

Royal Botanic Gardens and Domain Trust Regulation 2013

As at 24 August 2018

Part 1 – Preliminary

1 Name of Regulation

This Regulation is the *Royal Botanic Gardens and Domain Trust Regulation 2013*.

2 Commencement

This Regulation commences on 1 September 2013 and is required to be published on the NSW legislation website.

This Regulation replaces the *Royal Botanic Gardens and Domain Trust Regulation 2008* which is repealed on 1 September 2013 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation: "**animal**" means any non-human mammal or any bird, fish, reptile, amphibian, crustacean, arthropod or mollusc. "**assistance animal**" means an animal referred to in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth. "**authorised person**" means:

- (a) a police officer, or
- (b) any other person appointed in writing by the Trust as an authorised person for the purposes of this Regulation.

"**bicycle**" includes a unicycle, penny-farthing or tricycle. "**liquor**" has the same meaning as in the *Liquor Act 2007*. "**protected structure**" means any of the following:

- (a) a fence, barrier, gate, post or railing,
- (b) a step, stair, wall or building,
- (c) a seat or other furniture,
- (d) play equipment,
- (e) a fountain, sculpture, statue, ornament or vase.

"**sea wall**" means the part of the stone wall bordering Farm Cove (and separating Sydney Harbour from the Royal Botanic Garden and part of the Domain) that runs from the Queen Elizabeth II Gate entrance to the Royal Botanic Garden to the rocks on Mrs Macquarie's Point. "**the Act**" means the *Royal Botanic Gardens and Domain Trust Act 1980*. "**the Domain**" means that part of the Trust lands known as the Domain. "**the Gardens**" means that part of the Trust lands known as:

- (a) the Royal Botanic Garden Sydney, or
- (b) the Australian Botanic Garden Mount Annan, or
- (c) the Blue Mountains Botanic Garden Mount Tomah, or
- (d) the Mount Tomah Conservation Area.

"**the Mount Tomah Conservation Area**" means that part of the Trust lands being Lot 35, DP 232476 and being approximately 189 hectares located north of the Bells Line of Road opposite the Blue Mountains Botanic Garden Mount Tomah. "**vehicle**" includes the following:

- (a) a motor vehicle,
- (b) an apparatus (other than a bicycle, wheelchair, pram or stroller) that is propelled by human, animal or mechanical power, or by the wind, and is used

wholly or partly for the conveyance of persons or things.

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

Part 2 – Entry into the Trust Lands

4 Entry into the Domain

The Domain is open to the public daily.

5 Entry into the Gardens

(1) The Gardens are open to the public daily, at times that are specified by the Trust and indicated on signs displayed adjacent to the entrances to the Gardens.

(2) A person may enter or remain in the Gardens at times when they are not open to the public only if the person has the written consent of the Trust.

(3) A person who enters or remains in the Gardens at any time when they are not open to the public, without the written consent of the Trust, is guilty of an offence. Maximum penalty: 10 penalty units.

(4) A person who enters the Gardens in breach of this clause must leave the Gardens if directed to do so by an authorised person. Maximum penalty: 10 penalty units.

(5) A person who fails to comply with such a direction may be removed from the Gardens by an authorised person.

6 Entry into parts of the Trust lands may be restricted

(1) Generally, a person may enter any part of the Trust lands when they are open to the public.

(2) However, the Trust may give a direction closing any part of the Trust lands to the public.

(3) The part that is closed may include any road, path or building.

(4) A person may enter or remain in any part of the Trust lands that is closed to the public because of a direction given under this clause only if the person has the written consent of the Trust.

(5) A person who enters any part of the Trust lands that is closed to the public because of a direction given under this clause without the written consent of the Trust is guilty of an offence. Maximum penalty: 10 penalty units. The Trust can also reserve land for particular purposes and restrict entry under clause 10.

(6) A person who enters part of the Trust lands in breach of this clause must leave that part of the Trust lands if directed to do so by an authorised person. Maximum penalty: 10 penalty units.

(7) A person who fails to comply with such a direction may be removed from the closed part of the Trust lands by an authorised person.

7 Entry into the Royal Botanic Garden by sea wall

(1) A person must not enter or leave the Royal Botanic Garden by means of the sea wall. Maximum penalty: 10 penalty units.

(2) Subclause (1) does not apply in the case of an emergency.

8 Number of persons in parts of the Trust lands may be restricted

(1) The Trust may give a direction limiting the number of persons who may enter or remain in any part of the Trust lands.

(2) If the Trust has given a direction limiting the number of persons who may enter or remain in any part of the Trust lands, and there are already at least that many persons in that part, a person may only enter that part of the Trust lands if the person has the written consent of the Trust.

(3) If the Trust has given a direction limiting the number of persons who may enter or remain in any part of the Trust lands, and there are already at least that many persons in that part, a person who enters that part of the Trust lands without the written consent of the Trust is guilty of an offence. Maximum penalty: 10 penalty units.

(4) A person who enters a part of the Trust lands in breach of this clause must leave that part of the Trust lands if directed to do so by an authorised person. Maximum penalty: 10 penalty units.

(5) A person who fails to comply with such a direction may be removed from that part of the Trust lands by an authorised person.

9 Trust may impose restrictions on entry

(1) The Trust may give a direction imposing conditions subject to which the public may enter any part of the Trust lands.

(2) If the Trust has imposed such conditions, a person who enters that part of the Trust lands must comply with the conditions unless the person has the written consent of the Trust.

(3) If the Trust has imposed such conditions, a person who enters that part of the Trust lands without complying with the conditions is guilty of an offence. Maximum penalty: 10 penalty units.

(4) A person who enters a part of the Trust lands in breach of this clause must leave that part of the Trust lands if directed to do so by an authorised person. Maximum penalty: 10 penalty units.

(5) A person who fails to comply with such a direction may be removed from that part of the Trust lands by an authorised person.

Part 3 – Reservation of parts of the Trust lands for certain purposes

10 Part of the Trust lands may be reserved for certain purposes

(1) The Trust may from time to time direct that any part of the Trust lands is reserved for one of the following purposes and is otherwise closed to the public:

- (a) any organised non-commercial entertainment,
- (b) any organised sporting activity,
- (c) any other organised recreational activity,
- (d) any organised commercial activity.

(2) A person is authorised to enter or remain in any part of the Trust lands that is reserved because of a direction given under this clause only:

- (a) for the purpose of participating in the entertainment or activity for which the land is reserved, or
- (b) if the person has the written consent of the Trust.

(3) A person who enters any part of the Trust lands that is closed to the public because of a direction given under this clause for any purpose other than participating in the organised entertainment or activity concerned, and without the written consent of the Trust, is guilty of an offence. Maximum penalty: 10 penalty units.

(4) A person who enters a reserved part of the Trust lands in breach of this clause must leave that part of the Trust lands if directed to do so by an authorised person. Maximum penalty: 10 penalty units.

(5) A person who fails to comply with such a direction may be removed from that part of the Trust lands by an authorised person.

11 Fee for entry into reserved part of the Trust lands

(1) The Trust may give a direction charging a fee for admission to any part of the Trust lands that is for the time being reserved for an organised entertainment or activity under clause 10.

(2) If the Trust has given such a direction a person who enters that part of the Trust lands must pay that fee unless the person has the written consent of the Trust.

(3) If the Trust has given such a direction, a person who enters that part of the Trust lands without paying the fee and without the written consent of the Trust is guilty of an offence. Maximum penalty: 10 penalty units.

(4) A person who enters a part of the Trust lands in breach of this clause must leave that

part of the Trust lands if directed to do so by an authorised person. Maximum penalty: 10 penalty units.

(5) A person who fails to comply with such a direction may be removed from the Trust lands by an authorised person.

Part 4 – Protection of natural features

12 Protection of lawns, playing fields and greens from damage

(1) A person who, without the written consent of the Trust, damages any lawn, playing field or green on the Trust lands is guilty of an offence. Maximum penalty: 10 penalty units.

(2) However, the consent of the Trust is not required if the damage occurs in the course of, and as a normal incident of, an organised recreational or sporting activity on any part of the Trust lands that is for the time being reserved for such an organised activity under clause 10.

13 Protection of other vegetation from damage

(1) A person who, without the written consent of the Trust, removes, uproots or causes damage to any tree or other vegetation, or any part of any tree or other vegetation, on the Trust lands, is guilty of an offence. Maximum penalty: 10 penalty units.

(2) A person who, without the written consent of the Trust, removes any dead timber, log or stump on the Trust lands, whether standing or fallen, is guilty of an offence. Maximum penalty: 10 penalty units.

14 Further protection of trees

(1) A person who, without the written consent of the Trust, climbs any tree on the Trust lands, is guilty of an offence. Maximum penalty: 10 penalty units.

(2) A person who, without the written consent of the Trust, ties any thing to a tree on the Trust lands, whether standing or fallen, is guilty of an offence. Maximum penalty: 10 penalty units.

15 Protection of rocks and soil

A person who, without the written consent of the Trust, defaces any rock, or digs up any soil, sand, stone or similar substance, on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

16 Protection of animals

A person who, without the written consent of the Trust, destroys, captures, injures or interferes with any animal on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

17 Protection of habitats of animals

A person who, without the written consent of the Trust, destroys or interferes with the habitat of any animal on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

18 Protection of waters

A person who, without the written consent of the Trust, bathes, wades, washes or swims in any lake, pond, stream or ornamental water on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

19 Lighting fires

(1) Lighting a fire on the Trust lands in a fixed cooking apparatus provided by the Trust is permissible.

(2) A person who, without the written consent of the Trust, lights a fire on the Trust lands, somewhere other than in a cooking apparatus provided by the Trust, is guilty of an offence. Maximum penalty: 10 penalty units.

Part 5 – Disposal of waste

20 Bringing waste into Trust lands

A person who, without the written consent of the Trust, brings any waste (including any refuse, rubbish or industrial waste) into the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

21 Disposal of oil or liquid wastes

(1) A person who, without the written consent of the Trust, deposits any oil or similar product, or any hot liquid, on the Trust lands is guilty of an offence. Maximum penalty: 10 penalty units.

(2) A person who, without the written consent of the Trust, allows any oil or similar product, or any hot liquid, to escape on the Trust lands is guilty of an offence. Maximum penalty: 10 penalty units.

22 Depositing of ice

A person who, without the written consent of the Trust, deposits any ice on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

23 Emptying of coals

A person who, without the written consent of the Trust, empties any coals or embers from any cooking apparatus onto the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

Part 6 – Protection of structures

24 Climbing of fences

A person who, without the written consent of the Trust, climbs a fence in or around the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

25 Climbing of other structures

(1) A person who, without the written consent of the Trust, climbs a sculpture, statue, monument or fountain on the Trust lands is guilty of an offence. Maximum penalty: 10 penalty units.

(2) This clause does not prevent a child from climbing in any part of the Trust lands in which the Trust has directed that climbing is permissible.

26 Damage to protected structures

A person who, without the written consent of the Trust, damages, defaces or interferes with any of the following on the Trust lands is guilty of an offence:

- (a) a protected structure,
- (b) a sign, notice, descriptive plate or label,
- (c) any machinery or equipment.

Maximum penalty: 10 penalty units.

27 Tying equipment to protected structures

A person who, without the written consent of the Trust, ties any exercise equipment or other equipment to any protected structure on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

28 Damage to roads and paths

A person who, without the written consent of the Trust, damages, defaces or interferes with a road or path on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

29 Misuse of drinking fountains

A person who, without the written consent of the Trust, uses a drinking fountain on the Trust lands for a purpose other than drinking is guilty of an offence.

Maximum penalty: 10 penalty units.

30 Mooring boats to sea wall

(1) A person who, without the written consent of the Trust, moors a boat to the sea wall in the Royal Botanic Garden is guilty of an offence. Maximum penalty: 10 penalty units.

(2) Subclause (1) does not apply in the case of an emergency.

Part 7 – Recreational activities

31 Riding of skateboards and skates

A person who, without the written consent of the Trust, rides on or uses any skateboard, roller skates, inline skates, roller blades or similar apparatus on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

32 Jogging or running

(1) Jogging or running is permissible anywhere in the Domain.

(2) Jogging or running in the Gardens is permissible, if the person runs on a road, path or specifically designed circuit.

(3) Jogging or running in the Gardens somewhere other than on a road, path or specifically designed circuit is only permissible with the written consent of the Trust.

(4) A person who jogs or runs in the Gardens somewhere other than on a road, path or specifically designed circuit without the written consent of the Trust is guilty of an offence. Maximum penalty: 10 penalty units.

33 Throwing, kicking or hitting balls or other objects

(1) A person may throw, kick or hit any ball or other object in the Domain if the person does so in the course of, and as a normal incident of:

(a) an organised activity on any part of the Domain that is for the time being reserved for such an organised activity under clause 10, or

(b) an informal game or sporting activity that is not likely to endanger the safety of other persons.

(2) A person who, without the written consent of the Trust, throws, kicks or hits any ball or other object in the Domain in any circumstance other than those set out in subclause (1) is guilty of an offence. Maximum penalty: 10 penalty units.

(3) A person who, without the written consent of the Trust, throws, kicks or hits any ball or other object in the Gardens is guilty of an offence. Maximum penalty: 10 penalty units.

34 Launching or landing aircraft and other craft

A person who, without the written consent of the Trust, launches or lands any aircraft, hang-glider, hot air balloon or parachute on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

35 Boating

A person who, without the written consent of the Trust, uses a boat, raft, canoe, ski, barge or other vessel in any lake, pond, stream or ornamental water on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

36 Operating model aircraft and model boats

A person who, without the written consent of the Trust, operates any mechanically-propelled model aircraft, model boat or similar thing on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

37 Flying kites: prevention of safety hazards and protection of trees

A person who, without the written consent of the Trust, flies a kite on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

38 Playing or practising golf

A person who, without the written consent of the Trust, plays or practises golf on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

39 Discharge of fireworks

A person who, without the written consent of the Trust, discharges fireworks on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

Part 8 – Fishing

40 Fishing in the Gardens

(1) A person who, without the written consent of the Trust, fishes in the ponds of the Gardens is guilty of an offence. Maximum penalty: 10 penalty units.

(2) A person who, without the written consent of the Trust, fishes in the waters of Sydney Harbour from the Royal Botanic Garden is guilty of an offence. Maximum penalty: 10 penalty units.

41 Fishing in parts of the Domain

(1) The Trust may give a direction designating an area of the Domain from which fishing in the waters of Sydney Harbour is permissible.

(2) A person who, without the written consent of the Trust, fishes in a part of the Domain that has not been designated for fishing is guilty of an offence. Maximum penalty: 10 penalty units.

42 Causing danger with fishing rods or lines

A person who, without the written consent of the Trust, practises or demonstrates the casting of a fishing line on the Trust lands using a fishing rod or line is guilty of an offence.

Maximum penalty: 10 penalty units.

Part 9 – Cycling

43 Cycling in the Domain

Riding a bicycle is permissible anywhere in the Domain.

44 Cycling in Gardens

- (1) Riding a bicycle in the Gardens is only permissible if the person rides in an area specifically designated by the Trust for that purpose.
- (2) Riding a bicycle in the Gardens somewhere other than in the specifically designated areas is only permissible with the written consent of the Trust.
- (3) A person who, without the written consent of the Trust, rides a bicycle in the Gardens somewhere other than in the specifically designated area is guilty of an offence. Maximum penalty: 10 penalty units.

45 Cyclists must obey signs

- (1) Riding a bicycle is permissible on the Trust lands, if the bicycle is ridden in accordance with any sign erected by or on behalf of the Trust.
- (2) A person who, without the written consent of the Trust, rides a bicycle on the Trust lands contrary to a sign erected by or on behalf of the Trust is guilty of an offence. Maximum penalty: 10 penalty units.

46 Tying bicycles to protected structures

- (1) The Trust may designate protected structures on the Trust lands to which a person may tie a bicycle.
- (2) A person who, without the written consent of the Trust, ties any bicycle to any protected structure on the Trust lands that has not been designated for that purpose is guilty of an offence. Maximum penalty: 10 penalty units.

Part 10 – Personal training and use of exercise equipment

47 Personal training in the Gardens

A person who, without the written consent of the Trust, conducts a fitness assessment, exercise class, personal training session or other exercise program in the Gardens is guilty of an offence.

Maximum penalty: 10 penalty units.

48 Personal training in the Domain

- (1) Conducting a fitness assessment, exercise class, personal training session or other exercise program in the Domain privately is permissible.
- (2) A person who, without the written consent of the Trust, conducts for commercial purposes, any fitness assessment, exercise class, personal training session or other exercise program in the Domain is guilty of an offence. Maximum penalty: 10 penalty units.

49 Using exercise equipment in Gardens

A person who, without the written consent of the Trust, uses any exercise equipment in the Gardens is guilty of an offence.

Maximum penalty: 10 penalty units.

50 Leaving exercise equipment or other items in Gardens

A person who, without the written consent of the Trust, leaves any exercise equipment or other equipment or thing in the Gardens unattended for more than one hour is guilty of an offence.

Maximum penalty: 10 penalty units.

Part 11 – Weddings and other organised ceremonies

51 Trust may designate areas where weddings are permitted

The Trust may from time to time designate those areas on the Trust lands:

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

52 Weddings conducted outside designated areas

- (1) A person who gets married on a part of the Trust lands that is not designated for weddings under clause 51 is guilty of an offence. Maximum penalty: 10 penalty units.
- (2) A person who gets married on a part of the Trust lands that is designated under clause 51 (b) (as an area where persons can get married with the written consent of the Trust) without obtaining the written consent of the Trust is guilty of an offence. Maximum penalty: 10 penalty units.

53 Trust may designate areas where other organised ceremonies are permitted

The Trust may from time to time designate those areas on the Trust lands:

- (a) where persons may conduct organised ceremonies other than weddings without obtaining the written consent of the Trust and without paying a fee, or
- (b) where persons may conduct organised ceremonies other than weddings, but only with the written consent of the Trust and on payment of a fee determined by the Trust.

54 Other organised ceremonies conducted outside designated areas

- (1) A person who conducts an organised ceremony other than a wedding on a part of the Trust lands that is not designated for such ceremonies under clause 53 is guilty of an offence. Maximum penalty: 10 penalty units.
- (2) A person who conducts an organised ceremony other than a wedding on a part of the Trust lands that is designated under clause 53 (b) (as an area where persons can conduct such ceremonies with the written consent of the Trust) without obtaining the written consent of the Trust is guilty of an offence. Maximum penalty: 10 penalty units.

Part 12 – Fundraising and commercial activities

55 Collecting money

- (1) Collecting or attempting to collect money on the Trust lands is only permissible with the written consent of the Trust.
- (2) A person who, without the written consent of the Trust, collects or attempts to collect money on the Trust lands is guilty of an offence. Maximum penalty: 10 penalty units.

56 Establishing or operating a business

A person who, without the written consent of the Trust, establishes or operates a business on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

57 Amusements, entertainment, instruction or performance

A person who, without the written consent of the Trust, conducts, or causes or assists the operation of, an amusement, entertainment, instruction or performance for money or other consideration on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

58 Displaying advertising or signs

A person who, without the written consent of the Trust, displays or distributes any advertising matter, sign or other printed matter on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

59 Commercial photography and filming

A person who, without the written consent of the Trust, uses any television, video, cinematographic or photographic equipment for commercial purposes to photograph, film or otherwise record any person, thing or event on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

60 Selling papers, food, goods or services

A person who, without the written consent of the Trust, sells or attempts to sell or hire food or other goods or services on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

61 Selling or buying tickets

A person who, without the written consent of the Trust, sells or attempts to sell (or purchases or attempts to purchase) on the Trust lands any tickets to any activity, ceremony or other event is guilty of an offence.

Maximum penalty: 10 penalty units.

Part 13 – Possession or consumption of liquor

62 Trust may impose restrictions on bringing liquor into Trust lands

(1) The Trust may give a direction prohibiting any person from bringing liquor into any part of the Trust lands.

(2) If the Trust has given such a direction, a person who enters that part of the Trust lands must not possess liquor unless the person has the written consent of the Trust.

(3) If the Trust has given such a direction, a person who enters that part of the Trust lands in possession of liquor without the written consent of the Trust is guilty of an offence.

Maximum penalty: 10 penalty units.

(4) A person who enters that part of the Trust lands in breach of this clause must leave the Trust lands if directed to do so by an authorised person. Maximum penalty: 10 penalty units.

(5) A person who fails to comply with such a direction may be removed from that part of the Trust lands by an authorised person.

63 Trust may impose restrictions on consumption of liquor in Trust lands

(1) The Trust may give a direction prohibiting any person from consuming liquor in any part of the Trust lands.

(2) If the Trust has given such a direction, consuming liquor in the relevant part of the Trust lands is permissible, with the written consent of the Trust.

(3) If the Trust has given such a direction, a person who, without the written consent of the Trust, consumes liquor in that part of the Trust lands is guilty of an offence. Maximum penalty: 10 penalty units.

Part 14 – Offensive behaviour

64 Offensive conduct

A person who behaves in an offensive or indecent manner on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

65 Use of insulting or offensive language

A person who uses insulting or offensive language on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

66 Playing loud music

A person who, without the written consent of the Trust, operates any radio, cassette player, record player, compact disc player or other device that emits music or sounds, on the Trust lands at a volume likely to cause a nuisance or annoyance to any person is guilty of an offence.

Maximum penalty: 10 penalty units.

67 Playing musical instruments loudly

A person who, without the written consent of the Trust, plays any musical instrument on the Trust lands at a volume likely to cause a nuisance or annoyance to any person is guilty of an offence.

Maximum penalty: 10 penalty units.

68 Person causing nuisance or inconvenience may be directed to leave

(1) A person who causes any nuisance or inconvenience to other persons on the Trust lands must leave the Trust lands if directed to do so by an authorised person. Maximum penalty: 10 penalty units.

(2) A person who fails to comply with such a direction may be removed from the Trust lands by an authorised person.

Part 15 – Addressing public gatherings

69 Addressing public gatherings in Gardens permissible only with consent

A person who, without the written consent of the Trust, addresses a public function, public meeting, public demonstration or other public gathering in the Gardens is guilty of an offence.

Maximum penalty: 10 penalty units.

70 Addressing public gatherings permissible in the Domain between sunrise and sunset

(1) Addressing a public function, public meeting, public demonstration or other public gathering in the Domain between sunrise and sunset is permissible.

(2) Addressing a public function, public meeting, public demonstration or other public gathering in the Domain before sunrise or after sunset is only permissible with the written consent of the Trust.

(3) A person who, without the written consent of the Trust, addresses a public function, public meeting, public demonstration or other public gathering in the Domain before sunrise or after sunset is guilty of an offence. Maximum penalty: 10 penalty units.

71 Using loudspeaker or public address system

A person who, without the written consent of the Trust, operates or uses a loudspeaker or public address system or apparatus on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

Part 16 – Animals

Section 14 (1) (a) and (b) of the *Companion Animals Act 1998* provide that dogs are prohibited from children's play areas (that is, areas in a public place that are within 10 metres of any playing apparatus provided for the use of children) and food preparation or consumption areas (that is, areas in a public place that are within 10 metres of any apparatus provided for the preparation of food for human consumption or for the consumption of food by humans).

72 Bringing animals into the Gardens

(1) Bringing an animal into the Gardens, or permitting an animal to remain in the Gardens, is permissible if the animal is:

- (a) an assistance animal that is in harness, or
- (b) a dog or horse that is being used in connection with police duty.

(2) A person who, without the written consent of the Trust, brings any animal that is not an assistance animal in harness, or a dog or horse being used in connection with police duty, into the Gardens, or permits such an animal under the person's control to remain in the Gardens, is guilty of an offence. Maximum penalty: 10 penalty units.

73 Bringing animals into the Domain

(1) Bringing an animal into the Domain, or permitting an animal to remain in the Domain, is permissible if the animal is:

- (a) an assistance animal that is in harness, or
- (b) a dog that is held on a leash or is otherwise under effective control, or
- (c) a dog or horse that is being used in connection with police duty.

(2) A person who, without the written consent of the Trust, brings any animal that is not an assistance animal in harness, a dog that is under effective control or a dog or horse being used in connection with police duty, into the Domain, or permits such an animal under the person's control to remain in the Domain, is guilty of an offence. Maximum penalty: 10 penalty units.

74 Tying or tethering animals to trees or protected structures

A person who, without the written consent of the Trust, ties or tethers any animal to any tree or protected structure on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

75 Obligation to clean up after dog

A person must not fail to remove and properly dispose of any faeces deposited on the Trust lands by a dog that the person is in charge of or has under his or her control.

Maximum penalty: 10 penalty units.

Part 17 – Camping

76 Camping on the Trust lands

A person who, without the written consent of the Trust, camps or resides on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

77 Erection or occupation of tents on the Trust lands

(1) A person who, without the written consent of the Trust, erects or uses a building, tent, screen, awning, enclosure or other structure or thing on the Trust lands, or causes the erection or use of such a building, tent, screen, awning, enclosure or other structure or thing on the Trust lands, is guilty of an offence. Maximum penalty: 10 penalty units.

(2) A person who, without the written consent of the Trust, 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 an authorised person, remove the building, tent, screen, awning, enclosure, structure or thing.

(3) If a person fails to comply with a direction given under subclause (2), an authorised person:

- (a) may remove, or cause to be removed, the building, tent, screen, awning,

enclosure, 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, structure or thing.

(4) Property that is impounded under this clause is taken to be impounded under the *Impounding Act 1993*, and is to be dealt with accordingly.

Part 18 – Driving and parking of vehicles

78 Driving only permitted on roads

(1) Driving or riding a vehicle is permissible on the Trust lands, if the vehicle is driven or ridden on a road designated for the purpose.

(2) A person who, without the written consent of the Trust, drives or rides any vehicle on the Trust lands otherwise than on a designated road is guilty of an offence. Maximum penalty: 10 penalty units.

79 Drivers must obey signs

(1) Driving or riding a vehicle is permissible on the Trust lands, if the vehicle is driven or ridden in accordance with any sign erected by or on behalf of the Trust.

(2) A person who, without the written consent of the Trust, drives or rides any vehicle on the Trust lands contrary to a sign erected by or on behalf of the Trust is guilty of an offence. Maximum penalty: 10 penalty units.

80 Vehicles must not be parked on grass

A person who, without the written consent of the Trust, causes or permits any vehicle, trailer or caravan to stand or be parked on the Trust lands on any lawn, grass, parkland, garden or path is guilty of an offence.

Maximum penalty: 10 penalty units.

81 Parking signs must be obeyed

(1) A person who, without the written consent of the Trust, causes or permits any vehicle, trailer or caravan to stand or be parked on the Trust lands contrary to a "No stopping" sign erected by or on behalf of the Trust is guilty of an offence. Maximum penalty: 10 penalty units.

(2) A person who, without the written consent of the Trust, otherwise causes or permits any vehicle, trailer or caravan to stand or be parked on the Trust lands contrary to any sign erected by or on behalf of the Trust is guilty of an offence. Maximum penalty: 10 penalty units.

82 Parking fees

(1) The Trust may from time to time determine the fees payable for the parking of any vehicle, trailer or caravan on any part of the Trust lands.

(2) 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.

83 Abandoning vehicles on the Trust lands

A person who, without the written consent of the Trust, abandons a vehicle, trailer or caravan on the Trust lands is guilty of an offence.

Maximum penalty: 10 penalty units.

Part 19 – Powers of authorised persons

84 Requirement to obey directions of authorised persons

(1) A person must not fail to comply with any reasonable direction given for the purpose of securing good order and management and enjoyment of the Trust lands by an authorised person or a member of staff of the Trust. Maximum penalty: 10 penalty units.

(2) A person who fails to comply with a direction given under subclause (1) must leave

the Trust lands if directed to do so by an authorised person or a member of staff of the Trust. Maximum penalty: 10 penalty units.

(3) A person who fails to comply with such a direction to leave may be removed from the Trust lands by an authorised person.

85 Requirement to state name and address

(1) An authorised person 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: 10 penalty units.

(3) A person is not guilty of an offence under this clause unless it is established that the authorised person:

(a) identified himself or herself as an authorised person, and

(b) warned the person that failure to comply with the requirement or furnishing false information is an offence.

86 Obstructing persons who are working

A person must not, on the Trust lands, obstruct another person in the performance of that other person's work or duties.

Maximum penalty: 10 penalty units.

Part 20 – Miscellaneous

87 Giving of directions by Trust

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

(a) by means of a sign displayed on or adjacent to the part of the Trust lands concerned, or

(b) by means of a verbal instruction given by an authorised person.

88 No offence where conduct authorised by lease, licence or occupancy

An act or omission does not constitute an offence under this Regulation if it is expressly or impliedly authorised by the terms or conditions of a lease, licence or occupancy granted by the Trust.

89 Staff and authorised officers

An act or omission does not constitute an offence under this Regulation if it is done by a member of staff of the Trust, or authorised person exercising functions under the Act, in the course of his or her employment.

90 Fees

If this Regulation empowers the Trust to determine fees:

(a) the fees determined may differ according to such factors as the Trust may determine, and

(b) the Trust may exempt any person from the obligation to pay any fee.

91 Prescribed officer: section 22A (2)

For the purposes of section 22A (2) (a) of the Act, the Executive Director is a prescribed officer

to whom a statutory declaration referred to in that paragraph may be supplied.

92 Penalty notice offences: section 22B

For the purposes of section 22B of the Act:

- (a) the Executive Director and authorised persons are prescribed as officers who may serve notices under that section, and
- (b) the prescribed penalty for an offence created by a provision specified in Column 1 of Schedule 1 is the amount specified in Column 2 of that Schedule.

93 Savings

Any act, matter or thing that, immediately before the repeal of the *Royal Botanic Gardens and Domain Trust Regulation 2008*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Penalty notice offences

(Clause 92)

Column 1	Column 2
Clause 5 (3)	\$130
Clause 5 (4)	\$220
Clause 6 (5)	\$130
Clause 6 (6)	\$220
Clause 7 (1)	\$220
Clause 8 (3)	\$130
Clause 8 (4)	\$220
Clause 9 (3)	\$130
Clause 9 (4)	\$220
Clause 10 (3)	\$130
Clause 10 (4)	\$220
Clause 11 (3)	\$130
Clause 11 (4)	\$220
Clause 12 (1)	\$195
Clause 13 (1)	\$500
Clause 13 (2)	\$130
Clause 14 (1)	\$220
Clause 14 (2)	\$195
Clause 15	\$500
Clause 16	\$500
Clause 17	\$500
Clause 18	\$95
Clause 19 (2)	\$350
Clause 20	\$220
Clause 21 (1)	\$220
Clause 21 (2)	\$220
Clause 22	\$220
Clause 23	\$220
Clause 24	\$130
Clause 25 (1)	\$130
Clause 26	\$500

Clause 27	\$195
Clause 28	\$500
Clause 29	\$95
Clause 30 (1)	\$220
Clause 31	\$95
Clause 32 (4)	\$220
Clause 33 (2)	\$320
Clause 33 (3)	\$350
Clause 34	\$350
Clause 35	\$220
Clause 36	\$95
Clause 37	\$95
Clause 38	\$95
Clause 39	\$95
Clause 40 (1)	\$220
Clause 40 (2)	\$220
Clause 41 (2)	\$220
Clause 42	\$220
Clause 44 (3)	\$220
Clause 45 (2)	\$130
Clause 46 (2)	\$220
Clause 47	\$650
Clause 48 (2)	\$650
Clause 49	\$220
Clause 50	\$220
Clause 52 (1)	\$800
Clause 52 (2)	\$800
Clause 54 (1)	\$800
Clause 54 (2)	\$800
Clause 55 (2)	\$395
Clause 56	\$395
Clause 57	\$395
Clause 58	\$130
Clause 59	\$600
Clause 60	\$395
Clause 61	\$395
Clause 62 (3)	\$130
Clause 62 (4)	\$220
Clause 63 (3)	\$220
Clause 64	\$220
Clause 65	\$220
Clause 66	\$220
Clause 67	\$220
Clause 68 (1)	\$220
Clause 69	\$220
Clause 70 (3)	\$220
Clause 71	\$350
Clause 72 (2)	\$220
Clause 73 (2)	\$220
Clause 74	\$195
Clause 75	\$130

Clause 76	\$275
Clause 77 (1)	\$175
Clause 78 (2)	\$195
Clause 79 (2)	\$130
Clause 80	\$195
Clause 81 (1)	\$232
Clause 81 (2)	\$195
Clause 83	\$220
Clause 84 (1)	\$220
Clause 84 (2)	\$220
Clause 86	\$220

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Royal Botanic Gardens and Domain Trust Regulation 2013 (452)*. LW 23.8.2013. Date of commencement, 1.9.2013, cl 2. This Regulation has been amended as follows:

2013	(703)	<i>Royal Botanic Gardens and Domain Trust Amendment (Penalty Notice Offences) Regulation 2013</i> . LW 13.12.2013. Date of commencement, on publication on LW, cl 2.
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Table of amendments

Sch 1	Am 2013 (703), cl 3.
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