



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 95 of 1976

**An Act to amend the Adelaide Festival Centre Trust Act,
1971-1974.**

[Assented to 16th December, 1976]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Adelaide Festival Centre Trust Act Amendment Act, 1976".

(2) The Adelaide Festival Centre Trust Act, 1971-1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Adelaide Festival Centre Trust Act, 1971-1976".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
principal Act,
s. 4—
Definitions.

3. Section 4 of the principal Act is amended—

(a) by striking out from subsection (2) the word "and" immediately following paragraph (c);

and

(b) by inserting the following word and paragraph after paragraph (d)—

and

(e) a reference to section 1188 shall be read as a reference to the land in the hundred of Adelaide delineated as section 1188 on the Plan in the third schedule to this Act and hatched.

Amendment of
principal Act,
s. 20—
Objects,
powers, etc.,
of Trust.

4. Section 20 of the principal Act is amended by inserting in paragraph (b) of subsection (2) after the passage "agreement or arrangement" the passage " , to operate within or without the State,".

5. The following section is enacted and inserted in the principal Act after section 29b thereof:—

Enactment of
s. 29c of
principal Act—

29c. Section 1188 shall on and from the commencement of the Adelaide Festival Centre Trust Act Amendment Act, 1976, by force of this section vest in the Trust for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand of any description whatsoever.

Vesting of
section 1188.

6. Section 35 of the principal Act is amended—

Amendment of
principal Act,
s. 35—
Regulations.

(a) by inserting in paragraph (d) of subsection (2) after the passage “about the Centre” the passage “and to prescribe charges or fees for parking of motor vehicles”;

and

(b) by inserting after subsection (2) the following subsections:—

(3) In any proceedings relating to an offence against a regulation relating to the moving or parking of motor vehicles—

(a) an allegation in a complaint that a person named in the complaint was the owner of a vehicle referred to therein on a specified day shall be deemed to be proved in the absence of proof to contrary;

and

(b) where it is proved that a vehicle was parked in contravention of a regulation it shall be presumed in the absence of proof to the contrary, that the vehicle was so parked by the owner of the vehicle.

(4) Where it is alleged that a person has committed an offence against a regulation relating to the moving or parking of motor vehicles, the Trust may cause to be served personally or by post upon that person a notice to the effect that he may expiate the offence by payment to the Trust of an amount specified in the notice, being an amount fixed by regulation, within a time fixed by the notice, and if the offence is so expiated no proceedings shall be commenced in any court in respect to the alleged offence.

7. The following sections are enacted and inserted in the principal Act after section 35 thereof:—

Enactment of
ss. 36 and 37 of
principal Act—

36. (1) This section shall apply to any prescribed offence created by regulation under this Act relating to the movement and parking of motor vehicles in and about the Centre.

Expiation fees.

(2) In every regulation under this Act creating a prescribed offence there shall be stated an amount (not exceeding ten dollars) in relation to each such offence which shall, subject to this section, be payable for expiation of that offence.

(3) If a person authorized by the Trust to exercise the powers conferred by this subsection believes or suspects that an offence to which this section applies has been committed he may give written notice to the effect that the offence may be expiated by the payment to the Trust of the appropriate expiation fee for the offence.

(4) A notice under subsection (3) of this section—

(a) need not identify by name, address or description the person alleged to have committed the offence;

and

(b) may be given—

(i) by sending the notice by post addressed to the place of residence or business of a person alleged to have committed the offence;

or

(ii) where the alleged offence involves a motor vehicle by fixing it or placing it on the motor vehicle.

(5) The notice may require the appropriate expiation fee to be paid before any day, or within any period, specified in the notice.

(6) If in respect of any such offence the appropriate expiation fee is paid to the Trust in accordance with the notice the person alleged to have committed the offence shall not be liable to prosecution in any court for that offence.

Powers of
Council.

37. (1) Notwithstanding anything in this Act, or any other Act or law, any exercise or purported exercise by the Council of its powers under—

(a) section 373 of the Local Government Act, 1934-1976;

(b) Part XXIIA of that Act;

or

(c) paragraph (47) of section 667 of that Act,

shall to the necessary extent have effect and be deemed always to have had effect in or about the Centre.

(2) Where the exercise or purported exercise of any of the powers referred to in subsection (1) of this section is or was inconsistent with a provision of this Act, that provision shall, to the extent of that inconsistency, be or be deemed to be void and of no effect.

Enactment of
third schedule
of principal
Act.

8. The following schedule is enacted and inserted in the principal Act after the second schedule thereto:—

