

South Australia

Libraries Regulations 2013

under the *Libraries Act 1982*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Libraries Regulations 2013*.

2—Commencement

These regulations will come into operation on 1 September 2013.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Libraries Act 1982*;

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;

library parking permit—see regulation 5;

library parking permit area means an area designated by an official sign displayed in or near the area as a parking area for persons holding a library parking permit;

official sign means a sign or marking (or a combination of signs and markings) erected or made with the authority of the Board;

park includes stand;

parking area for disabled persons means an area designated by an official sign displayed in or near the area as a parking area for persons holding a disabled person's parking permit;

property of the Board means property under the care or control of the Board;

vehicle means motor vehicle;

wheeled recreational device includes rollerblades, rollerskates, a skateboard or similar wheeled device, but does not include a bicycle.

4—Acting with approval of Board or authorised officer

- (1) These regulations do not prevent a person from doing anything with the approval of the Board or an authorised officer or otherwise with lawful authority.
- (2) An approval given by the Board or an authorised officer for the purposes of these regulations—
 - (a) must be in writing or, if given orally, must be confirmed in writing as soon as practicable; and
 - (b) may relate to a particular person or matter or persons or matters of a class specified by the Board or authorised officer; and
 - (c) may be subject to conditions (including a condition requiring payment of a fee) specified by the Board or authorised officer; and
 - (d) may be varied or revoked by the Board or authorised officer at any time.
- (3) If the Board or an authorised officer gives approval subject to a condition, the person to whom the approval is given must not contravene or fail to comply with the condition.

Maximum penalty: \$1 250.

5—Library parking permits

- (1) The Board may determine—
 - (a) the persons entitled to a *library parking permit*; and
 - (b) the parts of the premises of the Board that will be designated as *library parking permit areas*, being areas for the parking of vehicles by persons entitled to a library parking permit; and
 - (c) the fee (if any) to be paid for such a permit; and
 - (d) the conditions to which such permits will be subject (which may include conditions as to the period for which the permits remain in force and conditions as to the display of the permits in vehicles),and may vary or revoke any such determination.
- (2) The Board may issue a library parking permit to any person entitled to such a permit on payment of the fee (if any), and subject to the conditions, determined by the Board.

Part 2—Behaviour on premises of Board

6—Nuisances, annoyances and use of electronic devices in library

- (1) A person must not, while in a library, speak using a mobile phone, computer or other electronic device in such a way that is likely to interfere with the comfort of, or disturb or annoy, another person.
Maximum penalty: \$250.
Expiation fee: \$80.
- (2) A person must not, while in a library, use a radio, mobile phone, computer or other electronic device that is capable of emitting sound unless the person ensures that he or she does not allow any sound from the device to interfere with the comfort of, or disturb or annoy, another person.
Maximum penalty: \$250.
Expiation fee: \$80.
- (3) A person must not, while in a library, use a mobile phone, computer or other electronic device—
 - (a) to transmit any material that is defamatory, obscene or offensive; or
 - (b) to knowingly access material that is obscene.Maximum penalty: \$1 250.

7—Other behaviour

- A person must not, while in a library or on other premises of the Board—
- (a) use abusive, threatening or insulting language; or
 - (b) behave in a threatening, intoxicated, indecent or otherwise disorderly or offensive manner or create any disturbance; or
 - (c) interfere with another person's reasonable enjoyment of the library or premises; or

- (d) consume alcohol except in licensed premises; or
- (e) consume unlawful substances; or
- (f) smoke except in an area designated by an official sign displayed in or near the area as an area in which smoking is permitted; or
- (g) eat or drink in an area designated by the Board or an authorised officer, or by an official sign displayed in or near the area, as an area in which eating or drinking is prohibited; or
- (h) deposit litter or waste matter in any place except in a rubbish bin or other receptacle provided for that purpose; or
- (i) pick a flower or damage or uproot a tree, shrub or other plant; or
- (j) distribute printed matter; or
- (k) erect a structure; or
- (l) display a bill, sign, poster, placard, banner or flag; or
- (m) sell anything or offer anything for sale; or
- (n) solicit for contributions to, or membership of, a religious, charitable or other organisation; or
- (o) take up any other collection; or
- (p) hold, arrange or participate in a rally, demonstration or other meeting; or
- (q) light or maintain a fire.

Maximum penalty: \$250.

Expiation fee: \$80.

8—Restricted areas

A person must not enter or remain in a part of a library or other premises of the Board that is designated, at the direction of the Board or an authorised officer, or by an official sign displayed in or near the area, as an area that is closed to public access.

Maximum penalty: \$250.

Expiation fee: \$80.

9—Wheeled recreational devices

A person must not bring a wheeled recreational device into a library or use such a device in a library.

Maximum penalty: \$125.

Expiation fee: \$55.

10—Dogs and other animals

- (1) A person must not bring an animal into, or permit an animal to enter, a library except as follows:
 - (a) a person who is wholly or partially blind or deaf, or otherwise disabled, may be accompanied in the library by an accredited disability dog, guide dog or hearing dog (within the meaning of the *Dog and Cat Management Act 1995*);

- (b) if such a dog is brought into, or permitted to enter, a library, the person responsible for the dog while in the library must ensure that the dog is, at all times under effective control by means of physical restraint (within the meaning of the *Dog and Cat Management Act 1995*).

Maximum penalty: \$125.

Expiation fee: \$55.

- (2) An authorised officer may remove an animal from a library, a part of a library or other premises of the Board if the owner or person in charge of the animal cannot be located in the vicinity after reasonable attempts to do so.

11—Protection of property of Board

- (1) A person must not, while in a library or on other premises of the Board—
 - (a) remove, deface, damage or otherwise interfere with books, objects, works, collections or any other property of the Board; or
 - (b) remove, deface, damage or otherwise interfere with a label, sign, seat, statue, fence, roof, wall, building, structure or any other property of the Board; or
 - (c) climb on, or attach lighting to, a tree, shrub, fence, roof, wall, building or other structure or any other property of the Board.

Maximum penalty: \$750.

Expiation fee: \$105.

- (2) The Board or an authorised officer may require a person who brings into a library any bag, case, box or other article that could conceal library materials to surrender the item or items to the Board or authorised officer for temporary storage in a designated area within the library.

12—Return of surrendered or confiscated property

- (1) The Board should endeavour to return to a person, when leaving a library, anything that was surrendered by or confiscated from the person at the request of the Board or an authorised officer.
- (2) However, the Board may retain, for such period as is necessary for the purposes of legal proceedings, anything that the Board reasonably believes may constitute evidence of the commission of an offence.

13—Notices of exclusion from library

- (1) If an authorised officer—
 - (a) has reasonable cause to suspect that a person has committed an offence against the Act or these regulations; and
 - (b) is of the opinion that it would be desirable to exercise the powers conferred by this regulation in order to prevent the commission of further offences,the authorised officer may, by notice in writing given to the person, ban the person from entering a library or part of a library specified in the notice, for any period specified in the notice (not exceeding 2 years).
- (2) A notice under subregulation (1) must state that the person may, within the period specified in the notice, apply to the Board for a review of the notice.

- (3) The Board may, if it considers it appropriate to do so, invite the person to make submissions to the Board on the matter (either orally or in writing).
- (4) The Board may, after considering any submissions made by the person, if it considers it appropriate to do so, vary or revoke the notice.
- (5) A person who enters a library or part of a library in contravention of a notice issued under subregulation (1) is guilty of an offence.

Maximum penalty: \$750.

Expiation fee: \$105.

Part 3—Driving and parking on premises of Board

14—Driving

The following provisions apply in relation to the driving or riding of a vehicle on premises of the Board:

- (a) a person must not drive or ride a vehicle on a part of the premises in contravention of an official sign displayed in or near the area indicating that the maximum speed limit at which vehicles are permitted to travel in the area is 10 kilometres per hour;
- (b) a person must not bring a vehicle onto, or drive or ride a vehicle on, any part of the premises that is designated, at the direction of the Board or an authorised officer, or by an official sign displayed in or near the area, as an area that is closed to public vehicular access;
- (c) a person must not drive or ride a vehicle on a part of the premises in contravention of any other official sign displayed in or near the area prohibiting or regulating the driving or riding of vehicles or vehicles of a particular kind in that area;
- (d) a person must not drive or ride a vehicle on the premises except in an area specifically set aside for the driving or parking of vehicles;
- (e) a person must not drive or ride a vehicle on the premises without due care or reasonable consideration for others.

Maximum penalty: \$1 250.

Expiation fee: \$160.

15—Parking

- (1) A person must not park a vehicle on premises of the Board unless—
 - (a) the vehicle is parked in an area designated by an official sign displayed in or near the area as an area in which parking is permitted; and
 - (b) —
 - (i) in the case of a parking area for disabled persons—a disabled person's parking permit is lawfully displayed in the vehicle and any other conditions of parking in that area (displayed on the sign or permit or issued with the permit) are complied with; or

- (ii) in the case of a library parking permit area—a library parking permit is lawfully displayed in the vehicle any other conditions of parking in that area (displayed on the sign or permit or issued with the permit) are complied with; or
- (iii) in any other case—any conditions of parking (displayed on the sign) are complied with.

Maximum penalty: \$125.

Expiation fee: \$55.

- (2) A person must not park a vehicle on a part of the premises of the Board in contravention of an official sign displayed in or near the area prohibiting the parking of vehicles or vehicles of a particular kind in that area.

Maximum penalty: \$125.

Expiation fee: \$55.

- (3) A person must not park a vehicle on premises of the Board so as to prevent or impede the passage of a pedestrian or another vehicle.

Maximum penalty: \$125.

Expiation fee: \$55.

16—Liability of vehicle owners and drivers for offence

- (1) Without derogating from the liability of any other person, but subject to this regulation, if a vehicle is involved in an offence against regulation 14 or 15 (the *principal offence*)—
 - (a) the owner of the vehicle is guilty of an offence and liable to the same penalty as is fixed for the principal offence; and
 - (b) the expiation fee that is fixed for the principal offence applies in relation to an offence against this regulation.
- (2) The owner and driver of a vehicle are not both liable through the operation of this regulation to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conviction of the driver exonerates the owner.
- (3) An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged offence against this regulation involving the vehicle must be accompanied by a notice inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the Board, within the period specified in the notice, with a statutory declaration—
 - (a) setting out the name and address of the driver; or
 - (b) if he or she had transferred ownership of the vehicle to another prior to the time of the alleged prescribed offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).

- (4) Before proceedings are commenced against the owner of a vehicle for an offence against this regulation involving the vehicle, the complainant must send the owner a notice—
- (a) setting out particulars of the alleged prescribed offence; and
 - (b) inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subregulation (3).
- (5) Subregulation (4) does not apply to—
- (a) proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
 - (b) proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this regulation as the driver of the vehicle.
- (6) Subject to subregulation (7), in proceedings against the owner of a vehicle for an offence against this regulation, it is a defence to prove—
- (a) that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
 - (b) that the owner provided the complainant with a statutory declaration in accordance with an invitation under this regulation.
- (7) The defence in subregulation (6)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- (8) If—
- (a) an expiation notice is given to a person named as the alleged driver in a statutory declaration under this regulation; or
 - (b) proceedings are commenced against a person named as the alleged driver in such a statutory declaration,
- the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.
- (9) The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.
- (10) In proceedings against a person named in a statutory declaration under this regulation for the offence to which the declaration relates, it will be presumed, in the absence of proof to the contrary, that the person was the driver of the vehicle at the time at which the alleged offence was committed.
- (11) In proceedings against the owner or driver of a vehicle for an offence against these regulations, an allegation in the complaint that a notice was given under this regulation on a specified day will be accepted as proof, in the absence of proof to the contrary, of the facts alleged.

Schedule 1—Revocation and transitional provisions

Part 1—Revocation of *Libraries Regulations 1998*

The *Libraries Regulations 1998* are revoked.

Part 2—Transitional provisions

1—Interpretation

In this Part—

revoked regulations means the *Libraries Regulations 1998*.

2—Approvals of Board or authorised officers

An approval under regulation 4A of the revoked regulations and current immediately before the commencement of this clause, will be taken, on that commencement, to be an approval under regulation 4 of these regulations, and to continue for the remainder of the term, and subject to the same conditions (if any), as applied under the approval immediately before that commencement.

3—Notices of exclusion from library

A notice issued under regulation 8 of the revoked regulations and in force immediately before the commencement of this clause, will be taken, on that commencement, to be a notice given under regulation 13 of these regulations, and to continue for the remainder of the term, and subject to the same conditions (if any), as applied under the notice immediately before that commencement.

4—Library parking permits

A permit issued by the Board under regulation 10 of the revoked regulations and current immediately before the commencement of this clause, will be taken, on that commencement, to be a library parking permit issued under regulation 5 of these regulations, and to continue for the remainder of the term, and subject to the same conditions (if any), as applied under the permit immediately before that commencement.

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
2013	220	<i>Gazette 29.8.2013 p3701</i>	1.9.2013: r 2