

# BRISBANE CITY COUNCIL

## CHAPTER 9 PARKS

### Summary of Provisions

Part 1 -Parks

Part 2 - Municipal Golf Links and Golf Practice Areas

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#### Part 1 -Parks

1. In this Part the following terms shall, unless inconsistent with the context or subject-matter, have the meanings and include the things assigned to them, respectively:-

"**King George Square**" means the place in the City known as King George Square to the extent that place is not used as a parking station.

"**Park**" shall mean any public park, garden, reserve, or common in the city, dedicated to, vested in, or under the control or management of the Council, or of which the Council is trustee, or in respect of which the Council is empowered to make Ordinances. The term includes the Botanic Gardens and King George Square.

"**Officer**" shall mean any officer, servant, or workman in the employ of the Council for the purpose of the repair, maintenance, good order, and regulation of any park as hereinbefore defined.

2. No person shall enter or quit any park otherwise than through some one of the gates, wickets, passages, or openings appointed by the Council as the authorised means of entrance to or egress from such park.

6. A person shall not -

- (a) Ride, drive, or bring, or cause or suffer to be ridden, driven, or brought, any beast of draught or burden other than a horse, pony, ass or mule, upon any part of a park other than a carriage-way;
- (b) Drive or bring, or cause or suffer to be driven or brought, any horse, pony, ass, or mule upon any part of a park other than a carriage-way;
- (c) Ride, or cause or suffer to be ridden, any horse, pony, ass, or mule upon any part of a park other than a riding track or carriage-way;
- (d) Ride, drive, or bring, or cause or suffer to be ridden, driven, or brought; any beast of draught or burden in or into a park in contravention of any conditions or directions which may be printed over the name of the Town Clerk, and posted up in a conspicuous position at or near to the carriage-way entrances to such park.

Provided that, in addition to a riding track or carriage-way, the Council may from time to time by resolution permit the riding of a horse or pony in certain parts of the following parks, viz., Anzac Park -Toowong, Mount Cootha Reserve and Mount Gravatt Reserve, and thereupon it shall not be an offence to ride a horse or pony in any such part. Any such resolution may be rescinded or varied.

7. No person shall drive or bring, or cause to be driven or brought, into a park any animal other than a dog held on a leash.

**8.(1)** A person shall not push, wheel, drive, or ride, or cause or suffer to be pushed, wheeled, driven, or ridden -

- (a) Any barrow, truck, or machine, or any vehicle other than a bicycle, tricycle, or wheeled-chair, perambulator, or chaise drawn or propelled, or intended or adapted to be drawn or propelled, by hand, upon any part of a park other than a carriage-way;
- (b) Any bicycle or tricycle upon any part of a park other than a cycling track or carriage-way;
- (c) Any vehicle whatsoever in or into a park in contravention of any conditions or directions which may be printed over the name of the Town Clerk, and posted up in a conspicuous position at or near to the carriage-way entrances to such park.

**(2)** For the purpose of this Ordinance, "park" shall include any land owned by or under the control of the Council and used or intended or adapted to be used, for or in connection with the storage of water.

**(3)** Owner-onus. The provisions of Sections 44A, 44E(1) and (2), 44G(2), (3) and (4) and 44H of the *Traffic Act 1949-1977* shall with all necessary adaptations apply in respect to offences against this ordinance as though they were incorporated in this Part.

**9.(1)** No person other than an officer shall affix or post any bill, placard, or notice to or upon any wall or fence in or enclosing a park, or to or upon any tree, or any part of a building, barrier, or railing, or of any fixed or movable seat, or of any other structure in a park.

**(2)** Paragraph (1) of this Ordinance shall not apply in respect of an advertising device within the meaning of Part 3 of Chapter 5 of the Ordinances or any Ordinance amending or in substitution therefor, put up within any enclosed park or reserve or within any enclosed part of a park or reserve which is used either generally or occasionally for the playing of any competitive sport or game if the advertising device was put up pursuant to a subsisting license granted by the Council or its delegate under such Ordinance. (This paragraph is incorporated for reference purposes only.)

**11.** No person other than an officer shall in a park walk or run over, or stand, sit, or lie upon, any flowerbed, or any shrub, fern, or plant, or in any ground in course of preparation or cultivation as a flower-bed or for the reception or growth of any shrub, fern, or plant.

**12.** No person shall walk on any grassed area of a park in contravention of a notice put up in such park prohibiting the same.

**15.(2)** No person shall throw or discharge any stone or other missile of whatever kind in, into, over, or across any park.

**16.** No person shall climb any wall or fence in or enclosing a park, or any tree, barrier, railing, or post therein.

**17.** No person shall bathe, wade, or wash in any lake, pond, stream, or other ornamental water in a park, or wilfully, carelessly, or negligently foul or pollute any such water, or take, injure, or destroy, or attempt to take, injure, or destroy, or wilfully disturb any fish in such water, or wilfully disturb or worry or ill-treat any fowl in such water or elsewhere in any park.

**18.** No person shall in a park wilfully displace or disturb, injure, or destroy any bird's nest or

bird's eggs.

**19.** No person shall in a park take, injure, or destroy any bird, or spread or use a net, or set or use a snare, or other engine, instrument, or means for taking, injuring, or the destruction of any bird.

**20.** No person shall cause or suffer any dog belonging to him, or in his charge, to enter or remain in a park, unless such dog be, and continue to be, under proper control, and be effectually restrained from causing annoyance to any person, and from worrying or disturbing any beast, and from entering any ornamental water, and from injuring or destroying, worrying or disturbing any fowl in such park.

**21.** No person shall in any park, except as is hereinafter provided, play or take part in any game which, by reason of the rules or manner of playing, or for the prevention of damage, danger, or discomfort to any person therein, may necessitate at any time during the continuance of the game the exclusive use by the player or players of any space therein: PROVIDED that where by a notice over the name of the Town Clerk affixed or set in some conspicuous position in a park the Council sets apart such space in the park, as shall be defined or described in the notice, for the playing of any game or games specified therein, then the playing or taking part in such game or games in such space shall not be in contravention of the provisions of Part 2 of Chapter 5 of the Council's Ordinances nor shall this Ordinance be taken to prohibit any person from playing or taking part in any game which may be played in such space if the following regulations are complied with:-

- (a) Every person resorting to any such space for the purpose of playing or taking part in any such game shall, in making preparation for the playing of such game, and in the manner of playing, use reasonable and proper care to prevent undue interference with the reasonable and proper use of such space by any other person engaged in making preparation for playing or in playing therein, or thereafter resorting to such space for the purpose of making preparation for playing or of playing therein.
- (b) A person resorting to any such space for the purpose of playing or taking part in any such game shall not begin to play at any time when such space is already occupied by such a number of players, and in such a manner as to render any addition to the number of players incompatible with the safe and convenient use of such space for the players already in occupation.

For the purposes of this Ordinance a person who practises any game or practises for any game shall be deemed to play such game.

**22.** No male person, other than a boy under the age of seven years, shall in a park enter or use any place, room, or building therein set apart for the use of females, and a female person shall not in a park enter or use any place, room, or building, set apart for the use of males.

**23.** No person other than an officer shall in any park, except as is hereinafter provided, erect any post, rail, fence, pole, tent, booth, stand, building, or any other structure: Provided that the foregoing prohibition shall not apply in any case where, upon any application to the Council for permission to erect any post, rail, fence, pole, tent, booth, stand, building, or other structure therein, upon such occasion and for such purposes as shall be specified in such application, the Council may grant, subject to compliance with such conditions as they may prescribe, permission to any person to erect such post, rail, fence, pole, tent, booth, stand, building, or other structure.

**24.** No person shall in a park deliver any public address: Provided that the foregoing prohibition shall not apply in any case where, upon application to the Council for permission to hold a religious

service, or hold or take part in a public discussion, or deliver a public address in any such park upon such occasion or on such days and at such hours as shall be specified in such application, the Council may grant, subject to compliance with such conditions as it may prescribe, permission to any person to hold any such service or hold or take part in any such discussion, or deliver any such address in such part of any such park as it may appoint or set apart for the purpose.

**24A.(1)** The Council may from time to time set aside a part of King George Square as a place to which paragraph (2) applies.

(2) Despite ordinance 24 a person may deliver a public address in a place to which this paragraph applies.

**25.** No person shall in a park give any public performance by playing any musical instrument or singing: Provided that the foregoing prohibition shall not apply in any case where, upon an application to the Council for permission to play a musical instrument or sing upon such occasions, or on such days and at such hours as may be specified in such application, the Council may grant, subject to compliance with such conditions as it may prescribe, permission to give any such performance.

**26.** No person shall in a park sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article without permission of the Council so to do or otherwise than in accordance with any conditions to which any permission given by the Council so to do is made subject. This Ordinance shall not apply to lessee or tenant of the Council in respect of any part of a park leased or let by the Council to that lessee or tenant.

**27.** No person shall in a park, obstruct, disturb, interrupt, or annoy any person in the proper use of such park, or obstruct, disturb or interrupt any officer in the execution of his duty therein, or interrupt or attempt to interrupt the proper usage of such park or any recreation ground owned by or under the control of the Council by any lessee or tenant or interrupt or attempt to interrupt any organised game or sport therein conducted by the Council or any lessee or tenant of the Council. For the purpose of the proper control of such park or recreation ground on the day when such organised game or sport is conducted the official umpire or referee of such game shall for the purposes of this Ordinance be deemed to be an officer of the Council.

**28.** No person shall in a park use any indecent or obscene language to the annoyance of any person therein.

**30.** No person shall furnish with live or lighted matches, broken glass, drugs, or intoxicating liquors, or otherwise cruelly treat, or shall interfere with or tease, any animal or bird confined in a park.

**32.** Any person who fails to comply with or contravenes a provision of this Part -

- (a) shall be guilty of an offence and shall be liable to a penalty not exceeding \$5000; and
- (b) if he is then in or upon a park, may be removed from the park by any officer or by a member of the police force.

**34.** No person shall moor, or by any means fasten or attach, any vessel lying in the Brisbane River to the river frontage of the Botanic Gardens, or ship, embark, land, or discharge goods or passengers or other persons at any place within the limit of the Botanic Gardens, unless by permission of the Council.

## **Distribution of Literature**

**36.(1)** No person shall in any park give out or distribute or scatter, drop or throw down any handbill, ticket, placard, notice, or literature unless such person shall have first obtained from the Council a permit in writing so to do.

(2) Application for a permit under this Ordinance shall be made in writing.

(3) The Council may in its discretion grant or refuse a permit.

(4) With the granting of a permit, the Council may specify any conditions it may see fit to do, and should the holder of such permit fail to accept or adhere to any condition so imposed, the Council may suspend or cancel any such permit.

## **Persons not to reside or camp in parks**

**37.** No person other than an officer required or permitted by the Council to do so shall reside upon any park; and except in pursuance of a lease or license from the Council, no person shall occupy or use any park except in accordance with the purposes or objects for which such park is held or maintained by the Council.

No person shall camp, lodge, or stay over night in any park except with the permission of the Council.

## ***Part 2 - Municipal Golf Links and Golf Practice Areas***

**1.(1)** In this Part unless the contrary intention appears -

**"approved club"** means a club formed for the purposes of playing golf on a golf course at a municipal golf links and the rules whereof at all times include provision for an annual subscription fee to be paid in respect of all grades of membership other than honorary or temporary membership;

**"building"** includes part of a building;

**"golf practice area"** means any land or part thereof set apart as a golf practice area pursuant to Ordinance 2 and which is for the time being, subject to the restrictions imposed by or under this Part, open to the public;

**"member"** in relation to an approved club does not include any person deemed to be a member of that club pursuant to section 121 of the *Liquor Act 1912-1979*;

**"municipal golf links"** means any land or part thereof set apart as a municipal golf links pursuant to Ordinance 2 and which is, subject to the restrictions imposed by or under this Part, for the time being open to access by the public;

**"officer"** means a person holding office under, or employed by, the Council;

**"regulate"** in relation to a use does not include provision for a charge in respect of that use;

**"structure"** includes part of a structure.

(2) A reference in a provision of this Part to an authorised officer made in connexion with the exercise, discharge or performance of a particular power, function or duty vested in or imposed upon an authorised officer is a reference to any officer whose appointment as an authorised officer under ordinance 7 is -

(a) for the purposes of this Part generally; or

(b) for the purposes of, or for purposes which include, the exercise, discharge or performance of that particular power, function or duty.

**7.(1)** The Manager may appoint any officer employed in the unit of administration of which the Manager is the permanent head to be an authorised officer.

**(2)** An appointment under paragraph (1) -

(a) shall be -

(i) for the purposes of this Part generally; or

(ii) for the purposes of the exercise, discharge or performance of a particular power, function or duty by an authorised officer under this Part; and

(b) shall be revocable at will by the Manager.

**(3)** The powers, functions or duties which may be, or are required to be, exercised, discharged or performed by an officer by virtue of his appointment under paragraph (1) as an authorised officer may, or shall continue to, be exercised, discharged or performed by him notwithstanding the fact that the person making the appointment has ceased to be the Manager, but the appointment may be revoked by any person who is for the time being the Manager.

**(4)** The Town Clerk shall cause each authorised officer to be provided with an appropriate means of identifying himself as an authorised officer.

**(5)** Where an authorised officer proposing to exercise, discharge or perform or in the course of exercising, discharging or performing any power, function or duty conferred on him by or under this Part is required by the person in respect of whom he is proposing to exercise, discharge or perform or is in the course of exercising, discharging or performing that power, function or duty to produce evidence of his authority to that person, such authorised officer shall not be entitled to exercise, discharge or perform or, as the case may be, further exercise, discharge or perform that power, function or duty in respect of that person unless he produces to that person the appropriate means of identifying himself as an authorised officer provided pursuant to paragraph (2).

**9.(1)** The Council may from time to time fix charges for -

(a) the playing of golf at a municipal golf links; and

(b) the practising of golf on golf practice areas.

**(2)** In fixing such charges the Council may fix different charges in respect of different classes of persons and in respect of different municipal golf links and golf practice areas.

**(3)** Upon the fixing in pursuance of this Ordinance of any charges in respect of a municipal golf links or golf practice area, the Council shall, by means of a sign or notice displayed or set up in some conspicuous position in that municipal golf links or golf practice area, indicate or notify those charges and that such charges shall be paid to an authorised officer on behalf of the Council before the playing of any game or, as the case may be, the conduct of any practice.

**(4)** Upon the payment to an authorised officer of any charges in accordance with the terms of a sign or notice displayed or set up pursuant to paragraph (3), the authorised officer shall give to the person making payment an acknowledgement of such payment.

**(5)** An authorised officer may require any person found by him playing a game of golf upon a municipal golf links or practising golf on a golf practice area to produce for his inspection an acknowledgement given under paragraph (4).

**15.(1)** A person shall not bring onto a municipal golf links or golf practice area any animal or vehicle likely to cause damage thereon, or any dog which is not physically held in control.

**(2)** The Council may, by signs or notices displayed or set up in some conspicuous position in a municipal golf links, regulate the conditions upon which animals or vehicles may be taken into or used within that municipal golf links.

**(3)** If any animal be found trespassing upon a municipal golf links, the owner or person having the custody of the animal shall be liable to the penalty hereinafter specified.

**17.** A person shall not -

- (a) at a municipal golf links or a golf practice area do any act which would be likely to injure, endanger, obstruct, inconvenience or annoy any other person at that municipal golf links or golf practice area;
- (b) do any act which would be likely to injure, displace, pollute, foul, litter or disorder a municipal golf links or golf practice area or anything appertaining thereto, or to cause waste, loss or inconvenience to the Council, its officers or an approved club;
- (c) injure or molest any flora or fauna at a municipal golf links or golf practice area;
- (d) unless authorised so to do under this Part, engage in any trade or business at a municipal golf links or a golf practice area;
- (e) unless authorised so to do, erect any building or other structure, screen, awning, or enclosure at a municipal golf links or a golf practice area;
- (f) unless authorised so to do camp, lodge, or stay overnight at a municipal golf links or golf practice area;
- (g) fail without reasonable excuse, the proof whereof shall lie on him, to comply with a requirement made under paragraph (5) of Ordinance 9;
- (h) where an authorised officer, pursuant to paragraph (3) of Ordinance 10, has fixed an order in which persons may play or practise golf, play or practise golf otherwise than in accordance with that order;
- (i) except for the purposes of or in connexion with a game of golf or with the permission of an authorised officer, pick up, remove from its position or in any way interfere with, a golf ball while it is on -
  - (i) a golf course; or
  - (ii) any land appurtenant thereto;at a municipal golf links.

**18.** A person shall not play or practise for the game of golf upon any land held by or under the control of the Council except at a municipal golf links or, as the case may be, a golf practice area.

**20.(1)** Any person who contravenes or fails to comply with a provision of this Part or a term of a notice or direction issued or given thereunder shall be guilty of an offence.

**(2)** Any person guilty of an offence under this Part shall be liable to a penalty not exceeding \$5000 and, if the offence is a continuing one, to an added penalty not exceeding \$500 for each and every day during which the offence continues.

**(3)** Where a person is found upon a municipal golf links or golf practice area and an authorised officer has reasonable grounds to suspect that that person has committed or is committing an offence under this Part, other than an offence under this paragraph, upon that municipal golf links or golf practice area, the authorised officer may require that person to remove himself and, if the offence suspected of having been or being committed involves a vehicle, that vehicle, from that municipal golf links or golf practice area.

**(4)** Where a person fails to comply with a requirement of an authorised officer under paragraph (3), the authorised officer may forthwith remove that person and that vehicle, if any, involved in the offence suspected of having been or being committed, or either of them, from the municipal golf

links or golf practice area whereon that person is found without affecting the liability of that person to be subsequently prosecuted for such offence.

(5) For the purpose of exercising any power under paragraph (4), it shall be lawful for an authorised officer to use such force as he believes on reasonable grounds to be necessary for that purpose.

**21.** Nothing in this Part shall be deemed to prevent any officer from doing in pursuance of his duty any act or thing prohibited hereby.

**22.(1)** The provisions of this Part shall be in addition to and not in derogation of any other provision of the Ordinances of the Council.