

South Australia

Adelaide Festival Centre Trust Regulations 2007

under the *Adelaide Festival Centre Trust Act 1971*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Adelaide Festival Centre Trust Regulations 2007*.

2—Commencement

These regulations will come into operation on 1 September 2007.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Adelaide Festival Centre Trust Act 1971*;

authorised person—see regulation 4;

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

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

theatre or associated theatre area means a theatre within the Centre, or a foyer, restaurant, convenience or other facility associated with that theatre;

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*.

Part 2—Administration

4—Authorised persons

- (1) The Trust may appoint suitable persons 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 Trust 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) All police officers are authorised persons for the purposes of these regulations.

5—Identification of authorised persons

- (1) An authorised person appointed under these regulations must be issued with an identity card—
 - (a) containing the person's name and a photograph of the person; and
 - (b) stating that the person is an authorised person under these regulations.
- (2) If the powers of an authorised person have been limited by conditions, the identity card issued to the authorised person must indicate those limitations.
- (3) An authorised person must, at the request of a person in relation to whom the authorised person intends to exercise powers under these regulations, produce for the inspection of the person—
 - (a) in the case of an authorised person who is a police officer and is not in uniform—his or her certificate of authority; or
 - (b) in the case of an authorised person appointed under these regulations—his or her identity card.

6—Immunity from liability

- (1) No personal liability attaches to an authorised person for an honest act or omission in the exercise or discharge or purported exercise or discharge of a power or function under these regulations.
- (2) A liability that would, but for subregulation (1), lie against the authorised person lies instead against the Trust.

7—Powers of authorised persons

- (1) If an authorised person reasonably suspects that a person, while in the Centre, has committed, is committing or is about to commit an offence against these regulations or any Act or would, by entering the Centre, commit an offence against these regulations, the authorised person may do any 1 or more of the following:
 - (a) require the person to state his or her full name and usual place of residence;
 - (b) if the authorised person suspects on reasonable grounds that the name or place of residence stated is false—require the person to produce evidence of his or her full name or usual place of residence;
 - (c) require the person to leave the Centre immediately and not to return for a stated period not exceeding 24 hours or not to enter the Centre;
 - (d) use such force as is reasonably necessary for the purpose of removing or excluding a person who refuses or fails to comply with a requirement under paragraph (c).
- (2) If a person has brought an object or thing into the Centre in contravention of these regulations, an authorised person may require the person to leave the object or thing in the possession of the authorised person (or another person indicated by the authorised person) until such time as the person leaves the Centre.
- (3) An authorised person may give reasonable directions to persons driving vehicles, or to pedestrians, in the Centre that are considered necessary by the authorised person for the safe and efficient regulation of vehicular or pedestrian traffic in the Centre or for the maintenance of order in the Centre.
- (4) A person who—
 - (a) hinders or obstructs an authorised person in the exercise of powers conferred by these regulations; or
 - (b) refuses or fails to comply with a requirement or direction of an authorised person under this regulation,

is guilty of an offence.

Maximum penalty: \$200.

8—Acting with approval of Trust or authorised persons

- (1) These regulations do not prevent a person from doing anything with the approval of the Trust or an authorised person or otherwise with lawful authority.

- (2) An approval given by the Trust or an authorised person 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 relate to a particular person or matter or persons or matters of a class specified by the Trust or authorised person; and
 - (c) may be subject to conditions (including a condition requiring payment of a fee) specified by the Trust or authorised person; and
 - (d) may be varied or revoked by the Trust or authorised person at any time.
- (3) If the Trust or an authorised person gives approval subject to a condition, the person to whom the approval is given must not contravene or fail to comply with the condition.
Maximum penalty: \$200.

Part 3—Regulation of conduct

9—Behaviour

A person must not—

- (a) disturb or interfere with a performance or activity being carried on in the Centre with lawful authority; or
- (b) intentionally obstruct, disturb, interrupt or annoy any other person making proper use of the Centre; or
- (c) throw, roll or discharge a stone, substance or missile or engage in any other activity that may endanger the safety of a person or animal in the Centre.

Maximum penalty: \$200.

10—Protection of property

A person must not—

- (a) remove, damage, deface or interfere with property owned by or under the care or control of the Trust, including vegetation in the grounds of the Centre; or
- (b) interfere with an exhibit or display in the Centre or a case containing an exhibit or display; or
- (c) climb on a building, fixture, flora or property owned by or under the care or control of the Trust; or
- (d) walk on or over a garden bed in the Centre.

Maximum penalty: \$200.

11—Restricted areas

A person must not enter or remain in an area of the Centre that is, at the direction of the Trust, closed to public access.

Maximum penalty: \$200.

12—Photographs and recordings

A person must not take a photograph or make a film, videotape or sound or other recording of any kind—

- (a) in a theatre within the Centre; or
- (b) of the whole or a part of a rehearsal, performance, exhibition or other activity taking place within a theatre or associated area.

Maximum penalty: \$200.

13—Prohibition against riding wheeled recreational devices in Centre

A person must not travel in or on a wheeled recreational device in the Centre.

Maximum penalty: \$200.

Expiation fee: \$25.

14—Other prohibited activities

A person must not—

- (a) bring an animal other than a guide dog into the Centre; or
- (b) bring alcohol into the Centre or consume alcohol in the Centre except in licensed premises; or
- (c) bathe in or take (or attempt to take) fish from a fountain or pool in the Centre; or
- (d) foul or pollute a fountain or pool in the Centre; or
- (e) light or maintain a fire in the Centre, other than in a place set aside for that purpose by the Trust; or
- (f) play a musical instrument or operate a radio receiver or sound producing electronic device in the Centre; or
- (g) sell or offer for sale any goods in the Centre; or
- (h) collect or seek money or other donations in the Centre; or
- (i) engage in advertising or marketing activities for commercial purposes in the Centre; or
- (j) distribute or leave for collection in the Centre any pamphlets or leaflets; or
- (k) display or erect a flag, banner, sign, placard or similar object in the Centre.

Maximum penalty: \$200.

Part 4—Special provisions relating to vehicles

15—Public vehicular access to Centre

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

16—Driving or bringing vehicles into the Centre

A person must not—

- (a) bring a vehicle into, or drive a vehicle in, any part of the Centre closed to public vehicular access; or
- (b) drive a vehicle in the Centre except on an area specifically set aside for the driving or parking of vehicles; or
- (c) bring into the Centre a tracked motor vehicle or a motor vehicle the mass of which with or without its load exceeds 5 tonnes or drive such a vehicle in the Centre.

Maximum penalty: \$200.

Expiation fee: \$50.

17—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 an offence against regulation 16, 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 offence against regulation 16, to provide the Trust, 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 offence against regulation 16 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 offence against regulation 16; and
 - (b) inviting the owner, if he or she was not the driver at the time of the alleged offence against regulation 16, 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 offence against regulation 16; 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.

Schedule 1—Revocation and transitional provision

Part 1—Revocation of *Adelaide Festival Centre Trust Regulations 1992*

1—Revocation of *Adelaide Festival Centre Trust Regulations 1992*

The *Adelaide Festival Centre Trust Regulations 1992* are revoked.

Part 2—Transitional provision

2—Authorised persons

A person appointed and holding office as an authorised person under the *Adelaide Festival Centre Trust Regulations 1992* immediately before the commencement of these regulations will be taken to be an authorised person appointed under these regulations.

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

on the recommendation of the Adelaide Festival Centre Trust and with the advice and consent of the Executive Council
on 16 August 2007

No 211 of 2007

ASACAB004/04