

SOUTH AUSTRALIA

ADELAIDE FESTIVAL CENTRE TRUST REGULATIONS 1992

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LEGISLATIVE HISTORY

**REGULATIONS UNDER THE ADELAIDE FESTIVAL CENTRE TRUST
ACT 1971**

Adelaide Festival Centre Trust Regulations 1992

being

No. 177 of 1992: *Gaz.* 27 August 1992, p. 950¹

as varied by

No. 259 of 1996: *Gaz.* 23 December 1996, p. 2262²

¹ Came into operation 27 August 1992: reg. 2.

² Came into operation 3 February 1997: reg. 2.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

2.

**PART 1
PRELIMINARY**

Citation

1. These regulations may be cited as the *Adelaide Festival Centre Trust Regulations 1992*.

Revocation

2. The *Adelaide Festival Centre Trust Regulations 1973* (see *Gazette* 20 December 1973 p. 3436), as varied, are revoked.

Commencement

3. These regulations will come into operation on 27 August 1992.

Interpretation

4. (1) In these regulations, unless the contrary intention appears—

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

"**authorized person**" means a person appointed under regulation 5 as an authorized person;

"**disabled person's parking permit**" means—

(a) a permit issued under Part IIID 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;

"**drive**" includes ride;

"**official sign**" means a sign or marking, or a combination of signs and markings, erected or placed on the authority of the Trust;

"**parking area**" means an area in the Centre—

(a) that is indicated by an official sign as being an area in which vehicles may be parked;

or

(b) in which parking is permitted in accordance with Part XXIIA of the *Local Government Act 1934*,

and includes part of such an area;

"**parking space**" means a space within a parking area denoted by an official sign as a parking space;

"**pedestrian**" includes a person in a wheelchair;

3.

"**road**" means a carriageway or other area formed for the use of vehicles or a class of vehicles, and includes a part of such an area and a parking area;

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

"**to park**" includes to stand;

"**vehicle**" means a motor vehicle, trailer, bicycle or other vehicle.

(2) For the purposes of these regulations, a person who drives a vehicle to which a trailer or caravan is attached will be taken to be the driver of the trailer or caravan and the trailer or caravan will be taken to be driven by that person.

Authorized persons

5. (1) The Trust may appoint a person to be an authorized person.

(2) An appointment under subregulation (1)—

(a) must specify the period of the appointment;

(b) may limit the powers of the appointee;

(c) may be revoked at any time by the Trust.

(3) On the appointment of an authorized person under this regulation, the Trust must issue a certificate of appointment to that person, specifying—

(a) any limitation on the person's powers as an authorized person;

and

(b) the period of the appointment.

(4) An authorized person must produce his or her certificate of appointment at the request of a person in relation to whom the authorized person has exercised, or intends to exercise, powers under these regulations.

Power of Trust to erect official signs

6. The Trust may authorize the erection or placing of official signs for any purpose contemplated by these regulations.

Acting with lawful authority or permission

7. (1) These regulations do not prevent a person from doing anything—

(a) with the permission of the Trust or an authorized person;

or

(b) otherwise with lawful authority.

4.

(2) A permission given by the Trust or an authorized person for any purpose under these regulations may—

(a) relate to a particular person or matter or persons or matters of a class specified by the Trust or authorized person;

and

(b) be unconditional or subject to conditions specified by the Trust or authorized person.

**PART 2
MOVEMENT AND PARKING OF VEHICLES**

DIVISION 1—MOVEMENT OF MOTOR VEHICLES

Motor vehicles must be driven on roads

8. A person must not drive a motor vehicle in the Centre except on a road.

Penalty: \$200.
Expiation fee: \$10.

Movement of motor vehicles

9. A person must not drive a motor vehicle on a road in the Centre in contravention of an official sign erected or placed on or adjacent to that road providing for one-way traffic or otherwise regulating the movement of traffic.

Penalty: \$200.
Expiation fee: \$10.

Speed limits

10. (1) Subject to subregulation (2), a person must not drive a motor vehicle in the Centre at a speed exceeding 25 kilometres an hour.

Penalty: \$200.
Expiation fee: \$10.

(2) A person must not drive a motor vehicle on a road in the Centre at a speed in excess of a speed limit indicated by an official sign erected or placed on or adjacent to that road.

Penalty: \$200.
Expiation fee: \$10.

Heavy or tracked motor vehicles

11. A person must not drive in the Centre a tracked motor vehicle, or a motor vehicle the mass of which with or without its load exceeds 5 tonnes.

Penalty: \$200.
Expiation fee: \$10.

DIVISION 2—PARKING

Motor vehicles must be parked in accordance with official signs

12. A person must not—

(a) park a motor vehicle in a part of the Centre other than a parking area;

or

(b) park a motor vehicle in a parking area in contravention of an official sign indicating—

(i) the time for which, or the manner in which, a vehicle may be parked;

6.

- (ii) the vehicle or class of vehicles that may be parked;
 - or
 - (iii) any condition subject to which a vehicle may be parked,
- in that parking area.

Penalty: \$200.
Expiation fee: \$10.

Causing obstruction; parking spaces

13. A person must not park a motor vehicle in the Centre—

- (a) in such a manner as to obstruct the passage of vehicles or pedestrians;
- or
- (b) in a parking space that is already occupied by another vehicle.

Penalty: \$200.
Expiation fee: \$10.

Parking spaces for disabled persons

14. A person must not park a motor vehicle in a parking space designated by an official sign as a parking space for disabled persons unless a disabled person's parking permit is lawfully displayed in the vehicle.

Penalty: \$200.
Expiation fee: \$10.

DIVISION 3—POWERS CONCERNING VEHICLES

Powers of authorized persons

15. (1) An authorized person may—

- (a) give such reasonable directions to persons driving vehicles, or to pedestrians, in the Centre as are, in that person's opinion, necessary for the safe and efficient regulation of vehicular or pedestrian traffic in the Centre or for the maintenance of order in the Centre;
- (b) require the driver of a vehicle that is in the Centre, or a person reasonably suspected by the authorized person of having parked a vehicle at any place in the Centre, to state his or her name and address;
- (c) require the driver or other person for the time being in charge of a vehicle that is in the Centre to remove the vehicle from the Centre;
- (d) where a vehicle is parked in breach of these regulations, remove that vehicle from, or relocate the vehicle within, the Centre, or leave or store the vehicle at a place that seems convenient to the authorized person.

7.

(2) Where an authorized person exercises the authority to remove or relocate a vehicle conferred by subregulation (1)(d)—

- (a) the authorized person is not required to give a reason for so doing;
- (b) the cost of removing and storing the vehicle may be recovered and sued for as a liquidated debt by the Trust summarily from the person who was the driver, or the registered owner, of the vehicle at the time it was removed or relocated.

(3) A person to whom a direction is given, or of whom a requirement is made, under subregulation (1) must not fail, without reasonable excuse, to comply forthwith with that direction or requirement.

Penalty: \$200.

**PART 3
REGULATION OF CONDUCT**

DIVISION 1—PROHIBITED CONDUCT

Protection of property

16. A person must not—

(a) remove, damage, deface or interfere with—

- (i) a building, fitting or fixture in the Centre, or any other property owned by or under the care or control of the Trust;
- (ii) an official sign, or other notice, sign or marking lawfully placed in the Centre;

or

(iii) a part of the grounds of the Centre, including a tree, shrub, plant, flower, lawn or other flora, or a stake or label on or near such flora;

(b) touch or in any way interfere with an exhibit or display in the Centre or a case containing an exhibit or display;

(c) climb on any building, fixture, flora or property owned by or under the care or control of the Trust;

or

(d) walk on or over a bed or area of land being prepared for a tree, shrub, plant, lawn or other flora in the Centre.

Penalty: \$200.

Litter and pollution

17. (1) A person must not—

(a) deposit litter, refuse or waste matter in the Centre except in a receptacle provided for that purpose;

or

(b) foul or pollute any fountain, pool, lake or stream in the Centre.

Penalty: \$200.

(2) A person must not deposit goods, materials, earth or any other substance in the Centre.

Penalty: \$200.

Restricted areas

18. A person must not enter or walk on or over any part of the Centre that is, at the direction of the Trust, enclosed (whether by a rope barrier or any other means) and on or adjacent to which an official sign is displayed prohibiting entry.

Penalty: \$200.

Photographs and recordings

19. 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.

Penalty: \$200.

Other prohibited activities

20. (1) A person must not—

(a) bring a dog or any other animal into the Centre;

(b) bring alcohol into the Centre;

(c) bathe in or take (or attempt to take) fish from any fountain, pool, lake or stream in the Centre;

(d) light or maintain a fire in the Centre, other than in a place set aside for that purpose by the Trust;

(e) play a musical instrument or operate a radio receiver or sound producing electronic device in the Centre;

(f) sell or offer for sale any goods in the Centre;

(g) distribute pamphlets or display banners, placards or signs in the Centre;

or

(h) in any way disturb or interfere with any performance or activity being carried on in the Centre with lawful authority.

Penalty: \$200.

(2) Subregulation (1)(a) does not apply to a wholly or partially blind or deaf person who is accompanied by a guide dog.

DIVISION 2—POWERS CONCERNING CONDUCT

Powers of authorized persons

21. (1) An authorized person may—

- (a) where the authorized person believes on reasonable grounds that a person is committing or has committed an offence against the Act or these regulations, require that person to provide his or her name and address;
- (b) require a person to leave immediately, or not to enter, the Centre or a part of the Centre, where the authorized person believes on reasonable grounds that—
 - (i) the person is committing or has committed an offence against the Act or these regulations;or
 - (ii) it is necessary that the requirement be made in order to secure order or decency;
- (c) obtain such assistance and use such force as is necessary or expedient for the purpose of removing or excluding a person of whom a requirement has been made in accordance with paragraph (b);
- (d) where a person in a theatre or associated area is in possession of a camera, recording device, radio or other article that might be used to commit an offence against these regulations, require that person to leave the article in the possession of the authorized person (or another person indicated by the authorized person) until such time as the person leaves that area;
- (e) take possession of alcohol that is in the Centre without the permission of the Trust or an authorized person and retain possession of that alcohol until the Trust determines whether or not to confiscate it in accordance with these regulations.

(2) A person of whom a requirement has been made in accordance with subregulation (1) must not fail, without reasonable excuse, to comply forthwith with that requirement.

Penalty: \$200.

Confiscation of alcohol

22. The Trust may confiscate alcohol found in the Centre, other than alcohol brought into the Centre with the permission of the Trust or an authorized person, and on confiscation any such alcohol becomes the property of the Trust.

**PART 4
MISCELLANEOUS**

Hindering, etc., authorized persons

23. A person must not intentionally hinder or obstruct an authorized person acting in the exercise of powers conferred by these regulations.

Penalty: \$200.

Immunity from personal liability

24. (1) No liability attaches to an authorized person for any act or omission in good faith and in the exercise, performance or discharge (or purported exercise, performance or discharge) of a power, function or duty under these regulations.

(2) A liability that would, but for subregulation (1), lie against the authorized person, lies instead against the Trust.

* * * * *

12.

SCHEDULE

Transitional Provision

Signs and markings

1. A sign or marking erected or placed in the Centre on the authority of the Trust prior to the commencement of these regulations will be taken to be an official sign for the purposes of these regulations.

