

SOUTH AUSTRALIA

WEST BEACH RECREATION RESERVE ACT REGULATIONS, 1988

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LEGISLATIVE HISTORY

**REGULATIONS UNDER THE WEST BEACH RECREATION
RESERVE ACT, 1987**

West Beach Recreation Reserve Act Regulations, 1988

being

No. 50 of 1988: *Gaz.* 31 March 1988, p. 826¹

as varied by

No. 140 of 1989: *Gaz.* 6 July 1989, p. 23

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

No. 27 of 1998: *Gaz.* 31 March 1998, p. 1601³

¹ Came into operation 31 March 1988: reg. 2.

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

³ Came into operation 30 March 1998: reg. 2.

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

Citation

1. These regulations may be cited as the *West Beach Recreation Reserve Act Regulations, 1988*.

Commencement

2. These regulations will come into operation on 31 March, 1988.

Revocation

3. The *West Beach Recreation Reserve Act Regulation, 1974* (see *Gazette*, 8 August, 1974, p. 887) is revoked.

Definitions

4. In these regulations, unless the context otherwise requires—

"**the Act**" means the West Beach Recreation Reserve Act:

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

"**employee**" of the Trust includes a member or officer of the Trust and any other person authorized by the Trust to exercise the powers conferred on employees of the Trust under these regulations:

"**foreshore**" means that part of the foreshore that is under the care, control and management of the Trust.

Entry into the Reserve

5. A person must not enter the Reserve other than by an entrance authorized by the Trust.

Lighting fires

6. (1) A person must not, without the permission of the Trust, light, maintain or use a fire in the Reserve, except in a fire place constructed by the Trust and clearly marked for that purpose.

(2) A person who lawfully lights, maintains or uses a fire in the Reserve must effectively extinguish the fire before leaving it.

Camping

7. A person must not camp in the Reserve other than in an area set aside by the Trust for that purpose.

Erection of structures

8. (1) A person must not, without the permission of the Trust, construct or erect a booth, marquee or other structure within the Reserve.

(2) This regulation does not apply to the erection of a tent in an area set aside by the Trust for the purpose of camping.

Use of vehicles within the Reserve

9. (1) A person must not, without the permission of the Trust, drive a vehicle within the Reserve, except on roads, tracks or areas that are set aside by the Trust for that purpose.

3.

(2) A person must not, without the permission of the Trust, drive a vehicle on the foreshore of the Reserve.

(3) A person must not drive a vehicle within the Reserve at a greater speed than 15 kilometres per hour.

(4) A person must not drive a vehicle in the Reserve at a speed or in a manner dangerous to the public.

(5) A person must not leave a vehicle in a position that obstructs other vehicles from entering, leaving or proceeding along a road or track in the Reserve.

(6) A person must not, without the permission of the Trust, drive or park a vehicle in the Reserve in a manner contrary to the reasonably apparent intention of any signs or markings, or combination of signs and markings, erected or placed in the Reserve by the Trust.

Impounding vehicles, etc., within the Reserve

10. (1) A person must not, without the permission of the Trust, leave any vehicle or other personal property unattended in the Reserve for more than 24 hours.

(2) An employee of the Trust may seize and impound any property left unattended for more than 24 hours in the Reserve.

(2a) An employee of the Trust may move or seize and impound any vehicle or other personal property left in the Reserve in a position that obstructs vehicular or other access to or use of the Reserve or a building, place, road or track in the Reserve.

(3) The Trust may require the owner of any property seized and impounded under this regulation to pay the cost of seizing, impounding and keeping the property before returning it to the owner.

(4) If—

(a) the owner of property seized and 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, or has not collected the property, within three months of the notice being given;

or

(b) the identity or whereabouts of the owner of property seized and impounded under this regulation has not, after reasonable enquiries, been ascertained within three 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 regulation will be dealt with as follows:

(a) the Trust may retain from those proceeds—

4.

(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 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.

Entry of dogs into the Reserve

11. (1) A person must not bring a dog into or permit a dog to enter or remain in a part of the Reserve set aside and marked by the Trust as an area in which dogs are not permitted.

(2) A person must exercise effective control over his or her dog while it is in the Reserve.

(3) For the purposes of this regulation, a dog will be regarded as being under the effective control of a person if—

(a) the dog is secured and restrained by means of a chain, cord or leash held by the person;

(b) the dog has been tethered to a fixed object by the person;

or

(c) the dog is in the close proximity of the person.

Entry of other animals into the Reserve

12. Subject to these regulations, a person must not, without the permission of the Trust, bring any animal onto the Reserve.

Damaging trees and plants prohibited

13. A person must not deface, damage, disturb or destroy any tree or other plant in the Reserve.

Removing soil prohibited

14. A person must not, without the permission of the Trust, remove, dig or otherwise disturb any soil or other similar material in the Reserve.

Damaging fences prohibited

15. A person must not remove, damage or break any fence or barrier in the Reserve.

Use of firearms in the Reserve prohibited

16. A person must not, without the permission of the Trust, carry, use or discharge a firearm, airgun or other weapon within the Reserve.

Litter and disposal of waste

17. (1) A person must not deposit or leave in the Reserve any bottles, broken glass, plastic containers, or other litter or waste material, except in an area or receptacle provided by or with the approval of the Trust for that purpose.

(2) A person must not deposit or discharge in the Reserve any offensive or polluting substance, matter or thing.

(3) A person must not wilfully break in the Reserve any article of glass, pottery, plastic or other brittle material.

Damage to property prohibited

18. A person must not paint, write, carve letters, figures or marks on, or otherwise deface or damage, any rock, wall, building or other structure in the Reserve.

Advertising, posting of notices prohibited

19. A person must not, without the permission of the Trust, post, paint or otherwise display any poster, advertisement or notice within the Reserve.

Selling, etc., prohibited

20. (1) A person must not, without the permission of the Trust, sell any article, conduct any business or provide any service within the Reserve.

(2) A person in the Reserve must not, without the permission of the Trust—

(a) sell raffle or lottery tickets;

or

(b) request or collect money for any charitable organization, or any other purpose.

Behaviour and conduct of persons

21. A person, while in the Reserve, must not—

- (a) behave in a disorderly, offensive or indecent manner, or in a way that causes harm or damage to the Reserve, or any property within the Reserve;
- (b) use offensive or indecent language;
- (c) create any disturbance or nuisance;
- (d) wilfully obstruct, disturb or harass—
 - (i) any other person engaged in the proper use of the Reserve; or
 - (ii) any employee of the Trust in the execution of his or her duty; or
 - (iii) any person undertaking, or proposing to undertake, any work within the Reserve on behalf of the Trust, the Crown, or an agency or instrumentality of the Crown, or with the approval or consent of the Trust or the Minister.

Noise

22. A person must not, without the permission of the Trust, use or cause to be used, any loud speaker, amplifier or similar device or other noisy equipment within the Reserve.

Restricted access to prescribed area

22A. (1) In this regulation—

"**authorised person**" means—

- (a) an employee of the Trust; or
- (b) a member of the police force;

"**prescribed area**" means the area designated by the letter "A" in the diagram set out in the schedule.

(2) Subject to subregulation (3), a person must not enter or remain in the prescribed area.

(3) Subregulation (2) does not apply to—

- (a) an employee of the Trust; or
- (b) a member of the police force acting in the course of official duties; or
- (c) an officer or employee of the Crown, or of an agency or instrumentality of the Crown, acting in the course of official duties; or
- (d) a person who is lawfully engaged in the performance of any work undertaken by or on behalf of the Trust, the Crown or an agency or instrumentality of the Crown, or with the approval or consent of the Trust or the Minister; or

7.

- (e) a member of the South Australian Sea Rescue Squadron Incorporated; or
- (f) in an emergency—a firefighter, ambulance officer, State Emergency Service officer or other person who ordinarily responds to an emergency; or
- (g) a member of the Holdfast Bay Yacht Club Incorporated; or
- (h) a person who is acting under the authorisation of the Trust, an employee of the Trust or the Minister.

(4) An authorised person may in respect of a person, other than a person referred to in subregulation (3), through the exercise of reasonable force—

- (a) prevent the person from entering the prescribed area;
- (b) remove the person from the prescribed area.

(5) This regulation will expire on a day on which the Minister, by notice in the *Gazette*, declares that the Minister is satisfied that control of access to the prescribed area under this regulation is no longer required due to the completion (or substantial completion) of work associated with the development of boating facilities, a breakwater and other associated facilities within, or adjacent to, the prescribed area, or in an area on the seaward side of the prescribed area.

Compliance with directions

23. (1) A person must comply with any reasonable direction or request given by an employee of the Trust relating to—

- (a) the person's use of the Reserve;
- (b) the person's conduct or behaviour in the Reserve;
- (c) the person's safety within the Reserve.

(2) A person who fails to comply with a direction or request given under this regulation may be removed from the Reserve by an employee of the Trust.

Penalties

24. A person who contravenes or fails to comply with any of these regulations is guilty of an offence.

Penalty: \$500.

Expiation fee: \$50.

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Authorisations

26. An authorisation or permission granted by the Minister or the Trust pursuant to these regulations—

- (a) must be in writing;
- (ab) may be granted to persons of a specified class;
- (b) may be conditional;
- (c) may be varied or revoked by the Minister or the Trust (as appropriate) at any time.

Exemption from regulations

27. An employee of the Trust is not bound by these regulations in relation to the performance of functions or duties in the course of his or her employment or in the exercise of powers under the Act.

9.

SCHEDULE

Regulation 22A—Prescribed area

[Map appears in *Gaz.* 31 March 1998, p. 1601]

APPENDIX

LEGISLATIVE HISTORY

Transitional Provisions

(Transitional provision from Regulation No. 259 of 1996, reg. 4)

4. A regulation varied or revoked by these regulations will continue to apply (as in force immediately prior to the variation or revocation coming into operation) to an expiation notice issued under the varied or revoked regulations.

Legislative History

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| Regulation 4: | definition of "employee" inserted by 140, 1989, reg. 2 |
| Regulation 9(6): | inserted by 140, 1989, reg. 3 |
| Regulation 10(2a): | inserted by 140, 1989, reg. 4 |
| Regulation 11(1): | substituted by 140, 1989, reg. 5 |
| Regulation 17(1): | varied by 140, 1989, reg. 6 |
| Regulation 21: | varied by 27, 1998, reg. 3 |
| Regulation 22A: | inserted by 27, 1998, reg. 4 |
| Regulation 24: | varied by 259, 1996, reg. 3 (Sched. cl. 31) |
| Regulation 25: | revoked by 259, 1996, reg. 3 (Sched. cl. 31) |
| Regulation 26: | varied by 27, 1998, reg. 5 |
| Schedule: | inserted by 27, 1998, reg. 6 |