

South Australia

Carrick Hill Trust Regulations 1999

under the *Carrick Hill Trust Act 1985*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Carrick Hill Trust Regulations 1999*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Revocation

The *Carrick Hill Trust Regulations 1986* (see *Gazette 4.9.1986 p713*), as varied, are revoked.

4—Interpretation

In these regulations—

Act means the *Carrick Hill Trust Act 1985*;

authorised person—see Part 3;

Carrick Hill means the land vested in, or under the care, control and management of, the Trust;

disabled person's parking permit means—

- (a) a permit issued under Part 3D of the *Motor Vehicles Act 1959*; or
- (b) a similar permit or authority issued under the law of another State or a Territory of the Commonwealth;

property of the Trust includes property for which the Trust has responsibility.

Part 2—Conduct at Carrick Hill

Division 1—Personal conduct

5—Entry to Carrick Hill

- (1) A person must not, without the authority of the Trust—
 - (a) enter Carrick Hill without paying the entrance fee (if any) fixed by the Trust;
 - (b) enter or remain at Carrick Hill when it is closed to the public.

Maximum penalty: \$1 000.

Expiation fee: \$75.

- (2) A child under the age of 16 years must not enter or remain at Carrick Hill unless in the care or under the supervision of an adult.

Maximum penalty: \$500.

Expiation fee: \$50.

6—Behaviour while at Carrick Hill

- (1) A person must not, while at Carrick Hill—
- (a) interfere with another person's reasonable enjoyment of Carrick Hill; or
 - (b) eat, drink or smoke in an area marked, with the authority of the Trust, by a sign indicating that eating, drinking or smoking (as the case may be) is prohibited in that area; or
 - (c) use abusive, threatening or insulting language; or
 - (d) deposit litter or waste matter in any place (other than a receptacle provided by the Trust for that purpose).

Maximum penalty: \$500.

Expiation fee: \$50.

- (2) A person must not, without the authority of the Trust—
- (a) bring an animal other than a guide dog into Carrick Hill; or
 - (b) bring into Carrick Hill, or have in his or her possession at Carrick Hill, weapons, firearms or explosives.

Maximum penalty: \$1 000.

Expiation fee: \$75.

- (3) A person must not, without the authority of the Trust, while at Carrick Hill—
- (a) deface or interfere with any property of the Trust; or
 - (b) pick any flower or damage or uproot any tree, shrub, flower or other plant; or
 - (c) distribute any printed matter; or
 - (d) erect any structure; or
 - (e) display any bill, sign, poster, placard, banner or flag; or
 - (f) sell anything or offer anything for sale; or
 - (g) take up a collection; or
 - (h) hold, arrange or participate in a rally, demonstration or other meeting; or
 - (i) climb on any tree, shrub, fence, roof, wall or other structure or any other property of the Trust; or
 - (j) light or maintain a fire; or
 - (k) touch any object of art or any furniture or other property of the Trust that has historic or artistic value; or
 - (l) take a photograph while inside a building.

Maximum penalty: \$1 000.

Expiation fee: \$75.

Division 2—Driving and parking motor vehicles

7—Motor vehicles, how driven etc

A person who drives or rides a motor vehicle at Carrick Hill must not—

- (a) unless authorised by the Trust—
 - (i) fail to comply with any speed, parking or other traffic restriction or direction indicated (with the authority of the Trust) by signs or lines or a combination of signs and lines; or
 - (ii) drive or ride in areas that are not intended for public vehicular access; or
 - (iii) drive or ride in such a manner as to cause undue noise to be emitted from the vehicle; or
- (b) drive or ride in a dangerous or careless manner or without reasonable consideration for others; or
- (c) fail to comply with any reasonable speed, parking or other traffic direction of an authorised person.

Maximum penalty: \$500.

Expiation fee: \$50.

8—Impeding pedestrian or vehicular access

A person must not park a motor vehicle at Carrick Hill so as to prevent or impede the passage of a pedestrian or another motor vehicle.

Maximum penalty: \$500.

Expiation fee: \$50.

9—Disabled permit areas

A person must not park a motor vehicle at Carrick Hill in an area indicated, with the authority of the Trust, by signs or lines or a combination of signs and lines, as a parking area for disabled persons unless a disabled person's parking permit is lawfully displayed in the vehicle.

Maximum penalty: \$500.

Expiation fee: \$50.

Part 3—Enforcement

10—Appointment of authorised persons

- (1) The Trust may appoint a person to be an authorised person for the purposes of these regulations.
- (2) An appointment may be made subject to conditions specified in the instrument of appointment.
- (3) The Trust may, at any time, revoke an appointment or vary, revoke or add a condition of an appointment.

- (4) The Trust must issue an identity card to each authorised person appointed by it.
- (5) An authorised person must produce his or her identity card at the request of a person in relation to whom the authorised person has exercised, or intends to exercise, powers under these regulations.

11—General powers of authorised persons

If an authorised person has reasonable cause to suspect that a person at Carrick Hill has committed, is committing or is about to commit an offence against the Act or these regulations, the authorised person may—

- (a) order the person to leave Carrick Hill or to leave, or not to enter, a particular part of Carrick Hill; or
- (b) require the person to produce satisfactory evidence of that person's entitlement to be at Carrick Hill; or
- (c) require the person to state his or her full name and address and, if the authorised person has reasonable cause to suspect that the name or address stated is false, require the person to produce evidence of the correctness of the name or address so stated.

12—Offence to provide false information

A person must not—

- (a) state to an authorised person a name or address that is false; or
- (b) produce to an authorised person false evidence in relation to—
 - (i) his or her name or address; or
 - (ii) his or her entitlement to be at Carrick Hill.

Maximum penalty: \$1 000.

13—Persons under the influence of alcohol or drugs

If an authorised person has reasonable cause to suspect that a person at Carrick Hill is so much under the influence of alcohol or a drug as to be visibly affected by it, the authorised person may—

- (a) order the person to leave Carrick Hill or to leave, or not to enter, a particular part of Carrick Hill; or
- (b) if the person is in possession of a drug or alcoholic beverage—require the person to surrender it and, if it is not surrendered, confiscate it.

14—Offence to re-enter after removal

A person who has been ordered by an authorised person to leave Carrick Hill on a particular day must not re-enter Carrick Hill on that day.

Maximum penalty: \$1 000.

15—Removal of animals

If an authorised person has reasonable cause to suspect that an animal—

- (a) has been brought to Carrick Hill in breach of these regulations; or

- (b) is interfering with, or is likely to interfere with any person's reasonable enjoyment of Carrick Hill,

the authorised person may order the owner or person in charge of the animal to remove the animal from Carrick Hill (or from a part of Carrick Hill) or, if the owner or person in charge of the animal cannot be located in the vicinity, may remove the animal from Carrick Hill (or that part of Carrick Hill).

16—Power to remove and confiscate

An authorised person may require a person to surrender anything brought into, or erected or displayed at, Carrick Hill in contravention of these regulations and, if it is not surrendered, confiscate it.

17—Offence to fail to comply with requirement of authorised person

A person ordered or required to do something by, or to surrender or produce something to, an authorised person in the exercise of powers or functions under these regulations must comply with the order or requirement.

Maximum penalty: \$1 000.

18—Use of reasonable force

An authorised person may use reasonable force—

- (a) to remove from Carrick Hill or a part of Carrick Hill a person who has been ordered to leave; or
- (b) to prevent a person who has been ordered not to enter Carrick Hill or a part of Carrick Hill from entering those places; or
- (c) to confiscate anything not surrendered.

19—Offence to hinder authorised person

A person must not interfere with, obstruct or hinder an authorised person in the exercise of powers or functions under these regulations.

Maximum penalty: \$1 000.

20—No liability for acts done in exercise of official powers

- (1) No liability attaches to an authorised person for an act or omission done or made in good faith in the exercise or purported exercise of official powers or functions.
- (2) An action that would, but for subregulation (1), lie against the authorised person, lies instead against the Crown.

Part 4—Miscellaneous

21—Confiscated or surrendered property

- (1) The Trust should endeavour to return to a person, when leaving Carrick Hill, anything that was surrendered by or confiscated from the person pursuant to these regulations.
- (2) However, the Trust may retain, for such period as is necessary for the purposes of legal proceedings, any thing that the Trust reasonably believes may constitute evidence of the commission of an offence.

22—Use of name "Carrick Hill"

- (1) The Trust has a proprietary interest in the name "Carrick Hill".
- (2) A person must not, without the consent of the Trust, in the course of a trade or business—
 - (a) sell goods marked with the name "Carrick Hill"; or
 - (b) use the name "Carrick Hill" for the purpose of promoting the sale of goods or services or the provision of any benefits.

Maximum penalty: \$1 000.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
1999	192	<i>Gazette 23.9.1999 p1307</i>	23.9.1999: r 2