

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1982, No. 56*

By-laws under the *Local Government Act*

The DARWIN CITY COUNCIL, in exercise of the powers conferred upon it by the *Local Government Act*, hereby makes the following by-laws.

Dated this first day of July, 1982.

C. BLACK
Lord Mayor

G.T. HOFFMAN
Town Clerk

CHAPTER 19

* Notified in the *Northern Territory Government Gazette* on 1 October, 1982.

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THE MALL BY-LAWS

1. CITATION

These by-laws may be cited as THE MALL BY-LAWS.

2. DEFINITIONS

In these by-laws, unless the contrary intention appears "emergency vehicle" means a vehicle under the control of:

- (a) a member of the Police Force
- (b) an employee of a fire brigade
- (c) an officer of an ambulance brigade; or
- (d) a person whose use of the vehicle is authorised by an officer of the N.T. Emergency Service which is used by such a person in the course of his duty.

"service vehicle" means a vehicle under the control of an officer of the N.T. Electricity Commission, Telecom Australia, or of the Departments of Transport and Works or Lands or of the Council, which is used in the Mall for any purpose related to a function of those statutory Corporations or Departments.

"vehicle" means a conveyance or carriage whether capable of self propulsion or not and whether capable of registration under the Motor Vehicle Act or not but does not include a perambulator or a device designed principally for the self propulsion of an infirm person.

"The Mall" means the Smith Street Mall declared to be a pedestrian mall under section 25A of the Control of Roads Act by notice in the Gazette, dated 12th December, 1979.

3. CONTROL OF VEHICULAR TRAFFIC

- (1) A person shall not drive a vehicle or cause a vehicle to stand in the Mall unless -
 - (a) it is an emergency vehicle; or
 - (b) it is -
 - (i) a service vehicle; or
 - (ii) a vehicle engaged in the delivery of certain goods and the Town Clerk has given permission in writing for it to be used in the Mall.
- (2) A person shall not drive a vehicle excluding an emergency vehicle in the Mall at a speed in excess of 5 kilometres per hour.
- (3)
 - (a) A person shall not in the Mall ride or use a bicycle, tricycle, cart, barrow, pedal-powered vehicle, roller skate or skateboard.
 - (b) The provisions of this by-law do not apply to the bona fide use of a wheel chair or perambulator.
- (4)
 - (a) Where, contrary to any by-law, there is in the Mall any vehicle or thing the driving, use, presence or standing of which is prohibited or regulated, a member of the police force, or an officer, agent or employee of the Council may remove the vehicle or thing to a place either within or without the Mall.
 - (b) A person acting under sub-clause (a) above, is not liable for any damage occasioned to a vehicle or thing removed in pursuance to that sub-clause.

4. CONTROL OF CERTAIN ACTIVITIES

- (1) A person shall not in the Mall -
 - (a) sell or offer for sale any goods or services; or
 - (b) display or advertise for sale any goods or services; except with the permission in writing of the Town Clerk.

4. CONTROL OF CERTAIN ACTIVITIES Continued

- (2) A person shall not, without the permission in writing of the Town Clerk, in the Mall, perform or offer any entertainment, make a painting or drawing or take a photograph or film of any person or thing for commercial purposes or address any persons assembled there.
- (3) A person shall not, without the permission in writing of the Town Clerk, erect or install in the Mall any post, rail, fence, pole, tent, booth, furniture, stand, display, exhibition, decorations or structures, whether of permanent or temporary nature.
- (4) A person shall not, without the permission in writing of the Town Clerk, discharge, or dispose of into or in the Mall any moisture from an air conditioner or any fumes, smoke, vapour, dust or other waste products in such a way as to cause damage or annoyance to another person.
- (5) A person not being an agent or employee of the Council shall not in the Mall -
- (a) remove or disturb any part of the soil of any flowerbed or around about or under any tree or plant
 - (b) walk, stand, sit or lie upon any part of a flowerbed
 - (c) remove, cut or damage any flower, plant or tree
- (6) A person shall not, without the permission in writing of the Town Clerk remove or displace from or in the Mall a barrier, railing, post, seat or any structure or erection.
- (7) A person shall not, without the permission in writing of the Town Clerk, bring an animal into the Mall.
- (8) (a) The provisions of sub-clause (7) do not apply to the bringing into the Mall of a dog which is at all times under the control of a person by means of holding in the arms or of a chain or leash.
- (b) A person who brings a dog into the Mall shall remove any excrement deposited by the dog in the Mall.

4. CONTROL OF CERTAIN ACTIVITIES Continued

- (9) A person shall not, without the permission in writing of the Town Clerk, throw, distribute or hand out in the Mall any handbill or other printed matter.
- (10) A person conducting a business to which access is had from the Mall shall not use public refuse bins placed by the Council in the Mall for the disposal of his trade or commercial waste packaging or rubbish.
- (11) A person shall not, without the permission in writing of the Town Clerk, enter or remain on or walk on any part of any roof, covering or canopy erected over the Mall.

5. DUTY OF COMPLIANCE

- (1) An employee of the Council authorised in writing by the Town Clerk to exercise the power conferred by this section may require a person who is in the Mall to disclose to that employee his name and address
- (2) A person who has been required under these by-laws to disclose his name and address shall not refuse or fail to comply with that requirement.

6. FAILURE TO COMPLY

A person shall not contravene or fail to comply with a by-law in this Chapter. Penalty: \$200.00

7. CONDITION OF APPLICATION FOR PERMISSION

The Town Clerk may impose conditions when granting permission to do an act in respect of which his permission is required under these by-laws, and in particular may require a person to produce evidence that he has taken out a public risk policy.

8. FEEES

A person applying to the Town Clerk for permission to do an act to which the Town Clerk is empowered by these by-laws to give permission shall deposit with his application such fee or fees as are set out hereunder:

- (a) where a person or organisation intends to establish and conduct a commercial display
- \$200 per day or part thereof
 - (b) where a person or organisation intends to establish and conduct a stall or display for charity - \$2.00 per day or part thereof
 - (c) where a person or organisation intends to establish and conduct entertainment as a busker
- \$2.00 per week.
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