

## CERTIFICATE OF VALIDITY

### SECTION 249 (4) OF THE LOCAL GOVERNMENT ACT 1999

I, TIMOTHY DAVID GRIFFIN of Norman Waterhouse Lawyers, Level 15, 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 District Council of Ceduna intends to make, 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), 791, 794, paragraphs 3.LIV, 9.XVIII;

Local Government Act 1999, Section 246(3)(f), 236(3)(g) and 246(5);

Acts Interpretation Act, 1915, Section 39;

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

**DATED** the 23<sup>rd</sup> day of October 2006

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**Timothy David Griffin, Legal Practitioner**

### DISTRICT COUNCIL OF CEDUNA

*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.*

All previous by-laws made or adopted by the Council, prior to the date this by-law is made, are hereby repealed.

#### **1. Permits**

- 1.1 In any by-law of the Council unless the contrary intention is clearly indicated the word “permission” means the permission of the Council given in writing.
- 1.2 The Council may attach such conditions 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.
- 1.3 Any permit holder shall comply with every such condition.
- 1.4 The Council may revoke such grant of permission at any time by notice in writing to the permit holder.
- 1.5 In any by-law of the Council “the Council” means the District Council of Ceduna.

2. **Penalties**

- 2.1 Any person who commits a breach of any by-law of the Council shall be 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.
- 2.2 Any person who commits a breach of any by-law of the Council of a continuing nature shall be guilty of an offence and, in addition to any other penalty that may be imposed, shall be liable to further penalty for every day on which the offence is continued, such penalty being the maximum amount referred to in the Local Government Act 1934, as amended, and/or the Local Government Act 1999, which may be prescribed by by-law for offences of a continuing nature.

3. **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 District Council of Ceduna held on the 24<sup>th</sup> day of November 2006 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 Anthony John Irvine  
Chief Executive Officer