



DISTRICT COUNCIL of TUMBY BAY

By law made under the Local Government Act 1999

PERMITS AND PENALTIES BY-LAW 2018**By-law No. 1 of 2018**

A by-law to create a permit system for Council by-laws, to fix maximum and continuing penalties for offences, and for the construction of Council by-laws.

Part 1 - Preliminary**1. Short Title**

This by-law may be cited as the *Permits and Penalties By-law 2018*.

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 Act.

3. Interpretation

In any by-law of the Council, unless the contrary intention appears:

3.1 **Act** means the *Local Government Act 1999*;

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

3.3 **Council** means the District Council of Tumby Bay;

3.4 **person** includes a natural person, body corporate or incorporated association.

4. Construction

Every by-law of the Council is 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

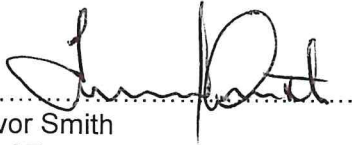
- 6.1 A person who contravenes, or fails to comply with any by-law of the Council is guilty of an offence and is liable to a maximum penalty, being the maximum penalty referred to in the Act that may be fixed by a by-law for offences against a by-law.
- 6.2 A person who is found guilty of an offence 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 Act 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 24 February 2011, is revoked on the day on which this by-law comes into operation.

This by-law was duly made and passed at a meeting of the District Council of Tumby Bay held on the *13th MARCH 2018* 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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Trevor Smith
Chief Executive Officer