

South Australia

Art Gallery Regulations 2017

under the *Art Gallery Act 1939*

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- 1 Revocation of *Art Gallery Regulations 2002*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Art Gallery Regulations 2017*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—
- Act* means the *Art Gallery Act 1939*;
- art gallery* means premises of the board and includes the art gallery grounds;
- art gallery grounds* means the outdoor premises of the board;
- 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;
- officially designated*, in relation to an area of the art gallery—see subregulation (2);
- official sign* means a sign that conveys a message authorised by the board, and includes lines or markings or a sign together with lines or markings;
- park* includes stand;
- vehicle* means a motor vehicle.
- (2) In these regulations, an area of the art gallery will be taken to be *officially designated* as being an area for a particular purpose or an area in which a particular activity is permitted, prohibited or otherwise regulated if an official sign is displayed in or near the area, indicating the purpose or the permitted, prohibited or regulated activity.

4—Acting with approval of board or authorised officer

- (1) These regulations do not prevent a person from doing anything with the approval of the board or an authorised officer or otherwise with lawful authority.
- (2) An approval given by the board or an authorised officer 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 board or authorised officer; and
 - (c) may be subject to conditions (including a condition requiring payment of a fee) specified by the board or authorised officer; and
 - (d) may be varied or revoked by the board or authorised officer at any time.
- (3) If the board or an authorised officer gives an 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 2—Conduct

5—Entry

- (1) A person must not, after due warning—
 - (a) enter or remain in an area of the art gallery that is not open to the public; or
 - (b) remain in the art gallery after closing time.

Maximum penalty: \$500.

Expiation fee: \$100.

- (2) A child under the age of 10 years must not enter or remain in the art gallery unless in the care or under the supervision of an adult.
- (3) Subregulation (2) does not apply in relation to an area of the art gallery officially designated as an area for the consumption of food and beverages.

6—General conduct

A person must not, while in the art gallery—

- (a) behave in a disorderly or offensive manner or so as to interfere with another person's reasonable enjoyment of the art gallery; or
- (b) use abusive, threatening or insulting language; or
- (c) eat, drink or smoke except in an area of the art gallery officially designated as an area in which eating, drinking or smoking is permitted; or
- (d) dispose of litter or waste except in a receptacle provided for that purpose; or
- (e) touch or otherwise interfere with an exhibit, a case containing such exhibits or a sign associated with such exhibits; or
- (f) deface or interfere with any other property under the care or control of the board; or
- (g) climb on a tree, shrub, fence, roof, wall or other structure or any other property under the care or control of the board; or
- (h) light or maintain a fire; or
- (i) distribute any printed matter; or
- (j) erect a structure; or
- (k) display a bill, sign, poster, placard, banner or flag; or
- (l) sell anything or offer anything for sale; or
- (m) take up a collection; or
- (n) hold, arrange or participate in a rally, demonstration or other meeting.

Maximum penalty: \$500.

Expiation fee: \$100.

7—Photography and reproduction of exhibits

- (1) A person must not photograph, copy or reproduce an exhibit in the art gallery.
Maximum penalty: \$200.
Expiation fee: \$75.
- (2) However—
 - (a) nothing in subregulation (1) prevents a person from photographing an exhibit for personal use, provided that—
 - (i) the exhibit is not in an area officially designated as an area in which photography is prohibited; and
 - (ii) the photographs are taken with a hand held camera; and
 - (iii) the photography does not involve the use of a tripod or a flash or other additional lighting; and
 - (b) nothing in subregulation (1) prevents a person from taking wedding photographs on the art gallery forecourt, provided that the photography does not interfere with the reasonable enjoyment of the art gallery by the public.

8—Dogs and other animals

- (1) A person must not bring an animal into, or permit an animal to enter, the art gallery.
Maximum penalty: \$500.
Expiation fee: \$100.
- (2) However, nothing in subregulation (1) prevents a person who is wholly or partially blind or deaf or otherwise disabled from being accompanied in the art gallery by an accredited disability dog, guide dog or hearing dog (within the meaning of the *Dog and Cat Management Act 1995*), provided that the dog is, at all times, under the person's effective control by means of physical restraint (within the meaning of that Act).
- (3) If an animal has entered the art gallery in contravention of this regulation, an authorised officer may remove the animal from the art gallery or an area of the art gallery if the owner or person in charge of the animal cannot be located in the vicinity after reasonable attempts to do so.

9—Articles must be left in designated area

A person must, at the request of an authorised officer, or an employee of the art gallery acting with the authority of the board, leave any article brought by the person into the art gallery in an area officially designated for that purpose.

Maximum penalty: \$200.

Expiation fee: \$75.

Part 3—Driving and parking

10—Driving

A person who drives or rides a vehicle on art gallery grounds must not—

- (a) fail to comply with any speed, parking or other traffic restriction or direction indicated on an official sign in or near the area; or
- (b) drive or ride in areas that are not intended for public vehicular access; or
- (c) drive or ride in such a manner as to cause undue noise to be emitted from the vehicle; or
- (d) drive or ride in a dangerous or careless manner or without reasonable consideration for others.

Maximum penalty: \$500.

Expiation fee: \$100.

11—Parking

(1) A person must not park a vehicle on art gallery grounds unless—

- (a) the vehicle is parked in an officially designated area for the parking of vehicles; and
- (b) in the case of an area officially designated as a parking area for persons holding a disabled person's parking permit—a disabled person's parking permit is lawfully displayed in the vehicle; and
- (c) in the case of an area officially designated as a parking area for persons holding some other class of permit—a permit of that class is lawfully displayed in the vehicle; and
- (d) any other conditions of parking in that area are complied with.

Maximum penalty: \$125.

Expiation fee: \$55.

(2) A person must not park a vehicle on art gallery grounds so as to prevent or impede the passage of a pedestrian or another vehicle.

Maximum penalty: \$125.

Expiation fee: \$55.

Part 4—Miscellaneous

12—Opening times

Except as otherwise directed by the board, the art gallery will be open to the public, free of charge, on each day of the year (other than Christmas day) during the hours fixed by the board.

13—Confiscated or surrendered property

- (1) The board should endeavour to return to a person, when the person leaves the art gallery, anything that was surrendered by or confiscated from the person under these regulations.
- (2) However, the board may retain, for such period as is necessary for the purposes of legal proceedings, anything that the board reasonably believes may constitute evidence of the commission of an offence.

Schedule 1—Revocation and transitional provision

Part 1—Revocation of *Art Gallery Regulations 2002*

1—Revocation of *Art Gallery Regulations 2002*

The *Art Gallery Regulations 2002* are revoked.

Part 2—Transitional provision

2—Interpretation

In this Part—

revoked regulations means the *Art Gallery Regulations 2002*.

3—Approvals of board or authorised officers

An approval under regulation 4A of the revoked regulations and in force immediately before the commencement of this clause will be taken, on that commencement, to be an approval under regulation 4 of these regulations, and to continue for the remainder of the term, and subject to the same conditions (if any), as applied under the approval immediately before that commencement.

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 15 August 2017

No 250 of 2017

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