

South Australia

Botanic Gardens and State Herbarium Regulations 1993

under the *Botanic Gardens and State Herbarium Act 1978*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Botanic Gardens and State Herbarium Regulations 1993*.

4—Interpretation

In these regulations, unless the contrary intention appears—

the Act means the *Botanic Gardens and State Herbarium Act 1978*;

adult means a person who has attained the age of 15 years;

Botanic Park means the land comprising the whole of section 574 Hundred of Adelaide and section 640 Hundred of Adelaide;

child means a person who has attained the age of four years but has not attained the age of 15 years;

concession cardholder means a person who is the holder of—

- (a) a current concession card issued by the Commonwealth Department of Social Security or the State Department of Family and Community Services; or
- (b) a current student identification card issued to a student of a secondary or tertiary educational institution by that institution; or
- (c) any other current concession card approved by the Director;

the Conservatory means the Bicentennial Conservatory situated within the Adelaide Botanic Garden;

family means a group of adults and children not exceeding four in number and not including more than two adults;

the Gardens means all land within public botanic gardens and all other land vested in or placed under the care or control of the Board and includes the Conservatory and the Rose Garden but excludes Botanic Park;

Gardens employee means the Director or any other member of the staff appointed or assigned to assist in the administration of the Act;

the Rose Garden means the Adelaide International Rose Garden situated at the corner of Plane Tree Drive and Hackney Road, adjacent to the Conservatory.

Note—

For definition of divisional penalties (and divisional expiation fees) see Appendix.

5—Application

A Gardens employee or person engaged to perform services on behalf of the Board is not subject to these regulations in relation to the performance of his or her duties as a Gardens employee or the performance of those services.

Part 2—Administration

6—Approval of Director

- (1) An approval given by the Director 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 be subject to such conditions (including a condition requiring payment of a fee) as are specified by the Director; and
 - (c) may be varied or revoked by the Director at any time.
- (2) Where the Director gives approval subject to a condition, the person to whom approval is given must not contravene or fail to comply with the condition.

Maximum penalty: Division 7 fine.

7—Reward

The Board may, at its discretion, pay a sum not exceeding \$300 to a person (other than a Gardens employee or a member of the police force) for information leading to the conviction of any person for an offence against the Act or any regulations made under the Act.

8—Charges

- (1) The charges set out in the Schedule are payable to the Board.
- (2) The Director may, if he or she considers it appropriate, waive or reduce payment of a charge otherwise payable under these regulations.

9—Identity cards

- (1) The Minister must provide an identity card to each Gardens employee.
- (2) A Gardens employee must produce his or her identity card at the request of a person in relation to whom the employee has exercised, or intends to exercise, powers under these regulations.

10—Powers of Gardens employees

- (1) Where a Gardens employee knows or reasonably suspects that a person has committed, or is committing, an offence against these regulations, the employee may do any or all of the following:
 - (a) require the person to state his or her full name and usual place of residence;
 - (b) if the person has been given an approval by the Director—require the person to produce the approval for inspection;
 - (c) if the person is in the Gardens or Botanic Park—order him or her to leave the Gardens or Botanic Park for a stated period not exceeding 24 hours.

- (2) If a Gardens employee suspects on reasonable grounds that a person is about to commit an offence against these regulations, the Gardens employee may require the person to state his or her full name and usual place of residence.
- (3) If a Gardens employee suspects on reasonable grounds that the name or place of residence stated pursuant to this regulation is false, the employee may require the person to produce evidence of his or her full name or usual place of residence.
- (4) A person must comply with a requirement or order of a Gardens employee under this regulation.

Maximum penalty: Division 7 fine.

11—Hindering Gardens employees or agents

A person must not hinder or obstruct a Gardens employee or agent of the Board in the carrying out of his or her duties.

Maximum penalty: Division 7 fine.

Part 3—Control of activities

12—Entrance to Gardens

- (1) The Director may, from time to time, cause notice of the hours during which the Gardens or parts of the Gardens are open to the public to be displayed at the entrances to the Gardens or those parts of the Gardens.
- (2) The Director may close the Gardens or parts of the Gardens when, in the opinion of the Director, it is in the interests of public safety to do so.
- (3) A person must not, without the approval of the Director, enter or remain in the Gardens or a part of the Gardens when the Gardens or that part is closed to the public.

Maximum penalty: Division 7 fine.

14—Children in Gardens

- (1) A person having the custody or care of a child must not permit the child to enter or remain in the Gardens unless accompanied by, and under the care of, an adult.
- (2) A child must not enter or remain in the Gardens unless accompanied by, and under the care of, an adult.

Maximum penalty: Division 7 fine.

15—Conservatory

- (a1) A person must not enter or remain in the Conservatory unless the appropriate charge for admission has been paid (see regulation 8 and the Schedule).

Maximum penalty: Division 7 fine.

- (1) A person must not take food or drink into the Conservatory.

Maximum penalty: Division 7 fine.

- (2) A person must not smoke in the Conservatory.

Maximum penalty: Division 7 fine.

16—Flora and fauna protection

A person must not, without the approval of the Director—

- (a) remove from the Gardens or Botanic Park any soil, rock, mineral or similar material; or
- (b) dig or otherwise intentionally disturb any soil or similar material in the Gardens or Botanic Park; or
- (c) take, damage, climb on or interfere with any tree, shrub, plant, flower or other plant material in the Gardens or Botanic Park; or
- (d) take or molest any bird, animal or fish in the Gardens or Botanic Park; or
- (e) take or intentionally damage the nest or burrow of any bird or animal in the Gardens or Botanic Park.

Maximum penalty: Division 7 fine.

17—Protection of Board's property

A person must not in the Gardens or Botanic Park—

- (a) remove, damage, deface or interfere with any label, sign, seat, statue, building or other structure erected or placed there on behalf of the Board; or
- (b) step or walk on any garden bed or border; or
- (c) climb over, pass under or break through any gate, fence or hedge; or
- (d) enter or remain in an area, building or structure cordoned or closed off on behalf of the Board so as to deny public access or in respect of which a notice indicating that public access is denied is conspicuously displayed on behalf of the Board.

Maximum penalty: Division 7 fine.

18—Animals

- (1) Subject to this regulation, a person must not, without the approval of the Director, bring an animal into the Gardens or Botanic Park or permit an animal to enter the Gardens or Botanic Park.

Maximum penalty: Division 7 fine.

- (2) A person may ride or lead a horse on a road in Botanic Park.
- (3) A person who needs the assistance of a guide dog may bring the dog into the Gardens or Botanic Park if it is restrained on a lead not exceeding three metres in length at all times while in the Gardens or Botanic Park.

19—Camping

A person must not camp or stay overnight in the Gardens or Botanic Park.

Maximum penalty: Division 7 fine.

20—Fires

- (1) A person must not light or maintain a fire in the Gardens.

Maximum penalty: Division 7 fine.

- (2) A person must not, without the approval of the Director, light or maintain a fire in Botanic Park except in a barbecue, stove or other receptacle safely positioned in a place set apart by the Board for that purpose.

Maximum penalty: Division 7 fine.

21—Firearms etc

A person must not bring a firearm, catapult or other weapon into the Gardens or Botanic Park or carry or use a firearm, catapult or other weapon in the Gardens or Botanic Park.

Maximum penalty: Division 7 fine.

22—Sport and other recreational activities

- (1) A person must not—
- (a) engage in the Gardens in any form of sport or sporting activity or in any game involving the use of a ball or any game in which any object is thrown or discharged; or
 - (b) ride or use a skateboard, roller skates or other similar device in the Gardens or Botanic Park.

Maximum penalty: Division 7 fine.

- (2) A person must not, without the approval of the Director, engage in Botanic Park in any organised sport or organised sporting activity.

Maximum penalty: Division 7 fine.

22A—Consumption of alcohol

A person must not consume alcohol in the Gardens except in licensed premises within the meaning of the *Liquor Licensing Act 1985*.

Maximum penalty: Division 7 fine.

23—Behaviour

- (1) A person must not behave in a drunken, disorderly, offensive or indecent manner or create any disturbance in the Gardens or Botanic Park.
- Maximum penalty: Division 7 fine.
- (2) A person must not intentionally obstruct, disturb, interrupt or annoy any other person making proper use of the Gardens or Botanic Park.
- Maximum penalty: Division 7 fine.
- (3) A person must not throw, roll or discharge any stone, substance or missile or engage in any other activity that may endanger the safety of any person or animal in the Gardens or Botanic Park.
- Maximum penalty: Division 7 fine.
- (4) A person must not urinate or defecate in any place within the Gardens or Botanic Park except in a public convenience.
- Maximum penalty: Division 7 fine.

24—Noise

- (1) A person must not, without the approval of the Director—
 - (a) use or cause to be used any loud speaker, amplifier, radio, television or similar device in the Gardens or Botanic Park; or
 - (b) play or sound any musical instrument or whistle in the Gardens or Botanic Park.

Maximum penalty: Division 7 fine.

- (2) This regulation does not apply if the device or instrument is not audible except to the person using it by reason of that person's use of headphones, earplugs or some other similar device.

25—Litter and pollution

- (1) A person must not deposit litter, refuse or waste matter in the Gardens or Botanic Park except in a receptacle provided for the purpose.

Maximum penalty: Division 7 fine.

- (2) A person must not, without the approval of the Director, deposit goods, materials, earth, stone, gravel, or any other substance in the Gardens or Botanic Park.

Maximum penalty: Division 7 fine.

- (3) A person must not foul or pollute any waters in the Gardens or Botanic Park.

Maximum penalty: Division 7 fine.

26—Commercial activities etc

- (1) A person must not, without the approval of the Director, use any part of the Gardens or Botanic Park for the purpose, or in the course, of carrying out any commercial enterprise.

Maximum penalty: Division 7 fine.

- (2) A person must not, without the approval of the Director, advertise any goods or services in the Gardens or Botanic Park.

Maximum penalty: Division 7 fine.

- (3) A person must not, without the approval of the Director, sell any goods (including any badge) or services in the Gardens or Botanic Park.

Maximum penalty: Division 7 fine.

- (4) A person must not, without the approval of the Director, distribute or leave for collection any pamphlet, paper or other written matter in the Gardens or Botanic Park.

Maximum penalty: Division 7 fine.

- (5) A person must not, without the approval of the Director, display or erect any flag, sign, hoarding or similar object in the Gardens or Botanic Park.

Maximum penalty: Division 7 fine.

27—Public assembly or announcement

A person must not, without the approval of the Director—

- (a) engage or take part in public speaking or make any public announcement in the Gardens or Botanic Park; or
- (b) organise, attend or participate in any public meeting, demonstration or gathering in the Gardens or Botanic Park.

Maximum penalty: Division 7 fine.

28—Donations

A person must not, without the approval of the Director—

- (a) collect or seek money or other donations in the Gardens or Botanic Park; or
- (b) obtain or seek to obtain any promise or undertaking to pay any money or other donation in the Gardens or Botanic Park.

Maximum penalty: Division 7 fine.

Part 4—Special provisions relating to vehicles

29—Interpretation of Part 4

In this Part—

bus means a motor vehicle—

- (a) designed for the principal purpose of carrying passengers; and
- (b) designed to carry more than 12 persons, including the driver;

drive has the same meaning as in the *Road Traffic Act 1961*;

long passenger vehicle means a motor vehicle (other than a bus)—

- (a) designed for the principal purpose of carrying passengers; and
- (b) exceeding 6 metres in length, excluding any trailer, caravan or other vehicle attached to the vehicle;

owner, in relation to a vehicle, has the same meaning as in the *Road Traffic Act 1961*;

prescribed offence means an offence against regulation 31 or 32;

prescribed vehicle means—

- (a) a motor vehicle that is constructed solely or mainly for the carriage of goods and has a gross vehicle mass (within the meaning of section 47A of the *Road Traffic Act 1961*) of 4.5 tonnes or more; or
- (b) a prime mover; or
- (c) a vehicle (including any trailer, caravan or other vehicle attached to the vehicle) that exceeds 6 metres in length other than—
 - (i) a bus that is less than 3 metres high when unladen; or
 - (ii) a long passenger vehicle;

road has the same meaning as in the *Road Traffic Act 1961*;

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*.

30—Public vehicular access to Gardens and Botanic Park

The Director may, from time to time, determine areas of the Gardens or Botanic Park that are closed to public vehicular access.

31—Driving or bringing vehicles into the Gardens or Botanic Park

A person must not, without the approval of the Director—

- (a) bring a vehicle into, or drive a vehicle in, any part of the Gardens or Botanic Park closed to public vehicular access; or
- (b) drive a vehicle in the Gardens or Botanic Park except on an area specifically set aside for the driving or parking of vehicles; or
- (c) bring a prescribed vehicle into, or drive a prescribed vehicle in, the Gardens or Botanic Park.

Maximum penalty: Division 8 fine.

Expiation fee: Division 8 fee.

32—Speed limits in the Gardens and Botanic Park

- (1) A person must not, without the approval of the Director, drive a vehicle in the Gardens or Botanic Park at a speed greater than—
 - (a) in the case of a road open to vehicular access by the public—30 kilometres per hour;
 - (b) in any other case—15 kilometres per hour.

Maximum penalty: Division 8 fine.

Expiation fee: Division 8 fee.

- (2) This regulation does not apply in circumstances where a speed limit applies under the *Road Traffic Act 1961*.

33—Prohibition against riding wheeled recreational devices in Gardens

A person must not, without the approval of the Director, travel in or on a wheeled recreational device in the Gardens.

Maximum penalty: Division 12 fine.

Expiation fee: Division 12 fee.

34—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 a prescribed offence, 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 he or she was not the driver at the time of the alleged prescribed offence, to provide the Board, within the period specified in the notice, with a statutory declaration—
 - (a) setting out the name and address of the driver; or
 - (b) if he or she had transferred ownership of the vehicle to another prior to the time of the alleged prescribed offence 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 prescribed offence; and
 - (b) inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, 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 prescribed offence; 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.

35—Permits for permit zones

- (1) This regulation applies if the Board has installed or determined that it will install, permit zone signs to establish a permit zone for the purposes of the *Road Traffic Act 1961*.
- (2) The Board may determine—
 - (a) the class of permits required for vehicles to stop in the permit zone; and
 - (b) the persons entitled to such permits; and
 - (c) any fees to be paid for such permits; and
 - (d) the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles),and may vary any such determination.
- (3) The Board may issue permits in respect of the permit zone to persons entitled to them, on payment of the fee (if any), and subject to the conditions, determined by the Board.
- (4) A permit issued by the Board and in force in respect of the permit zone permits a vehicle to stop in the permit zone subject to the conditions of the permit.

36—Parking and parking ticket-vending machines or parking meters

- (1) This regulation applies if the Board has installed, or determined that it will install, permissive parking signs to apply to a length of road or an area for the purposes of the *Road Traffic Act 1961*.
- (2) Subject to subregulation (3), the Board may determine fees that will be payable for parking in the length of road or the area by the operation of parking ticket-vending machines or parking meters installed or to be installed in or near the length of road or area, and may vary such fees.
- (3) The fees determined by the Board in respect of the parking or standing of vehicles in the Gardens for the purposes of the *Road Traffic Act 1961* must not include any fee in respect of the parking or standing of a vehicle on a Sunday or other public holiday.

37—Fee for release of vehicle after hours

- (1) The Board may, from time to time, fix a fee for the release of a vehicle from the Gardens or Botanic Park at a time when the relevant part of the Gardens or Botanic Park is closed to the public.
- (2) A person is not entitled to release of the vehicle until the fee is paid.

Schedule 1—Fees

1—Admission Charges

The Conservatory (during usual opening hours)—

- | | |
|---|---------|
| (a) for each adult | \$4.30 |
| (b) for each child or concession holder | \$2.30 |
| (c) for each family | \$10.00 |

2—Services—Tree Advisory Services

For the following services:

- | | |
|---|----------|
| (a) tree inspection (including travelling time and time spent researching and writing report)— | |
| (i) for the first hour or part of an hour | \$116.00 |
| (ii) for each subsequent 30 minutes or part of 30 minutes | \$59.00 |
| (b) expert advice or court appearance as expert witness (including travelling time), for each hour or part of an hour | \$116.00 |

3—Services—Plant Science Advisory Services

For acting as consultant or court appearance as expert witness:

- | | |
|--|----------|
| (a) where the service is provided by an officer classified at a level of or equivalent to Professional Service Officer 4 or below, for each hour or part of an hour | \$126.00 |
| (b) where the service is provided by an officer classified at a level of or equivalent to Professional Services Officer 5 or above, for each hour or part of an hour | \$168.00 |

4—Services—Identification of plant specimens etc

- (1) For identification of plant specimens and other plant material for a Commonwealth Agency or Instrumentality:

| | |
|---|---------|
| (a) per specimen, for a signed written identification— | |
| (i) for the first 15 minutes or part of 15 minutes | \$69.50 |
| (ii) for each subsequent 30 minutes or part of 30 minutes | \$53.50 |
| (b) per specimen, for an oral or unsigned identification— | |
| (i) for the first 15 minutes or part of 15 minutes | \$42.25 |
| (ii) for each subsequent 30 minutes or part of 30 minutes | \$53.50 |
- (2) For identification of plant specimens by the State Herbarium:

| | |
|--|-----------|
| (a) per specimen, for an identification provided to a person for commercial purposes | \$21.40 |
| (b) in any other case | No charge |

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Formerly

Botanic Gardens and State Herbarium (General) Regulations 1993

Legislation revoked by principal regulations

The *Botanic Gardens and State Herbarium Regulations 1993* revoked the following:

All regulations previously made under the Botanic Gardens and State Herbarium Act 1978

Principal regulations and variations

New entries appear in bold.

| Year | No | Reference | Commencement |
|-------------|-----------|---------------------------------------|----------------------|
| 1993 | 171 | <i>Gazette 15.7.1993 p569</i> | 1.9.1993: r 2 |
| 1994 | 43 | <i>Gazette 2.6.1994 p1559</i> | 1.7.1994: r 2 |
| 1994 | 109 | <i>Gazette 30.6.1994 p1959</i> | 30.6.1994: r 2 |
| 1995 | 90 | <i>Gazette 10.5.1995 p2082</i> | 1.7.1995: r 2 |
| 1996 | 128 | <i>Gazette 30.5.1996 p2792</i> | 1.7.1996: r 2 |
| 1997 | 108 | <i>Gazette 13.5.1997 p1923</i> | 1.7.1997: r 2 |
| 1998 | 100 | <i>Gazette 28.5.1998 p2408</i> | 1.7.1998: r 2 |
| 1999 | 101 | <i>Gazette 27.5.1999 p2904</i> | 1.7.1999: r 2 |
| 2000 | 115 | <i>Gazette 25.5.2000 p2825</i> | 1.7.2000: r 2 |
| 2000 | 204 | <i>Gazette 31.8.2000 p1039</i> | 31.8.2000: r 2 |
| 2001 | 59 | <i>Gazette 31.5.2001 p1967</i> | 1.7.2001: r 2 |
| 2002 | 10 | <i>Gazette 15.1.2002 p300</i> | 15.1.2002: r 2 |
| 2002 | 59 | <i>Gazette 20.6.2002 p2527</i> | 1.7.2002: r 2 |
| 2003 | 114 | <i>Gazette 29.5.2003 p2301</i> | 1.7.2003: r 2 |
| 2004 | 93 | <i>Gazette 27.5.2004 p1598</i> | 1.7.2004: r 2 |
| 2004 | 121 | <i>Gazette 27.5.2004 p1673</i> | 1.7.2004: r 2 |
| 2005 | 67 | <i>Gazette 26.5.2005 p1433</i> | 1.7.2005: r 2 |

2006 79 *Gazette 15.6.2006 p1703*

1.7.2006: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision | How varied | Commencement |
|-------------------|--|--------------------------------------|
| Pt 1 | | |
| r 1 | varied by 121/2004 r 4 | 1.7.2004 |
| <i>rr 2 and 3</i> | <i>omitted under Legislation Revision and Publication Regulations 2002</i> | <i>1.7.2004</i> |
| r 4 | | |
| the Gardens | varied by 204/2000 r 3(a) | 31.8.2000 |
| the Rose Garden | inserted by 204/2000 r 3(b) | 31.8.2000 |
| Pt 2 | | |
| r 6 | | |
| r 6(2) | varied by 121/2004 r 5 | 1.7.2004 |
| r 10 | | |
| r 10(4) | varied by 121/2004 r 6 | 1.7.2004 |
| r 11 | varied by 121/2004 r 7 | 1.7.2004 |
| Pt 3 | | |
| r 12 | | |
| r 12(3) | varied by 121/2004 r 8 | 1.7.2004 |
| <i>r 13</i> | <i>varied by 204/2000 r 4</i> <i>deleted by 10/2002 r 3</i> | <i>31.8.2000</i> <i>15.1.2002</i> |
| r 14 | | |
| r 14(1) | varied by 121/2004 r 9(1) | 1.7.2004 |
| r 14(2) | varied by 121/2004 r 9(2) | 1.7.2004 |
| r 15 | | |
| r 15(a1) | inserted by 10/2002 r 4 | 15.1.2002 |
| | varied by 121/2004 r 10(1) | 1.7.2004 |
| r 15(1) | varied by 121/2004 r 10(2) | 1.7.2004 |
| r 15(2) | varied by 121/2004 r 10(3) | 1.7.2004 |
| r 16 | varied by 121/2004 r 11 | 1.7.2004 |
| r 17 | varied by 121/2004 r 12 | 1.7.2004 |
| r 18 | | |
| r 18(1) | varied by 121/2004 r 13 | 1.7.2004 |
| r 19 | varied by 121/2004 r 14 | 1.7.2004 |
| r 20 | | |
| r 20(1) | varied by 121/2004 r 15(1) | 1.7.2004 |
| r 20(2) | varied by 121/2004 r 15(2) | 1.7.2004 |
| r 21 | varied by 121/2004 r 16 | 1.7.2004 |
| r 22 | | |

| | | |
|--------------|--------------------------------------|------------------------|
| r 22(1) | varied by 121/2004 r 17(1) | 1.7.2004 |
| r 22(2) | varied by 121/2004 r 17(2) | 1.7.2004 |
| r 22A | inserted by 109/1994 r 3 | 30.6.1994 |
| | varied by 121/2004 r 18 | 1.7.2004 |
| r 23 | | |
| r 23(1) | varied by 121/2004 r 19(1) | 1.7.2004 |
| r 23(2) | varied by 121/2004 r 19(2) | 1.7.2004 |
| r 23(3) | varied by 121/2004 r 19(3) | 1.7.2004 |
| r 23(4) | varied by 121/2004 r 19(4) | 1.7.2004 |
| r 24 | | |
| r 24(1) | varied by 121/2004 r 20 | 1.7.2004 |
| r 25 | | |
| r 25(1) | varied by 121/2004 r 21(1) | 1.7.2004 |
| r 25(2) | varied by 121/2004 r 21(2) | 1.7.2004 |
| r 25(3) | varied by 121/2004 r 21(3) | 1.7.2004 |
| r 26 | | |
| r 26(1) | varied by 121/2004 r 22(1) | 1.7.2004 |
| r 26(2) | varied by 121/2004 r 22(2) | 1.7.2004 |
| r 26(3) | varied by 121/2004 r 22(3) | 1.7.2004 |
| r 26(4) | varied by 121/2004 r 22(4) | 1.7.2004 |
| r 26(5) | varied by 121/2004 r 22(5) | 1.7.2004 |
| r 27 | varied by 121/2004 r 23 | 1.7.2004 |
| r 28 | varied by 121/2004 r 24 | 1.7.2004 |
| Pt 4 | substituted by 121/2004 r 25 | 1.7.2004 |
| <i>Sch</i> | <i>varied by 43/1994 r 3</i> | <i>1.7.1994</i> |
| | <i>varied by 90/1995 r 3</i> | <i>1.7.1995</i> |
| | <i>varied by 128/1996 r 3</i> | <i>1.7.1996</i> |
| | <i>varied by 108/1997 r 3</i> | <i>1.7.1997</i> |
| | <i>varied by 100/1998 r 3</i> | <i>1.7.1998</i> |
| | <i>varied by 101/1999 r 3</i> | <i>1.7.1999</i> |
| | <i>varied by 115/2000 r 3</i> | <i>1.7.2000</i> |
| | <i>varied by 204/2000 r 5</i> | <i>31.8.2000</i> |
| | <i>substituted by 59/2001 r 3</i> | <i>1.7.2001</i> |
| | <i>varied by 10/2002 r 5</i> | <i>15.1.2002</i> |
| | <i>substituted by 59/2002 r 3</i> | <i>1.7.2001</i> |
| | <i>substituted by 114/2003 r 4</i> | <i>1.7.2003</i> |
| | <i>substituted by 93/2004 r 4</i> | <i>1.7.2004</i> |
| | <i>deleted by 67/2005 r 4</i> | <i>1.7.2005</i> |
| Sch 1 | inserted by 67/2005 r 4 | 1.7.2005 |

Historical versions

1.7.2004

Appendix—Divisional penalties and expiation fees

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

| Division | Maximum imprisonment | Maximum fine | Expiation fee |
|----------|----------------------|--------------|---------------|
| 1 | 15 years | \$60 000 | — |
| 2 | 10 years | \$40 000 | — |
| 3 | 7 years | \$30 000 | — |
| 4 | 4 years | \$15 000 | — |
| 5 | 2 years | \$8 000 | — |
| 6 | 1 year | \$4 000 | \$300 |
| 7 | 6 months | \$2 000 | \$200 |
| 8 | 3 months | \$1 000 | \$150 |
| 9 | — | \$500 | \$100 |
| 10 | — | \$200 | \$75 |
| 11 | — | \$100 | \$50 |
| 12 | — | \$50 | \$25 |

Note: This appendix is provided for convenience of reference only.