

South Australia

West Beach Recreation Reserve Regulations 2003

under the *West Beach Recreation Reserve Act 1987*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *West Beach Recreation Reserve Regulations 2003*.

2—Commencement

These regulations will come into operation on 1 September 2003.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *West Beach Recreation Reserve Act 1987*;

camping includes sleeping overnight in a motor vehicle parked in the Reserve;

employee of the Trust includes a member or officer of the Trust and any other person authorised by the Trust to exercise the powers conferred on employees of the Trust under these regulations;

structure includes a booth or marquee.

Part 2—Conduct of users of Reserve

4—Entry into Reserve

A person must not enter the Reserve except by an entrance authorised by the Trust.

5—Behaviour in Reserve

A person must not, while in the Reserve—

- (a) behave in a disorderly or offensive manner; or
- (b) use threatening, insulting, abusive or indecent language; or
- (c) create a disturbance or nuisance; or
- (d) wilfully obstruct, disturb or harass another person engaged in the proper use of the Reserve.

6—Restricted activities

A person must not, without the permission of the Trust, while in the Reserve—

- (a) deface, damage, disturb or destroy a tree or other vegetation; or
- (b) remove, dig or otherwise disturb the soil or other similar material; or
- (c) remove, damage or break a fence or barrier; or
- (d) carry, use or discharge a firearm, airgun or other weapon; or
- (e) deposit litter or other waste except in an area or receptacle provided for that purpose; or
- (f) camp in an area other than a clearly designated camping area; or
- (g) light, maintain or use a fire other than in a clearly designated fire place; or
- (h) leave a fire without effectively extinguishing it; or
- (i) leave property unattended for more than 24 hours; or
- (j) erect a structure (other than a tent for the purpose of camping); or
- (k) use a sound amplification device or other noisy equipment; or
- (l) distribute printed matter; or
- (m) post, paint or otherwise display an advertisement, bill, sign, poster, placard, banner or flag; or

- (n) paint, write, carve letters, figures or marks on, or otherwise deface or damage, a rock, wall, building or other structure; or
- (o) sell anything or offer anything for sale, conduct a business or provide a service; or
- (p) sell raffle or lottery tickets or take up a collection.

7—Animals

- (1) A person must not, without the permission of the Trust, bring an animal other than a dog into the Reserve.
- (2) If a person brings a dog into the Reserve, the person must—
 - (a) ensure that the dog does not enter or remain in an area of the Reserve indicated by signs or markings or a combination of signs and markings (with the authority of the Trust) as an area in which dogs are not permitted; and
 - (b) exercise effective control over the dog at all times while it is in the Reserve.
- (3) For the purposes of this regulation, a dog is under the effective control of a person if—
 - (a) the person is exercising effective control of the dog—
 - (i) by means of a chain, cord or leash that does not exceed 2 metres in length restraining the dog; or
 - (ii) by command, the dog being in close proximity to the person and the person being able to see the dog at all times; or
 - (b) the person has effectively secured the dog—
 - (i) by placing it in a cage, vehicle or other object or structure; or
 - (ii) by tethering it to a fixed object by means of a chain, cord or leash that does not exceed 2 metres in length.

8—Use of motor vehicles

A person who drives or rides a motor vehicle in the Reserve must not—

- (a) unless authorised by the Trust—
 - (i) drive or ride at a speed greater than 15 kilometres per hour unless otherwise indicated (with the authority of the Trust) by signs or markings or a combination of signs and markings; or
 - (ii) fail to pay a parking fee indicated (with the authority of the Trust) by signs or markings or a combination of signs and markings; or
 - (iii) fail to comply with any other speed, parking or other traffic restriction or direction indicated (with the authority of the Trust) by signs or markings or a combination of signs and markings; or
 - (iv) drive or ride on the foreshore of the Reserve; or
 - (v) drive or ride except on roads, tracks or areas that are set aside by the Trust for that purpose; or

- (vi) drive or ride in such a manner as to cause undue noise to be emitted from the vehicle; or
- (vii) park or leave the vehicle in a position that obstructs access to or use of the Reserve or a place in the Reserve; or
- (b) drive or ride in a dangerous or careless manner or without reasonable consideration for others.
- (c) fail to comply with any reasonable speed, parking or other traffic direction of an employee of the Trust.

Part 3—Enforcement

9—General powers of employees of Trust

- (1) An employee of the Trust may, if the employee has reasonable grounds to suspect that a person has committed or is about to commit an offence against these regulations—
 - (a) require the person to state his or her full name and address and, if the employee 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; or
 - (b) inspect any bag, basket or other receptacle that the person has in his or her possession; or
 - (c) require a person to surrender anything that, in the opinion of the employee, could be used in the commission of the offence; or
 - (d) request the person to leave the Reserve and not to re-enter the Reserve on the same day.
- (2) A person must comply with—
 - (a) any reasonable requirements or requests made under this regulation; or
 - (b) any other reasonable directions, requirements or requests by an employee of the Trust relating to the person's use of, or conduct or safety in, the Reserve.
- (3) An employee of the Trust may use reasonable force—
 - (a) to remove a person who has been requested to leave the Reserve under this regulation if the person fails to comply with that request within a reasonable time; or
 - (b) to prevent a person who has been requested to leave the Reserve and not to re-enter the Reserve on the same day under this regulation from re-entering the Reserve on that day; or
 - (c) to remove or confiscate anything not surrendered in accordance with a requirement to do so under this regulation.

10—Surrendered or confiscated property

- (1) The Trust should endeavour to return to a person, when leaving the Reserve, anything that was surrendered by or confiscated from the person under regulation 9.

- (2) However, the Trust may retain, for such period as is necessary for the purposes of legal proceedings, anything that the Trust reasonably believes may constitute evidence of the commission of an offence.

11—Property left unattended

- (1) An employee of the Trust may seize and impound a vehicle or other property left unattended for more than 24 hours in the Reserve without the permission of the Trust.
- (2) An employee of the Trust may move or seize and impound a vehicle or other property left, without the permission of the Trust, in the Reserve in a position that obstructs access to or use of the Reserve or a place in the Reserve.
- (3) If—
 - (a) the owner of property seized or impounded under this regulation has been notified in writing of that action but has failed to pay the amount of any costs required to be paid by the Trust associated with that action, or has not collected the property, within 3 months of the notice being given; or
 - (b) the identity or whereabouts of the owner of property seized or impounded under this regulation has not, after reasonable enquiries, been ascertained within 3 months of the property being left unattended,the Trust may sell or otherwise dispose of the property.
- (4) The proceeds of the sale of any property seized under this Part will be dealt with as follows:
 - (a) the Trust may retain from those proceeds—
 - (i) the reasonable costs of the sale; and
 - (ii) the reasonable costs of seizing, impounding and keeping the seized property prior to sale; and
 - (b) the balance (if any) will be paid—
 - (i) if the identity and whereabouts of the owner is known—to the owner; or
 - (ii) in any other case—to the Treasurer.

12—Offence to hinder employee of Trust

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

Part 4—Miscellaneous

13—Failure to comply with regulations an offence

A person who contravenes or fails to comply with a provision of these regulations is guilty of an offence.

Maximum penalty: \$500.

Expiation fee: \$50.

14—Authorisations

An authorisation or permission granted by the Trust under these regulations—

- (a) must be in writing; and
- (b) may be granted to persons of a specified class; and
- (c) may be conditional; and
- (d) may be varied or revoked by the Trust at any time.

15—Exemption from regulations

An employee of the Trust is not bound by these regulations in relation to the performance of functions or duties in the course of his or her employment or in the exercise of powers under the Act.

Schedule 1—Revocation of *West Beach Recreation Reserve Act Regulations 1988*

The *West Beach Recreation Reserve Act Regulations 1988* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 28 August 2003

No 189 of 2003

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