

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, Paul St Leger Kelly of 45 Pirie Street, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which City of Tea Tree Gully intends to make, being *Permits and Penalties By-law 2015* and do certify that in my opinion:

- (a) the said Council has power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1934, Section 667(1), paragraphs 3.LIV, 4.I and 9.XVI, and Section 791;

Local Government Act 1999, Sections 246(1), 246(3)(f) and 246(3)(g);

Acts Interpretation Act 1915, Section 39;

- (b) the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 24th day of July 2015


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Paul St Leger Kelly, Legal Practitioner



By-law made under the Local Government Act 1999

PERMITS AND PENALTIES BY-LAW 2015

By-law No. 1 of 2015

To provide for a permit system, to fix maximum penalties in Council by-laws, to clarify the construction of such by-laws, and to repeal certain by-laws.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Permits and Penalties By-law 2015*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In any by-law of the Council, unless the contrary intention is clearly indicated:

3.1 **authorised person** means a person appointed as an authorised person pursuant to Section 260 of the *Local Government Act 1999*;

3.2 **person** includes a natural person, a body corporate or incorporated association;

3.3 **Council** means the Corporation of the City of Tea Tree Gully.

4. Construction

Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

Part 2 – Permits

5. Council may grant permits

If any by-law of the Council states that a person needs a 'permit' or 'permission' to do a specified thing, then the following provisions apply:

5.1 The permit must be in writing.

5.2 The Council may:

5.2.1 attach conditions to the permit;

- 5.2.2 change or revoke a condition, by notice in writing; or
- 5.2.3 add new conditions, by notice in writing.
- 5.3 A person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law.
- 5.4 The Council may revoke a permit, by notice in writing, if:
 - 5.4.1 the holder of the permit fails to comply with a condition attached to it; or
 - 5.4.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it.
- 5.5 The Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing.

Part 3 – Enforcement

6. Penalties

- 6.1 A person who contravenes, or fails to comply with any by-law of the Council is guilty of an offence and is liable to:
 - 6.1.1 a minimum penalty of \$300; and
 - 6.1.2 a maximum penalty, being the maximum penalty referred to in the *Local Government Act 1999*, which may be fixed for offences against a by-law.
- 6.2 A person who is convicted of an offence against any by-law of the Council in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable, to a further penalty, being the maximum penalty referred to in the *Local Government Act 1999* which may be fixed for offences of a continuing nature against a by-law.

Part 4 – Miscellaneous

7. Revocation

Council's *By-law No. 1 – Permits and Penalties*, published in the *Gazette* on 21 August 2008, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Tea Tree Gully held on the 11th day of August 2015 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



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Mr John Moyle
Chief Executive Officer