

South Australia

## **West Beach Recreation Reserve Regulations 2018**

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 2018*.

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## 2—Commencement

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

## 3—Interpretation

In these regulations, unless the contrary intention appears—

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

*authorised person*—see regulation 4;

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

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

## Part 2—Authorised persons

### 4—Appointment of authorised persons

- (1) The Trust may appoint a member, officer or employee of the Trust to be an authorised person for the purposes of these regulations.
- (2) An appointment under subsection (1) may be made subject to conditions or limitations specified in the instrument of appointment (and the exercise by an authorised person of powers conferred under these regulations is subject to the conditions and limitations (if any) specified in the officer's instrument of appointment).
- (3) An authorised person 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 for the purposes of these regulations; and
  - (c) stating any conditions or limitations on the authorised person's authority.
- (4) An authorised person must, at the request of a person in relation to whom the authorised person intends to exercise any powers, produce for inspection by the person the authorised person's identity card.
- (5) If a person in possession of an identity card issued to the person under this section ceases to be an authorised person, the person must immediately return the identity card to the Trust.

Maximum penalty: \$250.

### 5—Powers of authorised persons

- (1) If an authorised person reasonably suspects that a person, while on the Reserve, has committed or is committing an offence against the Act or these regulations, the authorised person may do any 1 or more of the following:
  - (a) require the person to state the person's full name and usual place of residence;
  - (b) if the authorised person suspects on reasonable grounds that a name or place of residence stated by a person is false—require the person to produce evidence of the person's name or usual place of residence;

- (c) require the person to leave the Reserve or a part of the Reserve immediately and not to return for a stated period (not exceeding 24 hours) or not to enter the Reserve or part of the Reserve;
  - (d) if the person refuses or fails to comply with a requirement under paragraph (c)—use such force as is reasonably necessary for the purpose of removing or excluding the person from the Reserve or part of the Reserve;
  - (e) cause the person to be detained and handed over into the custody of a police officer as soon as reasonably practicable.
- (2) An authorised person may also—
- (a) require a person to surrender any object, substance or thing that the authorised person reasonably suspects has been, or is being, used on the Reserve in contravention of the Act or these regulations; and
  - (b) give such directions to persons on the Reserve that the authorised person considers necessary for—
    - (i) the maintenance of good order, the prevention of interference with events or other activities, or the safe and efficient regulation of vehicular or pedestrian traffic, on the Reserve; or
    - (ii) the protection of property under the care or control of the Trust; and
  - (c) use such force as may reasonably be required for the purpose of removing or excluding from the Reserve or part of the Reserve a person who refuses or fails to comply with a requirement or direction under this section.
- (3) An authorised person may, in exercising powers under these regulations, be accompanied by such assistants as are reasonably required in the circumstances.

## **6—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 these regulations.
- (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.

## **7—Property left unattended**

- (1) An authorised person 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 authorised person 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 the Trust has taken action under subregulation (1) or (2) in respect of a vehicle or other property, the Trust may recover any costs required to be paid by the Trust associated with that action from the owner of the property.

- (4) 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.
- (5) 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.

## **8—Hindering etc authorised persons**

- (1) A person who—
- (a) without reasonable excuse hinders or obstructs an authorised person; or
  - (b) fails to answer a question put by an authorised person to the best of the person's knowledge, information or belief; or
  - (c) produces a document that the person knows, or ought to know, is false or misleading in a material particular; or
  - (d) fails without reasonable excuse to comply with a requirement or direction of an authorised person; or
  - (e) uses abusive, threatening or insulting language to an authorised person or a person assisting an authorised person; or
  - (f) falsely represents, by words or conduct, that he or she is an authorised person,
- is guilty of an offence.
- Maximum penalty: \$1 250.
- (2) A person is not obliged to answer a question or to produce a document as required under these regulations if to do so might tend to incriminate the person or make the person liable to a penalty.

## **Part 3—Conduct of users of Reserve**

### **9—Entry into Reserve**

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

Maximum penalty: \$750.

Expiation fee: \$105.

### **10—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.

Maximum penalty: \$1 250.

Expiation fee: \$160.

### **11—Restricted activities**

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

- (a) carry, use or discharge a firearm, airgun or other weapon; or
- (b) deposit litter or other waste except in an area or receptacle provided for that purpose; or
- (c) camp in an area other than a clearly designated camping area; or
- (d) light, maintain or use a fire other than in a clearly designated fire place; or
- (e) leave a fire without effectively extinguishing it; or
- (f) leave property unattended for more than 24 hours; or
- (g) erect a marquee, booth, gazebo or other similar structure that is not intended solely for camping or other personal use; or
- (h) use a sound amplification device or other noisy equipment; or
- (i) distribute printed matter; or
- (j) post, paint or otherwise display an advertisement, bill, sign, poster, placard, banner or flag; or
- (k) sell anything or offer anything for sale, conduct a business or provide a service; or
- (l) sell raffle or lottery tickets or take up a collection.

Maximum penalty: \$1 250.

Expiation fee: \$160.

## **12—Animals**

- (1) A person must not, without the permission of the Trust, bring an animal other than a dog into the Reserve.  
Maximum penalty: \$750.  
Expiation fee: \$105.
- (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 (erected or displayed 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.Maximum penalty: \$750.  
Expiation fee: \$105.
- (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.
- (4) Subregulation (2)(a) does not apply to an assistance dog within the meaning of the *Dog and Cat Management Act 1995*.

## **13—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; or
- (c) fail to comply with any reasonable speed, parking or other traffic direction of an authorised person.

Maximum penalty: \$750.

Expiation fee: \$105.

## **Part 4—Miscellaneous**

### **14—Authorisations and permissions**

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

- (a) must be in writing or, if given orally, must be confirmed in writing as soon as practicable; and
- (b) may be granted to persons of a specified class; and
- (c) may be subject to conditions (including a condition requiring payment of a fee) specified by the Trust; and
- (d) may be varied or revoked by the Trust at any time.

### **15—Exemptions**

The Trust may, by instrument in writing, exempt the application of a provision of these regulations in relation to a person undertaking official functions or duties in the course of employment by the Trust or in the exercise of powers under the Act or regulations.

## **Schedule 1—Revocation of *West Beach Recreation Reserve Regulations 2003***

The *West Beach Recreation Reserve Regulations 2003* are revoked.

## **Schedule 2—Transitional and savings provisions**

### **1—Interpretation**

In this Schedule—

*commencement day* means the day on which these regulations come into operation;

*revoked regulations* means the *West Beach Recreation Reserve Regulations 2003*.

## **2—Authorised persons**

A person who was, immediately before the commencement day, an employee of the Trust (within the meaning of the revoked regulations) will, on and from the commencement day, be taken to be a person appointed as an authorised person under regulation 4 of these regulations for a period of 6 months or such shorter period as the Trust may determine.

## **3—Authorisations and permissions**

An authorisation or permission granted by the Trust under the revoked regulations and in force immediately before the commencement day will, on and from the commencement day, continue as an authorisation or permission (as the case requires) granted by the Trust under these regulations.

## **4—Exemptions**

An exemption in force under the revoked regulations immediately before the commencement day will, on and from the commencement day, continue as an exemption under these regulations for a period of 6 months or such shorter period as the Trust may determine.

### **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's Deputy**

with the advice and consent of the Executive Council  
on 30 August 2018

No 208 of 2018

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