

South Australia

Art Gallery Regulations 2002

under the *Art Gallery Act 1939*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Art Gallery Regulations 2002*.

2—Commencement

These regulations will come into operation on 1 September 2002.

3—Revocation

The *Art Gallery Regulations 1989* (see *Gazette 21.12.1989 p1865*), as varied, are revoked.

4—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Art Gallery Act 1939*;

art gallery premises means the art gallery and any structure (permanent or temporary) on the grounds of the art gallery;

authorised officer means a person appointed as an authorised officer under regulation 12;

Director means the person for the time being holding or acting in the office of director of the art gallery;

grounds of the art gallery means the land under the care and control of the board.

Note—

For definition of divisional penalties (and divisional expiation fees) see Appendix.

Part 2—Conduct at the art gallery

Division 1—Personal conduct

5—Entry to the art gallery

- (1) A person must not, without lawful authority—
 - (a) enter or remain in, after due warning, a part of the art gallery premises that is not open to the public; or
 - (b) remain, after due warning, in the art gallery premises after closing time.

Penalty: Division 9 fine.

Expiation fee: Division 9 fee.

- (2) A child under the age of ten years must not enter or remain in the art gallery premises unless in the care or under the supervision of an adult.
- (3) Subregulation (2) does not apply in relation to a part of the art gallery premises set aside for the purpose of the consumption of food and beverages.

6—Behaviour in art gallery premises and grounds

- (1) A person must not—
- (a) behave in a disorderly or offensive manner or so as to interfere with another person's reasonable enjoyment of the art gallery premises or grounds; or
 - (b) use abusive, threatening or insulting language while in the art gallery premises or grounds; or
 - (c) eat, drink or smoke in the art gallery premises (except in an area set aside for the purpose); or
 - (d) deposit litter or waste matter in any part of the art gallery premises or grounds (other than a receptacle provided for that purpose).

Penalty: Division 9 fine.

Expiation fee: Division 9 fee.

- (2) A person must not, without lawful authority—
- (a) bring an animal into the art gallery premises; or
 - (b) touch or in any way interfere with an exhibit in the art gallery premises, a case containing such exhibits or a sign associated with such exhibits.

Penalty: Division 9 fine.

Expiation fee: Division 9 fee.

- (3) A person must not, except as authorised by the Director, while in the art gallery premises or grounds—
- (a) deface or interfere with any property; or
 - (b) distribute any printed matter; or
 - (c) erect any structure; or
 - (d) display any bill, sign, poster, placard, banner or flag; or
 - (e) sell anything or offer anything for sale; or
 - (f) take up a collection; or
 - (g) hold, arrange or participate in a rally, demonstration or other meeting; or
 - (h) climb on any tree, shrub, fence, roof, wall or other structure or any other property under the care and control of the board; or
 - (i) light or maintain a fire.

Penalty: Division 9 fine.

Expiation fee: Division 9 fee.

7—Articles must be left with employee on request

A person must, at the request of an art gallery employee, leave any article brought by the person into the art gallery premises in an area set aside for that purpose.

Penalty: Division 10 fine.

Expiation fee: Division 10 fee.

8—Copying exhibits prohibited

A person must not, except as authorised by the Director, photograph, copy or reproduce an exhibit of the art gallery.

Penalty: Division 10 fine.

Expiation fee: Division 10 fee.

Division 2—Driving and parking motor vehicles

9—Motor vehicles, how driven etc

A person who drives or rides a motor vehicle in the art gallery grounds must not—

- (a) unless authorised by the Director—
 - (i) fail to comply with any speed, parking or other traffic restriction or direction indicated (with the authority of the board) 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 officer.

Penalty: Division 9 fine.

Expiation fee: Division 11 fee.

10—Impeding pedestrian or vehicular access

A person must not park a motor vehicle in the art gallery grounds so as to prevent or impede the passage of a pedestrian or another motor vehicle.

Penalty: Division 9 fine.

Expiation fee: Division 11 fee.

11—Permit areas

A person must not park a motor vehicle in the art gallery grounds in an area indicated, with the authority of the board, by signs or lines or a combination of signs and lines, as a parking area for persons holding a specified type of permit unless the appropriate permit is lawfully displayed in the vehicle.

Penalty: Division 9 fine.

Expiation fee: Division 11 fee.

Part 3—Enforcement

12—Appointment of authorised officers

- (1) The board may appoint a person to be an authorised officer for the purposes of these regulations.
- (2) An appointment may be made subject to conditions specified in the instrument of appointment.
- (3) The board may, at any time, revoke an appointment or vary, revoke or add a condition of an appointment.
- (4) The board must issue an identity card to each authorised officer.
- (5) An authorised officer must produce his or her identity card at the request of a person in relation to whom the authorised officer has exercised, or intends to exercise, powers under these regulations.

13—General powers of authorised officers

- (1) If an authorised officer has reasonable cause to suspect that a person has committed, is committing or is about to commit an offence against the Act or these regulations, the authorised officer may—
 - (a) order the person to leave or not to enter—
 - (i) the art gallery premises or grounds; or
 - (ii) a particular part of the art gallery premises or grounds; or
 - (b) require the person to state his or her name and address and, if the authorised officer 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.
- (2) If an authorised officer has reasonable cause to suspect that a person in the art gallery premises is so much under the influence of alcohol or a drug as to be visibly affected by it, the authorised officer may—
 - (a) order the person to leave the art gallery premises or to leave, or not to enter, a particular part of the art gallery premises; 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 following order to leave

A person who has, on a particular day, been ordered by an authorised officer to leave—

- (a) the art gallery premises or grounds; or
- (b) a particular part of the art gallery premises or grounds,

must not re-enter the premises or grounds or that part of the premises or grounds (as the case may be) on that day.

Penalty: Division 9 fine.

15—Offence to provide false information

A person must not—

- (a) state to an authorised officer a name or address that is false; or
- (b) produce to an authorised officer false evidence in relation to his or her name or address.

Penalty: Division 9 fine.

16—Removal of animals

If an authorised officer finds an animal in the art gallery premises (other than an animal brought into the premises with lawful authority) the authorised officer may—

- (a) order the owner or person in charge of the animal to remove the animal from the premises; or
- (b) if the owner or person in charge of the animal cannot be located in the vicinity—remove the animal from the premises.

17—Power to remove and confiscate

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

18—Offence to fail to comply with requirement of authorised officer

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

Penalty: Division 9 fine.

19—Use of reasonable force

An authorised officer may use reasonable force—

- (a) to remove from the art gallery premises or grounds, or from a part of the art gallery premises or grounds, a person who has been ordered to leave the art gallery premises or grounds or that part of the art gallery premises or grounds; or
- (b) to prevent a person who has been ordered not to enter the art gallery premises or grounds, or a part of the art gallery premises or grounds, from entering those places; or
- (c) to confiscate anything not surrendered in accordance with these regulations.

20—Offence to hinder authorised officer

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

Penalty: Division 9 fine.

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

- (1) No liability attaches to an authorised officer 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 officer, lies instead against the Crown.

Part 4—Miscellaneous

22—Opening times

Except as otherwise directed by the board, the art gallery will be open to the public, free of charge, on each day of the year (other than Christmas Day) during the hours fixed by the board.

23—Confiscated or surrendered property

- (1) The board should endeavour to return to a person, when leaving the art gallery premises or grounds, anything that was surrendered by or confiscated from the person under these regulations.
- (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.

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
2002	160	<i>Gazette 22.8.2002 p3140</i>	1.9.2002: r 2

Appendix—Divisional penalties and expiation fees

At the date of publication of this version divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25

Note: This appendix is provided for convenience of reference only.