



## THE BAROSSA COUNCIL

*By-law made under the Local Government Act 1999*

### **By-law No 1 - Permits and Penalties**

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

#### **1. Repeal of By-laws**

All previous by-laws made or adopted by the Council, prior to the date this by-law is made, are hereby repealed effective from the day on which this by-law comes into operation.

#### **2. Definitions**

- 2.1 In any by-law of the Council 'person' includes a natural person, a body corporate, an incorporated association and an unincorporated association.
- 2.2 In any by-law of the Council, 'the Council' means the Barossa Council.
- 2.3 In any by-law of the Council, unless the contrary intention is clearly indicated, the word 'permission' means the permission of the Council, or such other person as the Council may by resolution authorise for that purpose, given in writing prior to the act, event or activity to which it relates.

#### **3. Permits**

- 3.1 Where a by-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 3.2 The Council, or such other person as the Council may by resolution authorise for that purpose, may attach such conditions (including but not limited to time limits, renewal and transfer requirements) to a grant of permission as it thinks fit, and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.
- 3.3 A permit holder must comply with every such condition.
- 3.4 The Council, or such other person as the Council may by resolution authorise for that purpose, may suspend or revoke such grant of permission at any time by notice in writing to the permit holder.
- 3.5 The Council may by resolution fix, vary or revoke fees or charges for the granting of permission for any of the activities requiring permission under the Council's by-laws.

**4. Offences and Penalties**

- 4.1 A person who contravenes, or fails to comply with, any by-law of the Council, is guilty of an offence and shall be liable to a maximum penalty being the maximum penalty referred to in the Local Government Act 1999 that may be fixed by by-law for any breach of a by-law.
- 4.2 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 for each day during which the act or omission is continued, such penalty being the maximum amount referred to in the Local Government Act 1999 which may be prescribed by by-law for offences of a continuing nature.

**5. Construction**

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

The foregoing by-law was duly made and passed at a meeting of The Barossa Council held on the 17 day of December 2013 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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Martin McCarthy  
Chief Executive Officer

**SECTION 249 LOCAL GOVERNMENT ACT 1999**

**CERTIFICATE OF VALIDITY**

I, Dale Jason Mazzachi 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 The Barossa Council intends to make, being *By-law No 1 - Permits and Penalties* 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:

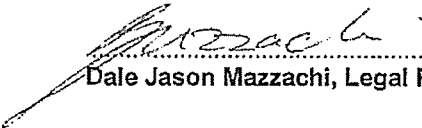
*Local Government Act 1934*, Section 667(1), paragraphs 3.LIV, 4.I and 9.XVI, and Section 791;

*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 26<sup>th</sup> day of NOVEMBER 2013

  
Dale Jason Mazzachi, Legal Practitioner

