



AUSTRALIAN ARID LANDS BOTANIC GARDEN BY-LAW 2012

By-law No. 8 of 2012

For the management of land vested in, held in trust for or under the care, control and management of the Council known as the Australian Arid Lands Botanic Garden.

CONTENTS

PART 1 – PRELIMINARY	2
1. Title	2
2. Authorising law	2
3. Purpose	2
4. Commencement, revocation and expiry	2
5. Application	2
6. Interpretation.....	2
PART 2 –	3
7. Administration Charges.....	3
8. Control of Activities.....	3
9. Exemptions.....	6
10. Contructions.....	6

PART 1 – PRELIMINARY

1. Title

This by-law may be cited as the *Australian Arid Lands Botanic Garden By-law 2012* and is by-law No. 8 of the Port Augusta City Council.

2. Authorising Law

This by-law is made under sections 238 and 246 of the *Local Government Act 1999* and section 667(1) 4.1 of the *Local Government Act 1934*.

3. Purpose

The objective of this by-law is to ensure the effective management of the Australian Arid Lands Botanic Garden by the Council so it may be enjoyed by the public and appropriately conserved for the benefit of future generations.

4. Operation and Revocation

4.1. The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation¹:

4.1.1 Australian Arid Lands Botanic Garden By-law No.7 2005²

4.2. This by-law will expire on January 2020.³

Note-

1. Generally a by-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a by-law does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the gazetted by-law.

5. Interpretation

In this By-law:-

- 5.1. ***Australian Arid Lands Botanic Garden*** means the area of land described in the Trust Grant over Allotments 84 and 85 of Deposited Plan 36449 in the Hundred of Copley, Port Augusta West and more particularly described in Register Book V4401 F598;
- 5.2. ***authorised person*** means a person appointed as an authorised person pursuant to Section 260 of the Local Government Act 1999;
- 5.3. ***concession card holder*** means a person who is the holder of :-
 - (a) a current concession card issued by the appropriate State or Commonwealth agency;
 - (b) a current student identification card issued to a student of a secondary or tertiary education institution by that institution; or
 - (c) any other current concession card approved by the Council;

- 5.4. **family group** means a group of adults and children not exceeding four in number and not including more than two adults;
- 5.5. **the Garden** means all the land and buildings within the Australian Arid Lands Botanic Garden.

Note-

Section 14 of the *Interpretation Act 1915* provides that an expression used in a by-law has, unless the contrary intention appears, the same meaning as in the Act.

PART 2 – REGULATION

6. Administration Charges

- 6.1. The City Manager may from time to time determine an entrance fee to the Garden, parts of the Garden or any building in the Garden;
- 6.2. If the City Manager considers it appropriate he or she may waive or reduce payment of a fee otherwise payable under this by-law or grant concessions to a family group or a concession card holder.

7. Control of Activities

7.1. Entrance to Garden

- 7.1.1 The City Manager may from time to time give notice of the hours during which the Garden or parts of the Garden are open to the public and the appropriate charges to be paid upon entry to the Gardens. Such notice is to be displayed at the entrance to the Garden or those parts of the Garden open to the public;
- 7.1.2 The City Manager may close the Garden or parts of the Garden when it is in the interests of public safety to do so.
- 7.1.3 A person must not without the approval of an authorised person enter or remain in the Garden or a part of the Garden when that area is closed to the public.

7.2. Entrance to buildings

A person must not enter or remain in those buildings open to the public unless the appropriate charge (if any) for admission has been paid.

7.3. Buildings

A person must not take food or drink into any building in the Garden unless authorised to do so by an authorised officer. A person must not smoke in any building in the Garden.

7.4. Flora

A person must not without permission:

- 7.4.1 remove from the Garden any soil, rock, mineral or similar material; or
- 7.4.2 dig or otherwise intentionally disturb any soil or similar material in the Garden; or

- 7.4.3 take, damage, climb on or interfere with any tree, shrub, plant, flower or other plant material in the Garden; or
- 7.4.4 take or molest any bird or fish in the Garden; or
- 7.4.5 take or intentionally damage the nest of any bird in the Garden.

7.5. Protection of Council's property

A person must not in the Garden:

- 7.5.1 remove, damage, deface or interfere with any label, sign, seat, statue, building or other structure erected or placed there on behalf of the Council; or
- 7.5.2 step or walk on any garden bed or border; or
- 7.5.3 climb over, pass under or break through any gate, fence or hedge; or
- 7.5.4 drive or propel a motor vehicle, unless on an area or road constructed or set aside by the Council for the parking or travelling of motor vehicles; or
- 7.5.5 damage or disturb whatsoever any area constructed or set aside by the Council as walking trails.

7.6. Animals

A person must not without permission, bring an animal into the Garden or permit an animal to enter the Garden;

- 7.6.1 Clause 7.6 does not apply to the Encounter Trail or beach areas of the Garden so long as the animal is restrained on a leash not exceeding 2 metres in length at all times while in the Garden.
- 7.6.2 Clause 7.6 does not apply to a guide dog as defined in the Dog and Cat Management Act 1995.

7.7. Camping

A person must not, without permission of the Council, camp or stay overnight in the Garden.

7.8. Fires

A person must not without permission light or maintain a fire in the Garden except in a BBQ, stove or other receptacle safely positioned in a place set aside by the Council for that purpose.

7.9. Fire Arms

A person must not bring a fire arm, catapult or other weapon into the Garden.

7.10. Sport and other recreational activities

a person must not without permission in the Garden:-

- 7.10.1 engage in any form of sport or sporting activity, or in any game involving the use of a ball or any game in which an object is thrown or discharged; or
 - 7.10.2 ride or use a skateboard, roller skates or other similar device.
 - 7.10.3 engage in any organised sport or organised sporting activity.
- 7.11. Behaviour
- 7.11.1 a person must not behave in a drunken, disorderly, offensive or indecent manner or create any disturbance or nuisance in the Garden.
 - 7.11.2 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 in the Garden.
 - 7.11.3 a person must not urinate or defecate in any place within the Garden except in a public convenience.
- 7.12. Noise
- a person must not without permission:
- 7.12.1 use or cause to be used any loud speaker, amplifier, radio, television, video or similar device in the Garden; or
 - 7.12.2 play or sound any musical instrument or whistle in the Garden.
 - 7.12.3 Clause 7.12.1 and 7.12.2 do not apply if the device or instrument is not audible to any other person except to the person using it by reason of that person's use of headphones, earplugs or other similar device.
- 7.13. Litter and pollution
- 7.13.1 a person must not deposit litter, refuse or waste matter in the Garden except in a receptacle provided for that purpose.
 - 7.13.2 a person must not without permission deposit goods, materials, earth, stone, gravel, or any other substance in the Garden.
 - 7.13.3 a person must not foul or pollute any waters in the Garden.
- 7.14. Commercial activities
- a person must not without permission:-
- 7.14.1 use any part of the Garden for commercial purposes;
 - 7.14.2 advertise any goods or services in the Garden;
 - 7.14.3 sell any goods or services in the Garden;
 - 7.14.4 subject to clause 8, distribute or leave for collection any pamphlet, paper or other written matter in the Garden.
 - 7.14.5 display or erect any flag, sign, hoarding or similar object in the Garden.

7.15. Public assembly or announcement

a person must not without permission:-

7.15.1 engage or take part in public speaking, or make any public announcement in the Garden; or

7.15.2 organise, attend or participate in any public meeting, demonstration or gathering in the Garden.

7.16. Donations

a person must not without permission:-

7.16.1 collect or seek money or other donations in the Garden; or

7.16.2 obtain or seek to obtain any promise or undertaking to pay any money or other donation in the Garden.

7.17. Consumption of alcohol

a person must not consume alcohol in the Garden, except in licensed premises within the meaning of the Liquor Licensing Act 1997.

8. Exemptions

8.1. The restrictions in this by-law do not apply to any police officer, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

8.2. The restrictions in clause 7.14.4 of this By-law do not apply to electoral matter authorised by a candidate and which is:

8.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or

8.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

8.2.3 related to, and occurs during the course of and for the purpose of a referendum.

8.3. The restriction in clauses 7.14.4 and 7.15 of this By-law does not apply to any form of lawful communication relating to government and political matters, and is not intended to restrict communication in relation to such matters.

This by-law was duly made and passed at a meeting of the Port Augusta City Council held on the **23rd day of April 2012** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



Mr Greg Perkin
City Manager