,
 - (c) any other organised recreational activity,
 - (d) an organised commercial activity.
- (3) A person must not enter any part of the public domain that is closed to the public

because of a direction given under this clause for any purpose other than participating in the approved activity concerned.

Maximum penalty: 10 penalty units.

- (4) A person who enters a part of the public domain that is closed to the public because of a direction given under this clause must leave that part of the public domain if directed to do so by an authorised officer.

Maximum penalty: 10 penalty units.

- (5) The Authority may determine the fees that are payable by a person to whom the Authority has given approval to enter part of the public domain for the time being reserved for an approved activity under this clause.

- (6) The Authority may require payment of such a fee by a date specified by the Authority (including a date in advance of the date of the relevant entry).

- (7) If the Authority has made a determination about fees, a person must not enter that part of the public domain without paying the fee.

Maximum penalty: 10 penalty units.

- (8) A person who enters a part of the public domain in breach of subclause (7) must leave that part of the public domain if directed to do so by an authorised officer.

Maximum penalty: 10 penalty units.

- (9) A police officer may remove any person who has been directed to leave a part of the public domain under this clause.

34 Conducting weddings or other ceremonies where they are not permitted

- (1) The Authority may from time to time designate those areas in the public domain:

- (a) where persons may get married or conduct organised ceremonies without obtaining the written approval of the Authority and without paying a fee, or
- (b) where persons may get married or conduct organised ceremonies, but only with the written approval of the Authority and on payment of a fee determined by the Authority.

- (2) A person must not do any of the following:

- (a) get married in a part of the public domain that is not designated for weddings,
- (b) get married in a part of the public domain that is designated as an area where persons can get married with the written approval of the Authority without obtaining the written approval of the Authority,

- (c) conduct an organised ceremony (other than a wedding) in a part of the public domain that is not designated for such ceremonies,
- (d) conduct an organised ceremony (other than a wedding) in a part of the public domain that is designated as an area where persons can conduct such ceremonies with the written approval of the Authority without obtaining the written approval of the Authority.

Maximum penalty: 20 penalty units.

Part 8 Functions of Authority

35 Authority may grant approval

- (1) The Authority may grant approval to any person to do any act that would otherwise be prohibited by Part 2, 4, 5 or 7.
- (2) Such approval of the Authority may be given generally or in a particular case and must be in writing.
- (3) A person does not commit an offence under Part 2, 4, 5 or 7 by reason of anything done with the approval of the Authority under this clause.

36 Authority may grant approval subject to conditions

- (1) The Authority may grant approval under this Regulation subject to such conditions as the Authority considers appropriate.
- (2) Those conditions may include, but are not limited to, conditions about the following:
 - (a) the necessary standard of care of the public domain,
 - (b) maintenance of adequate insurance,
 - (c) site preparation,
 - (d) the provision and disposal of food and beverages,
 - (e) advertising, signs and merchandising,
 - (f) vehicle access, control and parking,
 - (g) security and emergency procedures,
 - (h) crowd management,
 - (i) cleaning and waste management services,
 - (j) noise control,

- (k) the erection and removal of temporary structures,
- (l) any other matter relating to the proper and orderly use of the public domain.

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

37 Fees for approval to use public domain

- (1) The Authority may from time to time determine the fees that are payable by a person to whom the Authority has given approval under clause 35.
- (2) The Authority may require payment of such a fee by a date specified by the Authority (including a date in advance of the date of the relevant use).
- (3) In making a determination under this clause in respect of a fee for giving an approval, the Authority must take into consideration the following factors:
 - (a) the cost to the Authority of giving the approval,
 - (b) the nature of the approval given.
- (4) The person to whom the approval is granted is liable to the Authority for payment of the fee.
- (5) Any unpaid fee may be recovered by the Authority as a debt in a court of competent jurisdiction.
- (6) The Authority may accept, or determine, consideration in kind in lieu of a fee under this clause.

38 Authority may provide facilities and services in public domain

The Authority may, in the public domain, provide, or authorise any other person to provide, any facility or service that relates to the reasonable usage of the public domain including but not limited to the following:

- (a) public services,
- (b) public information,
- (c) first aid,
- (d) food and beverages,
- (e) entertainment (such as concerts, dancing and theatre, whether or not involving the participation of the public),

- (f) commercial services,
- (g) anything for sale or distribution to any person,
- (h) exhibitions, events and installations,
- (i) personal services and voluntary services.

39 Authority may construct and operate facilities and works in public domain

The Authority may construct and operate, or authorise any other person to construct and operate, facilities or works in the public domain including but not limited to the following:

- (a) toilets (including temporary toilets),
- (b) places and areas for giving information, including associated infrastructure,
- (c) first aid units (mobile and non-mobile),
- (d) tents, shelters, marquees, sheds, vans and other structures and facilities for the sale and supply of food and beverages, including bars and areas for corporate entertainment and promotion,
- (e) infrastructure for or associated with the sale or supply of food and beverages (such as refrigeration units, counters and storage units),
- (f) infrastructure for or associated with entertainment (such as steps, stages, platforms and towers),
- (g) infrastructure for exhibitions, events and installations,
- (h) video screens and sound systems,
- (i) tents, shelters, marquees, sheds, vans and other structures and facilities for commercial outlets,
- (j) underground, on-ground and above ground utilities (such as utilities for the provision of energy and water),
- (k) fences, barricades and bollards,
- (l) tables,
- (m) seating,
- (n) tents, shelters, marquees, sheds, vans and other structures and facilities for site services,
- (o) temporary hardstand areas (that is, hard-surfaced areas for parking vehicles),

- (p) temporary areas of ground protection,
- (q) ramps for disability access,
- (r) site sheds and vans for staff accommodation,
- (s) temporary signs,
- (t) temporary flagpoles,
- (u) temporary site dressing and decoration,
- (v) amusement devices, carnival rides and similar facilities.

40 Giving of directions by Authority

If this Regulation provides for the giving of a direction, or for an area to be designated, by the Authority the direction or designation may be given or achieved:

- (a) by means of a sign displayed on or adjacent to the part of the public domain concerned, or
- (b) by means of a verbal instruction given by:
 - (i) an authorised officer, or
 - (ii) any other person appointed in writing by the Authority, or
- (c) in the case of directions under clause 21 (2) or 27 (1)—by means of a numeral or other symbol painted or otherwise placed on a road on that part of the public domain.

41 Fees for services

- (1) The Authority may determine and publish the fees for any service or facility or any other thing that it provides under the Act or this Regulation.
- (2) The services for which a fee may be charged include supplying a service, product or commodity, and giving information.
- (3) In making a determination under this clause in respect of a fee for providing a service, the Authority must take into consideration the following factors:
 - (a) the cost to the Authority of providing the service,
 - (b) the price suggested for that service by any relevant industry body or in any schedule of charges published, from time to time, by the government department or agency engaged in the administration of the Act or statutory instrument under which the service is provided,
 - (c) the importance of the service to the community.

- (4) The Authority must make a determination of the amount of a fee it proposes to charge before it can impose such fee. The Authority can determine to vary that fee from time to time.
- (5) The cost to the Authority of providing a service in connection with the exercise of a regulatory function need not be the only basis for determining the fee for that service.
- (6) A higher fee or an additional fee may be charged for an expedited service provided, for example, in the case of urgency.
- (7) If this Regulation empowers the Authority to determine fees:
 - (a) the fees determined may differ according to such factors as the Authority may determine, and
 - (b) the Authority may exempt any person from the obligation to pay any fee.

42 Authority may waive or reduce fees

The Authority may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) under this Regulation in a particular case if the Authority is satisfied that the case falls within a category of hardship or any other category in respect of which the Authority has determined that payment should be so waived or reduced.

Part 9 Enforcement

43 Appointment of authorised officers

- (1) The Authority may appoint any person to be an authorised officer for the purposes of this Regulation.
- (2) Each authorised officer is to be provided by the Authority with an identification card.
- (3) The identification card must:
 - (a) state that it is issued under this Regulation, and
 - (b) give the name of the person to whom it is issued, and bear a photograph of that person, and
 - (c) state any limitations on the authorised officer's functions, and
 - (d) state the date (if any) on which it expires.
- (4) A power conferred on an authorised officer by this Regulation may not be exercised unless the authorised officer proposing to exercise the power is in possession of the identification card issued to the authorised officer and produces the identification card if required to do so.

44 Requirement to state name and address

- (1) An authorised officer or police officer who suspects on reasonable grounds that a person in the public domain 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: 10 penalty units.

- (3) A person is not guilty of an offence under this clause unless it is established that the authorised officer or police officer:
 - (a) identified himself or herself as an authorised officer or police officer, and
 - (b) warned the person that failure to comply with the requirement or furnishing false information is an offence.

45 Penalty notice offences and penalties

- (1) For the purposes of section 45 of the Act:
 - (a) each offence created by a provision specified in Column 1 of Schedule 1 is an offence for which a penalty notice may be served, and
 - (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.
- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

46 No offence for certain acts or omissions

- (1) An act or omission does not constitute an offence under this Regulation if it is:
 - (a) expressly or impliedly authorised by the terms or conditions of a lease, licence or occupancy granted by the Authority, or
 - (b) authorised by or under the marine legislation (within the meaning of the [Ports and Maritime Administration Act 1995](#)), or
 - (c) authorised by or under the National law (within the meaning of the [Marine Safety](#)

Act 1998).

- (2) An act or omission does not constitute an offence under this Regulation if it is done:
- (a) by the Authority, or
 - (b) by a member of staff of the Authority, or authorised officer exercising functions under this Regulation, in the course of his or her employment.
- (3) Subclause (2) does not, however, authorise any such person to have in his or her possession a firearm (within the meaning of the *Firearms Act 1996*) while in the public domain (for the purposes of clause 10 (1) (f)).

Schedule 1 Penalty notice offences

(Clause 45)

Column 1	Column 2
Provision	Penalty
Offences under this Regulation	
Clause 5 (3) or (4)	\$100
Clause 6 (2) or (3)	\$100
Clause 7 (2) or (3)	\$100
Clause 8 (4)	\$100
Clause 9	\$220
Clause 10 (1)	\$220
Clause 11 (3)	\$220
Clause 12 (2) and (3)	\$220
Clause 13	\$220
Clause 14 (1) (a)-(d) and (g)-(j)	\$220
Clause 14 (1) (e)	\$500
Clause 14 (1) (f)	\$400
Clause 15	\$220
Clause 16 (1) or (2)	\$220
Clause 17	\$220
Clause 18	\$220
Clause 19 (1) (a)-(e), (g) and (h)	\$220

Clause 19 (1) (f)	\$400
Clause 20	\$220
Clause 21 (1) (a)	\$500
Clause 21 (1) (b) and (3)	\$220
Clause 22 (1)	\$220
Clause 23 (a)	\$650
Clause 23 (b)-(e)	\$220
Clause 24 (2) or (4)	\$220
Clause 25 (2)	\$220
Clause 26	\$220
Clause 27 (2)	\$220
Clause 28 (3)	\$220
Clause 29 (2), (3) or (4)	\$220
Clause 30	\$220
Clause 31 (3)	\$220
Clause 33 (3) and (4)	\$100
Clause 33 (7) and (8)	\$220
Clause 34 (2)	\$900
Clause 44 (2) (a)	\$220