

1995—No. 468

DARLING HARBOUR AUTHORITY ACT 1984—REGULATION

(Darling Harbour (Monorail) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Darling Harbour Authority Act 1984, has been pleased to make the Regulation set forth hereunder.

MICHAEL KNIGHT, M.P.,
Minister for Public Works and Services.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Darling Harbour (Monorail) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. In this Regulation:

“authorised person” means:

- (a) a person, or a person belonging to a class of persons, authorised by the Authority for the purposes of this Regulation; or
- (b) a police officer;

“monorail car” means a vehicle that forms part of the monorail transport system and that is used for the carriage of passengers;

“monorail transport system” means the monorail transport system that forms part of the scheduled works carried out under Division 2 of Part 3 of the Act;

“monorail works” means any station, platform, monorail track or supporting column associated with the monorail transport system, and includes any ancillary facilities and equipment used in connection with that system;

“the Act” means the Darling Harbour Authority Act 1984.

Penalties for offences

4. A contravention of this Regulation is an offence under section 52 of the Act and is punishable under section 53 of the Act by a maximum penalty of 20 penalty units.

PART 2—FARES

Travelling without having paid fare

5. A person who is of or above the age of 5 years must not travel on the monorail transport system unless the appropriate fare for the distance travelled, or for the period during which the travel takes place, has been paid by or on behalf of that person.

PART 3—BEHAVIOUR

Travelling on monorail cars

6. A person must not, without reasonable excuse:
- (a) enter or leave, or attempt to enter or leave, a monorail car that is in motion; or
 - (b) enter or leave, or attempt to enter or leave, a monorail car by any means other than a doorway that opens onto a platform; or
 - (c) open or hold open, or attempt to open or hold open, any door of a monorail car; or
 - (d) lock, or attempt to lock, any unlocked door of a monorail car; or
 - (e) prevent, or attempt to prevent, any door of a monorail car from opening or closing; or
 - (f) mount or travel on, or attempt to mount or travel on, the exterior of a monorail car, other than a part of the exterior that is designed for the conveyance of passengers; or

- (g) make use, or attempt to make use, of any door of a monorail car in a manner that is likely to cause damage to the opening or closing mechanism of the door.

Entering monorail cars

7. A person must not enter, or attempt to enter, a monorail car after having been directed by an authorised person not to do so.

Leaving monorail cars

8. A person must not, without reasonable excuse, leave a monorail car that has been stopped for a purpose other than that of the setting down of passengers.

Passengers to remain wholly within monorail cars

9. A person who is in or on a monorail car must not, without reasonable excuse:

- (a) protrude any part of the person's body from an open door or window of the monorail car; or
- (b) touch, or attempt to touch, any building, structure or other object outside the monorail car.

Misuse of emergency equipment

10. A person must not misuse any emergency device that is fitted to a monorail car.

Stopping monorail cars

11. A person must not, without reasonable excuse, cause to be stopped, or attempt to cause to be stopped, a monorail car that is in motion.

Throwing articles

12. A person must not throw or drop any article or thing on or from any monorail car or any part of the monorail works.

Luggage and soiled clothing

13. (1) If, in the opinion of an authorised person, a person's clothing or luggage (or any other thing, such as a bicycle, on or carried by the person):

- (a) may soil or damage a monorail car or the clothing or luggage of other passengers; or

- (b) is of such a size or has such dimensions that it cannot be accommodated in a monorail car without inconvenience to other passengers,

the authorised officer may direct the person not to enter or to leave the monorail car or any part of the monorail works.

- (2) A person must not fail to comply with such a direction.

Passengers who are intoxicated

14. (1) If, in the opinion of an authorised person, a person:

- (a) is under the influence of alcohol or any drug; and
- (b) is causing, or is likely to cause, a nuisance or annoyance to other passengers,

the authorised officer may direct a person not to enter or to leave any monorail car or any part of the monorail works.

- (2) A person must not fail to comply with such a direction.

Consuming intoxicating liquor

15. A person must not drink any intoxicating liquor in or on any monorail car or any part of the monorail works.

Smoking

16. A person must not smoke tobacco or any other substance in or on any monorail car, or any part of the monorail works, if a notice is displayed in or on that car or that part of those works stating that smoking is prohibited in or on that car or that part of those works.

Obstruction of doorways

17. A person must not obstruct a doorway or other part of a monorail car or any part of the monorail works.

Eating and drinking

- 18.** A person must not eat or drink in or on any monorail car.

Carriage of firearms and offensive weapons

19. A person must not take into or on, or attempt to take into or on, any monorail car, or any part of the monorail works, any firearm or offensive weapon.

Carriage of goods that endanger monorail cars

20. A person must not take into or on, or attempt to take into or on, any monorail car or any part of the monorail works:

- (a) any explosive or inflammable liquid or gas; or
- (b) any article or thing that may project beyond the monorail car or that may damage any monorail car or any part of the monorail works.

Seats to be kept free for passengers

21. A person must not, without reasonable excuse, prevent another person from occupying a seat in a monorail car by placing any goods of any kind on the seat and refusing to move the goods when requested.

Offensive behaviour

22. A person must not, while in or on any monorail car or any part of the monorail works:

- (a) gamble; or
- (b) operate any radio, tape or cassette recorder or television receiver to the annoyance of any other person; or
- (c) use or ride any skateboard.

Graffiti and vandalism

23. A person must not:

- (a) write, draw or affix any word, representation, character or poster on or to any monorail car or any part of the monorail works; or
- (b) destroy, damage, deface, mutilate or injure any monorail car or any part of the monorail works.

Interference with electrical equipment

24. A person must not:

- (a) operate or otherwise interfere with any electrical or mechanical apparatus or device that is attached to or forms part of any monorail car or any part of the monorail works; or
- (b) throw any article or thing at or towards, or otherwise interfere with, any electricity supply line or any electrical or mechanical apparatus situated on or about, or attached to, any part of the monorail works.

Protection of monorail works

25. (1) A person must not enter the monorail envelope, or cause or permit anything to enter the monorail envelope, otherwise than:

- (a) for the purpose of entering, leaving or travelling in a monorail car; or
- (b) in accordance with an approval granted by the Authority.

(2) In this clause, “monorail envelope” means the space around the monorail, being the rectangular space within 2 metres on either side of, 4.5 metres above and 1 metre below the centreline of the monorail beam.

Lighting fires

26. A person must not:

- (a) light a fire in or on any monorail car or on any part of the monorail works; or
- (b) bring any burning substance into or on, or cause any burning substance to be brought into or on, any monorail car or any part of the monorail works; or
- (c) throw or drop any burning substance on or from, or cause any burning substance to be thrown or dropped on or from, any monorail car or any part of the monorail works.

Commercial activities

27. A person must not, except as authorised by the Authority:

- (a) sell or hire, or offer or expose for sale or for hire, any articles or goods of any kind; or
- (b) tout, solicit or ply for custom, hire or employment of any kind; or
- (c) distribute handbills to, or solicit money from, any other person; or
- (d) play or perform on any musical instrument,

in or on any monorail car or any part of the monorail works.

Pedestrians

28. A person must not, while proceeding on foot on any station, platform or other part of the monorail works, proceed at a pace or in a manner that may cause injury, damage, annoyance or discomfort to, or that may endanger, any person or property.

Only proper entrances and exits to be used

29. (1) A person must not, without reasonable excuse, enter or leave any station, platform or other part of the monorail works otherwise than by means of entrances and exits provided for that purpose.

(2) A person must not, without reasonable excuse, enter or remain in or on:

- (a) any monorail track or column; or
- (b) any other part of the monorail works that is not open to the public.

Obstruction of station doors

30. A person must not, without reasonable excuse:

- (a) open or otherwise interfere with any gate or door which has been closed or locked; or
- (b) close or lock or otherwise interfere with any gate or door which has been opened,

in or on my part of the monorail works.

Lights

31. A person must not, without reasonable excuse, light or extinguish, or otherwise interfere with, any lamp that is fitted in or on any monorail car or any part of the monorail works.

Spitting

32. A person must not spit while in or on my monorail car or any part of the monorail works.

Tipping

33. A person must not, while in or on a monorail car or any part of the monorail works, give or offer a gratuity to any person employed in or about that car or those works.

Causing discomfort

34. A person must not, while in or on any monorail car or any part of the monorail works, interfere with the comfort or safety of any other person in or on that car or those works.

Litter

35. A person must not deposit in or on any monorail car or any part of the monorail works:

- (a) any litter, tin, carton, package, paper, glass, food or other refuse or rubbish; or
- (b) any article or thing that may cause injury or damage to, or that may endanger, any person or property; or
- (c) any article or thing that is likely to be a source of annoyance or discomfort to any other person,

otherwise than in a receptacle provided for that purpose.

Animals

36. (1) A person must not take into or on, or attempt to take into or on, any monorail car, or any part of the monorail works, any dog, cat, bird or other animal.

(2) This clause does not apply to:

- (a) a guide dog accompanying a visually or aurally impaired person; or
- (b) a guide dog in training.

PART 4—GENERAL**Children**

37. A person must not, without reasonable excuse, permit any child who is under that person's control to contravene any provision of this Regulation.

Name and address to be provided

38. (1) If an authorised person suspects that a person:

- (a) has entered onto a platform or travelled on the monorail transport system without having paid the appropriate fare for travelling on the system; or
- (b) has otherwise contravened any provision of this Regulation,

the authorised person may direct the person to furnish the authorised person with the person's full name and residential address.

(2) A person to whom such a direction is given must not fail to comply with the direction.

(3) A person is not guilty of an offence under this clause unless the person was warned, when the direction was given, that it is an offence to fail or refuse to comply with such a direction.

Removal of offenders

39. (1) If, in the opinion of an authorised person, a person is contravening any provision of this Regulation, the authorised person may direct the person to leave any monorail car or any part of the monorail works.

(2) A person to whom such a direction is given must not fail to comply with the direction.

(3) A person who fails to comply with such a direction may be removed from a monorail car or any part of the monorail works by an authorised person.

Repeal

40. (1) The Darling Harbour (Monorail) Regulation 1988 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Darling Harbour (Monorail) Regulation 1988, had effect under that Regulation continues to have effect under this Regulation.

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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, with no major changes in substance, the provisions of the Darling Harbour (Monorail) Regulation 1988. The new Regulation deals with the following matters:

- (a) the payment of fares on the monorail (Part 2); and
- (b) the behaviour of passengers on the monorail (Part 3); and
- (c) other matters of a minor, consequential or ancillary nature (Parts 1 and 4).

This Regulation is made under the Darling Harbour Authority Act 1984, including section 67 (the general regulation making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
