

House of Assembly—No 87

As laid on the table and read a first time, 22 November 2007

South Australia

**Local Government (Advertising Material)
Amendment Bill 2007**

A BILL FOR

An Act to amend the *Local Government Act 1999*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Local Government (Advertising Material) Amendment Act 2007*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Local Government Act 1999*

4—Insertion of sections 235A and 235B

After section 235 insert:

235A—Depositing advertising material

- 15 (1) A person who deposits advertising material other than—
 - (a) in a receptacle provided for the deposit of mail or newspapers (not being a receptacle marked "no junk mail" or with a similar message); or
 - (b) in accordance with any conditions prescribed by the regulations,
- 20 is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$200.

- (2) A person who causes a person to deposit advertising material in contravention of subsection (1) is guilty of an offence.

Maximum penalty: \$2 500.

Expiation fee: \$200.

- (3) Subsections (1) and (2) do not apply in the case of—

- (a) a newspaper prescribed by the regulations, or advertising material contained within a newspaper prescribed by the regulations; or
- (b) advertising material deposited by the owner or occupier of the premises; or
- (c) advertising material deposited with the express consent of the owner or occupier of the premises; or
- (d) advertising material of a political nature; or
- (e) advertising material of a religious nature; or
- (f) advertising material of a charitable nature; or
- (g) advertising material deposited in prescribed circumstances.

- (4) In this section—

advertising material includes a catalogue, poster, paper or similar item;

deposit, in relation to advertising material, includes causing or allowing the advertising material to fall or be otherwise deposited.

235B—Report by member of public

- (1) A person who sees a person commit an offence under section 235A may, by notice in writing in a form approved by the chief executive officer of the council in whose area the offence occurred, inform that council of the commission of the offence.

- (2) A notice under subsection (1) must—

- (a) contain the date, approximate time and place of the offence; and
- (b) contain a description of the offence, including the nature of the advertising material and any information that may assist in identifying the offender; and
- (c) be signed by the complainant and include the complainant's full name and address.

- (3) A notice under subsection (1) (other than a notice that appears to have been given frivolously or vexatiously) may constitute grounds for the issuing of an expiation notice.