

South Australia

## **Botanic Gardens and State Herbarium (Vehicles) Regulations 1993**

under the *Botanic Gardens and State Herbarium Act 1978*

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### **Contents**

#### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Authorised officers
- 5 Approval of Director
- 5A Public vehicular access to Gardens

#### Part 2—Driving offences

- 6 Driving or bringing vehicles into the Gardens
- 7 Speed limits in the Gardens
- 8 One-way traffic
- 9 Owner offence

#### Part 3—Parking controls

- 10 Establishment of parking controls
- 11 Denotation of parking controls
- 12 Operation of parking controls
- 13 Temporary parking controls
- 14 Register of parking controls
- 15 Availability of Act, regulations and Standard

#### Part 4—Parking offences

##### Division 1—Preliminary

- 16 Application
- 17 Interpretation

##### Division 2—Offences

- 18 Parking only allowed in zones
- 19 Prescribed vehicles not to be parked
- 20 Parking spaces
- 21 Impeding pedestrian access
- 22 Prohibited zone
- 23 Permit zone
- 24 Bus and long passenger vehicle zone
- 25 Restricted parking or parking zone subject to limitations
- 26 Time limit

- 27 Angle parking
- 28 Parallel parking
- 29 Fees

#### Division 3—Miscellaneous

- 30 Driver and owner offence
- 31 Further offence each hour

#### Part 6—Miscellaneous

- 33 Owner and driver not both liable to conviction
- 34 Proceedings against owner of vehicle or person named as driver by owner
- 35 Damage to signs etc
- 36 Marking of tyres
- 36A Fee for release of vehicle after hours
- 37 Evidence

#### Schedule—Expiation fees for alleged parking offences

#### Legislative history

#### Appendix—Divisional penalties and expiation fees

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Botanic Gardens and State Herbarium (Vehicles) Regulations 1993*.

### 2—Commencement

These regulations will come into operation on 1 September 1993.

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

*the Act* means the *Botanic Gardens and State Herbarium Act 1978*;

*authorised officer* —see regulation 4;

*bus* means a motor vehicle—

- (a) designed for the principal purpose of carrying passengers; and
- (b) designed to carry more than 12 persons (including the driver);

*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;

*to drive* includes to ride;

***the Gardens*** means all land within public botanic gardens and all other land vested in or placed under the care or control of the Board;

***kerb*** means the boundary between a road and the adjoining land;

***long passenger vehicle*** means a motor vehicle (other than a bus)—

- (a) that is designed for the principal purpose of carrying passengers; and
- (b) that exceeds six metres in length (excluding any trailer, caravan or other vehicle attached to the vehicle);

***owner***, in relation to a motor vehicle, means—

- (a) a person registered or recorded as the owner or an owner of the vehicle under the *Motor Vehicles Act 1959* or a similar law of the Commonwealth or another State or a Territory of the Commonwealth; or
- (b) if the vehicle is registered in the name of a business under the *Motor Vehicles Act 1959* or a similar law of the Commonwealth or another State or a Territory of the Commonwealth—any person carrying on that business; or
- (c) a person to whom a trader's plate, a permit or other authority has been issued under the *Motor Vehicles Act 1959*, or a similar law of the Commonwealth or another State or a Territory of the Commonwealth, by virtue of which the vehicle is permitted to be driven on roads,

and includes—

- (d) if the ownership of the vehicle has been transferred but the transferee has not yet been registered or recorded as the owner of the vehicle—a person to whom ownership of the vehicle has been transferred; or
- (e) if a person has possession of the vehicle by virtue of the hire or bailment of the vehicle—that person;

***to park*** includes to stand;

***parking control*** means a zone established in accordance with these regulations together with any exemption granted or limitation or condition imposed in accordance with these regulations in relation to parking in the zone;

***parking meter*** means a device designed for the purposes of receiving fees payable for parking in a parking space and measuring and indicating the period for which a vehicle may be parked in the space according to the fees paid;

***parking space*** means a space denoted as a parking space within a zone in accordance with these regulations;

***prescribed vehicle*** means—

- (a) a motor vehicle that is constructed solely or mainly for the carriage of goods and has a gross vehicle mass (within the meaning of the *Motor Vehicles Act Regulations 1968*) of 4.5 tonnes or more;
- (b) a prime mover;
- (c) a vehicle (including any trailer, caravan or other vehicle attached to the vehicle) that exceeds six metres in length,

but excludes a bus that is less than 3 metres high when unladen or a long passenger vehicle;

*road* and *road-related area* have the same meanings as in the *Road Traffic Act 1961*;

*Standard* means Part 11 of Australian Standard AS 1742.11—1999 Manual of uniform traffic control devices—Parking controls, second edition, 5 March 1999;

*ticket dispensing device* means a device designed for the purposes of receiving fees payable for parking a vehicle in a zone in respect of which a time limit applies and providing a ticket indicating the time until which the vehicle may be parked in the zone;

*vehicle* means—

- (a) a motor vehicle, including a motor cycle; or
- (b) a trailer or caravan; or
- (c) a vehicle drawn by an animal; or
- (d) a bicycle, tricycle or other similar vehicle for which the rider provides the motive force,

but excludes—

- (e) a wheelchair; or
  - (f) a pram or stroller.
- (2) For the purposes of these regulations, a person who drives a vehicle to which a trailer or caravan is attached will be taken to be the driver of the trailer or caravan and the trailer or caravan will be taken to be driven by that person.

**Note—**

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

#### **4—Authorised officers**

- (1) The following persons are authorised officers for the purposes of these regulations:
  - (a) a person appointed by the Board, by instrument in writing, as an authorised officer for the purposes of these regulations;
  - (b) a police officer.
- (2) The Board must provide an identity card to each authorised officer appointed by it.
- (3) An authorised officer appointed by the Board must produce his or her identity card at the request of a person in relation to whom the officer has exercised, or intends to exercise, powers under these regulations.
- (4) A person must not hinder or obstruct an authorised officer in the carrying out of his or her duties.

Penalty: Division 7 fine.

#### **5—Approval of Director**

- (1) An approval given by the Director 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 be subject to such conditions (including a condition requiring payment of a fee) as are specified by the Director; and
  - (c) may be varied or revoked by the Director at any time.
- (2) Where the Director gives approval subject to a condition, the person to whom approval is given must not contravene or fail to comply with the condition.
- Penalty: Division 7 fine.

### **5A—Public vehicular access to Gardens**

The Director may, from time to time, determine areas of the Gardens that are closed to public vehicular access.

## **Part 2—Driving offences**

### **6—Driving or bringing vehicles into the Gardens**

A person must not, without the approval of the Director—

- (a) bring a vehicle into, or drive a vehicle in, any part of the Gardens closed to public vehicular access; or
- (b) drive a vehicle in the Gardens except on a road or a road-related area developed or used for the driving or parking of vehicles; or
- (c) bring a prescribed vehicle into, or drive a prescribed vehicle in, the Gardens.

Penalty: Division 8 fine.

Expiation fee: Division 8 fee.

### **7—Speed limits in the Gardens**

A person must not, without the approval of the Director, drive a vehicle in the Gardens at a speed greater than—

- (a) in the case of a road open to vehicular access by the public—30 kilometres per hour;
- (b) in any other case—15 kilometres per hour.

Penalty: Division 8 fine.

Expiation fee: Division 8 fee.

### **8—One-way traffic**

- (1) The Board may, by resolution, regulate the direction of the flow of traffic along any road in the Gardens.
- (2) A person must not drive a vehicle along a road in respect of which a resolution is in force under this regulation except in the direction allowed by that resolution.  
Penalty: Division 8 fine.  
Expiation fee: Division 8 fee.
- (3) A resolution under this regulation may be varied or revoked by subsequent resolution.

## 9—Owner offence

Without derogating from the liability of the driver, where it is an offence against this Part for a person to drive or bring a vehicle in particular circumstances, the owner of the vehicle is also guilty of an offence.

Penalty: The same penalty as is prescribed for the principal offence.

Expiation fee: The same expiation fee as is prescribed for the principal offence.

## Part 3—Parking controls

### 10—Establishment of parking controls

- (1) The Board may, by resolution, establish in the Gardens—
  - (a) a prohibited zone (being a zone in which parking is generally prohibited);
  - (b) a restricted parking zone (being a zone in which parking is limited to certain classes of vehicles or to parking for certain purposes);
  - (c) a parking zone (being a zone in which parking is generally permitted).
- (2) A resolution establishing a zone—
  - (a) may state that the zone is to operate only during specified periods;
  - (b) may refer to or incorporate a plan.
- (3) A resolution establishing a prohibited zone—
  - (a) must specify whether the zone is a No Standing zone or a No Parking zone;
  - (b) may exempt a specified vehicle or vehicles of a specified class from the parking control.
- (4) A resolution establishing a restricted parking zone—
  - (a) must specify whether the zone is a permit zone or a bus and long passenger vehicle zone;
  - (b) must, in the case of a permit zone, specify the class of permit required for parking in the zone;
  - (c) may further limit the class of vehicle that may be parked in the zone.
- (5) A resolution establishing a parking zone—
  - (a) may limit the class of vehicle that may be parked in the zone;
  - (b) may impose any of the following conditions on parking in the zone:
    - (i) that parking is subject to a specified time limit;
    - (ii) that vehicles must be parallel parked;
    - (iii) that vehicles must be angle parked;
    - (iv) that a specified fee for parking must be paid in a specified manner (including payment by way of parking meter or ticket dispensing device).<sup>1</sup>

- (6) The Board may, by subsequent resolution—
- (a) abolish a zone;
  - (b) if a zone is permanent, resolve that it is to operate only during specified periods;
  - (c) if a zone operates only during specified periods, vary those periods or resolve that it is to be permanent;
  - (d) vary the boundary or layout of a zone;
  - (e) vary or substitute any plan referred to or incorporated in a resolution establishing a zone;
  - (f) vary or revoke an exemption granted or limitation or condition imposed in relation to parking in a zone;
  - (g) grant further exemptions or impose further limitations or conditions in the terms referred to in subregulations (3), (4) or (5) in relation to parking in a zone.

**Note—**

- 1 No fee may be imposed in respect of parking on a Sunday or other public holiday: see section 27(3) of the Act.

## **11—Denotation of parking controls**

- (1) A parking control must be denoted by signs or pavement markings or a combination of signs and pavement markings.
- (2) The Board may mark out parking spaces or bays in any zone.
- (3) In denoting a parking control or marking out parking spaces or bays, the Board should have regard to the provisions of the Standard.
- (4) A parking control, parking space or parking bay is not invalid by reason of non-compliance with the Standard.
- (5) A zone will be taken to be denoted in accordance with these regulations if the zone is clearly indicated having regard to—
  - (a) the positioning of any signs; and
  - (b) any pavement markings; and
  - (c) any adjacent or intervening areas in relation to which parking is prohibited by these regulations; and
  - (d) any other characteristic of the physical surroundings of the area.

## **12—Operation of parking controls**

- (1) Subject to this regulation, a zone comes into operation, and an exemption, limitation or condition in relation to parking in a zone takes effect, when denoted in accordance with these regulations.
- (2) A condition that a specified fee for parking in a parking zone be paid in a specified manner takes effect when that condition is denoted in accordance with these regulations and the facilities necessary for the implementation of that method of payment are in place and first become operational.

- (3) A zone is permanent unless the periods during which it operates are denoted on the relevant signs.
- (4) A resolution under regulation 10(6) takes effect when the appropriate alterations to the denotation of the zone concerned are made.

### 13—Temporary parking controls

- (1) Subject to this regulation, the Director may, from time to time by instrument in writing, exercise the powers of the Board under regulation 10 for the purposes of imposing, varying or abolishing a parking control on a temporary basis.
- (2) Where a parking control is imposed, varied or abolished under subregulation (1), the parking control imposed or the variation or abolition cannot have effect for a period exceeding 35 days.
- (3) A parking control imposed or varied under subregulation (1)—
  - (a) must be denoted in accordance with these regulations except that any sign denoting the parking control must display the words "TEMPORARY PARKING CONTROL" in a prominent position; and
  - (b) takes effect when so denoted.

### 14—Register of parking controls

- (1) The Director must establish and maintain a register of parking controls imposed by the Board or the Director in respect of the Gardens.
- (2) The register of parking controls must contain the following information in respect of each parking control:
  - (a) if—
    - (i) a plan is referred to or incorporated in the resolution or instrument establishing the zone—a reference to the plan and, if more than one zone is shown on the plan, a reference distinguishing the zone concerned;
    - (ii) a plan is not referred to or incorporated in the resolution or instrument establishing the zone—a detailed description of the area comprising the zone;
  - (b) the class of zone;
  - (c) if the zone is not permanent—the periods during which the zone operates;
  - (d) if any exemption has been granted or limitation or condition imposed in relation to parking in the zone—a description of the exemption, limitation or condition;
  - (e) if it is a temporary parking control—the period for which it is to operate;
  - (f) the date of the resolution or instrument establishing the zone;
  - (g) the date of denotation of the zone, and of any relevant exemption, limitation or condition.



- (3) Where a parking control is varied or abolished, the details of the variation or a note of the abolition (including the date of the relevant resolution or instrument and the date of alteration to the denotation of the zone concerned or the exemption, limitation or condition concerned) must be entered on the register.
- (4) A zone must remain on the register for a period of two years after it is abolished.
- (5) An exemption granted or a limitation or condition imposed in relation to parking in a zone must remain on the register for a period of two years after it ceases to have effect.
- (6) If a resolution or instrument establishing a zone refers to or incorporates a plan, a copy of the plan must be kept at the Director's office.
- (7) A person may inspect the register and any plan kept under this regulation during office hours at the Director's office.
- (8) A copy of the register or any part of the register must be provided to any person who requests it on payment of the fee fixed by the Board for the purpose.

### **15—Availability of Act, regulations and Standard**

The Director must ensure that a copy of the Act, these regulations and the Standard are available for inspection by any person during office hours at the Director's office.

## **Part 4—Parking offences**

### **Division 1—Preliminary**

#### **16—Application**

- (1) This Part applies to the parking of vehicles in the Gardens.
- (2) Notwithstanding any other provision of these regulations, no offence arises from the parking of—
  - (a) a vehicle that is being used by—
    - (i) the Director or any other member of the staff appointed or assigned to assist in the administration of the Act; or
    - (ii) a police officer,  
in the course of official duties;
  - (b) a fire services vehicle that is being used for purposes related to fire fighting or fire prevention;
  - (c) an ambulance or similar vehicle;
  - (d) a vehicle that is being used for the purposes of the State Emergency Service;
  - (e) a vehicle that is being used for purposes related to road safety, maintenance or repair.

## **17—Interpretation**

- (1) In this Part—
  - (a) a reference to a zone of a particular class is a reference to a zone of that class established, denoted and in operation in accordance with these regulations;
  - (b) a reference to an exemption, limitation or condition in relation to parking in a zone is a reference to an exemption, limitation or condition in relation to parking in the zone granted or imposed, denoted and in operation in accordance with these regulations.
- (2) For the purposes of the constitution of an offence against this Part, a vehicle will be regarded as parked in a zone, parking space or other place if any part of the vehicle or anything in, on or attached to the vehicle is in or protrudes into the zone, parking space or other place.
- (3) For the purposes of this Part, a vehicle will be regarded as parked for a continuous period notwithstanding that the vehicle has been moved, if it is moved a distance of less than 50 metres.
- (4) For the purposes of this Part, a permit or ticket will be taken to be displayed in a vehicle only if the permit or ticket is displayed on the inside of the windscreen on the side opposite to the driver's position (or, if the vehicle does not have a windscreen, in some other prominent position) so that the permit or the side of the ticket indicating the time until which the vehicle may be parked (as the case may require) is easily legible to a person standing beside the vehicle.

## **Division 2—Offences**

### **18—Parking only allowed in zones**

- (1) A vehicle (other than a bicycle, tricycle or other similar vehicle for which the rider provides the motive force) must not be parked in any place outside a zone established under these regulations.
- (2) A vehicle parked in a zone must be parked wholly within that zone so that no part of the vehicle or anything in, on or attached to the vehicle protrudes outside the zone.
- (3) This regulation does not prevent a vehicle being parked in a parking zone in which vehicles must be angle parked if the front of the vehicle protrudes outside the zone so long as the wheels of the vehicle remain in the zone.

### **19—Prescribed vehicles not to be parked**

A prescribed vehicle must not be parked in the Gardens.

### **20—Parking spaces**

- (1) A vehicle must not be parked in a parking space that is already occupied by another vehicle.
- (2) Subject to this regulation, a vehicle parked in a zone in which parking spaces are marked out must be parked wholly within a parking space so that no part of the vehicle or anything in, on or attached to the vehicle protrudes into any other parking space.

- (3) Where a zone is marked out with parking spaces and provides for parallel parking, a vehicle the length of which (including any trailer, caravan or other vehicle attached to the vehicle) exceeds the length of any such parking space may be parallel parked in that zone so that it takes up more than one space.

### **21—Impeding pedestrian access**

A vehicle must not be parked so close to another vehicle that it prevents or impedes the passage of a pedestrian between the vehicles.

### **22—Prohibited zone**

- (1) A vehicle must not be parked in a No Standing zone.
- (2) A vehicle must not be parked in a No Parking zone except for the purpose only of the immediate setting down or picking up of a passenger or goods.
- (3) This regulation does not apply to a vehicle, or a vehicle of a class, that is exempted in relation to parking in the zone.

### **23—Permit zone**

- (1) A vehicle must not be parked in a permit zone for holders of disabled person's parking permits unless such a permit is lawfully displayed in the vehicle.
- (2) A vehicle must not be parked in any other permit zone unless—
- (a) an appropriate permit issued or recognised by the Board is displayed in the vehicle; and
  - (b) the vehicle is parked in accordance with the terms of that permit.

### **24—Bus and long passenger vehicle zone**

A vehicle must not be parked in a bus and long passenger vehicle zone unless the vehicle is a bus or a long passenger vehicle.

### **25—Restricted parking or parking zone subject to limitations**

A vehicle must not be parked in a restricted parking zone, or a parking zone, contrary to any limitation on the class of vehicle that may be parked in the zone.

### **26—Time limit**

If a time limit is imposed on parking in a parking zone, a vehicle must not be parked in the zone—

- (a) in the case of a vehicle in which a disabled person's parking permit is lawfully displayed—for a period in excess of 90 minutes longer than the specified time limit;
- (b) in any other case—for a period in excess of the specified time limit.

### **27—Angle parking**

A vehicle must not be parked in a parking zone in which vehicles must be angle parked unless the vehicle is parked—

- (a) at the denoted angle (or, if no particular angle is denoted, 90°) to the kerb or other boundary or line along which vehicles may be angle parked; and

- (b) with the foremost front wheel (or, in the case of a motor cycle, the front or back wheel) as close as possible to that kerb, boundary or line.

## **28—Parallel parking**

A vehicle must not be parked in a parking zone in which vehicles must be parallel parked unless the vehicle is parked—

- (a) in the case of a motor cycle—with at least one wheel as near as practicable to the kerb or other boundary or line along which vehicles may be parallel parked;
- (b) in any other case—aligned to the kerb or other boundary or line along which vehicles may be parallel parked and facing the lawful direction of travel along that part of the road nearest to the kerb or other boundary or line and with the kerbside wheels of the vehicle within 300 millimetres of the kerb, boundary or line.

## **29—Fees**

- (1) A vehicle must not be parked in a parking zone in respect of which a fee must be paid unless that fee is paid in the manner determined in accordance with these regulations.
- (2) Where the manner determined in accordance with these regulations for the payment of fees for parking in a parking zone is—
  - (a) the operation of a parking meter—a vehicle must not be parked in a parking space in the zone (other than for such time as is necessary to place money in the meter on first arriving at the space) if the parking meter for the space indicates that the time allowed for parking has expired;
  - (b) the operation of a ticket dispensing device—a vehicle must not be parked in a parking space in the zone (other than for such time as is necessary to obtain a ticket and display it in the vehicle on first arriving at the space) if a valid ticket is not displayed in the vehicle.
- (3) For the purposes of this regulation, a ticket obtained from a ticket dispensing device is valid only in respect of parking in a parking space in the zone in respect of which the machine is installed on the date shown on the ticket until the time shown on the ticket.

## **Division 3—Miscellaneous**

### **30—Driver and owner offence**

If a vehicle is, without the approval of the Director, parked so that it contravenes or does not comply with these regulations, the driver of the vehicle and the owner of the vehicle are each guilty of an offence.

Penalty: Division 9 fine.

Expiation fee: The relevant fee set out in the Schedule.

### **31—Further offence each hour**

If a person is guilty of an offence by reason of a vehicle being parked so that it contravenes or does not comply with these regulations, the person is guilty of a further offence—

- (a) in the case of an offence of exceeding a specified time limit (see regulation 26)—
  - (i) where the specified limit is one or more hours—for each hour that the vehicle remains parked in the zone while the zone is in operation;
  - (ii) where the specified limit is less than one hour—for each period so specified that the vehicle remains parked in the zone while the zone is in operation;
- (b) in any other case—for each hour that the offence continues.

Penalty: Division 9 fine.

Expiation fee: The relevant fee set out in the Schedule.

## **Part 6—Miscellaneous**

### **33—Owner and driver not both liable to conviction**

The owner and driver of a vehicle are not both liable to be convicted of an offence against these regulations arising out of the same circumstances and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.

### **34—Proceedings against owner of vehicle or person named as driver by owner**

- (1) Before proceedings are commenced against the owner of a vehicle for an offence against these regulations, a notice must be sent to the owner by the person who proposes to commence the proceedings (*the complainant*)—
  - (a) setting out particulars of the alleged offence; and
  - (b) inviting the owner, if he or she was not the driver at the time of the alleged offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration—
    - (i) setting out the name and address of the driver; or
    - (ii) if he or she had transferred ownership of the vehicle to another prior to the time of the alleged 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).
- (2) Subject to subregulation (3), in proceedings against the owner of a vehicle for an offence against these regulations 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 offence; or
  - (b) that the owner provided the complainant with a statutory declaration in accordance with an invitation under this regulation.

(3) The defence in subregulation (2)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.

(4) Where—

- (a) in accordance with an invitation under this regulation the owner of a vehicle names a person, other than someone who is also an owner of the vehicle, as the driver of the vehicle at the time of the alleged offence; and
- (b) a notice to the effect that the alleged offence may be expiated has been given under these regulations; and
- (c) it is proposed that proceedings be taken against the alleged driver for the alleged offence,

the person proposing to commence the proceedings must, before doing so, send to the alleged driver a notice—

- (d) setting out particulars of the alleged offence and of the statutory declaration naming the alleged driver; and
- (e) stating that the offence may be expiated in accordance with these regulations and giving particulars as to how the offence may be so expiated; and
- (f) informing the alleged driver that, if the offence is not expiated within the period specified in the notice, proceedings may be commenced against him or her for the alleged offence.

### **35—Damage to signs etc**

A person must not, without lawful authority—

- (a) deface, damage or interfere with a device used in relation to the parking of vehicles under these regulations or a sign or marking placed or made under these regulations;
- (b) operate a device used in relation to the parking of vehicles under these regulations contrary to any operating instructions displayed on or in the vicinity of the device; or
- (c) place on or remove from a vehicle of which he or she is not the owner or driver a notice issued, or purporting to be issued, under these regulations without the consent of the owner or driver.

Penalty: Division 9 fine.

Expiation fee: Division 9 fee.

### **36—Marking of tyres**

(1) An authorised officer may place erasable marks on the tyres of a vehicle in the course of official duties relating to the parking of vehicles.

(2) A person must not, without lawful authority, erase a mark made pursuant to subregulation (1).

Penalty: Division 9 fine.

Expiation fee: Division 9 fee.

### **36A—Fee for release of vehicle after hours**

- (1) The Board may, from time to time, fix a fee for the release of a vehicle from the Gardens at a time when the relevant part of the Gardens is closed to public vehicular access.
- (2) A person is not entitled to release of the vehicle until the fee is paid.

### **37—Evidence**

- (1) In proceedings for an offence against these regulations, an allegation in the complaint that a specified zone, parking space, condition, limitation or exemption had been established or imposed under these regulations is conclusive proof that the zone, parking space, condition, limitation or exemption had been validly established or imposed.
- (2) In proceedings for an offence against these regulations, a certificate apparently signed by the Director stating that a sign, device or mark had been erected or placed by the Board or the Director is conclusive proof of the facts so stated.
- (3) In proceedings for an offence against these regulations, it is not competent for the defence to tender evidence as to—
  - (a) the existence or validity (or otherwise) of any resolution of the Board or any exercise of the Board's powers by the Director;
  - (b) whether or not any signs, devices or marks erected or placed by the Board in relation to the parking of vehicles had been erected or placed pursuant to, or in accordance with, a resolution of the Board or an exercise of the Board's powers by the Director.
- (4) In proceedings for an offence against these regulations, an allegation in the complaint that—
  - (a) a specified person was the owner, or one of the owners, of a specified vehicle on a specified day;
  - (b) a notice has been sent in accordance with regulation 34 and the person allowed the opportunity to take action in accordance with the terms of the notice within the period specified in the notice;
  - (c) on a specified day there were signs, devices or marks that denoted or applied to a specified zone or parking space;
  - (d) a specified vehicle was parked in a zone or parking space or contrary to any condition or limitation on the use of a zone or parking space established, imposed or marked out under these regulations;
  - (e) that a specified person failed to pay a fee fixed by the Board,will be accepted as proved in the absence of proof to the contrary.
- (5) In proceedings against a person named in a statutory declaration in accordance with an invitation under regulation 34 for the offence referred to in that invitation, 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.

## **Schedule—Expiation fees for alleged parking offences**

Alleged offence against—

(a) regulation 30 for alleged contravention of, or failure to comply with—	
regulation 18(1)	\$59
regulation 18(2)	\$13
regulation 19	\$39
regulation 20(1)	\$13
regulation 20(2)	\$13
regulation 21	\$30
regulation 22(1)	\$39
regulation 22(2)	\$30
regulation 23(1)	\$59
regulation 23(2)	\$24
regulation 24	\$39
regulation 25	\$24
regulation 26	\$13
regulation 27	\$24
regulation 28	\$24
regulation 29	\$13
(b) regulation 31	\$13



## Legislative history

### Notes

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

### Revocation of regulations

The *Botanic Gardens and State Herbarium (Vehicles) Regulations 1993* were revoked by r 26 of the *Botanic Gardens and State Herbarium (General) Variation and (Vehicles) Revocation Regulations 2004* on 1.7.2004.

### Principal regulations and variations

Year	No	Reference	Commencement
1993	170	<i>Gazette 15.7.1993 p549</i>	1.9.1993: r 2
1996	259	<i>Gazette 23.12.1996 p2262</i>	3.2.1997: r 2
2001	171	<i>Gazette 12.7.2001 p2612</i>	12.8.2001: r 2

### Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 3		
r 3(1)		
<i>Botanic Park</i>	<i>deleted by 171/2001 r 3(a)</i>	<i>12.8.2001</i>
the Gardens	varied by 171/2001 r 3(b)	12.8.2001
<i>road</i>	<i>deleted by 171/2001 r 3(c)</i>	<i>12.8.2001</i>
road	inserted by 171/2001 r 3(c)	12.8.2001
road-related area	inserted by 171/2001 r 3(c)	12.8.2001
the Standard	substituted by 171/2001 r 3(d)	12.8.2001
r 4		
r 4(1)	varied by 171/2001 r 4	12.8.2001
r 5A	inserted by 171/2001 r 5	12.8.2001
Pt 2	heading varied by 171/2001 r 6	12.8.2001
r 6	varied by 259/1996 r 3 (Sch cl 4)	3.2.1997
	substituted by 171/2001 r 7	12.8.2001
r 7	varied by 259/1996 r 3 (Sch cl 4)	3.2.1997
	substituted by 171/2001 r 7	12.8.2001
r 8		
r 8(1)	varied by 171/2001 r 8(a)	12.8.2001
r 8(2)	varied by 259/1996 r 3 (Sch cl 4)	3.2.1997
	varied by 171/2001 r 8(b)	12.8.2001

r 9	varied by 259/1996 r 3 (Sch cl 4)	3.2.1997
Pt 3	heading varied by 171/2001 r 9	12.8.2001
r 10		
r 10(1)	varied by 171/2001 r 10	12.8.2001
r 14		
r 14(1)	varied by 171/2001 r 11	12.8.2001
Pt 4	heading varied by 171/2001 r 12	12.8.2001
r 16		
r 16(1)	varied by 171/2001 r 13(a)	12.8.2001
r 16(2)	varied by 171/2001 r 13(b)	12.8.2001
r 19	varied by 171/2001 r 14	12.8.2001
r 30	varied by 259/1996 r 3 (Sch cl 4)	3.2.1997
	varied by 171/2001 r 15	12.8.2001
r 31	varied by 171/2001 r 16	12.8.2001
Pt 5	<i>deleted by 259/1996 r 3 (Sch cl 4)</i>	3.2.1997
Pt 6		
r 35	varied by 259/1996 r 3 (Sch cl 4)	3.2.1997
	varied by 171/2001 r 17	12.8.2001
r 36		
r 36(2)	varied by 259/1996 r 3 (Sch cl 4)	3.2.1997
	varied by 171/2001 r 18	12.8.2001
r 36A	inserted by 171/2001 r 19	12.8.2001
Sch	substituted by 259/1996 r 3 (Sch cl 4)	3.2.1997
	substituted by 171/2001 r 20	12.8.2001

## **Transitional etc provisions associated with regulations or variations**

### ***No 259 of 1996***

#### **4—Transitional provision**

A regulation varied or revoked by these regulations will continue to apply (as in force immediately prior to the variation or revocation coming into operation) to an expiation notice issued under the varied or revoked regulations.

## **Appendix—Divisional penalties and expiation fees**

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

<b>Division</b>	<b>Maximum imprisonment</b>	<b>Maximum fine</b>	<b>Expiation fee</b>
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—

revoked—12.8.2001 to 30.6.2004—Botanic Gardens and State Herbarium (Vehicles) Regulations 1993  
Divisional penalties and expiation fees—Appendix

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<b>Division</b>	<b>Maximum imprisonment</b>	<b>Maximum fine</b>	<b>Expiation fee</b>
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.*