

South Australia

Botanic Gardens and State Herbarium (Lighting of Fires) Amendment Act 2005

An Act to amend the *Botanic Gardens and State Herbarium Act 1978*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Botanic Gardens and State Herbarium (Lighting of Fires) Amendment Act 2005*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Botanic Gardens and State Herbarium Act 1978*

3—Insertion of section 24A

After section 24 insert:

24A—Lighting of fires prohibited unless authorised

- (1) A person must not, except as authorised under this section, light or maintain a fire on any land vested in, or placed under the control of, the Board.

Maximum penalty: Division 6 fine or division 6 imprisonment.

Expiation fee: Division 7 fee.

- (2) Subsection (1) does not apply to—
- (a) the Director or any other staff appointed or assigned to assist in the administration of this Act under section 20 when acting in the course of official functions or duties; or
 - (b) a person employed or engaged to perform services on behalf of the Board when performing those services; or
 - (c) a person carrying out functions in accordance with a lease or licence issued by the Board.
- (3) The Director may, by signs placed from time to time on any prescribed land, authorise the lighting of fires in a barbecue, stove or other receptacle on the land, subject to any conditions specified in the sign.
- (4) The Director may, on application made by a person in such manner as the Director may require, authorise the lighting of a fire by the person on prescribed land in circumstances not authorised by the Director under subsection (3).
- (5) An authorisation under subsection (4)—
- (a) may be subject to such conditions as the Director thinks fit; and
 - (b) may be varied or revoked by the Director at any time.
- (6) In this section—

prescribed land means any of the following land vested in, or placed under the control of, the Board:

- (a) the land known as Wittunga Botanic Gardens in Blackwood;
- (b) the land known as Botanic Park in Adelaide;
- (c) any other land prescribed by regulation.

4—Amendment of section 27—Regulations

Section 27(2)(i)—delete paragraph (i)