



New South Wales

Western Sydney Parklands Regulation 2019

under the

Western Sydney Parklands Act 2006

[*The following enacting formula will be included if the Regulation is made:*]

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Western Sydney Parklands Act 2006*.

Minister for Planning and Public Spaces

Explanatory note

The object of this Regulation is to replace, with amendments, the *Western Sydney Parklands Regulation 2013*, which will be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation deals with the management, use and regulation of the land vested in the Western Sydney Parklands Trust (**Trust land**), including:

- (a) the entry of persons onto Trust land, and
- (b) the driving and parking of vehicles, and
- (c) commercial activities, and
- (d) recreational activities, and
- (e) offensive and dangerous conduct, and
- (f) the bringing of animals onto Trust land, and
- (g) the offences under this Regulation for which penalty notices may be issued and the amount of the penalty payable.

This Regulation is made under the *Western Sydney Parklands Act 2006*, including sections 47, 48 and 50 (the general regulation-making power).

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Western Sydney Parklands Regulation 2019

under the

Western Sydney Parklands Act 2006

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Western Sydney Parklands Regulation 2019*.

2 Commencement

This Regulation commences on 1 September 2019 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Western Sydney Parklands Regulation 2013*, which is repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.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, insect, arachnid, arthropod or mollusc.

authorised officer means:

- (a) a ranger, or
- (b) a police officer, or
- (c) a person appointed for the time being by the Director as an authorised officer for the purposes of the provision in which the expression is used.

Note. A person may be appointed as an authorised officer generally or for the purposes of specific provisions of this Regulation.

building includes any part of a building.

fenced off means surrounded by a fence, barricade or other structure with no open pedestrian or vehicular access.

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

motor vehicle has the same meaning as in the *Road Transport Act 2013*.

Note. **Motor vehicle** includes motorcycle.

relevant authority means the Trust, the Director or an authorised officer.

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

the Act means the *Western Sydney Parklands Act 2006*.

vehicle includes the following:

- (a) a motor vehicle,
- (b) a bicycle,
- (c) a trailer or caravan, whether or not it is in the course of being towed,

- (d) 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,
 - (e) a motorised wheelchair that is capable of a speed of more than 10 kilometres per hour over level ground,
 - (f) a vehicle that is being drawn by an animal,
 - (g) an animal that is being ridden or is drawing a vehicle,
 - (h) a boat, raft, canoe, ski, barge or other vessel,
- but does not include a train or a wheeled toy or a wheeled recreational device (such as rollerblades or a skateboard).

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

- (2) A reference in this Regulation to Trust land includes a reference to any part of Trust land.
- (3) Notes included in this Regulation do not form part of this Regulation.

4 Rangers

- (1) For the purposes of section 47 (1) of the Act, the class of persons consisting of persons who are engaged by the Trust under a contract to provide services to the Trust is prescribed.
- (2) A person of the class referred to in subclause (1) who is appointed as a ranger under the Act is subject to the control and direction of the Trust while exercising the functions of a ranger.

Part 2 Entry onto Trust land

5 Trust land and buildings may be closed to public

- (1) The Trust or the Director may:
 - (a) close Trust land to the public, or
 - (b) close any building within Trust land to the public.
- (2) The Trust or the Director may take action under this clause by means of the display of a sign on or adjacent to the Trust land or building concerned.
- (3) A person must not enter (whether on foot, by vehicle or otherwise) Trust land, or any building within Trust land, that is fenced off, or locked, or closed to the public by a sign displayed under this clause, except with the written permission of the Trust or the Director.

Maximum penalty: 10 penalty units.

6 Limits on number of persons who may enter Trust land

- (1) The Trust may limit the number of persons who may enter or remain on Trust land or any building within Trust land.
- (2) The Trust may take action under this clause by means of a direction or the display of a sign on or adjacent to the Trust land or building concerned.
- (3) A person must not enter or remain on Trust land, or any building within Trust land, in contravention of a direction given or sign displayed under this clause.

Maximum penalty: 10 penalty units.

7 Trust land may be used for designated purposes

- (1) The Trust or the Director may designate any Trust land or any building within Trust land (a *designated space*) for use for the purpose of:
 - (a) an organised sporting activity, or
 - (b) an organised entertainment, or
 - (c) an organised ceremony or other event, or
 - (d) any other organised activity.
- (2) The Trust or the Director may take action under this clause by means of a direction or the display of a sign on or adjacent to the Trust land or building concerned.
- (3) A person may, with the written permission of, and in the manner approved by, the Trust or the Director:
 - (a) use a designated space for the purpose for which it is designated, and
 - (b) designate points on the perimeter of the designated space as entrances for persons attending the organised activity, entertainment, ceremony or event concerned by a sign displayed adjacent to those points, and
 - (c) prevent people from entering the designated space other than through those entrances, and
 - (d) prevent people from entering the designated space without paying a fee approved by the Trust or the Director.
- (4) The use of Trust land, or a building within Trust land, in accordance with a permission granted under this clause is not a contravention of clause 19.
- (5) The Trust or the Director may also designate Trust land, or any building within Trust land, as land that may be used for specified activities (such as fishing, or riding

pedal-cars or similar devices) that are not organised activities by a sign displayed on or near the land concerned.

8 Removal of certain persons from Trust land

- (1) A person who does any of the following on Trust land must leave the Trust land if directed to do so by a relevant authority:
 - (a) trespasses,
 - (b) causes inconvenience to any person,
 - (c) contravenes this Regulation.
- (2) A direction made under this clause may specify any one or more of the following:
 - (a) the part of Trust land to which the direction relates,
 - (b) the period within which the person must leave the Trust land concerned,
 - (c) the period during which the person must not return to the Trust land concerned.
- (3) In specifying a period under subclause (2) (b) or (c), a relevant authority must take into consideration the seriousness and persistence of the conduct concerned.
- (4) A person who fails to comply with a direction made under this clause may be removed from Trust land by a relevant authority.
- (5) A person who leaves or is removed from Trust land under this clause must remove any equipment, vehicle or animal (whether alive or dead), or any other item belonging to or associated with the person, from Trust land.
Maximum penalty: 10 penalty units.
- (6) A person must not remain on, enter or return to Trust land in contravention of a direction made under this clause.
Maximum penalty: 10 penalty units.

Part 3 Use of vehicles on Trust land

9 Trust may prohibit and regulate entry of vehicles

- (1) The Trust may do any one or more of the following:
 - (a) prohibit the entry of any vehicle to Trust land,
 - (b) regulate or otherwise control the entry of any vehicle to Trust land,
 - (c) refuse to admit any vehicle to Trust land.
- (2) The Trust may take action under this clause by means of a direction or the display of a sign.
- (3) A person must not do anything in contravention of a direction given or sign displayed under this clause.
Maximum penalty: 10 penalty units.

10 Vehicles may enter only at designated points

- (1) The Trust may designate a point on the perimeter of Trust land as an entrance to Trust land for any vehicle by a sign displayed adjacent to that point.
- (2) A person must not drive or ride any vehicle onto Trust land other than at a point designated in accordance with this clause.
Maximum penalty: 10 penalty units.

11 Vehicles may enter only while gates are open

- (1) The Trust may designate the times during which a point of entrance to Trust land is open to vehicles (the *gate opening times*):
 - (a) by a sign displayed adjacent to that point, or
 - (b) by public notice, including by notice published on a website maintained by the Trust.
- (2) A person must not drive or ride a vehicle (other than a bicycle) onto or within Trust land outside the gate opening times, except with the permission of a relevant authority.
Maximum penalty: 10 penalty units.
- (3) The Trust is entitled to require payment of a fee (not exceeding \$100) determined by it for the opening of a gate outside the gate opening times to permit the removal of a vehicle from Trust land.
- (4) An authorised officer may require and receive any fee determined under subclause (3).

12 Vehicle-free periods

- (1) The Trust or the Director may designate dates and times during which all vehicles or a class of vehicles must not be on Trust land (a *vehicle-free period*).
- (2) The Trust or the Director may take action under this clause by means of:
 - (a) the display of a sign, or
 - (b) public notice, including by notice published on a website maintained by the Trust.
- (3) A person must not drive or ride a vehicle onto or within Trust land during a vehicle-free period except with the permission of the Trust or the Director.
Maximum penalty: 10 penalty units.

- (4) Without limiting the way in which permission referred to in subclause (3) may be granted, permission may be granted:
 - (a) by the display of a sign, or
 - (b) by public notice (including by notice published on a website maintained by the Trust) or advertisement, or
 - (c) in relation to any function or meeting to be held on Trust land—by notice in writing to the organiser of the function or meeting.
- (5) Without limiting clause 36, it is a condition of a permission referred to in subclause (3) that the person driving or riding the vehicle concerned complies with any reasonable directions given by an authorised officer in relation to the vehicle.
- (6) The Trust is entitled to require payment of a fee (not exceeding \$100) determined by it for the opening of a gate during a vehicle-free period to permit the removal of a vehicle from Trust land.
- (7) An authorised officer may require and receive any fee determined under subclause (6).

13 Driving and parking vehicles

- (1) The Trust or the Director may:
 - (a) designate part of Trust land for use for the purpose of driving or parking vehicles by a sign displayed on or near the area, and
 - (b) regulate the parking of vehicles on any part of Trust land by a sign displayed on or adjacent to the Trust land concerned.
- (2) A person must not do any of the following on Trust land, except with the written permission of, and in the manner approved by, the Trust or the Director:
 - (a) drive, ride, stand or park a vehicle other than on a sealed road or on part of Trust land designated under subclause (1),
 - (b) cause or permit a vehicle to be driven, ridden, stood or parked on a lawn, grass, parkland, green, garden, footpath or cycle track unless the area is designated for that purpose under subclause (1),
 - (c) drive, ride or park a vehicle contrary to, or act contrary to, a sign approved by the Trust or the Director that regulates the movement or parking of vehicles or the movement or confinement of animals,
 - (d) park a vehicle on a part of Trust land in contravention of a sign displayed in accordance with this clause,
 - (e) park or leave a vehicle outside the times designated as gate opening times under clause 11,
 - (f) park or leave a vehicle during a vehicle-free period under clause 12.

Maximum penalty: 10 penalty units.
- (3) Subclause (2) does not apply to or in respect of:
 - (a) a vehicle that is on Trust land outside the times designated as gate opening times under clause 11 in accordance with a permission referred to in that clause, or
 - (b) a vehicle that is on Trust land during a vehicle-free period under clause 12 in accordance with a permission referred to in that clause.
- (4) Without limiting the way in which the Trust or the Director may grant a permission referred to in subclause (2), permission may be granted:

- (a) by public notice, including by notice published on a website maintained by the Trust, or
 - (b) in relation to any function or meeting to be held on Trust land—by notice in writing to the organiser of the function or meeting.
- (5) Without limiting clause 36, it is a condition of a permission referred to in subclause (2) that the person driving or riding the vehicle concerned complies with any reasonable directions given by an authorised officer in relation to the vehicle.

14 Speed of vehicles

- (1) The Trust may determine the maximum speed at which a person may drive or ride a vehicle on any Trust land.
- (2) The Trust is to specify the maximum speed:
 - (a) on a sign displayed on that land, or
 - (b) by means of a numeral or other symbol painted or otherwise placed on a road on that land.
- (3) A person must not, except with the written permission of, and in the manner approved by, the Trust, drive or ride a vehicle on any Trust land at a speed exceeding that determined by the Trust in respect of the land concerned.
Maximum penalty: 10 penalty units.

15 Other restrictions on driving and riding vehicles

A person must not do any of the following on Trust land, except with the written permission of, and in the manner approved by, the Trust or the Director:

- (a) teach a person to drive or ride a motor vehicle,
- (b) learn to drive or ride a motor vehicle,
- (c) drive an omnibus or a motor vehicle:
 - (i) with a tare weight of more than 3 tonnes, or
 - (ii) with a height of more than 4 metres.

Maximum penalty: 10 penalty units.

16 Exceptions for emergency vehicles

- (1) A provision of this Regulation concerning vehicles or drivers of vehicles does not apply to or in respect of an emergency vehicle if:
 - (a) in the circumstances the driver is taking reasonable care and it is reasonable that the provision should not apply, and
 - (b) if the emergency vehicle is a moving vehicle—the emergency vehicle is displaying a blue or red flashing light or sounding an alarm.
- (2) Subclause (1) (b) does not apply to the driver if, in the circumstances, it is reasonable:
 - (a) not to display the light or sound the alarm, or
 - (b) for the emergency vehicle not to be fitted or equipped with a blue or red flashing light or an alarm.
- (3) In this clause, **emergency vehicle** means a vehicle driven by a person who is:
 - (a) a police officer acting in the course of the person's duties as a police officer, or
 - (b) a member of the Ambulance Service rendering or providing emergency transport for sick or injured persons, or
 - (c) a member of a fire brigade providing transport in the course of an emergency, or

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- (d) a ranger acting in the course of the person's duties as a ranger.

Part 4 Commercial and public activities on Trust land

17 Prohibited commercial and public activities

A person must not do any of the following on Trust land, except with the written permission of, and in the manner approved by, the Trust:

- (a) sell or hire, or attempt to sell or hire, any goods or services,
- (b) establish or operate a business,
- (c) use any audio, loudspeaker or broadcasting equipment or camera (whether photographic, cinematic or video) for a commercial purpose,
- (d) distribute any advertising matter or display any advertisement (including by means of a mobile billboard or other vehicle that is designed or, while on Trust land, used for the primary purpose of displaying advertisements),
- (e) collect or attempt to collect money,
- (f) busk,
- (g) conduct or cause the conduct of an amusement, entertainment, event, promotion, instruction or performance, whether or not conducted for profit,
- (h) organise or participate in, or cause to be organised, a public meeting, function, demonstration, gathering or other public activity.

Maximum penalty: 10 penalty units.

18 Removal of equipment used for prohibited activities

- (1) A person who uses equipment in the course of committing an offence under clause 17 must, when directed to do so by a relevant authority, immediately remove the equipment from Trust land.

Maximum penalty: 10 penalty units.

- (2) If a person fails to comply with a direction under this clause, a relevant authority may remove the equipment:
 - (a) to the care of the person to whom the direction was given, or
 - (b) to a place of safe keeping at the expense of the owner or the person responsible for it.
- (3) A relevant authority acting under subclause (2) is not responsible for the safe keeping of, or for any damage to, equipment removed under this clause.

19 Organising and conducting races

A person must not on Trust land, except with the written permission of, and in the manner approved by, the Trust or the Director, organise or conduct a foot race, bicycle race, horse race, wheelchair race, fun run, rollerblade run or similar event, whether or not the race or event is conducted for profit.

Maximum penalty: 10 penalty units.

Part 5 Recreational activities on Trust land

20 Recreational activities

A person must not on Trust land, except with the written permission of, and in the manner approved by, the Trust or the Director, do any of the following:

- (a) play or practise golf except in an area designated for that activity under clause 7,
- (b) fish in any ornamental water, except in an area designated for that activity under clause 7,
- (c) practise or demonstrate (using a fishing rod or line) the casting of a fishing line,
- (d) bathe, wade, wash or swim, or operate a boat, canoe, kayak or any other water craft or vessel or flotation device, in any lake, pond, stream or other watercourse or ornamental water,
- (e) use a land sailing vehicle except in an area designated for that activity under clause 7,
- (f) operate a motorised model aircraft, boat, car, any drone, or any similar thing,
- (g) operate or attempt to operate a hang-glider,
- (h) launch or land an aircraft, helicopter, airship, hot air balloon or parachute,
- (i) use a metal detector or any apparatus for the detecting of metal objects,
- (j) set up or discharge fireworks,
- (k) use a starting pistol except in an area designated under clause 7 for an activity that involves the use of a starting pistol,
- (l) throw or propel by any means a javelin, shot put, sharp instrument or other object that is likely to cause damage or injury to any person, animal or thing,
- (m) conduct, or participate in, any game or other activity in a manner that unduly interferes with the amenity of the area.

Maximum penalty: 10 penalty units.

21 Use of bicycles and rollerblades

- (1) A person must not do any of the following on Trust land, except with the written permission of, and in the manner approved by, the Trust or the Director:
 - (a) ride a bicycle, horse, scooter or skateboard, or use ski stocks with rollerblades or roller skis, except in an area designated for the relevant activity under clause 7,
 - (b) ride rollerblades, or a bicycle, horse, scooter or skateboard, without wearing a protective helmet,
 - (c) ride a bicycle or rollerblades in a group of more than 16 persons,
 - (d) ride a bicycle or rollerblades alongside 2 or more persons,
 - (e) ride a bicycle or rollerblades closer than 3 metres behind, or while holding onto, a moving motor vehicle (that is, slipstreaming),
 - (f) ride a pedal-car or similar device except on a part of Trust land designated for use for that activity under clause 7,
 - (g) ride a bicycle or rollerblades on a footway, building forecourt or paved or grassed area or on an area in which the activity is prohibited by the Trust or the Director by a sign displayed on or near the area.

Maximum penalty: 10 penalty units.

- (2) For the purposes of subclause (1) (e), ***holding onto*** a moving motor vehicle includes being towed behind the motor vehicle by means of a rope or other similar item.
- (3) In this clause, ***bicycle*** includes a motor-assisted bicycle but does not include a motor cycle.

22 Camping and erection of tents and structures

- (1) A person must not on Trust land, except with the written permission of, and in the manner approved by, the Trust or the Director:
 - (a) camp or reside, or
 - (b) erect or occupy or cause to be erected or occupied a building, tent, screen, awning, enclosure or other structure or thing.Maximum penalty: 10 penalty units.
- (2) A person who has erected or occupied, or caused to be erected or occupied, a building, tent, screen, awning, enclosure or other structure or thing contrary to this clause must, when directed to do so by a relevant authority, immediately remove that building, tent, screen, awning, enclosure or other structure or thing.
Maximum penalty: 10 penalty units.
- (3) If a person fails to comply with a direction given under this clause, a relevant authority may remove, or cause to be removed, the building, tent, screen, awning, enclosure or other structure or thing:
 - (a) to the care of the person to whom the direction was given, or
 - (b) to a place of safe keeping at the expense of the owner or the person responsible for it.
- (4) A relevant authority acting under this clause is not responsible for the safe keeping of, or for any damage to, a building, tent, screen, awning, enclosure or other structure or thing removed under this clause.

Part 6 Offensive and dangerous conduct on Trust land

23 Personal conduct

- (1) A person must not on Trust land do any of the following:
- (a) smoke within 10 metres of any children's play equipment,
 - (b) use indecent, obscene, insulting or threatening language,
 - (c) behave in an offensive or indecent manner,
 - (d) cause serious alarm or affront to a person by disorderly or unsafe conduct,
 - (e) obstruct a person in the performance of that person's work or duties under the Act.

Maximum penalty: 10 penalty units.

- (2) In this clause, *smoke* includes be in possession of a lighted cigarette, cigar, pipe or similar article.

24 Failure to comply with direction

A person must not on Trust land fail to comply with a reasonable direction given for the purpose of securing good order, security and safety, management and enjoyment of Trust land given:

- (a) by a relevant authority, verbally to the person concerned, or
- (b) by the Trust or the Director, in writing (generally or to the person concerned), or by means of a sign displayed on or adjacent to the Trust land concerned.

Maximum penalty: 10 penalty units.

25 Causing noise

A person must not do any of the following on Trust land, except with the written permission of, and in the manner approved by, the Trust or the Director:

- (a) operate a radio or other electronic device that emits sound, at a volume likely to cause nuisance or annoyance to a person,
- (b) play a musical instrument in circumstances where it is likely to cause a disturbance or annoyance or to interfere with the amenity of the Trust land concerned,
- (c) operate a public address system or similar device,
- (d) sound, or cause or allow to be sounded, a vehicle intruder alarm or sounding device continuously or intermittently for more than 90 seconds after the alarm or device has first sounded.

Maximum penalty: 10 penalty units.

26 Causing damage

A person must not on Trust land, except with the written permission of, and in the manner approved by, the Trust or the Director:

- (a) damage a lawn, playing field or green except in the course of, and as a normal incident of, recreational or sporting activity on any part of Trust land designated for use for that activity under clause 7, or
- (b) remove, uproot, damage, remove a part from, or otherwise interfere with, a tree, shrub, fern, creeper, vine, palm, plant or other vegetation, or
- (c) remove any timber, log or stump, standing or fallen, or
- (d) deface, dig up or remove any rock, soil, sand, stone or similar substance, or

- (e) damage, deface, interfere with, destroy or remove any part of Trust land or any thing situated on Trust land, or
- (f) climb on any tree, building, fence, seat, table, enclosure or other structure (other than play equipment), or
- (g) block or inhibit (whether wholly or partially) access through, to or on a gate, access-way, path or road, or
- (h) pass through or step over any temporary or permanent fencing or any barricade regulating access to any part of Trust land by foot or vehicle, or
- (i) light a fire:
 - (i) at a time when the lighting of fires on Trust land is prohibited by the Trust or the Director by signs displayed on or near Trust land or a time when the lighting of fires in the area in which Trust land is situated is prohibited by or under the provisions of the *Rural Fires Act 1997*, or
 - (ii) at any other time except in a fireplace or on equipment provided for the purpose by the Trust or in portable cooking equipment, or
- (j) empty coals from a barbecue on to any ground or vegetation, or
- (k) deposit any ice or frozen liquid on to any ground or vegetation, or
- (l) deposit or throw any article or substance into any lake, pond, stream or other watercourse or ornamental water.

Maximum penalty: 10 penalty units.

27 Affixing signs to trees or structures

A person must not on Trust land affix any thing (including any sign, hoarding or tape) to any tree, fence, pole, building, shelter, sign, rail, or seat except with the written permission of, and in the manner approved by, the Trust or the Director.

Maximum penalty: 10 penalty units.

28 Entering Trust land while intoxicated or in possession of prohibited things

- (1) The Trust may prohibit any person from entering Trust land:
 - (a) if the person is in possession of any specified thing, or
 - (b) if, in the opinion of an authorised officer, the person is or appears to be intoxicated.
- (2) The Trust may take action under this clause by means of a direction or the display of a sign.
- (3) A person must not do anything in contravention of a direction given or sign displayed under this clause.

Maximum penalty: 10 penalty units.

- (4) Nothing in this clause limits any other function of the Trust under this Regulation.

29 Consuming or possessing liquor in restricted areas

- (1) The Trust or the Director may prohibit the consumption of liquor (at any time or at any particular time) on Trust land or in any building on Trust land.
- (2) The Trust or the Director may prohibit persons from being in possession of liquor on Trust land during the conduct of an activity that is:
 - (a) promoted, organised or conducted by or on behalf of the Trust or by a licensee of the Trust, and
 - (b) conducted in a fenced-off part of Trust land.

- (3) The Trust may take action under this clause by means of a direction or the display of a sign.
- (4) A person must not consume or possess liquor on any part of Trust land, or in any building on Trust land, in contravention of a direction given or sign displayed under this clause.
Maximum penalty: 10 penalty units.
- (5) A person is not guilty of an offence under subclause (1) unless it is established that:
 - (a) on the day of the contravention, an authorised officer warned the person that the consumption of liquor was prohibited on the Trust land or building concerned, and
 - (b) the person commenced to consume, continued to consume or resumed the consumption of liquor in contravention of the prohibition after the warning was given.

30 Carrying or possessing firearms

- (1) A person must not do any of the following on Trust land, except with the written permission of, and in the manner approved by, the Trust or the Director:
 - (a) have in the person's possession (otherwise than on a public road), or discharge, any firearm or imitation firearm within the meaning of the *Firearms Act 1996*,
 - (b) have in the person's possession any prohibited weapon within the meaning of the *Weapons Prohibition Act 1998*.Maximum penalty: 10 penalty units.
- (2) This clause does 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*.
- (3) This clause does not affect any requirement imposed by or under the *Firearms Act 1996* or the *Weapons Prohibition Act 1998*.

Part 7 Animals on Trust land

31 Activities involving bringing animals onto Trust land

- (1) A person must not bring stock (including a horse) or poultry onto Trust land, except with the written permission of, and in the manner approved by, the Trust or the Director.

Maximum penalty: 10 penalty units.

- (2) A person must not bring any other animal onto Trust land unless the animal is, and is kept, under the effective control of a competent person by means of an adequate chain, cord, leash or cage, except with the written permission of, and in the manner approved by, the Trust or the Director.

Maximum penalty: 10 penalty units.

32 Bringing dogs into prohibited areas

- (1) A person must not bring or allow a dog for which the person is responsible into an area of Trust land that is designated as an area in which dogs are prohibited by a sign displayed on or near the area, except with the written permission of, and in the manner approved by, the Trust or the Director.

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

Maximum penalty: 10 penalty units.

- (2) This clause 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 an area an assistance animal (that is, an animal referred to in section 9 of that Act).

- (3) For the purposes of this clause, a person is **responsible** for a dog if the person is in charge of the dog or otherwise has the dog under the person's control.

33 Harming animals

- (1) A person must not on Trust land, except with the written permission of, and in the manner approved by, the Trust or the Director, do any of the following:

- (a) be in possession of a trap or device for the hunting or capturing of animals,
- (b) destroy, capture, injure or annoy an animal,
- (c) destroy or interfere with the habitat of an animal.

Maximum penalty: 10 penalty units.

- (2) Subclause (1) (b) or (c) does not prohibit a person from fishing in an area designated for that activity under clause 7.

34 Other prohibitions relating to animals on Trust land

A person must not on Trust land, except with the written permission of, and in the manner approved by, the Trust or the Director, do any of the following:

- (a) ride or lead a horse,
- (b) drive a horse-drawn vehicle,
- (c) lead a dog from a moving vehicle,
- (d) abandon an animal (whether alive or dead),
- (e) allow stock (including a horse) to graze,

- (f) fail to remove and properly dispose of any faeces deposited on Trust land by a dog or other animal for which the person is responsible.

Maximum penalty: 10 penalty units.

Part 8 Miscellaneous

35 Fees for use of Trust land

- (1) The Trust may from time to time determine the fees that are payable by a person to whom the Trust or the Director has given permission to use Trust land.
- (2) The Trust may require payment of the fee by a date specified by the Trust (including a date in advance of the date of the relevant use).
- (3) The person to whom permission is granted is liable to the Trust for payment of the fee.
- (4) 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.
- (5) The Trust may reduce, or waive payment of, a fee payable under this clause.
- (6) The Trust may accept, or determine, consideration in kind in lieu of a fee under this clause.

36 Conditions attaching to permission to use Trust land

- (1) The Trust or the Director may give a permission under this Regulation subject to any conditions as the Trust or the Director considers appropriate.
- (2) Conditions may relate to, but are not limited to, the following matters:
 - (a) the period within which any fee payable is to be paid,
 - (b) the necessary standard of care of the parklands environment,
 - (c) maintenance of adequate insurance,
 - (d) site preparation,
 - (e) provision and disposal of food and beverages,
 - (f) advertising, signage and merchandising,
 - (g) vehicle access, control and parking,
 - (h) security and emergency procedures,
 - (i) crowd management,
 - (j) cleaning and waste management services,
 - (k) noise control,
 - (l) erection and removal of temporary structures.
- (3) The Trust or the Director may require a person to whom a permission under this Regulation is proposed to be given to give security in any amount and form as the Trust or the Director determines for fulfilment of the person's obligations under the conditions of that permission.
- (4) A person who fails to comply with a condition to which a permission is subject is guilty of an offence.
Maximum penalty: 10 penalty units.

37 Requirement to state name and address

- (1) An authorised officer who suspects on reasonable grounds that a person on Trust land has committed an offence against this Regulation may require the person to state their 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 a requirement under this clause, 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 subclause (2) unless it is established that the authorised officer warned the person that failure to comply with the requirement is an offence.

38 Directions given by Trust

- (1) A reference in this Regulation to a direction given by the Trust includes a reference to a direction given verbally by an employee of the Trust, or an authorised officer, who is authorised by the Trust to give directions under this Regulation.
- (2) A person is not guilty of an offence of failing to comply with a direction given verbally by an employee of the Trust, an authorised officer or the Director unless it is established that the person who gave the direction:
 - (a) identified themselves as an employee of the Trust, an authorised officer or the Director, and
 - (b) warned the person that a failure to comply with the direction is an offence, and
 - (c) showed identification as a person authorised to give the direction (if asked to do so).

39 Application of Regulation to authorised officers

- (1) Nothing in this Regulation prevents an authorised officer from doing, in the exercise of the authorised officer's functions under the Act, any act or thing the doing of which is otherwise prohibited by this Regulation.
- (2) This clause does not, however, authorise any authorised officer (other than a police officer) to possess a firearm (within the meaning of the *Firearms Act 1996*) while on Trust land except with the written permission of the Trust or the Director.

40 Lessees and licensees

An act or omission does not constitute a contravention of this Regulation, despite any other provision of this Regulation, if the act or omission is authorised expressly or impliedly by the terms or conditions of any lease or licence granted by the Trust or of any agreement entered into by the Trust.

41 Regulation not to limit other statutory provisions or functions

This Regulation does not limit:

- (a) any provision of or made under an Act that applies to conduct on Trust land, or
- (b) any function exercisable by the Trust as the owner of Trust land.

42 Saving

Any act, matter or thing that, immediately before the repeal of the *Western Sydney Parklands Regulation 2013*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Penalty notice offences

For the purposes of section 48 of the Act:

- (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

Column 1	Column 2
Provision	Penalty
Offences under this Regulation	
Clause 5 (3)	\$150
Clause 6 (3)—other than in respect of a contravention of a verbal direction	\$150
Clause 8 (5)	\$150
Clause 9 (3)—other than in respect of a contravention of a verbal direction	\$150
Clause 10 (2)	\$150
Clause 11 (2)	\$150
Clause 12 (3)	\$275
Clause 13 (2)	\$150
Clause 14 (3)	\$150
Clause 15 (a) and (b)	\$150
Clause 15 (c)	\$275
Clause 17 (a)	\$200
Clause 17 (b) and (e)–(g)	\$500
Clause 17 (c), (d) and (h)	\$275
Clause 18 (1)	\$100
Clause 19	\$275
Clause 20 (a)–(d), (f), (i) and (m)	\$150
Clause 20 (e), (g), (h) and (j)–(l)	\$500
Clause 21 (1)	\$150
Clause 22 (1) and (2)	\$150
Clause 23 (1) (a)	\$300
Clause 24 (b)	\$500
Clause 25 (a) and (c)	\$500
Clause 25 (b)	\$150
Clause 25 (d)	\$300
Clause 26 (a)–(c) and (j)–(l)	\$300
Clause 26 (d)	\$500
Clause 26 (e)	\$100

public consultation draft

Western Sydney Parklands Regulation 2019 [NSW]
Schedule 1 Penalty notice offences

Column 1	Column 2
Provision	Penalty
Clause 26 (f)–(i)	\$150
Clause 28 (3)—other than in respect of a contravention of a verbal direction	\$150
Clause 29 (4)—other than in respect of a contravention of a verbal direction	\$150
Clause 30 (1)	\$500
Clause 31 (1) and (2)	\$275
Clause 32 (1)	\$300
Clause 33 (1)	\$500
Clause 34 (a)–(c), (e) and (f)	\$275
Clause 34 (d)	\$500
Clause 36 (4)	\$900
