

South Australia

History Trust of South Australia Regulations 2022

under the *History Trust of South Australia Act 1981*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *History Trust of South Australia Regulations 2022*.

2—Commencement

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

3—Interpretation

- (1) In these regulations—

Act means the *History Trust of South Australia Act 1981*;

assistance animal means an animal that is—

- (a) accredited as an assistance dog under the *Dog and Cat Management Act 1995*; or
- (b) an assistance animal within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth;

officially designated, in relation to premises of the Trust—see subregulation (2);

park, in relation to a vehicle, includes stand;

premises includes—

- (a) land; and
- (b) a part of premises;

smoke has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;

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

- (2) In these regulations, an area of premises of the Trust 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 Trust or authorised officer

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

5—Entry

- (1) A person must not, after due warning—
 - (a) enter or remain on premises of the Trust that is not open to the public; or
 - (b) remain on premises of the Trust after closing time.

Maximum penalty: \$500.

Expiation fee: \$100.

- (2) A child under the age of 12 years must not enter or remain on premises of the Trust unless in the care or under the supervision of an adult.
- (3) Subregulation (2) does not apply in relation to an area of premises of the Trust officially designated as an area for the consumption of food and beverages.

6—General conduct

A person must not, while on premises of the Trust—

- (a) behave in a disorderly or offensive manner or so as to interfere with another person's reasonable enjoyment of the premises; or
- (b) use abusive, threatening or insulting language; or
- (c) eat, drink or smoke except in an area officially designated as an area in which eating, drinking or smoking is permitted; or
- (d) deposit litter or waste except in a receptacle provided for that purpose; or
- (e) touch or in any way interfere with an exhibit, a case containing such an exhibit or a sign associated with such an exhibit; or
- (f) deface or interfere with any other property under the care or control of the Trust; or
- (g) climb on a tree, shrub, fence, roof, wall or other structure or any other property under the care or control of the Trust; 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 or offer anything for sale; or
- (m) take up a collection; or
- (n) hold, arrange or participate in a rally, demonstration or other meeting that is not otherwise lawful.

Maximum penalty: \$500.

Expiation fee: \$100.

7—Photography and reproduction of exhibits

- (1) A person must not photograph, copy or reproduce an exhibit in premises of the Trust.
Maximum penalty: \$300.
Expiation fee: \$75.
- (2) However, nothing in subregulation (1) prevents a person from photographing an exhibit for personal use, provided that—
 - (a) the exhibit is not in an area officially designated as an area in which photography is prohibited; and
 - (b) the photographs are taken with a hand held camera; and
 - (c) the photography does not involve the use of a tripod or a flash or other additional lighting.

8—Animals

- (1) A person must not bring an animal into, or permit an animal to enter, premises of the Trust.
Maximum penalty: \$500.
Expiation fee: \$100.
- (2) However, nothing in subregulation (1) prevents a person with a disability from being accompanied on premises of the Trust by an assistance animal provided that the animal is, at all times, under the person's effective control by means of physical restraint (within the meaning of the *Dog and Cat Management Act 1995*).
- (3) If an animal has entered premises of the Trust in contravention of this regulation, an authorised officer may remove the animal from the premises 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 a person employed at premises of the Trust acting with the authority of the Trust (including a volunteer), leave any article brought by the person into the premises in an area officially designated for that purpose.

Maximum penalty: \$300.

Expiation fee: \$75.

Part 3—Driving and parking

10—Driving

A person who drives or rides a vehicle on premises of the Trust 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 premises of the Trust 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: \$220.

Expiation fee: \$55.

- (2) A person must not park a vehicle on premises of the Trust so as to prevent or impede the passage of a pedestrian or another vehicle.

Maximum penalty: \$220.

Expiation fee: \$55.

Part 4—Miscellaneous

12—Confiscated or surrendered property

- (1) The Trust should endeavour to return to a person, when the person leaves premises of the Trust, anything that was surrendered by or confiscated from the person under the Act or 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.

Schedule 1—Repeal and transitional provisions

Part 1—Repeal of *History Trust of South Australia Regulations 2010*

1—Repeal of *History Trust of South Australia Regulations 2010*

The *History Trust of South Australia Regulations 2010* are repealed.

Part 2—Transitional provisions

2—Interpretation

In this Part—

repealed regulations means the *History Trust of South Australia Regulations 2010*.

3—Approvals of Trust or authorised officers

An approval under regulation 4 of the repealed regulations 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.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments 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 21 July 2022

No 56 of 2022