

TOWNSVILLE CITY COUNCIL

LOCAL LAW NO. 15

PARKS AND RESERVES

(Local Authorities Acts, 1902 to 1926 – Schedule IV., Subdivision 50)

463. In this Chapter unless the context otherwise requires –

“Reserve” means any reserve for the time being under the control of the Council, whether as Local Authority, Water Authority, or otherwise, and includes any land vested in the Council for or used for any public purposes.

“Town Common” means the Pasturage Reserve proclaimed in the Government Gazette of the twenty-fifth day of June, 1869, and placed under the control of the Council on the twenty-second day of February 1870, and amended as to its boundaries on the twenty-seventh day of February 1914, or as may from time to time hereinafter be amended.

“Ranger” means the person appointed by the Council as Ranger of the Town Common or to watch over stock depasturing thereon.

“Park” includes –

(a) any Crown land that has been reserved and set apart under the provisions of the Land Act 1962 as amended for any or any combination of any of the following public purposes, that is to say:-

- (i) Parks;
- (ii) Gardens;
- (iii) Recreation;
- (iv) or any other like purpose,

under the control of the Council as Trustee; and

(b) any land in the ownership of or under the control of the Council that has been declared by the Council by resolution to be a park for the purposes of this by-law.

(Local Authorities Acts, 1902 to 1926 – Schedule IV.)

Subdivision 2, Subsection (i) Prohibiting the straying or trespass of animals upon.....land under the control of the Local Authority, or upon any land not securely fenced off from such....land.

Subdivision 2, Subsection (xi) Prohibiting or licensing and regulating the depasturing of animals upon any land under the control of the Local Authority.

Subdivision 50 – Reserves, &c.

464. Animals or Vehicles on Reserves

No person shall, unless in pursuance of a permit granted by the Council or of any agreement made with the Council, or in the exercise of a lawful right or privilege, ride, drive or bring, or cause to be ridden, driven or brought, any animal or vehicle into or upon any reserve:

Provided that the foregoing provision shall not be deemed to prohibit the riding or driving of any animal or vehicle in any part of the Reserve which is for the time being appointed to be used as a horse-ride or carriage road, subject to such conditions as the Council may prescribe, and as are indicated in a notice affixed or set up in a conspicuous position at or near to any entrance to the Reserve.

465. Animals trespassing

The owner and every person responsible for the custody and control of any animal found straying or trespassing upon a reserve shall be guilty of an offence.

466. Pasturage on common

Every resident of the City shall, on compliance with the by-laws of this Chapter be entitled to depasture his cattle and horses on the common:

Provided, however, that the Council shall in no case be liable for or in respect of the loss of or damage to any cattle or horses or their progeny, respectively so depastured, or received, delivered, left or sent to be depastured upon the common from whatever cause such loss or damage may arise.

467. Stock depasturing to be registered

Any person desirous of depasturing cattle or horses on the common shall register the same with the ranger by furnishing to him a statement in writing signed by him setting forth –

- (a) the name, residence, and occupation of the owner or owners of such cattle or horses intended for depasture;
- (b) The description and brands of all cattle or horses proposed to be depastured on the common;

and until such particulars have been fully furnished, the ranger may refuse to allow such cattle or horses to be depastured.

468. Unregistered Cattle May be Impounded

Any cattle or horses found on the common which shall not have been registered shall be deemed to be trespassing, and shall be liable to be impounded.

469. Limitation of numbers

- (1) No person shall drive or cause to be driven or brought into or upon the common or have depasturing thereon more than twenty head of cattle or twenty head of horses, or twenty head of cattle and horses mixed, at any one time, without the permission of the Council first had and obtained. No fee shall be payable on the granting of such permit.
- (2) No person shall drive or bring, or cause to be driven or brought into the common any entire or bull over six months old.

470. Fees, Depasture

- (1) On and after the first day of July 1962 fees at the following rates shall be paid by the owner or owners of animals depastured on the Common:-

Animals over six (6) months old –

Horses: 2s per head per week.

Cattle, up to twenty (20) head: 1s. 3d. per head per week.

Cattle (herds) twenty-one (21) head or over: 1s. 0½d per head per week.

Horses or Cattle in small paddocks: 3s. per head per week.

Animals up to six (6) months: One half of the above rates:

Provided that if in any quarter an animal is depastured for the whole quarter, the charge shall only be on the basis of twelve (12) weeks. A broken part of a week shall be charged for as a whole week.

The said fees shall be payable at the times and in the manner agreed between the Council and the owner, or in the absence of any such agreement, shall be payable quarterly, in the first instance at the time of entering the animals for depasture and thereafter at the commencement of each succeeding quarter, on the basis of a whole quarter's depasturing, appropriate refund to be made if withdrawn during the quarter.

- (2) In case of default of payment as aforesaid, all cattle or horses in respect of which default shall be made shall be dealt with as if trespassing on the said common, or, at the option of the said ranger, may be at once removed therefrom.

471. Removal of stock

No person shall remove any cattle or horses from the common without first giving the ranger written notice of his intention in that behalf and obtaining the ranger's sanction to the proposed removal. The ranger may in any case require that the cattle or horses to be removed be submitted for his inspection at the time of removal, or that the removal shall be deferred for such reasonable time as he shall appoint to enable him to make a muster of stock on the common.

472. Main entrance gate to be used.

No person shall without the express permission of the ranger drive or bring stock upon the common, or remove stock therefrom, except through the main entrance gate of the common; which gate may be kept locked except at such times as properly required to be open for the reception or removal of stock.

473. Time for entry and removal of stock.

The Council may from time to time fix times for the reception or removal of stock to or from the common, and no person shall be entitled to bring stock upon, or remove stock from the common at other than the appointed times.

474. No mustering allowed without notice to the ranger.

No person shall be allowed to muster cattle or horses which shall be depasturing on the said common, except milking cows and their calves, or to drive any such cattle or horses, unless he first gives twenty-four hours' notice in writing to the ranger of his intention so to do; nor shall any notice be valid to that effect unless signed by the owner or duly authorised agent of the owner of such cattle or horses, and delivered at the office of the ranger during office hours by or on behalf of such owner or agent.

475. Illegally depasturing

Any person depasturing or attempting to depasture any cattle or horses upon the common, without having conformed to these by-laws, or who shall commit any breach of these by-laws, shall be guilty of an offence.

476. Compulsory dipping.

Every person depasturing cattle or horses on the common shall when called upon by the Council so to do, have such cattle or horses 'dipped' in a dip provided by the Council, and shall provide all necessary assistance to enable the Council to properly conduct such dipping; or the ranger may, at his discretion from time to time, and without notice to the owner, himself dip or cause to be dipped such cattle or horses.

477. There shall be paid by the owner or owners of all cattle or horses (irrespective of age) dipped pursuant to the last preceding by-law, such dipping fee per head in respect of each dipping as the Council may by resolution determine.

478. Fencing parts of reserves

(1) The Council may from time to time fence in or subdivide any reserve or any part thereof, or fence off any part from any other part, or appropriate any specific part to or for any particular aspect or phase of the public purpose of such reserve, and generally in its discretion deal with the same so as to give effect to such purpose.

- (2) In particular, the Council may by notice conspicuously displayed at or near the entrance (or each entrance, if more than one) of an enclosed reserve, or at or near the affected part of a reserve (whether enclosed or unenclosed) forbid the use of such reserve, or of any part of the reserve, for any specified purpose, or in any specified manner, or limit the use which may be made of the reserve or part.

479. Reserves not to be occupied

No person shall use any reserve or any part thereof for any purpose or in any manner in contravention of a notice displayed as in the last preceding by-law provided.

480. Restrictions on interference with lands

No person, without the permission of the Council, unless empowered by statute so to do, shall dig or make, or cause to be dug or made, any opening or cutting or erect or place any post, pillar, bridge, crossing, or other fixture or erection of any description in or upon any reserve; nor dig or remove, or cause to be dug or removed, any turf, sand, clay, soil, or other material in or from any reserve; not injure, fell, or remove any trees, timber, or firewood.

481. Damages, etc to fences, buildings, seats, etc.

No person shall wilfully, carelessly, or negligently deface, injure, or destroy, or soil or defile, any part of any wall or fence in or enclosing any reserve or any part of any building, barrier, or railing, or of any fixed or movable seat, or of any lamp or lamp post, monument, work of art, ornament, or decoration, or of any other structure or erection, or any water pipe or tap in the reserve, or wilfully, carelessly, or negligently break any bottle or glass, or throw or deposit any filth, rubbish, or refuse, or dangerous thing, or cause or suffer any filth, rubbish, or refuse, or dangerous thing to fall or be thrown or deposited upon any part of the reserve; but this by-law shall not operate to prohibit the deposit of rubbish in any reserve or place set apart for the purpose, and in conformity with the regulations affecting the same.

- 482.** No person shall climb upon, get over, injure, cut down, destroy, damage, or otherwise interfere with the fences in or around any reserve, or in any manner disturb, damage, or destroy any property, chattels, effects, or things therein.

483. Removal of barriers, seats etc.

No person shall wilfully or negligently remove or displace any barrier, railing, or post, or any fixed or movable seat, or any part of any structure or erection, or any monument, work of art, ornament or decoration, or any implement, utensil, apparatus, appliance, or article provided for use or used or adapted to be used in the laying out, planting, improvement, or maintenance of any reserve, or in the care, cultivation, or protection of any tree or plant in the same.

484. Notice boards not to be removed

No person shall wilfully or improperly remove or deface any board, plate, or tablet, or any support, fastening, or fitting of any board, plate, or tablet used or constructed or adapted to be used for the exhibition of any by-law or notice, and fixed or set up by the Council in any reserve, or in or on any building or structure therein, or at or near to any one of the appointed means of entrance to or egress from the reserve, or in or on any wall or fence enclosing the same.

485. Shooting on reserves

No person shall, without a permit from the Council or by other lawful authority, carry any firearm upon any reserve, or shoot or discharge a firearm upon, into, or over any reserve.

486. Parks declared public places

The several parks within the City whereof the Council is a trustee under the provisions of "The Land Acts, 1910 to 1925" are pursuant to section 86 of those Acts, declared to be at all such times as the same respectively are open to the public under the provisions of these by-laws, public places within the meaning and for the purposes of any Act conferring or imposing upon members of the Police Force powers or duties with respect to public places, or providing for the punishment of offences committed in public places.

487. Time parks to be open.

The Council may from time to time by resolution fix the hours or days during which any park or any specified part thereof shall be open or shall be closed to the public. If not open at all times, a notice shall be conspicuously posted at or near each entrance, notifying the hours or days during which it is open or closed, as the case may be. Every park in respect of which no limitation has been made shall be deemed to be open to the public at all times: Provided that the Council may at any time temporarily close any park for so long as it may think necessary for any reason.

488. Unlawful entry on parks.

No person shall, without the consent of the Council or by other lawful authority, enter upon any enclosed park at any time when the same is not open to the public; nor upon any part of such park fenced or otherwise divided off from the rest of the park, contrary to the provisions of any notice therein conspicuously displayed, limiting the right of entry therein; nor remain in or upon any such park after the time appointed for the closing thereof to the public.

489. Use of parks for fetes, etc.

The Council may by resolution at any time determine to grant to any person or body the use of any specified part of any park for the holding therein of any sports, fete, bazaar, pageant, or the like with privilege of charging for admission thereto: Provided that the use of the park for the purpose for which the same is held by the Council shall not be prevented. Provided further, that no such grant shall be made to apply to any public holiday, nor be for longer than one day continuously, and that reasonable public

notice shall be given thereof, and that the net proceeds thereby derived are to be applied to some public charity or the like; but his proviso shall not apply to any such sports, fete, bazaar, pageant, or the like whereat the public use of the park is not substantially interfered with and any charge for admission relates only to any tent or temporary structure erected for the occasion.

490. Provision of conveniences

The Council may from time to time lay down erect, or otherwise provide in any park any grounds, pitch, court, or the like for the playing of any games or sport or recreation or any post, rail, enclosure, net, or other fixture for the facilitation of any games, recreation, or sport, or any pavilion, shed, or other building for the convenience of players or spectators or of the public generally or for the housing of implements of sport, or any seats, benches, swings, roundabouts, slides, or other amenities or conveniences for the utilisation and enjoyment of the park.

491. Limitation of use of conveniences.

The Council may grant any amenities or conveniences provided under the last preceding by-law to the use of any section of the public or otherwise place a limitation upon the use thereof.

Any such dedication or limitation shall be notified by notice conspicuously displayed at or near such amenity or convenience; and no person shall use such amenity or convenience in contravention thereof.

492. Club privileges

The Council may from time to time place under the control of any person or club, for the purpose of any games or sport or recreation, or grant to any person or club the privilege of the exclusive use of any amenity or convenience provided as aforesaid or any specified part of any park not exceeding such an area as may be reasonably necessary for the games or sports for which it is intended to be used, and may authorise such person or club to itself provide amenities with or without rights of removal, and with or without the right to enclose or fence in the same. No privilege granted under this by-law shall be for a longer period than three years, but may be of indefinite duration terminable on reasonable notice. But nothing in any such placing under control or grant shall limit or affect the right of entry or control over any such part of the park and the amenities and conveniences thereon by the Council or its officers: Provided further that no such exclusive use shall be granted which would unreasonably interfere with the general use of the park by the public for the purpose for which the same is reserved or placed under the control of or held by the Council.

493. No person shall, without the authority of the person or club concerned, enter upon any part of a park under the control of or in the exclusive use of any person or club, and fenced off from the remainder of the park, nor play upon or use any amenity or convenience under the control of or in the exclusive use of any person or club.

494. Entrance and exit only by appointed gates

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

495. Beasts of draught or burden not to be brought into ground

- (1) No person shall bring into, or have under his care or control in or upon a park, any animal as defined in “The Local Government Acts, 1936 to 1954” (not being a dog or a goat), or any vehicle as defined in “The Traffic Acts, 1949 to 1952”.
- (2) Provided that this by-law shall not extend to prohibit –
 - (a) The bringing into or having in a park any animal or vehicle pursuant to and in conformity with the conditions of any written permission given by the Council, or of any general permission by notice displayed by the Council in the park or at or near the entrance thereto; or
 - (b) The bringing into or having in the park a child’s perambulator or wheeled chair drawn or propelled by hand, and used solely for the conveyance of children, invalids or cripples.

496. Dogs, goats etc

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

497. No person shall cause or suffer any goat or poultry belonging to him or in his charge to enter or remain in any park. All goats and poultry found within any park may be destroyed.

499. Perambulators not to be wheeled over flowerbeds

- (1) No person who wheels or brings, or causes to be wheeled or brought, into an park a perambulator or chaise used solely for the conveyance of children or individuals shall at any time wheel or station such perambulator or chaise or cause or suffer the same to be wheeled or stationed over or upon any part of a flowerbed, or over or upon any tree or plant, or any ground in course of preparation or cultivation as a flower bed or for the reception or growth of any tree or plant.
- (2) Where, by notice affixed or set up in some conspicuous position at or near to any entrance to the park, the Council from time to time prohibits the use of any such perambulator or chaise in such park or parts of the park as are defined or described in such notice, no person shall at any time, while such notice continues so affixed or set up, wheel or station any such perambulator or

chaise, or cause or suffer the same to be wheeled or stationed over or upon any such part of the park.

500. Unauthorised persons not to dig etc

No person, other than an officer or employee of the Council, shall at any time, in any part of any park –

- (i) remove or disturb any part of the soil of any flower-bed, or any soil under or about any tree or plant, or any soil in course of preparation or cultivation as a flower-bed or for the reception or growth of any tree or plant; or,
- (ii) Walk or run over, or stand, sit, or lie upon any part of any flower-bed, or any tree or plant, or any ground in course of preparation or cultivation as a flower-bed or for the reception or growth of any tree or plant; or,
- (iii) Cut or displace any turf, or uproot, displace, cut down, remove, lop, or break or climb upon any tree or plant, or in any manner destroy, damage, disturb, or interfere with any such tree or plant; or
- (iv) Pluck any bud, blossom, flower or leaf of any tree or plant.

501. Posting of bills

No person, other than an officer of the Council or a person authorised by the Council in that behalf, 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 to or upon any part of any building, barrier, or railing, or of any fixed or movable seat, or of any other structure or erection in the same, or paint or mark upon any flagging or path in the park any advertisement, sign, picture, or words whatsoever.

502. Throwing stones etc

No person shall throw or discharge in any park any stone or other missile.

503. Caret-beating, etc.

No person shall in any part of a park beat, shake sweep, brush, or cleanse any carpet, drugget, rug, or mat, or any other fabric retaining dust or dirt, or hang, spread, or deposit any linen or other fabric for the purpose of drying or bleaching.

504. Fireworks etc, in the park

Except by permission of the Council, no person shall set off any fire-balloon, or throw or set fire to any fireworks, or kindle or make any fire in any part of any park.

505. Handbills

No person shall throw, distribute or deposit, or cause to be thrown, distributed or deposited in or upon any park any handbill or other printed matter.

506. Waste litter or picnics to be removed.

When any party or number of persons play or hold any game or picnic in any park, they shall immediately, prior to leaving the ground, collect and remove, or cause to be collected and removed, all waste material, broken glass, scraps, litter, or rubbish of any kind brought or made upon the ground by them.

507. Travelling advertisements

No person shall, without the permission of the Council, convey, take, or conduct, or cause to be taken, conveyed, or conducted, by means of vehicles, horses, or on foot, or by any means whatsoever, in or upon or through any park any frame, apparatus or contrivance for displaying pictures, placards, notices, or advertisements.

508. Letting or sale of articles or commodities

No person shall in any part of any park sell, offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article, unless, in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege, such person is duly authorised to sell or let to hire in the park such commodity or article.

509. Erecting tents, booths, etc.

No person, other than an officer or employee of the Council, shall, except as hereinafter provided, erect any post, rail, fence, pole, tent, booth, stand, building, or other structure in any part of any park:

Provided that the foregoing prohibition shall not apply where, upon an application to the Council for permission to erect any post, rail, fence, pole, tent, booth, stand, building, or other structure in any part of the park, upon such occasion and for such purposes as are specified in such application, the Council grants, subject to the compliance with such conditions as it may prescribe, permission to any person to erect the same.

510. Public addresses

No person shall deliver any public address in any part of any park:

Provided that the foregoing prohibition shall not apply in any case where, upon an application to the Council for permission to hold any religious service, or hold or take part in any public discussion on such occasion, or on such days and at such hours as are specified in such application, the Council grants, 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 the park as it may appoint to set apart for that purpose.

No fee shall be payable for such permission.

511. No person shall publicly play any musical instrument or sing in any part of any park:

Provided that the foregoing prohibition shall not apply in any case where, upon an application to the Council for permission to play any musical instrument or sing upon such occasion or on such days and at such hours as are specified in such application, the Council grants , subject to compliance with such conditions as it may prescribe, permission to play such musical instrument or to sing in the park:

Provided further, that this prohibition shall not apply to any public performance of music or singing held or conducted by and with the authority of the Council.

No fee shall be payable for such permission.

512. Bathing, pollution of water, etc.

No person shall bathe, wade, or wash in any lake, pond, stream, or other ornamental water in any park, or wilfully 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 any such water, or wilfully disturb or worry or ill-treat any fowl in any such water or elsewhere in the park, or any creature in captivity in the park.

513. Improper intrusion etc.

No male person, other than a boy under the age of six years, shall enter or use any playground, place, room, or building set apart for the use of females, and not female shall enter or use any playground, place room, or building set apart for the use of males.

514. Unattended children

Children under the age of ten years may be removed from any park, unless in charge of some responsible person; but this by-law shall not apply to any park or any part of a park set apart as a children's playground until after sunset.

515. Smoking

No person shall smoke tobacco or any like substance in any building or structure in any park where, by any notice affixed or set up in some conspicuous position, the Council prohibits smoking in such building or structure.

516. Improper behaviour

No person shall in any park do any act which would be likely to injure, endanger, obstruct, inconvenience, or annoy any other person in such park, or interfere with the reasonable use and enjoyment thereof by such other person.

Every person in a park shall obey and conform to the requirements of any officer of the Council or other person having authority from the Council in that behalf, or any

member of the Police Force, in relation to the conduct and behaviour of such person in the park, or the manner of his use and enjoyment thereof.

517. Dangerous games not to be played.

No game which is dangerous or is calculated to interfere with the safety or comfort of the general public or likely to injure the surface of the ground, shall be played in any part except on such portions as may be specially set apart for such purposes, and shown thereon by boundary posts or otherwise.

518. Playing games

No person shall, except as hereinafter provided, in any park play or take part in any game of bowls, cricket, croquet, football, golf, hockey, tennis, or any other game which, by reason of the rules or manner of playing, or for the prevention of damage, danger or discomfort to any person in the park, may necessitate, at any time during the continuance of the game, the exclusive use by the player or players of any space in the park:

Provided that where, by any notice affixed or set upon in some conspicuous position in the park, or at or near to any entrance thereto, the Council from time to time sets apart, for the playing of any such game or games as are specified in such notice, such space or spaces in the park as are defined in such notice, this By-law shall not be taken to prohibit any person from playing or taking part in any game or games which may be played in such space or spaces, and in accordance with the following regulations:-

- (i) Every person resorting to any such place 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.
- (ii) 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 by the players already in occupation.
- (iii) Except in any case where the exclusive use of any such space or of any part thereof has been granted by the Council for the playing of any match, of which the occasion and character shall be such as to render expedient an extension of the time hereinafter specified, a player or company of players shall not, in making preparation for playing and in playing any game, use any part of such space for a longer time than three hours continuously, if at the expiration of that time any other player or company of players, for whose use no other part of such space or no part of any other space set apart for the purpose may be available, shall make known to such first mentioned player or company of

players an intention to use, for the purpose of playing, such part of such space has been previously used by such player or company of players.

This by-law does not apply to a part of the park placed under the control of any person or club or of which any person or club has the exclusive use under by-law 492.

519. Anzac Day observance

No organised games or sport of any kind shall be played or indulged in any park on Anzac Day.

520. Sleeping in parks

No person, without the permission of the Council, shall camp, lodge, or tarry overnight in or frequent for the purpose of camping, lodging, or tarrying overnight in any park.

521. Obstruction of officers, disturbance or interruption.

No person shall in any part of any park wilfully obstruct, disturb, interrupt, or annoy any other person in the proper use of the park, or wilfully obstruct, disturb, or interrupt any officer or employee of the Council in the proper execution of his duty or work.

522. Arrest

Every person who infringes any by-law for the regulation of any park may be removed therefrom or may be arrested by any officer or employee of the Council or by any member of the Police Force in any one of the several cases hereinafter specified, that is to say –

- (i) Where the infraction of the by-law is committed within the view of such officer or employee or member of the Police Force, and the name and residence of the person infringing the by-law are unknown to and cannot be readily ascertained by him;
- (ii) Where the infraction of the by-law is committed within the view of such officer or employee or member of the Police Force and, from the nature of such infraction or from any other fact of which such officer or employee or member of the Police Force has knowledge or of which he has been credibly informed, there may be reasonable ground for belief that the continuance in the park of the person infringing the by-law may result in another infraction of a by-law, or that the removal of such person from the park is otherwise necessary as a security for the proper use and regulation thereof.