

South Australia

Botanic Gardens and State Herbarium Regulations 2007

under the *Botanic Gardens and State Herbarium Act 1978*

Contents

Part 1—Preliminary

- 1 Short title
- 3 Interpretation
- 4 Application

Part 2—Administration

- 5 Approval of Board
- 6 Reward
- 7 Waiver or reduction of fees
- 8 Appointment of authorised persons
- 9 Identity cards
- 10 Powers of authorised persons
- 11 Hindering authorised persons

Part 3—Control of activities

- 12 Public access
- 13 Children in Botanic Gardens
- 14 Conservatory and other buildings
- 15 Flora and fauna protection
- 16 Protection of Board's property
- 17 Animals
- 18 Camping
- 19 Firearms etc
- 20 Fireworks
- 21 Sport and other recreational activities
- 22 Consumption of alcohol
- 23 Behaviour
- 24 Noise
- 25 Litter and pollution
- 26 Weddings and memorial services
- 27 Commercial activities etc
- 28 Public assembly or announcement
- 29 Donations

Part 4—Special provisions relating to vehicles

- 30 Interpretation of Part 4
- 31 Public vehicular access to Botanic Gardens and Botanic Reserves
- 32 Driving or bringing vehicles into Botanic Gardens and Botanic Reserves
- 33 Speed limits in Botanic Gardens and Botanic Reserves
- 34 Prohibition against riding wheeled recreational devices in Botanic Gardens

- 35 Liability of vehicle owners and expiation of certain offences
- 36 Permits for permit zones
- 37 Parking and parking ticket-vending machines or parking meters
- 38 Fee for release of vehicle after hours

Legislative history

Appendix—Divisional penalties and expiation fees

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Botanic Gardens and State Herbarium Regulations 2007*.

3—Interpretation

In these regulations, unless the contrary intention appears—

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

adult means a person who has attained the age of 15 years;

authorised person—see regulation 8;

Botanic Garden means—

- (a) the fenced area of Adelaide Botanic Garden (Adelaide) (and, for this purpose, the boundary between the Adelaide Botanic Garden and the Centre land within the meaning of the *National Wine Centre (Restructuring and Leasing Arrangements) Act 2002* is to be regarded as a fence); or
- (b) the fenced area of Wittunga Botanic Garden (Blackwood); or
- (c) the fenced area of Mount Lofty Botanic Garden (Crafers);

Botanic Reserves means those lands vested in or under the control of the Board other than Botanic Gardens;

Note—

This includes the following:

- (a) Botanic Park—the land comprising the whole of Section 574 Hundred of Adelaide and Section 640 Hundred of Adelaide;
- (b) Giles Corner—the land comprising the whole of Section 464 Hundred of Alma;
- (c) Hackney Road frontage—the land comprising that part of allotment 102 in Lands Titles Office Deposited Plan 66751 outside the fenced area of Adelaide Botanic Garden;
- (d) Somerset Rocks—the land comprising the whole of Section 484 Hundred of Onkaparinga;
- (e) Quarry car park—that part of allotment 6 in Lands Titles Office Filed Plan 129160 outside the fenced area of Mount Lofty Botanic Garden.

child means a person who has not attained the age of 15 years;

Conservatory means the Bicentennial Conservatory situated within Adelaide Botanic Garden;

Gardens employee means the Director or any other member of the staff appointed or assigned to assist in the administration of the Act.

Note—

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

4—Application

A Gardens employee or person engaged to perform services on behalf of the Board is not subject to these regulations in relation to the performance of his or her duties as a Gardens employee or the performance of those services.

Part 2—Administration

5—Approval of Board

- (1) An approval given by the Board for the purposes of these regulations—
 - (a) may be given—
 - (i) by notice in the Gazette; or
 - (ii) by notice in writing to a person; or
 - (iii) orally to a person (in which case it 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 determined by the Board) as are specified by the Board; and
 - (c) may be varied or revoked by the Board—
 - (i) in the case of an approval given by notice in the Gazette—by notice in the Gazette;
 - (ii) in any other case—by notice given to the person to whom approval was given.
- (2) An approval may be in the form of a lease or licence.
- (3) If the Board gives approval subject to a condition, the person to whom approval is given, or, if it is given by notice in the Gazette, a person to whom the approval applies, must not contravene or fail to comply with the condition.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

6—Reward

The Board may, at its discretion, pay a sum not exceeding \$1 000 to a person (other than a Gardens employee or police officer) for information leading to the conviction of any person for an offence against the Act or these regulations.

7—Waiver or reduction of fees

The Board may, if it considers appropriate, waive or reduce a fee prescribed for the purposes of the Act.

8—Appointment of authorised persons

- (1) The Board may appoint suitable members of the staff to be authorised persons 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 of an authorised person or vary or revoke a condition of appointment or impose a further condition of appointment.
- (4) The Director is an authorised person for the purposes of these regulations.

9—Identity cards

- (1) The Board must provide an identity card to each authorised person.
- (2) 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.

10—Powers of authorised persons

- (1) If an authorised person knows or reasonably suspects that a person has committed, or is committing, an offence against these regulations, the authorised person may do any or all of the following:
 - (a) require the person to state his or her full name and usual place of residence;
 - (b) if the person has been given, or alleges that he or she has been given, an approval by the Board—require the person to produce the approval for inspection;
 - (c) if the person is in a Botanic Garden or Botanic Reserve—order him or her to leave the Garden or Reserve for a stated period not exceeding 24 hours.
- (2) If an authorised person suspects on reasonable grounds that a person is about to commit an offence against these regulations, the authorised person may require the person to state his or her full name and usual place of residence.
- (3) If an authorised person suspects on reasonable grounds that the name or place of residence stated pursuant to this regulation is false, the authorised person may require the person to produce evidence of his or her full name or usual place of residence.
- (4) For the purposes of the *Expiation of Offences Act 1996*, authorised persons are authorised to issue expiation notices for alleged offences against these regulations.
- (5) A person must comply with a requirement or order of an authorised person under this regulation.

Penalty: Division 7 fine.

11—Hindering authorised persons

A person must not hinder or obstruct an authorised person in the carrying out of his or her duties.

Penalty: Division 7 fine.

Part 3—Control of activities

12—Public access

- (1) A Botanic Garden is only open to members of the public during the hours displayed at the entrances to the Garden.
- (2) The Board may close a Botanic Garden or Botanic Reserve or part of a Botanic Garden or Botanic Reserve to members of the public if, in the Board's opinion, it is necessary or desirable to do so for any of the following purposes:
 - (a) leasing or licensing the Garden, Reserve or area to a particular person;
 - (b) conducting, or facilitating the conduct of, a particular celebration or event;
 - (c) the proper management of the Garden or Reserve (including if staff necessary to patrol the Garden or Reserve are unavailable);
 - (d) public safety (including if a total fire ban is in force in the area that includes the Garden or Reserve).
- (3) A person must not, without the approval of the Board—
 - (a) enter or remain in a Botanic Garden when it is not open to members of the public; or
 - (b) enter or remain in a Botanic Garden or Botanic Reserve, or part of a Botanic Garden or Botanic Reserve, cordoned or closed off on behalf of the Board so as to deny public access or in respect of which a notice indicating that public access is denied is conspicuously displayed on behalf of the Board.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

13—Children in Botanic Gardens

- (1) A person having the custody or care of a child must not permit the child to enter or remain in a Botanic Garden unless accompanied by, and under the care of, an adult.

Penalty: Division 7 fine.

- (2) A child must not enter or remain in a Botanic Garden unless accompanied by, and under the care of, an adult.

Penalty: Division 7 fine.

14—Conservatory and other buildings

- (1) A person must not enter or remain in the Conservatory unless the appropriate charge for admission has been paid (see regulation 7).

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

- (2) A person must not, without the approval of the Board, take food or drink into the Conservatory or a glasshouse, or that part of a building used for the purposes of an exhibition, within a Botanic Garden or Botanic Reserve.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

- (3) A person must not smoke in the Conservatory or in any glasshouse or other building within a Botanic Garden or Botanic Reserve.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

15—Flora and fauna protection

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

- (a) remove from a Botanic Garden or Botanic Reserve any soil, rock, mineral or similar material; or
- (b) dig or otherwise intentionally disturb any soil or similar material in a Botanic Garden or Botanic Reserve; or
- (c) take, damage, climb on or interfere with any tree, shrub, plant, flower or other plant material in a Botanic Garden or Botanic Reserve; or
- (d) take or molest any bird, animal or fish in a Botanic Garden or Botanic Reserve; or
- (e) take or intentionally damage the nest or burrow of any bird or animal in a Botanic Garden or Botanic Reserve.

Penalty: Division 7 fine.

16—Protection of Board's property

A person must not in a Botanic Garden or Botanic Reserve—

- (a) remove, damage, deface or interfere with any label, sign, seat, statue, building or other structure erected or placed there on behalf of the Board; or
- (b) step or walk on any garden bed or border; or
- (c) climb over, pass under or break through any gate, fence or hedge.

Penalty: Division 7 fine.

Expiation fee: In the case of an offence against paragraph (b) or (c)—Division 7 fee.

17—Animals

- (1) A person must not bring an animal into, or permit an animal to enter, a Botanic Garden except as follows:
- (a) a dog may be brought into, or permitted to enter, an area specifically set aside for the purpose by the Board during any period for which it is so set aside (but not for the purposes of participating in organised dog training);

- (b) an animal may be brought into, or permitted to enter, a Botanic Garden with the approval of the Board.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

- (2) A person must not bring an animal into, or permit an animal to enter, a Botanic Reserve except as follows:
 - (a) a horse may be ridden or lead on a road in a Botanic Reserve;
 - (b) a dog may be brought into, or permitted to enter, a Botanic Reserve (but not for the purposes of participating in organised dog training);
 - (c) an animal may be brought into, or permitted to enter a Botanic Reserve in the course of being transported to or from the Adelaide Zoo by or on behalf of the Royal Zoological Society of South Australia Incorporated;
 - (d) an animal may be brought into, or permitted to enter, a Botanic Reserve with the approval of the Board.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

- (3) A person who brings a dog into, or permits a dog to enter, a Botanic Garden or Botanic Reserve must ensure that the dog is under effective control by means of physical restraint, within the meaning of the *Dog and Cat Management Act 1995* at all times while in the Garden or Reserve.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

- (4) A person who is wholly or partially blind or deaf, or otherwise disabled, is entitled to be accompanied by an accredited disability dog, guide dog or hearing dog (within the meaning of the *Dog and Cat Management Act 1995*) in a Botanic Garden or Botanic Reserve.

18—Camping

A person must not camp or stay overnight in a Botanic Garden or Botanic Reserve.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

19—Firearms etc

A person must not bring a firearm, catapult or other weapon into a Botanic Garden or Botanic Reserve or carry or use a firearm, catapult or other weapon in a Botanic Garden or Botanic Reserve.

Penalty: Division 7 fine.

20—Fireworks

A person must not, without the approval of the Board, bring a firework into a Botanic Garden or Botanic Reserve or discharge a firework in a Botanic Garden or Botanic Reserve.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

21—Sport and other recreational activities

- (1) A person must not, without the approval of the Board, in a Botanic Garden—
- (a) engage in any form of sport or sporting activity or in any game involving the use of a ball or any game in which an object is thrown or discharged; or
 - (b) engage in an activity involving a mechanically propelled model vehicle, aircraft or vessel; or
 - (c) fly a kite.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

- (2) Subregulation (1) does not apply in relation to an area specifically set aside for the purpose by the Board during any period for which it is so set aside.
- (3) A person must not, without the approval of the Board, engage in a Botanic Reserve in any organised sport or organised sporting activity.
- Penalty: Division 7 fine.
- Expiation fee: Division 7 fee.
- (4) A person must not, without the approval of the Board, swim or jump or dive into water or take a boat onto water in a Botanic Garden or Botanic Reserve.
- Penalty: Division 7 fine.
- Expiation fee: Division 7 fee.

22—Consumption of alcohol

- (1) A person must not, without the approval of the Board, consume alcohol in a Botanic Garden except in licensed premises within the meaning of the *Liquor Licensing Act 1997* or in an area in which the consumption of alcohol is authorised by a licence under that Act.
- Penalty: Division 7 fine.
- Expiation fee: Division 7 fee.
- (2) Subregulation (1) does not apply in relation to an area specifically set aside for the purpose by the Board during any period for which it is so set aside.

23—Behaviour

- (1) A person must not behave in a drunken, disorderly, offensive or indecent manner or create any disturbance in a Botanic Garden or Botanic Reserve.
- Penalty: Division 7 fine.

- (2) A person must not intentionally obstruct, disturb, interrupt or annoy any other person making proper use of a Botanic Garden or Botanic Reserve.
Penalty: Division 7 fine.
- (3) A person must not throw, roll or discharge any stone, substance or missile or engage in any other activity that may endanger the safety of any person or animal in a Botanic Garden or Botanic Reserve.
Penalty: Division 7 fine.
- (4) A person must not urinate or defecate in any place within a Botanic Garden or Botanic Reserve except in a public convenience.
Penalty: Division 7 fine.
Expiation fee: Division 7 fee.

24—Noise

- (1) A person must not, without the approval of the Board—
 - (a) use or cause to be used any loud speaker, amplifier, radio, television or similar device in a Botanic Garden or Botanic Reserve; or
 - (b) play or sound any musical instrument or whistle in a Botanic Garden or Botanic Reserve.
Penalty: Division 7 fine.
Expiation fee: Division 7 fee.
- (2) This regulation does not apply if the device or instrument is not audible except to the person using it by reason of that person's use of headphones, earplugs or some other similar device.

25—Litter and pollution

- (1) A person must not deposit litter, refuse or waste matter in a Botanic Garden or Botanic Reserve except in a receptacle provided for the purpose.
Penalty: Division 7 fine.
Expiation fee: Division 7 fee.
- (2) A person must not, without the approval of the Board, deposit goods, materials, earth, stone, gravel, or any other substance in a Botanic Garden or Botanic Reserve.
Penalty: Division 7 fine.
- (3) A person must not foul or pollute any waters in a Botanic Garden or Botanic Reserve.
Penalty: Division 7 fine.

26—Weddings and memorial services

A person must not, without the approval of the Board, use any part of a Botanic Garden or Botanic Reserve for a wedding or memorial service.
Penalty: Division 7 fine.
Expiation fee: Division 7 fee.

27—Commercial activities etc

- (1) A person must not, without the approval of the Board, use any part of a Botanic Garden or Botanic Reserve for the purpose, or in the course, of carrying out any commercial enterprise (including busking).
Penalty: Division 7 fine.
Expiation fee: Division 7 fee.
- (2) A person must not, without the approval of the Board, advertise any goods or services in a Botanic Garden or Botanic Reserve.
Penalty: Division 7 fine.
Expiation fee: Division 7 fee.
- (3) A person must not, without the approval of the Board, sell any goods (including any badge) or services in a Botanic Garden or Botanic Reserve.
Penalty: Division 7 fine.
Expiation fee: Division 7 fee.
- (4) A person must not, without the approval of the Board, post, distribute or leave for collection any pamphlet, paper or other written matter in a Botanic Garden or Botanic Reserve or on a vehicle in a Botanic Garden or Botanic Reserve.
Penalty: Division 7 fine.
Expiation fee: Division 7 fee.
- (5) A person must not, without the approval of the Board, display or erect any flag, sign, hoarding or similar object in a Botanic Garden or Botanic Reserve.
Penalty: Division 7 fine.
Expiation fee: Division 7 fee.
- (6) A person must not, without the approval of the Board, conduct a survey or poll of opinions of members of the public in a Botanic Garden or Botanic Reserve.
Penalty: Division 7 fine.
Expiation fee: Division 7 fee.

28—Public assembly or announcement

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

- (a) engage or take part in public speaking (including preaching) or make any public announcement in a Botanic Garden or Botanic Reserve; or
- (b) organise, attend or participate in any public meeting, demonstration or gathering in a Botanic Garden or Botanic Reserve.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

29—Donations

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

- (a) collect or seek money or other donations in a Botanic Garden or Botanic Reserve; or

- (b) obtain or seek to obtain any promise or undertaking to pay any money or other donation in a Botanic Garden or Botanic Reserve.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

Part 4—Special provisions relating to vehicles

30—Interpretation of Part 4

In this Part—

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;

drive has the same meaning as in the *Road Traffic Act 1961*;

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

- (a) designed for the principal purpose of carrying passengers; and
- (b) exceeding 6 metres in length, excluding any trailer, caravan or other vehicle attached to the vehicle;

owner, in relation to a vehicle, has the same meaning as in the *Road Traffic Act 1961*;

prescribed offence means an offence against regulation 32 or 33;

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 section 47A of the *Road Traffic Act 1961*) of 4.5 tonnes or more; or
- (b) a prime mover; or
- (c) a vehicle (including any trailer, caravan or other vehicle attached to the vehicle) that exceeds 6 metres in length other than—
 - (i) a bus that is less than 3 metres high when unladen; or
 - (ii) a long passenger vehicle;

road has the same meaning as in the *Road Traffic Act 1961*;

vehicle has the same meaning as in the *Road Traffic Act 1961*;

wheeled recreational device has the same meaning as in the *Road Traffic Act 1961*.

31—Public vehicular access to Botanic Gardens and Botanic Reserves

The Board may, from time to time, determine areas of a Botanic Garden or Botanic Reserve that are closed to public vehicular access.

32—Driving or bringing vehicles into Botanic Gardens and Botanic Reserves

- (1) A person must not, without the approval of the Board—
 - (a) bring a vehicle into, or drive a vehicle in, any part of a Botanic Garden or Botanic Reserve closed to public vehicular access; or

- (b) drive a vehicle in a Botanic Garden or Botanic Reserve except on an area specifically set aside for the driving or parking of vehicles; or
- (c) bring a prescribed vehicle into, or drive a prescribed vehicle in, a Botanic Garden or Botanic Reserve.

Penalty: Division 8 fine.

Expiation fee: Division 8 fee.

- (2) This regulation does not prevent a bicycle being wheeled (rather than ridden) in a Botanic Garden or Botanic Reserve.

33—Speed limits in Botanic Gardens and Botanic Reserves

- (1) A person must not, without the approval of the Board, drive a vehicle in a Botanic Garden or Botanic Reserve 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 the case of a road within the fenced area of Mount Lofty Botanic Garden and not open to vehicular access by the public—20 kilometres per hour;
 - (c) in any other case—10 kilometres per hour.

Penalty: Division 8 fine.

Expiation fee: Division 8 fee.

- (2) This regulation does not apply in circumstances where a speed limit applies under the *Road Traffic Act 1961*.

34—Prohibition against riding wheeled recreational devices in Botanic Gardens

A person must not, without the approval of the Board, travel in or on a wheeled recreational device in a Botanic Garden.

Penalty: Division 12 fine.

Expiation fee: Division 12 fee.

35—Liability of vehicle owners and expiation of certain offences

- (1) Without derogating from the liability of any other person, but subject to this regulation, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and 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 conversely 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 this Part, 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.

36—Permits for permit zones

- (1) This regulation applies if the Board has installed or determined that it will install, permit zone signs to establish a permit zone for the purposes of the *Road Traffic Act 1961*.
- (2) The Board may determine—
 - (a) the class of permits required for vehicles to stop in the permit zone; and
 - (b) the persons entitled to such permits; and
 - (c) any fees to be paid for such permits; and
 - (d) the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles),and may vary any such determination.
- (3) The Board may issue permits in respect of the permit zone to persons entitled to them, on payment of the fee (if any), and subject to the conditions, determined by the Board.
- (4) A permit issued by the Board and in force in respect of the permit zone permits a vehicle to stop in the permit zone subject to the conditions of the permit.

37—Parking and parking ticket-vending machines or parking meters

- (1) This regulation applies if the Board has installed, or determined that it will install, permissive parking signs to apply to a length of road or an area for the purposes of the *Road Traffic Act 1961*.
- (2) Subject to subregulation (3), the Board may determine fees that will be payable for parking in the length of road or the area by the operation of parking ticket-vending machines or parking meters installed or to be installed in or near the length of road or area, and may vary such fees.
- (3) The fees determined by the Board in respect of the parking or standing of vehicles in a Botanic Garden or Botanic Reserve for the purposes of the *Road Traffic Act 1961* must not include any fee in respect of the parking or standing of a vehicle on a Sunday or other public holiday.

38—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 a Botanic Garden or Botanic Reserve at a time when the relevant part of the Garden or Reserve is closed to the public.
- (2) A person is not entitled to release of the vehicle until the fee is paid.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- 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.

Revocation of regulations

The *Botanic Gardens and State Herbarium Regulations 2007* were revoked by Sch 1 cl 1 of the *Botanic Gardens and State Herbarium Regulations 2021* on 2.9.2021.

Legislation revoked by principal regulations

The *Botanic Gardens and State Herbarium Regulations 2007* revoked the following:

Botanic Gardens and State Herbarium Regulations 1993

Principal regulations and variations

Year	No	Reference	Commencement
2007	9	<i>Gazette 8.2.2007 p440</i>	8.6.2007: r 2
2007	153	<i>Gazette 7.6.2007 p2550, erratum Gazette 12.6.2007 p2580</i>	1.7.2007: r 2
2008	131	<i>Gazette 5.6.2008 p2127</i>	1.7.2008: r 2
2009	118	<i>Gazette 4.6.2009 p2562</i>	1.7.2009: r 2
2010	89	<i>Gazette 10.6.2010 p2781</i>	1.7.2010: r 2
2011	67	<i>Gazette 9.6.2011 p2085</i>	1.7.2011: r 2
2012	71	<i>Gazette 31.5.2012 p2315</i>	1.7.2012: r 2
2013	65	<i>Gazette 6.6.2013 p2142</i>	1.7.2013: r 2
2014	171	<i>Gazette 19.6.2014 p2742</i>	1.7.2014: r 2
2015	127	<i>Gazette 18.6.2015 p2728</i>	1.7.2015: r 2
2016	91	<i>Gazette 23.6.2016 p2234</i>	1.7.2016: r 2
2017	168	<i>Gazette 22.6.2017 p2451</i>	1.7.2017: r 2
2018	119	<i>Gazette 21.6.2018 p2326</i>	1.7.2018: r 2
2019	111	<i>Gazette 13.6.2019 p1967</i>	1.7.2019: r 2
2020	193	<i>Gazette 4.6.2020 p3063</i>	1.7.2020: r 2

Provisions varied

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

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2007</i>
r 3		
<i>concession cardholder</i>	<i>deleted by 193/2020 r 4(1)</i>	<i>1.7.2020</i>
<i>family</i>	<i>deleted by 193/2020 r 4(2)</i>	<i>1.7.2020</i>
Pt 2		
r 7	substituted by 193/2020 r 5	1.7.2020
Pt 3		
r 14		
r 14(1)	varied by 193/2020 r 6	1.7.2020
<i>Sch 1</i>	<i>substituted by 153/2007 r 4</i>	<i>1.7.2007</i>
	<i>substituted by 131/2008 r 4</i>	<i>1.7.2008</i>
	<i>substituted by 118/2009 r 4</i>	<i>1.7.2009</i>
	<i>substituted by 89/2010 r 4</i>	<i>1.7.2010</i>
	<i>substituted by 67/2011 r 4</i>	<i>1.7.2011</i>
	<i>substituted by 71/2012 r 4</i>	<i>1.7.2012</i>
	<i>substituted by 65/2013 r 4</i>	<i>1.7.2013</i>
	<i>substituted by 171/2014 r 4</i>	<i>1.7.2014</i>
	<i>substituted by 127/2015 r 4</i>	<i>1.7.2015</i>
	<i>substituted by 91/2016 r 4</i>	<i>1.7.2016</i>
	<i>substituted by 168/2017 r 4</i>	<i>1.7.2017</i>
	<i>substituted by 119/2018 r 4</i>	<i>1.7.2018</i>
	<i>substituted by 111/2019 r 4</i>	<i>1.7.2019</i>
	<i>deleted by 193/2020 r 7</i>	<i>1.7.2020</i>
<i>Sch 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2007</i>

Historical versions

1.7.2007
1.7.2008
1.7.2009
1.7.2010
1.7.2011
1.7.2012
1.7.2013
1.7.2014
1.7.2015
1.7.2016

1.7.2017

1.7.2018

1.7.2019

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.