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No. 38 of 1999

An Act to amend the City of Adelaide Act 1998 and to repeal the Rundle Street Mall Act 1975.

[Assented to 5 August 1999]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the City of Adelaide (Rundle Mall) Amendment Act 1999.

(2) The City of Adelaide Act 1998 is referred to in this Act as "the principal Act".

Commencement

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

Insertion of s. 37A

3. The following section is inserted in Part 4 of the principal Act before section 38:

Rundle Mall

37A. (1) Rundle Mall ("the Mall") continues as a pedestrian mall.

(2) A person must not—

(a) drive a vehicle on any part of the Mall; or

(b) allow a vehicle to be or remain on any part of the Mall, otherwise than in accordance with a notice or permit published or given by the Adelaide City Council under this section.

Maximum penalty: $750.
Expiation fee: $105.
(3) The Council may, by notice published in the Gazette—

(a) specify the vehicles that may enter or remain in the Mall (and those vehicles may be defined by reference to vehicles generally, vehicles of a specified class, vehicles used for a specified purpose or by a specified person or persons of a specified class, or vehicles used in specified circumstances);

(b) specify the hours or occasions during which vehicles may enter or remain in the Mall (and the hours so specified may vary according to a vehicle or class of vehicles or according to other specified circumstances).

(4) The Council may, by notice in writing, permit a vehicle to enter and remain in the Mall for the purpose and for the period, and subject to the conditions (if any), specified in the permission.

(5) A person must not contravene or fail to comply with a condition imposed under subsection (4).

Maximum penalty: $750.
Expiation fee: $105.

(6) The Council may, by further notice, vary or revoke a notice or permit published or given under this section.

(7) In addition to any other power to make by-laws, the Council may make by-laws—

(a) regulating, controlling or prohibiting any activity in the Mall, or any activity in the vicinity of the Mall, that is, in the opinion of the Council, likely to affect the use or enjoyment of the Mall; and

(b) providing for the fixing, and varying or revoking, by resolution of the Council, of fees and charges for the use of the Mall or any part of the Mall for any display, activity or entertainment, or for any service provided or permit issued in or in connection with the Mall, and providing for any matter or thing in connection with the collection or remission of those fees or charges; and

(c) regulating any matter or thing connected with the external appearance of a building or structure on, abutting or visible from the Mall; and

(d) regulating, controlling or prohibiting the movement or standing of vehicles on access or egress areas to the Mall; and

(e) fixing a penalty not exceeding $250 for a breach of a by-law.

(8) In any proceedings for an offence against this section, an allegation that a person is the owner of a specified vehicle will, in the absence of proof to the contrary, be taken to be proved.
(9) If in any proceedings for an offence against this section it is proved that a vehicle was driven, parked, standing or stationary in any place in contravention of this section, it will, in the absence of proof to the contrary, be presumed that the vehicle was driven, parked, left standing or allowed to remain stationary by the owner of the vehicle.

(10) The Local Government Act 1934 applies to and in relation to by-laws made under this section as if they were by-laws made under that Act.

Repeal of Rundle Street Mall Act 1975
4. (1) The Rundle Street Mall Act 1975 is repealed.

(2) A notice or permit in force under the Rundle Street Mall Act 1975 immediately before the commencement of this section will continue and have effect as if published or given under section 37A of the principal Act (as enacted by this Act).

(3) A by-law in force under the Rundle Street Mall Act 1975 immediately before the commencement of this section will continue in force as if made under section 37A of the principal Act (as enacted by this Act).

(4) The repeal of the Rundle Street Mall Act 1975 does not affect the operation or recovery of a special rate declared under section 9 of that Act before the commencement of this section.

(5) Any asset or liability of the Rundle Mall Committee immediately before the repeal of the Rundle Street Mall Act 1975 vests in The Corporation of the City of Adelaide.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor