

NORTHERN TERRITORY OF AUSTRALIA

DARWIN WATERFRONT CORPORATION AMENDMENT BY-LAWS 2011

Subordinate Legislation No. 23 of 2011

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**Schedule Darwin Waterfront Corporation By-laws
further amended**

NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 23 of 2011*

Darwin Waterfront Corporation Amendment By-laws 2011

The Darwin Waterfront Corporation, under the powers conferred on it by the *Darwin Waterfront Corporation Act* and in accordance with section 19 of the Act, at a meeting held on 29 April 2011, made the following by-laws and, for section 63(2)(a) of the *Interpretation Act*, authorised Patrick Coleman, the CEO, to sign them.

Dated 8 May 2011

P. D. COLEMAN
CEO

The common seal of Darwin Waterfront Corporation is affixed under a resolution of the Corporation authorising the seal to be affixed passed on 8 May 2011.

P. D. COLEMAN
CEO

Chief Executive Officer

* Notified in the *Northern Territory Government Gazette* on 25 May 2011.

1 Citation

These By-laws may be cited as the *Darwin Waterfront Corporation Amendment By-laws 2011*.

2 By-laws amended

These By-laws amend the *Darwin Waterfront Corporation By-laws*.

3 By-law 15 amended

(1) By-law 15, before "A"

insert

(1)

(2) After by-law 15(1)

insert

(2) An offence against clause (1) is a regulatory offence.

(3) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes a reasonable excuse.

4 By-law 24 amended

After by-law 24(3)

insert

(4) An offence against clause (3) is a regulatory offence.

5 By-law 25 amended

(1) By-law 25(2), penalty provision

omit

100

insert

10

(2) After by-law 25(2)

insert

(3) An offence against clause (2) is a regulatory offence.

-
- (4) It is a defence to a prosecution for an offence against clause (2) if the defendant establishes a reasonable excuse.

6 By-law 26 amended

- (1) After by-law 26(1)(c)

insert

(ca) removing and impounding an advertising sign under by-law 107(1) or 108(1);

- (2) By-law 26(2)(c), after "emergency"

insert

or to remove and impound an advertising sign in the circumstance mentioned in by-law 108(1)(b)

7 By-law 27 amended

- (1) By-law 27(3), penalty provision

omit

100

insert

20

- (2) After by-law 27(4)

insert

- (5) An offence against clause (3) is a regulatory offence.

8 By-law 31 amended

- (1) By-law 31(3), penalty provision

omit

100

insert

5

(2) After by-law 31(3)

insert

(4) An offence against clause (3) is a regulatory offence.

9 By-law 33 replaced

By-law 33

repeal, insert

33 Maintenance and use of garbage containers

(1) The occupier of premises must not fail to do any of the following:

(a) maintain the garbage container for the premises (the **container**):

(i) in good condition; and

(ii) in a condition that does not attract, harbour or breed pests, insects or vermin or give off an offensive odour; and

(iii) in a way that is not a danger to public health and does not affect the comfort of persons occupying or passing through neighbouring premises;

(b) keep the container on the premises, or in an allocated area for the premises, and ensure the container is not removed from the premises except for collection of the garbage in the container;

(c) return the container to the premises or to an allocated area for the premises within 24 hours after collection of the garbage in the container;

(d) place garbage produced on, and during the ordinary use of, the premises into the container until the garbage is collected or otherwise lawfully disposed of;

(e) effectively wrap wet garbage before placing it in the container;

(f) ensure that waste liquids, chemicals, paint or hazardous substances or excess quantities of heavy material such as earth, concrete or brick are not placed in the container;

-
- (g) keep the lid of the container closed except when placing garbage in it or cleaning it.

Maximum penalty: 20 penalty units

- (2) An offence against clause (1) is a regulatory offence.

10 By-law 35 amended

- (1) By-law 35, before "A"

insert

- (1)

- (2) By-law 35(1), penalty provision

omit

100

insert

5

- (3) After by-law 35(1)

insert

- (2) An offence against clause (1) is a regulatory offence.

11 By-law 38 amended

After by-law 38(3)

insert

- (4) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes a reasonable excuse.

12 By-law 39 amended

- (1) By-law 39(2), penalty provision

omit

100

insert

20

(2) By-law 39(4) to (6)

omit, insert

(4) A person must not, in a public place, intentionally break glass or another material likely to cause injury to a person.

Maximum penalty: 100 penalty units.

(5) A person must not, in a public place:

(a) if the person breaks glass or material mentioned in clause (4) – fail to promptly and safely dispose of the broken glass or material; or

(b) discard glass except in a litter bin provided by the Corporation.

Maximum penalty: 50 penalty units.

(6) An offence against clause (2) or (5) is a regulatory offence.

(7) It is a defence to a prosecution for an offence against clause (5) if the defendant establishes a reasonable excuse.

13 By-law 40 amended

After by-law 40(2)

insert

(3) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes a reasonable excuse.

14 By-law 41 amended

(1) By-law 41, before "A"

insert

(1)

(2) By-law 41(1), penalty provision

omit

100

insert

50

-
- (3) After by-law 41(1)

insert

- (2) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes a reasonable excuse.

15 By-law 42 amended

- (1) By-law 42(1), penalty provision

omit

100

insert

77

- (2) After by-law 42(3)

insert

- (4) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes a reasonable excuse.

16 By-law 43 amended

- (1) By-law 43(1), penalty provision

omit

100

insert

77

- (2) After by-law 43(3)

insert

- (4) An offence against clause (1) is a regulatory offence.

- (5) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes a reasonable excuse.

17 By-law 44 amended

- (1) By-law 44(1), penalty provision

omit

100

insert

77

- (2) After by-law 44(3)

insert

- (4) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes a reasonable excuse.

18 By-law 60 amended

By-law 60(3)

omit, insert

- (3) Clause (1)(b) does not apply to a person who digs up sand, solely as a recreational activity, at the beach adjoining public enclosed waters.

- (4) An offence against clause (1) is a regulatory offence.

- (5) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes a reasonable excuse.

19 By-law 61 amended

- (1) By-law 61, heading

omit, insert

61 Structures, fixtures and equipment

- (2) By-law 61(1)(a), after "structure"

insert

, fixture or piece of equipment

-
- (3) After by-law 61(3)

insert

- (4) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes a reasonable excuse.

20 By-law 62 amended

After by-law 62(3)

insert

- (4) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes a reasonable excuse.

21 By-law 63 amended

- (1) By-law 63(1) and (3), penalty provisions

omit

100

insert

5

- (2) After by-law 63(6)

insert

- (7) An offence against this by-law is a regulatory offence.

- (8) To avoid doubt, an advertising sign to which Part 13 applies is not a handbill mentioned in this by-law.

22 By-law 64 repealed

By-law 64

repeal

23 By-law 65 amended

- (1) By-law 65(1), penalty provision

omit

100

insert

5

- (2) By-law 65(3) to (7)

omit, insert

- (3) A person must not wash or carry out repairs or maintenance work on a vehicle or boat in a public place.

Maximum penalty: 5 penalty units.

- (4) Clause (3) does not apply:

- (a) if the place has been set aside by the Corporation for the purpose of washing or carrying out repairs or maintenance work on vehicles or boats; or
- (b) to repairs for the purpose of immediately removing the vehicle or boat from a public place.

- (5) The Corporation may, by sign, prohibit the following:

- (a) the driving of motor vehicles in a public place;
- (b) the riding or driving of other vehicles in a public place.

- (6) A sign prohibiting the riding or driving of vehicles mentioned in clause (5)(b) may relate to all, or specified, vehicles.

- (7) A person must not drive a motor vehicle in contravention of a sign mentioned in clause (5)(a).

Maximum penalty: 20 penalty units.

- (8) A person must not ride or drive a vehicle in contravention of a sign mentioned in clause (5)(b).

Maximum penalty: 20 penalty units.

- (9) An offence against this by-law is a regulatory offence.

24 By-law 66 amended

- (1) By-law 66(1) and (2), penalty provisions

omit

100

insert

20

- (2) After by-law 66(3)

insert

- (4) An offence against clause (2) is a regulatory offence.

25 By-law 67 amended

- (1) By-law 67(1), penalty provision

omit

100

insert

20

- (2) By-law 67(3) to (6)

omit, insert

- (3) If an authorised person reasonably believes a person has contravened clause (1), the authorised person may direct the person to:

(a) leave the public place; and

(b) remove anything used for camping in contravention of clause (1) to a place specified by the authorised person.

- (4) The person must not contravene the direction.

Maximum penalty: 20 penalty units.

- (5) An offence against this by-law is a regulatory offence.

- (6) It is a defence to a prosecution for an offence against clause (4) if the defendant establishes a reasonable excuse.

- (7) In this by-law:

camp includes any of the following:

(a) stay overnight in a vehicle, boat, tent or other temporary shelter;

-
- (b) stay overnight in the open air;
 - (c) prepare a temporary shelter, park a vehicle, or put in place any equipment or bedding, for the purpose of staying overnight or sleeping.

26 By-laws 69 and 70 replaced

By-laws 69 and 70

repeal, insert

69 Public amenities

- (1) A person must not enter a dressing room, toilet or shower set aside for members of the opposite sex.

Maximum penalty: 20 penalty units.

- (2) A person who is responsible for the custody, care or control of a child between the ages of 5 and 15 years must not allow the child to enter a dressing room, toilet or shower set aside for members of the opposite sex of the child.

Maximum penalty: 20 penalty units.

- (3) It is a defence to a prosecution for an offence against this by-law if the defendant establishes a reasonable excuse.

70 Conduct generally in public place

- (1) A person must not, in a public place, intentionally obstruct or disturb another person.

Maximum penalty: 50 penalty units.

- (2) A person must not, in a public place:

- (a) do anything likely to annoy another person; or
- (b) urinate; or
- (c) behave in a disorderly, indecent or offensive way; or
- (d) use offensive or indecent language.

Maximum penalty: 20 penalty units.

-
- (3) A person must not, in a public place, contravene a direction given by an authorised person or notified on a sign erected by the Corporation.

Maximum penalty: 20 penalty units.

- (4) A person must not, in a public place, behave in a way likely to injure the person or another person.

Maximum penalty: 100 penalty units.

- (5) A person must not:

- (a) restrict public access to a public place; or
- (b) obstruct the use of a facility in a public place.

Maximum penalty: 20 penalty units.

- (6) Clause (5) does not apply to a person acting in accordance with a permit.

- (7) An offence against clause (3), (4) or (5) is a regulatory offence.

- (8) It is a defence to a prosecution for an offence against clause (3) or (4) if the defendant establishes a reasonable excuse.

27 By-law 72 amended

- (1) By-law 72, before "A"

insert

- (1)

- (2) By-law 72(1), penalty provision

omit

100

insert

20

- (3) After by-law 72(1)

insert

- (2) An offence against clause (1) is a regulatory offence.

28 By-law 73 amended

- (1) By-law 73(2), penalty provision

omit

100

insert

5

- (2) After by-law 73(2)

insert

- (2A) An offence against clause (2) is a regulatory offence.

29 By-law 75 amended

- (1) By-law 75(1)

omit, insert

- (1) A person must not enter the Wave Lagoon without paying the determined fee for admission.

Maximum penalty: 5 penalty units.

- (1A) A person must not enter the Wave Lagoon outside its operating hours.

Maximum penalty: 20 penalty units.

- (2) After by-law 75(4)

insert

- (5) An offence against this by-law is a regulatory offence.

30 By-law 76 amended

- (1) By-law 76, before "A"

insert

- (1)

-
- (2) By-law 76(1), penalty provision

omit

100

insert

20

- (3) After by-law 76(1)

insert

- (2) An offence against clause (1) is a regulatory offence.

31 By-law 80 amended

- (1) By-law 80, before "A"

insert

- (1)

- (2) By-law 80(1), penalty provision

omit

100

insert

5

- (3) After by-law 80(1)

insert

- (2) An offence against clause (1) is a regulatory offence.

32 By-law 81 amended

- (1) By-law 81(1) and (4), penalty provisions

omit

100

insert

20

-
- (2) After by-law 81(5)

insert

- (6) An offence against this by-law is a regulatory offence.

33 By-law 82 amended

- (1) By-law 82(2), penalty provision

omit

100

insert

20

- (2) After by-law 82(2)

insert

- (3) An offence against clause (2) is a regulatory offence.

- (4) It is a defence to a prosecution for an offence against clause (2) if the defendant establishes a reasonable excuse.

34 By-law 84 amended

After by-law 84(3)

insert

- (4) It is a defence to a prosecution for an offence against this by-law if the defendant establishes a reasonable excuse.

35 By-law 85 amended

- (1) By-law 85(1), penalty provision

omit

100

insert

20

-
- (3) After by-law 85(3)

insert

- (4) An offence against clause (1) is a regulatory offence.

36 By-law 86 amended

- (1) By-law 86(1) and (2)

omit, insert

- (1) A stallholder must not:

- (a) contravene the reasonable directions of the Corporation or an authorised person concerning the location and siting of the stallholder's stall; or
- (b) fail to maintain the stall in good order and condition, including by keeping the site of the stall clean and free from waste and litter resulting from its operation.

Maximum penalty: 100 penalty units.

- (2) A stallholder must not:

- (a) call, spruik or tout goods; or
- (b) leave or store packaging or goods except within the stallholder's stall; or
- (c) obstruct the passage of pedestrians or vehicles; or
- (d) fail to display the stallholder's name legibly and conspicuously on the stall.

Maximum penalty: 20 penalty units.

- (2) After by-law 86(3)

insert

- (4) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes a reasonable excuse.

37 By-law 90 amended

After by-law 90(4)

insert

- (5) It is a defence to a prosecution for an offence against this by-law if the defendant establishes a reasonable excuse.

38 By-law 91 amended

After by-law 91(3)

insert

- (4) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes a reasonable excuse.

39 By-law 92 amended

After by-law 92(3)

insert

- (4) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes a reasonable excuse.

40 By-law 93 amended

After by-law 93(3)

insert

- (4) An offence against clause (2) is a regulatory offence.
- (5) It is a defence to a prosecution for an offence against clause (2) if the defendant establishes a reasonable excuse.

41 By-law 94 amended

- (1) By-law 94, before "A"

insert

- (1)

- (2) After by-law 94(1)

insert

- (2) An offence against clause (1) is a regulatory offence.

-
- (3) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes a reasonable excuse.

42 By-law 96 amended

After by-law 96(5)

insert

- (6) It is a defence to a prosecution for an offence against clause (3)(b) if the defendant establishes a reasonable excuse.

43 By-law 97 amended

- (1) By-law 97(2), penalty provision

omit

100

insert

5

- (2) After by-law 97(2)

insert

- (3) An offence against clause (2) is a regulatory offence.

44 By-law 102 amended

- (1) By-law 102, before "A"

insert

- (1)

- (2) By-law 102(1), penalty provision

omit

100

insert

20

(3) After by-law 102(1)

insert

(2) An offence against clause (1) is a regulatory offence.

45 By-law 103 amended

After by-law 103(3)

insert

(4) It is a defence to a prosecution for an offence against clause (2) if the defendant establishes a reasonable excuse.

46 By-law 104 amended

After by-law 104(3)

insert

(4) It is a defence to a prosecution for an offence against clause (2) if the defendant establishes a reasonable excuse.

47 By-law 106 amended

After by-law 106(4)

insert

(5) It is a defence to a prosecution for an offence against clause (3) if the defendant establishes a reasonable excuse.

48 By-law 107 amended

After by-law 107(1)

insert

(1A) If necessary, the authorised person may carry out demolition or other work necessary to remove the advertising sign.

49 By-law 109 repealed

By-law 109

repeal

50 Schedule replaced

Schedule

repeal, insert

Schedule Infringement offences and prescribed amounts

by-law 112

Column 1 Infringement offence	Column 2 Prescribed amounts in penalty units
By-law 15(1)	1
By-law 17(3)	2
By-law 24(3)	1
By-law 25(2)	2
By-law 27(3)	1
By-law 29	2
By-law 31(3)	1
By-law 33(1)	1
By-law 34(1)	1
By-law 34(2)	1
By-law 35(1)	1
By-law 37(1)	2
By-law 37(3)	1
By-law 38(1)	3
By-law 39(2)	2
By-law 39(4)	4
By-law 39(5)	1

By-law 40(1)	2
By-law 41(1)	2
By-law 42(1)	4
By-law 43(1)	4
By-law 44(1)	4
By-law 46(1)	1
By-law 46(3)	1
By-law 60(1)	3
By-law 61(1)	3
By-law 62(1)	3
By-law 63(1)	1
By-law 63(3)	1
By-law 65(1)	1
By-law 65(3)	1
By-law 65(7)	2
By-law 65(8)	1
By-law 66(1)	1
By-law 66(2)	1
By-law 67(1)	1
By-law 67(4)	3
By-law 68(1)	1
By-law 69(1)	1
By-law 69(2)	1
By-law 70(1)	1
By-law 70(2)	1

By-law 70(3)	3
By-law 70(4)	3
By-law 70(5)	1
By-law 72(1)	1
By-law 73(2)	1
By-law 74(1)	3
By-law 74(3)	1
By-law 75(1)	1
By-law 75(1A)	2
By-law 76(1)	1
By-law 78	1
By-law 79(1)	5
By-law 80(1)	1
By-law 81(1)	2
By-law 81(4)	2
By-law 82(2)	2
By-law 84(1)	3
By-law 84(2)	3
By-law 84(3)	3
By-law 85(1)	1
By-law 86(1)	3
By-law 86(2)	1
By-law 90(1)	4
By-law 90(3)	4
By-law 91(1)	4

By-law 92(1)	3
By-law 93(2)	1
By-law 94(1)	2
By-law 95(1)	1
By-law 96(3)	3
By-law 97(2)	1
By-law 102(1)	2
By-law 103(2)	3
By-law 104(2)	3
By-law 106(3)	3

51 By-laws further amended

The Schedule has effect.

Schedule Darwin Waterfront Corporation By-laws further amended

by-law 51

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
by-law 17(3), penalty provision	100	20
by-law 29, penalty provision	100	50
by-law 34(1) and (2), penalty provision	100	20
by-law 34(3)	clause (2)	this by-law
by-law 37(1), penalty provision	100	20
by-law 37(3), penalty provision	100	5
by-law 46(1) and (3), penalty provision	100	20
by-law 68(1), penalty provision	100	5
by-laws 74(1) and (3) and 78, penalty provision	100	20
by-law 87(4), penalty provision	100	5
by-law 89(4)	100	5
by-law 95(1), penalty provision	100	20
by-law 108(2)	107(2)	107(1A)
