
ENVIRONMENT

EV301

Botanic Gardens and Parks Authority Act 1998

**Botanic Gardens and Parks Amendment
Regulations 2016**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Botanic Gardens and Parks Amendment Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Botanic Gardens and Parks Regulations 1999*.

4. Regulation 3 amended

In regulation 3 insert in alphabetical order:

stand, in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of —

- (a) avoiding conflict with other traffic; or
- (b) complying with the provisions of any law;

5. Regulation 6 amended

In regulation 6(2) delete “section 53(1)(c).” and insert:

section 53(2)(c).

6. Regulation 8 amended

In regulation 8 delete “defendant” and insert:

accused

7. Regulation 9 amended

- (1) Delete regulation 9(3) and insert:
 - (3) A person must comply with the inscription on a traffic sign erected or established under subregulation (1).
Penalty for this subregulation: a fine of \$2 000.
 - (4) A person must comply with a signal or direction by a park management officer as to the use, parking or movement of a vehicle that is addressed to the person and that is reasonably required for the regulation of traffic on the designated land.
Penalty for this subregulation: a fine of \$2 000.
- (2) At the end of regulation 9 delete the Penalty.

8. Regulation 10 amended

- (1) In regulation 10(1):
 - (a) in paragraph (h) delete “hearse.” and insert:

hearse; or
 - (b) after paragraph (h) insert:
 - (i) an electric personal transporter; or
 - (j) a mini bike; or
 - (k) a motorised scooter; or
 - (l) a motorised skateboard.
- (2) In regulation 10(2) insert in alphabetical order:

electric personal transporter has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

mini bike means a scaled down motor cycle that —

- (a) is commonly known as a mini bike, monkey bike or pocket bike; and
- (b) is powered by an internal combustion engine;

motorised scooter has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

9. Regulation 13 replaced

Delete regulation 13 and insert:

13. Standing

- (1) A person must not, without permission, stand a vehicle on part of a carriageway on the designated land if the standing of vehicles on that part of the carriageway is prohibited by a traffic sign.

Penalty for this subregulation: a fine of \$2 000.

- (2) A person must not, without permission, stand a vehicle at the side of a carriageway marked with a continuous yellow edge line.

Penalty for this subregulation: a fine of \$1 500.

- (3) In subregulation (2) —

edge line has the meaning given in the *Road Traffic Code 2000* regulation 3(1).

10. Regulation 14 amended

- (1) In regulation 14(1):

- (a) delete paragraph (f);
(b) in paragraph (j) delete “parked.” and insert:

parked; or

- (c) after paragraph (j) insert:

- (k) on a footpath or shared path; or
(l) in a manner that obstructs the path of a pedestrian or motor vehicle.

- (2) After regulation 14(1) insert:

- (1A) A person must not, without permission, park a vehicle, or cause or permit it to be parked, on the designated land in an area designated for the parking of vehicles of people with disabilities, unless —

- (a) a disability parking permit is displayed in a prominent position on the vehicle; and
(b) the holder of the disability parking permit is the driver of or a passenger in the vehicle.

Penalty for this subregulation: a fine of \$2 000.

(3) Delete regulation 14(3) and insert:

(3) In subregulations (1) and (1A) —

disability parking permit means a current document issued by National Disability Services Limited (ACN 008 445 485), consisting of —

- (a) an Australian Disability Parking Permit; and
- (b) an ACROD Parking Program Card;

footpath has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

shared path has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

taking up or setting down passengers does not include waiting for passengers.

(4) In regulation 14(1) after each of paragraphs (a) to (e), (g) and (h) insert:

or

11. Regulation 14A inserted

After regulation 14 insert:

14A. Marking tyres

(1) In this regulation —

parked vehicle means a vehicle parked on the designated land.

(2) A park management officer may mark a tyre of a parked vehicle with chalk or any other temporary substance for the purpose of determining the period of time that the vehicle has been parked on the designated land.

(3) A person must not, without permission, remove a mark made under subregulation (2) from a tyre of a parked vehicle.

Penalty for this subregulation: a fine of \$1 500.

12. Regulation 18A inserted

At the end of Part 3 insert:

18A. Using or parking vehicle for advertising purposes

A person must not, without permission, use or park a vehicle, or cause a vehicle to be used or parked, on the designated land for the primary purpose of advertising.

Penalty: a fine of \$2 000.

13. Regulation 21 amended

In regulation 21(3) delete “effectively restrained” and insert:

held by a person

14. Regulation 28 amended

In regulation 28 in the Penalty after “Penalty:” insert:

a fine of

15. Regulation 29 amended

In regulation 29(1)(b) delete “public worship or”.

16. Regulation 31 amended

In regulation 31(a) after “notice,” insert:

banner,

17. Regulation 31A inserted

After regulation 31 insert:

31A. Decorations

(1) In this regulation —

decoration includes a light, lantern, balloon and streamer.

(2) A person must not, without permission —

(a) attach a decoration to a rock, tree, fence, post, gate, wall, road, track, path, natural surface, or building or other structure, on the designated land; or

- (b) cause the act prohibited by paragraph (a) to be done by another person.

Penalty for this subregulation: a fine of \$2 000.

18. Regulation 33 replaced

Delete regulation 33 and insert:

33. Lighting fires

A person must not, without permission, make, light or use a fire on the designated land.

Penalty: a fine of \$2 000.

33A. Portable gas barbecues or cookers

A person must not, without permission, use a portable gas barbecue or other portable cooker on the designated land.

Penalty: a fine of \$2 000.

33B. Portable generators

A person must not, without permission, use a portable generator on the designated land.

Penalty: a fine of \$2 000.

19. Regulation 36A inserted

At the end of Part 5 insert:

36A. Scattering or burying ashes

A person must not scatter or bury, or cause to be scattered or buried, the ashes of a deceased person or animal on the designated land.

Penalty: a fine of \$1 000.

20. Schedule 1 amended

- (1) Delete the reference after the heading to Schedule 1 and insert:

[r. 44, 46 and 47]

(2) In Schedule 1 Forms 1 and 2:

- (a) delete “
- Botanic Gardens and Parks Authority Regulations 1999.*
- ” and insert:

Botanic Gardens and Parks Regulations 1999.

- (b) delete “Name of park management officer” and insert:

Identifying number of park management officer

21. Various penalties amended

- (1) In the provisions listed in the Table delete the Penalty and insert:

Penalty for this subregulation: a fine of \$1 000.

Table

r. 6(5)	r. 7(1), (2) and (3)
r. 19(2)	r. 21(1) and (2)
r. 22(2)	r. 24(1)
r. 26(1)	r. 30(2)
r. 35(1)	

- (2) In the provisions listed in the Table delete the Penalty and insert:

Penalty for this subregulation: a fine of \$1 500.

Table

r. 14(1)	r. 27(1), (2) and (3)
r. 29(1)	r. 30(1)

- (3) In the provisions listed in the Table delete the Penalty and insert:

Penalty for this subregulation: a fine of \$2 000.

Table

r. 10(1)	r. 12(1)
r. 19(1)	r. 20(1), (2), (3) and (4)
r. 32(1) and (3)	r. 37(1)

- (4) In the provisions listed in the Table delete the Penalty and insert:

Penalty: a fine of \$1 000.

Table

r. 15	r. 16
r. 17	r. 25
r. 36	r. 48

- (5) In the provisions listed in the Table delete the Penalty and insert:

Penalty: a fine of \$2 000.

Table

r. 11	r. 23
r. 31	r. 34
r. 38	r. 39
r. 40	r. 41
r. 42	r. 43
r. 49	

22. Schedule 2 amended

- (1) After Schedule 2 item 11 insert:

11A.	13(2)	Standing vehicle at side of carriageway without permission	150
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- (2) Delete Schedule 2 item 17.

(3) After Schedule 2 item 21 insert:

21A.	14(1)(k)	Parking on footpath or shared path without permission	150
21B.	14(1)(l)	Parking so as to obstruct pedestrian or motor vehicle without permission	150
21C.	14(1A)	Parking in area designated for parking by people with disabilities without permission	200
21D.	14A(3)	Removing mark made by park management officer without permission	150

(4) After Schedule 2 item 56 insert:

56A.	31A(2)(a)	Attaching decorations to things on designated land without permission	200
56B.	31A(2)(b)	Causing act prohibited by regulation 31A(2)(a) to be done without permission	200

(5) After Schedule 2 item 60 insert:

60A.	33B	Using portable generator without permission	200
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(6) Delete Schedule 2 item 67.

(7) Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
Sch. 2 it. 1	60	100
Sch. 2 it. 2	60	100
Sch. 2 it. 3	60	100
Sch. 2 it. 4	60	100
Sch. 2 it. 5	60	100
Sch. 2 it. 6	9(3)(a) 60	9(3) 200

Provision	Delete	Insert
Sch. 2 it. 7	9(3)(b) 60	9(4) 200
Sch. 2 it. 8	60	200
Sch. 2 it. 10	50 100 150 250 350	100 150 200 300 400
Sch. 2 it. 11	13 60	13(1) 200
Sch. 2 it. 12	60	150
Sch. 2 it. 13	60	150
Sch. 2 it. 14	60	150
Sch. 2 it. 15	60	150
Sch. 2 it. 16	60	150
Sch. 2 it. 18	60	150
Sch. 2 it. 19	60	150
Sch. 2 it. 20	60	150
Sch. 2 it. 21	60	150
Sch. 2 it. 24	60	100
Sch. 2 it. 25	60	100
Sch. 2 it. 26	60	100
Sch. 2 it. 28	60	100
Sch. 2 it. 35	60	100
Sch. 2 it. 42	60	100
Sch. 2 it. 49	public worship or	
Sch. 2 it. 53	60	100

Provision	Delete	Insert
Sch. 2 it. 59	33(a) except in fireplace	33
Sch. 2 it. 60	33(b)	33A
Sch. 2 it. 66	60	100

N. HAGLEY, Clerk of the Executive Council.
