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TAFE SA BY-LAWS

1—Interpretation

(1) In these by-laws, unless the contrary intention appears—

authorised person is a person authorised in writing by the Board of TAFE SA for the purposes of these by-laws;

commercial vehicle means a vehicle constructed solely or mainly for the carriage of goods and includes a vehicle of the type commonly called a utility but excludes a vehicle of the type commonly called a station wagon or a station sedan;

disabled person's parking permit means—

- (a) a permit issued under Part 3D of the Motor Vehicles Act 1959; or
- (b) a similar permit or authority issued under the law of another State or a Territory of the Commonwealth;

drive includes ride;

Loading Area means an area within the grounds of TAFE SA denoted by an official sign as a Loading Area;

long vehicle means a vehicle (including a caravan, trailer or other vehicle attached to the vehicle) that exceeds six metres in length;

No Parking Area means an area within the grounds of TAFE SA denoted by an official sign as a No Parking Area;

No Standing Area means an area within the grounds of TAFE SA denoted by an official sign as a No Standing Area;

official sign means a sign, device or marking, or a combination of signs, devices or markings, erected or placed by TAFE SA;

owner, in relation to a vehicle, means—

- (a) a person registered or recorded as the owner or an owner of the vehicle under the Motor Vehicles Act 1959 or a similar law of the Commonwealth or another State or a Territory of the Commonwealth; or
- (b) if the vehicle is registered in the name of a business under the Motor Vehicles Act 1959 or a similar law of the Commonwealth or another State or a Territory of the Commonwealth—any person carrying on that business; or

- (c) a person to whom a trader's plate, a permit or other authority has been issued under the Motor Vehicles Act 1959, or a similar law of the Commonwealth or another State or a Territory of the Commonwealth, by virtue of which the vehicle is permitted to be driven on roads,

and includes—

- (d) if the ownership of the vehicle has been transferred but the transferee has not yet been registered or recorded as the owner of the vehicle—a person to whom ownership of the vehicle has been transferred; or
- (e) if a person has possession of the vehicle by virtue of the hire or bailment of the vehicle—that person;

to park includes to stand;

parking control means a provision of these by-laws that regulates, restricts or prohibits the parking of vehicles;

parking space means a space in an area set aside for parking within the grounds of TAFE SA denoted by an official sign as a parking space;

Permit Area means an area within the grounds of TAFE SA denoted by an official sign as a Permit Area;

road includes the shoulders and areas at the side of the road used for the standing or parking of vehicles (including parking bays);

vehicle includes—

- (a) a motor vehicle, motor bike, trailer; and
- (b) a bicycle; and
- (c) an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle; and
- (d) a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground)

but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy;

wheeled recreational vehicle includes skate boards, roller skates, roller blades, scooters, or a similar wheeled device that is not a golf buggy, pram, stroller, trolley, bicycle, wheelchair or wheeled toy.

(2) For the purposes of these by-laws—

- (a) a person who drives a vehicle to which a trailer or caravan is attached will be taken to be the driver of the trailer or caravan and the trailer or caravan will be taken to be driven by that person; and

- (b) a vehicle will be regarded as parked in an area, parking space or other place if any part of the vehicle or anything in, on or attached to the vehicle is in or protrudes into the area, parking space or other place; and
- (c) a permit will be taken to be displayed in a vehicle only if the permit is displayed on the inside of the windscreen on the side opposite to the driver's position (or, if the vehicle does not have a windscreen, in some other prominent position) so that the permit is easily legible to a person standing beside the vehicle.

DRIVING RIDING AND PARKING OF VEHICLES ON TAFE SA GROUNDS

2—Official signs

- (1) TAFE SA may erect signage to manage traffic and control parking.
- (2) A sign, device or marking denoting an area for the purposes of a parking control—
 - (a) may specify the periods during which the parking control is to operate in relation to the area (and, if it does so, the parking control only has effect in relation to the area during the periods so denoted); and
 - (b) may be of a kind used by a municipal or district council in relation to similar parking controls in the area of the council or of any other kind that clearly indicates the nature of the parking control; and
 - (c) must be erected or placed in a manner that clearly denotes the area (taking into account any other signs, devices or markings denoting the area, the physical surroundings of the area and any denotation of adjacent areas by signs, devices or markings).

3—Dangerous or noisy driving

- (1) A vehicle must not be driven within the grounds of TAFE SA in a dangerous or careless manner or without reasonable consideration for others.
- (2) A vehicle must not be driven within the grounds of TAFE SA in such a manner as to cause undue noise to be emitted from the vehicle.

Maximum fine: \$1 250

Expiation fee: \$160

4—Speeding

A vehicle must not be driven within the grounds of TAFE SA at a speed in excess of 25 kilometres per hour.

Maximum fine: \$1 250

Expiation fee: \$160

5—Driving only on roads

A vehicle must not be driven within the grounds of TAFE SA except on a road.

Maximum fine: \$1 250

Expiation fee: \$160

6—Regulating the flow of traffic

A vehicle must not be driven on a road within the grounds of TAFE SA in contravention of a direction of an authorised person or a sign erected or placed on or adjacent to the road providing for one-way traffic or otherwise regulating the flow of traffic.

Maximum fine: \$1 250

Expiation fee: \$160

7—Impeding pedestrian access

A vehicle must not be parked within the grounds of TAFE SA in such a manner as to obstruct the passage of vehicles or pedestrians.

Maximum fine: \$1 250

Expiation fee: \$160

8—Parking only in areas set aside for parking

A vehicle must not be parked within the grounds of TAFE SA except in an area set aside for the parking of vehicles.

Maximum fine: \$1 250

Expiation fee: \$160

9—Parking spaces

- (1) A vehicle must not be parked in a parking space that is already occupied by another vehicle (except that two motor cycles may be parked in the same parking space).
- (2) Subject to this by-law, a vehicle parked in an area in which parking spaces are marked out must be parked wholly within a parking space so that no part of the vehicle or anything in, on or attached to the vehicle protrudes into any other parking space.
- (3) If an area is marked out with parking spaces and provides for parallel parking, a vehicle the length of which (including any trailer, caravan or other vehicle attached to the vehicle) exceeds the length of any such parking space may be parallel parked in the area so that it takes up more than one space.

Maximum fine: \$1 250

Expiation fee: \$50

10—Prohibited areas

- (1) A vehicle must not be parked in a No Standing Area.
- (2) A vehicle must not be parked in a No Parking Area except for the purpose only of the immediate setting down or picking up of a passenger or goods.

Maximum fine: \$1 250

Expiation fee: \$160

11—Permit areas

- (1) A vehicle must not be parked in a Permit Area for holders parking permits unless such a permit is lawfully displayed in the vehicle.
- (2) A vehicle must not be parked in a Permit Area unless—
 - (a) an appropriate permit issued or recognised by TAFE SA is displayed in the vehicle; and
 - (b) the vehicle is parked in accordance with the terms of that permit.

Maximum fine: \$1 250

Expiation fee: \$50

12—Loading areas

A vehicle must not be parked in a Loading Area unless—

- (a) the vehicle is a commercial vehicle that is being loaded or unloaded and the vehicle is parked for no longer than such time as is necessary to complete the loading or unloading (but in any event for no longer than 30 minutes); or
- (b) in the case of any other vehicle, the vehicle is being loaded or unloaded, the cargo is difficult to load or unload because of its weight or size and the vehicle is parked for no longer than such time as is necessary to complete the loading or unloading (but in any event for no longer than 10 minutes); or
- (c) the vehicle is parked only for the purpose of the immediate setting down or picking up of a passenger or goods.

Maximum fine: \$1 250

Expiation fee: \$160

13—Limitation on class of vehicle that may be parked

A vehicle must not be parked in an area within the grounds of TAFE SA denoted by an official sign as an area in which parking is limited to a specified class of vehicle unless the vehicle is of the specified class.

Maximum fine: \$1 250

Expiation fee: \$160

14—Time limit

- (1) A vehicle must not be parked in an area within the grounds of TAFE SA denoted by an official sign as an area in which parking of a vehicle is subject to a specified time limit for a period in excess of the specified time limit except in the case of a vehicle in which a disabled person's parking permit is lawfully displayed.
- (2) In the case of a vehicle in which a disabled person's parking permit is lawfully displayed, if the time limit on a parking sign is:
 - (a) less than 30 minutes, the time limit for a disability parking permit holder will be 30 minutes; or
 - (b) 30 minutes or more but less than one hour, the time limit for a disability parking permit holder will be two hours; or

- (c) more than one hour, the time limit for a disability parking permit holder will be twice the period indicated on the sign.
- (3) If the parking sign is in an area set aside for people with disabilities, the additional parking concessions in (2) do not apply.

Maximum fine: \$1 250

Expiation fee: \$50

15—Angle parking

- (1) A vehicle must not be parked in an area within the grounds of TAFE SA denoted by an official sign as an area in which vehicles must be angle parked unless the vehicle is parked—
- (a) at the denoted angle (or, if no particular angle is denoted, 90°) to the kerb or other boundary or line along which vehicles may be angle parked; and
 - (b) with the foremost front wheel (or, in the case of a motor cycle, the front or back wheel) as close as practicable to that kerb, boundary or line.
- (2) A long vehicle must not be parked in an area within the grounds of TAFE SA denoted by an official sign as an area in which vehicles must be angle parked.

Maximum fine: \$1 250

Expiation fee: \$50

16—Parallel parking

A vehicle must not be parked in an area within the grounds of TAFE SA denoted by an official sign as an area in which vehicles must be parallel parked unless the vehicle is parked—

- (a) in the case of a motor cycle—with at least one wheel as near as practicable to the kerb or other boundary or line along which vehicles may be parallel parked;
- (b) in any other case—aligned to the kerb or other boundary or line along which vehicles may be parallel parked and facing the lawful direction of travel along that part of the road nearest to the kerb or other boundary or line and with the kerbside wheels of the vehicle within 300 millimetres of the kerb, boundary or line.

Maximum fine: \$1 250

Expiation fee: \$50

17—Owner/Driver contravening the by-laws

- (1) If a vehicle is driven or parked in a manner that contravenes or does not comply with these by-laws, the driver of the vehicle and the owner of the vehicle are each guilty of the offence.
- (2) However, the owner and driver of a vehicle are not both liable for contravening the by-law arising out of the same circumstances and consequently conviction of the owner or expiation of the owner exonerates the driver and conversely conviction of the driver or expiation by the driver exonerates the owner.

18—Further contravention each hour

If a person is guilty of an offence by reason of a vehicle being parked in a manner that contravenes or does not comply with these by-laws, the person is guilty of a further offence—

- (a) in the case of an offence of exceeding a specified time limit—
 - (i) if the specified limit is one or more hours—for each hour that the vehicle remains parked in the area while the area is in operation;
 - (ii) if the specified limit is less than one hour—for each period so specified that the vehicle remains parked in the area while the area is in operation;
- (b) in any other case—for each hour that the offence continues.

Maximum fine: \$1 250

Expiation fee: \$50

19—Hinder or obstruct a person issuing expiation notices

A person must not hinder or obstruct a person authorised to issue expiation notices for alleged offences against these by-laws in the carrying out of his or her duties.

Maximum fine: \$1 250

20 – Removal of a vehicle from TAFE SA grounds

TAFE SA may remove a vehicle which is on its grounds in contravention of a by-law.

21—Owner of vehicle may name driver

- (1) 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 these by-laws arising out of the

use of 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 offence, to provide the issuing authority (within the meaning of that Act), 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 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).
- (2) Before proceedings are commenced against the owner of a vehicle for an offence against these by-laws arising out of the use of the vehicle, the complainant must send the owner a notice—
 - (a) setting out particulars of the alleged offence; and
 - (b) inviting the owner, if he or she was not the driver at the time of the 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 by-law (1).
- (3) sub-clause (2) 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 by-law as the driver of the vehicle.
- (4) Subject to sub-clause (5), in proceedings against the owner of a vehicle for contravening these by-laws, 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; or
 - (b) that the owner provided the complainant with a statutory declaration in accordance with an invitation under this by-law.
- (5) The defence in sub-clause (4)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- (6) If—
 - (a) an expiation notice is given to a person named as the alleged driver in a statutory declaration under this bylaw; 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.

22—Exemptions

Despite these by-laws, no offence arises from the driving or parking of—

- (a) a vehicle that is being used by—
 - (i) a person authorised to issue expiation notices for alleged offences against these by-laws; or
 - (ii) a member of the police force, in the course of official duties;
- (b) a fire services vehicle that is being used for purposes related to fire fighting or fire prevention;
- (c) an ambulance or similar vehicle;
- (d) a vehicle that is being used for the purposes of the State Emergency Service;
- (e) a vehicle that is being used for purposes related to safety, maintenance or repair of roads or TAFE SA facilities;
- (f) a vehicle that is the subject of an automotive workshop constituting or forming part of a course of technical and further education;
- (g) a vehicle driven or parked within the grounds of TAFE SA in accordance with a specific authorisation given by TAFE SA for the purposes of this by-law.

23—Access to and use of TAFE SA grounds

- (1) No person shall trespass on TAFE SA grounds.

Maximum fine: \$1 250

- (3) Persons who are authorised to enter the grounds of TAFE SA include but are not limited to:
- (a) current and prospective students;
 - (b) TAFE SA staff;
 - (c) contractors who are engaged in activities related to TAFE SA operations;
 - (d) visitors to TAFE SA who have been invited onto the grounds by staff or contractors in relation to functions of TAFE SA or who have legitimate enquiries of TAFE SA;
 - (e) persons with lease or licence agreements to enter and conduct business on TAFE SA grounds and their visitors; and

- (f) persons who have obtained the permission of TAFE SA to conduct a specific undertaking or event on TAFE SA grounds and which TAFE SA security are paid to manage;
- (g) persons authorised or licensed by the Minister to occupy or use or visit all or part of TAFE SA grounds.

BEHAVIOUR OF PERSONS ON TAFE SA GROUNDS

24—Alcohol or illicit drugs on TAFE SA grounds

- (1) No person shall, without permission of the TAFE SA Board bring alcohol onto TAFE SA grounds or keep or consume alcohol on TAFE SA grounds except—
 - (a) in areas expressly licensed under the Liquor Licensing Act 1977;
 - (b) where alcohol is required as part of a training course;
 - (c) where alcohol is available at an authorised function or licensed premises providing the person is over 18 years of age.

Maximum fine: \$1 250

Expiation fee: \$160

- (2) No person shall bring, keep or consume illicit drugs on TAFE SA grounds.

Maximum fine: \$1 250

25—Disorderly or offensive behaviour

No person on TAFE SA grounds shall—

- (a) behave in a manner that is disrespectful or unfair toward another person or that endangers or compromises the safety of another person;
- (b) disobey the directions of TAFE SA staff or members of the South Australian Police , Ambulance or Emergency Services;
- (c) disobey signage to ensure efficient traffic management and safety;
- (d) contravene Australian or South Australian laws;
- (e) disrupt or interfere with any teaching activity, examination or official meeting or proceeding of TAFE SA or disturb a person’s learning or a learning environment;

- (f) hinder or interfere with any activities lawfully conducted on TAFE SA grounds.

Maximum fine: \$1 250

26—Damage to TAFE SA grounds and property

- (1) No person shall damage TAFE SA grounds and property by actions including but not limited to the following—
 - (a) deposit litter refuse or waste matter in any place (other than a receptacle provided for that purpose;
 - (b) paint, write carve letters figures or marks or otherwise deface or damage a, wall building or other structure;
 - (c) deface disturb damage or destroy a tree or other vegetation;
 - (d) remove dig or otherwise disturb soil or similar material;
 - (e) remove damage or break a fence or barrier;
 - (f) discharge, carry or be in the possession of a flare, firework, explosive devise or missile without lawful excuse;
 - (g) light a fire except in a place set aside for that purpose by TAFE SA; or
 - (h) remove or alter a TAFE SA sign, notice or notice board or line markings.

Maximum fine: \$1 250

- (2) TAFE SA may recover compensation for any damage done to TAFE SA grounds or property in contravention of this by-law.

27—Firearms and weapons

A person must not bring a firearm, air gun, catapult or other weapon or carry or use a firearm, air gun, catapult or other weapon on TAFE SA grounds except as may be authorised in accordance with the provision of a specific education program.

Maximum fine: \$1 250

28—Noise

- (1) A person must not, without the approval of the TAFE SA Board, use or cause to be used any loud speaker, amplifier, radio, television or similar device or play or sound any musical instrument on TAFE SA grounds that—

- (a) is audible other than to the person using it by reason of that person's use of headphones, earplugs or other similar device; or
 - (b) that is not required as part of a training course or an authorised function.
- (2) No person shall interrupt any lecture or meeting or TAFE SA activity by any noise on TAFE SA grounds whether inside or outside buildings.

Maximum fine: \$1 250

Expiation fee: \$160

29—Smoking

No person shall smoke on TAFE SA grounds.

Maximum fine: \$1 250

Expiation fee: \$160

30—Children under 16 must be accompanied by an adult

- (1) Children under the age of 16 (other than TAFE SA students) who enter or remain on TAFE SA grounds must be accompanied by and under the direct care of an adult who is authorised to enter TAFE SA grounds.

Maximum fine: \$1 250

- (2) This by-law does not apply in relation to an area set aside for the purpose of the consumption of food and beverage.

31—Dogs and animals on TAFE SA grounds

A person must not bring a dog or other animal onto TAFE SA grounds or into any TAFE SA building or permit a dog or other animal to remain within TAFE SA grounds, unless that dog or animal is—

- (a) at all times kept on a leash not exceeding 3 metres in length in the case of a dog, and, under effective restraint for other animals; and
- (b) is used for guidance of a visual or hearing impairment; or
- (c) is brought onto TAFE SA grounds as part of a TAFE SA training course activity.

Maximum fine: \$1 250

Expiation fee: \$50

32—Activities on TAFE SA grounds subject to TAFE SA Board permission

A person must not, without the permission of the TAFE SA Board —

- (a) ride a wheeled recreational vehicle including skate boards, roller skates, roller blades, scooters, or similar wheeled device, on TAFE SA grounds;
- (b) conduct, promote or take part in any meeting where such meeting has been explicitly and openly prohibited by the Board;
- (c) light any fire within TAFE SA grounds except in a place set aside for that purpose;
- (d) bathe in or pollute any lake or pool situated within the TAFE SA grounds or attempt to take any fish from such lake or pool;
- (e) kill or injure or cause any suffering to any animal within the TAFE SA grounds;
- (f) sell or offer for sale any goods or undertake an activity for the purpose of fund raising or making a profit including but not limited to selling raffle or lottery tickets or taking up collections;
- (g) distribute or leave for collection any pamphlets or leaflets;
- (h) display or erect a flag, banner, sign, placard or similar object;
- (j) film, videotape or take photographs for commercial purposes;
- (k) leave their property on TAFE SA grounds unattended for more than 24 hours;
- (l) erect a structure except as part of a training course or authorised function.

Maximum fine: \$1 250

33—Requesting persons to leave TAFE SA grounds

- (1) An authorised person may ask a person to leave TAFE SA grounds if the person’s conduct is in contravention of a by-law.
- (2) A person who has been requested to leave TAFE SA grounds and fails to do so may be removed by an authorised person.

Maximum fine: \$1 250

34—Authorised person may ask for identification, inspect and confiscate

- (1) An authorised person who has reasonable grounds to suspect that a person has committed or is about to commit an offence against these by-laws may:
 - (a) ask the person to give their name and address and, if requested, give evidence of the correctness of the name and address provided;
 - (b) inspect any bag, receptacle or other personal belonging on TAFE SA grounds for goods, alcohol or illicit drugs;
 - (c) confiscate goods, alcohol or illicit drugs or other substances brought on to TAFE SA grounds in contravention of a by-law.
- (2) Confiscated goods or alcohol shall become the property of TAFE SA.

35—Impersonation of an authorised person

No person shall falsely pretend by word or action to be an authorised person for the purposes of these by-laws.

Maximum fine: \$1 250

36—Board may issue temporary ban on person entering TAFE SA grounds

- (1) If the TAFE SA Board—
 - (a) has reasonable cause to suspect that a person has committed an offence against these by-laws or TAFE SA rules; and
 - (b) is of the opinion that it would be desirable to exercise the powers conferred by this by-law to prevent the commission of further offences,the Board may, by notice in writing to the person, ban the person from entering specified TAFE SA grounds or a specified part of the grounds, for any period specified in the notice (not exceeding 2 years).
- (2) The Board must not issue a notice to a person under this by-law unless the person has been afforded a reasonable opportunity to make a submission to the Board on the matter (either orally or in writing), and the Board has considered any submission made.
- (3) A person who enters TAFE SA grounds in contravention of a notice issued under this by-law is guilty of an offence.

Maximum fine: \$1 250