

# BY-LAW No. 18.

## PUBLIC MONUMENTS.

**SYDNEY CORPORATION ACT, 1932-1934, as amended.**

[Published in Government Gazette No. 24 of 19th February, 1937]

HIS Excellency the Lieutenant-Governor, with the advice of the Executive Council, in pursuance of the powers in that behalf conferred by the Sydney Corporation Act, 1932-1934, as amended, has been pleased to approve By-law No. 18 (Public Monuments, Memorials, Statues and the like erected or placed in Public Ways) made, as set out below, by the Municipal Council of Sydney in accordance with the provisions of the said Act.

(L.G. 1936-M. 5,149)

E. S. SPOONER, Minister for Local Government.

Department of Works and Local Government,  
Sydney, 19th February, 1937.

### CITY OF SYDNEY.

#### BY-LAW No. 18 (PUBLIC MONUMENTS, MEMORIALS, STATUES AND THE LIKE ERECTED OR PLACED IN PUBLIC WAYS).

(SYDNEY CORPORATION ACT, 1932-1934, SECTIONS 114A, 263,  
SUBSECTION (2) and 264).

#### PART I.—PRELIMINARY.

##### *Extent of Application.*

1. This By-law shall apply to the whole area of the City, except where otherwise expressly provided.—

##### *Division of By-law by Subjects.*

2. This By-law is divided into Parts as follows:—

PART I.—Preliminary.

PART II.—The Cenotaph.

PART III.—Other Public Monuments, Memorials, Statues and the like.

PART IV.—Enforcement of By-law.

*Interpretation.*

3. (a) In construing this By-law, the following terms in inverted commas shall, except where otherwise expressly provided, or unless the context otherwise indicates, have the meanings and include the things hereby assigned to them respectively.

“City” means the City of Sydney.

“Council” means The Municipal Council of Sydney.

“Custodian of the Cenotaph” means the person nominated by the Returned Sailors and Soldiers’ Imperial League of Australia (New South Wales Branch) and appointed for that purpose by the Council.

“Permission” means the permission or consent of the Council given in writing under the hand of the Town Clerk.

“Town Clerk” means the Town Clerk of the City of Sydney or any person acting as Town Clerk, or in the case of the absence of the Town Clerk from the Town Hall at any time, the Deputy Town Clerk.

(b) In construing this By-law with regard to other words than those herein defined, a construction shall be applied similar to that which the Interpretation Act of 1897 provides for the interpretation of Acts of Parliament.

## PART II.—THE CENOTAPH.

*Application of Part.*

4. This Part of this By-law shall apply to the Cenotaph situated in Martin-place in the City.

*General Provisions.*

5. A person shall not in, upon or about the Cenotaph or near or adjacent thereto—

- (a) without permission, erect or place any post, rail fence, photographic apparatus, pole, peg, spike, tent, booth, stall, screen, stand or other building erection structure or obstruction of any kind whatsoever;
- (b) place any vehicle, goods, articles or things other than wreaths, flowers or tokens of respectful memory;
- (c) deposit, place, throw or leave any refuse, paper or other matter or thing;
- (d) sell, expose for sale, exhibit or let for hire any article, or distribute any card, bill, paper or thing;
- (e) without permission, solicit or gather money or other thing whether in connection with any performance, recitation, representation, speech, announcement, lecture or otherwise;
- (f) without permission, deliver, utter or read any announcement, speech, lecture, prayer, scripture, sermon or address of any kind or description whatever or sing any sacred or secular song;

- (g) without permission, play or make sounds on any musical instrument;
- (h) exhibit or affix any advertisement, placard, poster or paper;
- (i) without permission, disturb or remove any wreath, flower, card or other token of respectful memory;
- (j) place or leave any wreath or flower, whether artificial or otherwise, or any other token incased in or covered in whole or in part by glass;
- (k) loiter;
- (l) commit any nuisance;
- (m) curse, swear or use offensive or indecent language or behave in a disorderly or offensive manner, or act in any way disrespectful in relation to the said Cenotaph.

6. A person shall not—

- (a) without permission, lie, stand, sit, lounge, walk, run or climb in, upon or about the cenotaph;
- (b) deface any part of the cenotaph by paint or chalk or in any other manner.

*Removal of Obstructions.*

7. The Custodian of the Cenotaph and any person authorised in writing by the Town Clerk so to do may, whether by removing any matter or thing in, upon, near or about the cenotaph, or otherwise remedy, minimise or rectify any matter or thing done or omitted to be done contrary to this By-law.

PART III.—OTHER PUBLIC MONUMENTS, MEMORIALS,  
STATUES AND THE LIKE.

*Application of Part.*

8. This Part of this By-law shall apply to all Public Monuments, Memorials, Statues and the like (other than the Cenotaph) erected or placed in any public way in the City.

*General Provisions.*

9. A person shall not, in, upon or about any public Monument, Memorial, Statue or the like, erected or placed in any public way in the City or near or adjacent thereto—

- (a) without permission, erect or place any post, rail, fence, photographic apparatus, pole, peg, spike, tent, booth, stall, screen, stand or other building, erection, structure or obstruction of any kind whatsoever;
- (b) place any vehicle, goods, articles or things other than wreaths, flowers or tokens;

- (c) deposit, place, throw or leave any refuse, paper or other matter or thing;
- (d) without permission, solicit or gather money or other thing whether in connection with any performance, recitation, representation, speech, announcement, lecture or otherwise;
- (e) without permission, deliver, utter or read any speech, lecture, prayer, scripture, sermon or address of any kind or description whatever or sing any sacred or secular song;
- (f) exhibit or affix any advertisement, placard, poster or paper;
- (g) without permission, disturb or remove any wreath, flower, card or other token;
- (h) commit any nuisance;
- (i) remove, damage or disturb any part of the soil on any grass plot or garden, or remove, uproot, disturb or damage any grass, shrub, fern, plant or flower;
- (j) pluck any bud, blossom, flower or leaf of any tree, shrub, fern or plant in any garden, or injure or destroy any such tree, shrub, fern or plant.

10. A person shall not in, upon or about any public monument, memorial, statue or the like erected or placed in any public way in the City—

- (a) without permission, lie, stand, sit, lounge, walk, run or climb;
- (b) deface any part thereof by paint or chalk or in any other manner;
- (c) wash himself or any matter or thing or pollute the water of any drinking fountain whether intended for use by man or animal.

*Removal of Obstructions.*

11. Any person authorised in writing by the Town Clerk so to do may, whether by removing any matter or thing in, upon, near or about any Public Monument, Memorial, Statue or the like erected or placed in any public way in the City or otherwise, remedy, minimise or rectify any matter or thing done or omitted to be done contrary to this By-law.

PART IV.—ENFORCEMENT OF BY-LAW.

*Penalty.*

12. Any person contravening, offending against or failing to comply with any of the provisions of this By-law shall, for each offence upon conviction forfeit and pay a penalty or sum not exceeding ten pounds (£10), nor less than one pound (£1).

[9215]

# EXTRACT OF BY-LAW NO.18

## PUBLIC MONUMENTS

SYDNEY CORPORATION ACT, 1932-1934, as amended

[Published in Government Gazette No.24 of 19<sup>th</sup> February, 1937]

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1. This By-law shall apply to the whole area of the City, except where otherwise expressly provided.

#### *Division of By-law by Subjects*

2. This By-law is divided into Parts as follows: -

PART I. - Preliminary.

PART II. - The Cenotaph.

PART III. – Other Public Monuments, Memorials, Statues and the like.

PART IV. - Enforcement of By-law.

#### *Interpretation*

3. (a) In construing this By-law, the following terms in inverted commas shall, except where otherwise expressly provided, or unless the context otherwise indicates, have the meanings and include the things hereby assigned to them respectively.

... City” means the City of Sydney.

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... Permission” means the permission or consent of the Council given in writing under the hand of the Town Clerk.

... Town Clerk” means the Town Clerk of the City of Sydney or any person acting as Town Clerk, or in the case of the absence of the Town Clerk from the Town Hall at any time, the Deputy Town Clerk.

- (b) In construing this By-law with regard to other words than those herein defined, a construction shall be applied similar to that which the Interpretation Act of 1897 provides for the interpretation of Acts of Parliament.

### PART 11. – THE CENOTAPH

#### *Application of Part.*

- (4) This Part of this By-law shall apply to the Cenotaph situated in Martin Place in the City.

*General Provisions.*

5. A person shall not in, upon or about the Cenotaph or near or adjacent thereto -
- (a) without permission, erect or place any post, rail fence, photographic apparatus, pole, peg, spike, tent, booth, stall, screen, stand or other building erection structure or obstruction of any kind whatsoever;
  - (b) place any vehicle, goods, articles or things other than wreaths, flowers or tokens of respectful memory;
  - (c) deposit, place, throw or leave any refuse, paper or other matter or thing;
  - (d) sell, expose for sale, exhibit or let for hire any article, or distribute any card, bill, paper or thing;
  - (e) without permission, solicit or gather money or other thing whether in connection with any performance, recitation, representation, speech, announcement, lecture or otherwise;
  - (f) without permission, deliver, utter or read any announcement, speech, lecture, prayer, scripture, sermon or address of any kind or description whatever or sign any sacred or secular song;
  - (g) without permission, play or make sounds on any musical instrument;
  - (h) exhibit or affix any advertisement, placard, poster or paper;
  - (i) without permission, disturb or remove any wreath, flower, card or other token of respectful memory;
  - (j) place or leave any wreath or flower, whether artificial or otherwise, or any other token incased in or covered in whole or part by glass;
  - (k) loiter;
  - (l) commit any nuisance;
  - (m) curse, swear or use offensive or indecent language or behave in a disorderly or offensive manner, or act in any way disrespectful in relation to the said Cenotaph.
6. A person shall not -
- (a) without permission, lie, stand, sit, lounge, walk, run or climb in, upon or about the cenotaph;
  - (b) deface any part of the cenotaph by paint or chalk or in any other manner.

*Removal of Obstructions.*

7. The Custodian of the Cenotaph and any person authorised in writing by the Town Clerk so to do may, whether by removing any matter or thing in, upon, near or about the cenotaph, or otherwise remedy, minimise or rectify any matter or thing done or omitted to be done contrary of this By-law.