

South Australia

## Adelaide Dolphin Sanctuary Regulations 2005

under the *Adelaide Dolphin Sanctuary Act 2005*

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#### 1—Short title

These regulations may be cited as the *Adelaide Dolphin Sanctuary Regulations 2005*.

#### 2—Commencement

These regulations will come into operation on the day on which the *Adelaide Dolphin Sanctuary Act 2005* comes into operation.

#### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Adelaide Dolphin Sanctuary Act 2005*.

#### 4—ADS Management Plan—prescribed bodies (section 11(5)(b) and (7)(a) of Act)

For the purposes of section 11(5)(b) and (7)(a) of the Act, the bodies specified in Schedule 1 are prescribed.

#### 5—Applications for warrants (section 29(6) of Act)

- (1) The grounds of an application for a warrant under section 29 of the Act made personally must be verified by affidavit.
- (2) If an application for a warrant is made by telephone—
  - (a) the applicant must inform the magistrate of the applicant's name and identify the position that he or she holds for the purposes of the Act, and the magistrate, on receiving that information, is entitled to assume, without further inquiry, that the applicant holds that position; and

- (b) the applicant must inform the magistrate of the purpose for which the warrant is required and the grounds on which it is sought; and
  - (c) if it appears to the magistrate from the information given by the applicant that there are proper grounds to issue a warrant, the magistrate must inform the applicant of the facts that justify, in the magistrate's opinion, the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts; and
  - (d) if the applicant gives such an undertaking, the magistrate may then make out and sign a warrant, noting on the warrant the facts that justify, in the magistrate's opinion, the issue of the warrant; and
  - (e) the warrant is taken to have been issued, and comes into force, when signed by the magistrate; and
  - (f) the magistrate must inform the applicant of the terms of the warrant; and
  - (g) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit verifying the facts referred to in paragraph (c).
- (3) A magistrate by whom a warrant is issued must file the warrant, or a copy of the warrant, and the affidavit verifying the grounds on which the application for the warrant was made, in the Magistrates Court.

#### **6—General duty of care—prescribed circumstances (section 32(3) of Act)**

For the purposes of section 32(3) of the Act, any circumstance involving the exercise of a statutory power by a public authority in an emergency situation is prescribed.

#### **7—Action on non-compliance with order etc—prescribed rate of interest (sections 34, 36 and 37 of Act)**

- (1) For the purposes of sections 34(5)(a), 36(5)(a) and 37(8)(a) of the Act, the prescribed rate of interest per annum on an unpaid amount will be the prime bank rate for any financial year for which the amount remains unpaid.
- (2) In this regulation—  
*prime bank rate* for a particular financial year means the corporate loan reference rate applied by the Commonwealth Bank of Australia for corporate lending on the first trading day of the Bank in that financial year.

#### **Schedule 1—ADS Management Plan—prescribed bodies**

Aboriginal Legal Rights Movement Incorporated  
Adelaide and Mount Lofty Ranges Natural Resources Management Board  
Boating Industry Association of South Australia Incorporated  
City of Port Adelaide Enfield  
City of Salisbury  
Conservation Council of South Australia Incorporated  
Flinders Ports Pty Limited  
South Australian Employers' Chamber of Commerce and Industry Incorporated  
South Australian Fishing Industry Council Incorporated  
South Australian Recreational Fishing Advisory Council Incorporated

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

| Year | No  | Reference                     | Commencement |
|------|-----|-------------------------------|--------------|
| 2005 | 134 | <i>Gazette 2.6.2005 p1694</i> | uncommenced  |