



## Balloon Artists and Suppliers Association – NSW

### Protection of the Environment Operations Act 1997 No 156

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#### 146E Restrictions on release of balloons

##### (1) **Offence of releasing balloons**

A person who releases 20 or more balloons at or about the same time is guilty of an offence if the balloons are inflated with a gas that causes them to rise in the air.

Maximum penalty (for a corporation or an individual): 10 penalty units.

##### (2) **Offence of causing or permitting release of balloons**

A person who causes or permits the release (whether by one or more than one person) of 20 or more balloons at or about the same time is guilty of an offence if the balloons are inflated with a gas that causes them to rise in the air.

Maximum penalty (for a corporation or an individual): 10 penalty units.

##### (3) **Aggravated offence**

A person is guilty of an aggravated offence under this subsection if the person commits an offence under subsection (1) or (2) and the number of balloons released is more than 100.

Maximum penalty (instead of any penalty under subsection (1) or (2):

- in the case of a corporation—55 penalty units, or
- in the case of an individual—33 penalty units.

##### (4) **Exceptions**

Subsections (1)–(3) do not apply if:

- (a) the balloons are released unintentionally and without negligence, or
- (b) the balloons are released inside a building or structure and do not make their way into the open air, or
- (c) the balloons are hot air balloons that are recovered after landing, or
- (d) the balloons are released for scientific (including meteorological) purposes.

##### (5) **Aggravation not proved**

If the court is satisfied that a person charged with an offence under subsection (3) is not guilty of that offence but is satisfied on the evidence that the person is guilty of an offence under subsection (1) or (2), the court may find the person guilty of the offence under subsection (1) or (2), and the person is liable to punishment accordingly.

##### (6) **Evidence**

In any proceedings under this section:

- (a) it is not necessary for the prosecutor to establish the exact number of balloons released, and
- (b) evidence that a balloon rose in the air after being released is, in the absence of evidence to the contrary, evidence that the balloon was inflated with a gas that caused it to rise in the air.

For confirmation of information see:

<http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0>

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