

1990 - No. 366

LOCAL GOVERNMENT ACT 1919 - ORDINANCE

(Relating to the use of skateboards and roller skates in
public places and reserves)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1919, has been pleased to make the Ordinance set forth hereunder.

DAVID HAY
Minister for Local Government.

Commencement

1. This Ordinance takes effect on 1 August, 1990.

Amendments

2. Ordinance No. 30 under the Local Government Act 1919 is amended by inserting after clause 7 the following clause:

Skating

8. (1) In this clause:

"**public place**" means a public place that is a road or bridge;

"**skating**" means travelling by using a skateboard or roller skates.

- (2) The Council may, by notice, prohibit skating on the whole or part of a public place.

(3) A notice referred to in subclause (2) must be clearly legible and must:

- (a) if it relates to the whole of a public place, be exhibited at each entrance to or in a conspicuous place in, or in the vicinity of, the public place; or
- (b) if it relates to part only of a public place, be exhibited at each entrance to or in a conspicuous place in, or in the vicinity of, that part,

and may be exhibited at such other locations as the Council thinks fit.

(4) A person must not skate on any part of a public place where skating is so prohibited.

(5) A person must not skate on any part of a public place where skating is not so prohibited if the skating would obstruct, annoy, inconvenience or cause danger to any person using the public place.

(6) A member of the police force or a person authorised by the Council for the purpose may

- (a) direct a person to cease skating in contravention of subclause (4) or (5); and
- (b) if the person refuses or fails to comply with a direction given under paragraph (a), take temporary possession of any skateboard or roller skates being used by the person in contravention of subclause (4) or (5) until such time as the person agrees to comply with the direction or to leave the public place or part of the public place concerned.

(7) If a member of the police force or an authorised person is entitled to take possession of the skateboard or roller skates and so informs the person who refused or failed to comply with the direction, the person informed must immediately give possession of the skateboard or roller skates to the member or authorised person.

(8) Nothing in this clause authorises a person to use force to take possession of a skateboard or roller skates.

3. Ordinance No. 48 under the Local Government Act 1919 is amended by inserting after clause 12 the following clause:

Skating

12A. (1) In this clause, "**skating**" means travelling by using a skateboard or roller skates.

(2) A council may, by notice, prohibit skating in the whole or part of a reserve.

(3) A person must not skate in any part of a reserve where skating is prohibited.

(4) A person must not skate in any part of a reserve where skating is not so prohibited if the skating would obstruct, annoy, inconvenience or cause danger to any person using the reserve.

(5) A member of the police force or a person authorised by the council for the purpose may

- (a) direct a person to cease skating in contravention of subclause (3) or (4); and
- (b) if the person refuses or fails to comply with a direction given under paragraph (a), take temporary possession of any skateboard or roller skates being used by the person in contravention of subclause (3) or (4) until such time as the person agrees to comply with the direction or to leave the reserve or part of the reserve concerned.

(6) If a member of the police force or an authorised person is entitled to take possession of the skateboard or roller skates and so informs the person who refused or failed to comply with the direction, the person informed must immediately give possession of the skateboard or roller skates to the member or authorised person.

(7) Nothing in this clause authorises a person to use force to take possession of a skateboard or roller skates.

EXPLANATORY NOTE

The object of this Ordinance is to amend Ordinances Nos. 30 and 48 (relating to roads, bridges and public reserves) under the Local Government Act 1919 so as:

- (a) to enable councils to prohibit the use of skateboards and roller skates in public places and reserves; and
- (b) to prohibit the use of skateboards and roller skates in public places and reserves where such use would inconvenience or endanger other users of the places and reserves; and

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- (c) to enable directions to be given to persons to cease using skateboards or roller skates in the circumstances referred to above; and
 - (d) in the event of a person failing to comply with such a direction, to enable a police officer or other authorised person to take temporary possession of the skateboard or roller skates until the person agrees to comply with the direction or leaves the place or reserve; and
 - (e) to provide that a person who is skating as prohibited and who refuses to part with possession of a skateboard or roller skates is guilty of an offence.
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