

South Australia

# Adelaide Festival Centre Trust Regulations 2022

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 2022*.

### 3—Interpretation

In these regulations—

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

*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—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 3—Regulation of conduct

### 5—Behaviour

A person must not—

- (a) use abusive, threatening or insulting language; or
- (b) behave in a threatening, intoxicated, indecent or otherwise disorderly or offensive manner or create any disturbance; or
- (c) interfere with another person's reasonable enjoyment of the Centre or an activity in the Centre; or
- (d) refuse to comply with a reasonable instruction from an authorised officer, or a person employed to work at the Centre (including a volunteer); or
- (e) disturb or interfere with a performance or activity being carried on in the Centre with lawful authority; or
- (f) intentionally obstruct, disturb, interrupt or annoy any other person making proper use of the Centre; or

- (g) 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: \$500.

## **6—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) touch, or otherwise interfere with an artwork, exhibit or display in the Centre or a case containing an artwork, 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: \$500.

## **7—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: \$500.

## **8—Photographs and recordings**

A person must not take a photograph or make a film, video 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: \$500.

## **9—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: \$500.

Expiation fee: \$50.

## **10—Other prohibited activities**

(1) A person must not—

- (a) bring an animal other than an assistance animal into the Centre; or
- (b) bring alcohol into the Centre or consume alcohol in the Centre except in licensed premises; or
- (c) dispose of litter or waste except in a receptacle provided for that purpose; or
- (d) bathe in or take (or attempt to take) fish from a fountain or pool in the Centre; or
- (e) foul or pollute a fountain or pool in the Centre; or

- (f) light or maintain a fire in the Centre, other than in a place set aside for that purpose by the Trust; or
- (g) play a musical instrument or operate a radio receiver, amplifier or other sound producing electronic device in the Centre; or
- (h) sell or offer for sale any goods in the Centre; or
- (i) collect or seek money or other donations in the Centre; or
- (j) engage in advertising or marketing activities for commercial purposes in the Centre; or
- (k) distribute or leave for collection in the Centre any pamphlets or leaflets; or
- (l) display or erect a flag, banner, sign, placard or similar object in the Centre.

Maximum penalty: \$500.

- (2) In this regulation—

**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.

#### **10A—Articles must be left in designated area**

A person must, at the request of an authorised officer or a person employed to work at the Centre (including a volunteer), leave any article brought into the Centre by the person in an area officially designated for that purpose.

Maximum penalty: \$300.

Expiation fee: \$75.

### **Part 4—Special provisions relating to vehicles**

#### **11—Public vehicular access to Centre**

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

#### **12—Driving or bringing vehicles into the Centre**

A person must not—

- (a) fail to comply with any speed, parking or other traffic restriction or direction indicated on an official sign in the Centre; or
- (b) bring a vehicle into, or drive a vehicle in, any part of the Centre closed to public vehicular access; or
- (c) drive a vehicle in the Centre except on an area specifically set aside for the driving or parking of vehicles; or

- (d) 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: \$500.

Expiation fee: \$100.

### **12A—Parking**

- (1) A person must not park a vehicle in the Centre or any other 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: \$500.

Expiation fee: \$100.

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

Maximum penalty: \$500.

Expiation fee: \$100.

### **13—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 12 or 12A, 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 they were not the driver at the time of the alleged offence against regulation 12 or 12A, 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 they had transferred ownership of the vehicle to another prior to the time of the alleged offence against regulation 12 or 12A 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 12 or 12A; and
  - (b) inviting the owner, if they were not the driver at the time of the alleged offence against regulation 12 or 12A, 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 12 or 12A; 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.

## **Part 5—Miscellaneous**

### **14—Confiscated or surrendered property**

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

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Adelaide Festival Centre Trust Regulations 2022* revoked the following:

*Adelaide Festival Centre Trust Regulations 2007*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2022	71	<i>Gazette 25.8.2022 p2628</i>	1.9.2022: r 2
<b>2023</b>	<b>86</b>	<b><i>Gazette 10.8.2023 p2966</i></b>	<b>10.8.2023: r 2</b>

### Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
<i>Pt 1</i>		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>10.8.2023</i>
<i>Pt 3</i>		
<i>r 5</i>	amended by 86/2023 r 3	10.8.2023
<i>r 6</i>	amended by 86/2023 r 4	10.8.2023
<i>r 7</i>	amended by 86/2023 r 5	10.8.2023
<i>r 8</i>	amended by 86/2023 r 6	10.8.2023
<i>r 9</i>	amended by 86/2023 r 7(1), (2)	10.8.2023
<i>r 10</i>		
<i>r 10(1)</i>	amended by 86/2023 r 8	10.8.2023
<i>r 10A</i>	inserted by 86/2023 r 9	10.8.2023
<i>Pt 4</i>		
<i>r 12</i>	amended by 86/2023 r 10(1), (2)	10.8.2023
<i>r 12A</i>	inserted by 86/2023 r 11	10.8.2023
<i>r 13</i>		
<i>r 13(1), (3), (4), (6)</i>	amended by 86/2023 r 12	10.8.2023
<i>Sch 1</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>10.8.2023</i>