

South Australia

## **COAST PROTECTION ACT 1972**

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An Act to make provision for the conservation and protection of the beaches and coast of this State; and for other purposes.

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*This Act is published under the Legislation Revision and Publication Act 2002 and incorporates all amendments in force as at 24 November 2003.*

*Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.*

## COAST PROTECTION ACT 1972

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Coast Protection Act 1972 No. 49 of 1972  
[Assented to 27 April 1972]<sup>1</sup>

as amended by

Coast Protection Act Amendment Act 1975 No. 114 of 1975 [Assented to 4 December 1975]  
Harbors Act Amendment Act 1978 No. 109 of 1978 [Assented to 7 December 1978]<sup>2</sup>  
Statutes Amendment (Planning) Act 1982 No. 62 of 1982 [Assented to 1 July 1982]<sup>3</sup>  
Coast Protection Act Amendment Act 1985 No. 22 of 1985 [Assented to 28 March 1985]<sup>4</sup>  
Statutes Amendment (Coast Protection and Native Vegetation Management) Act 1988 No. 19 of 1988 [Assented to 14 April 1988]<sup>5</sup>  
Statutes Repeal and Amendment (Development) Act 1993 No. 54 of 1993 [Assented to 27 May 1993]<sup>6</sup>  
**River Murray Act 2003 No. 35 of 2003 [Assented to 31 July 2003]**<sup>7</sup>  
**Statute Law Revision Act 2003 No. 44 of 2003 [Assented to 23 October 2003]**<sup>8</sup>

<sup>1</sup> Came into operation 3 July 1972: *Gaz.* 29 June 1972, p. 2689.

<sup>2</sup> Came into operation 21 December 1978: *Gaz.* 21 December 1978, p. 2303.

<sup>3</sup> Came into operation 4 November 1982: *Gaz.* 4 November 1982, p. 1304.

<sup>4</sup> Came into operation 23 May 1985: *Gaz.* 23 May 1985, p. 1690.

<sup>5</sup> Came into operation 28 April 1988: *Gaz.* 28 April 1988, p. 1066.

<sup>6</sup> Came into operation 15 January 1994: *Gaz.* 27 October 1993, p. 1889.

<sup>7</sup> **Schedule (cl. 3) came into operation 24 November 2003: *Gaz.* 20 November 2003, p. 4203.**

<sup>8</sup> **Schedule 1 came into operation 24 November 2003: *Gaz.* 13 November 2003, p. 4048.**

**NOTE:**

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the Act see Appendix.

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**LEGISLATIVE HISTORY**

**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **Short title**

1. This Act may be cited as the *Coast Protection Act 1972*.

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### **Interpretation**

4. In this Act, unless the contrary intention appears—

"**appointed member**" of the Board means a member of the Board appointed by the Governor under paragraph (d) or paragraph (e) of subsection (1) of section 8 of this Act;

"**area**", in relation to a council—

- (a) being a council within the meaning of the *Local Government Act 1934*—means the area of the council within the meaning of that Act; or
- (b) being the West Beach Trust—means the foreshore within the meaning of the *West Beach Recreation Reserve Act 1954*;

"**coast**" means all land that is—

- (a) within the mean high water mark and the mean low water mark on the seashore at spring tides; or
- (b) above and within one hundred metres of that mean high water mark; or
- (c) below and within three nautical miles of that mean low water mark; or
- (d) within any estuary, inlet, river, creek, bay or lake and subject to the ebb and flow of the tide; or
- (e) declared by regulation to constitute part of the coast for the purposes of this Act;

"**coast facility**" means any building, structure or works—

- (a) for the use or enjoyment of those who may resort to the coast; or
- (b) of a kind declared by regulation to constitute a coast facility;

**"consultative committee"** means a consultative committee constituted under Part 2 of this Act;

**"council"** means—

- (a) a council within the meaning of the *Local Government Act 1934*; or
- (b) the West Beach Trust established under the *West Beach Recreation Reserve Act 1954*;

**"owner"** in relation to private land, means the holder of an estate or interest in the land;

**"private land"** means—

- (a) land lawfully granted or contracted to be granted for an estate of freehold by or on behalf of the Crown; or
- (b) land subject to a perpetual lease lawfully granted by or on behalf of the Crown;

**"restricted area"** means any part of a coast protection district declared to be a restricted area under section 34;

**"storm repairs"** means works for the repair of damage to the coast, or a coast facility, caused by storm or pollution;

**"the Board"** means the Coast Protection Board constituted under Part 2 of this Act;

**"the Court"** means the Land and Valuation Court;

**"warden"** means a person who has been appointed under section 34A to be, or who is by virtue of his office as a member of the police force, a warden for the purposes of this Act;

**"works of a prescribed nature"** means building, construction, mining or excavation of a kind or extent declared by regulation to constitute works of a prescribed nature for the purposes of this Act or works changing the nature, configuration or use of the coast in a manner or to an extent prescribed by regulation.

#### **Act to bind the Crown**

**5.** This Act binds the Crown.

## Part 2—Administration

### Establishment of Board

6. (1) There shall be a Board entitled the "Coast Protection Board".
  - (2) The Board—
    - (a) shall be a body corporate with perpetual succession and a common seal; and
    - (b) shall be capable of acquiring, holding, selling and otherwise disposing of real and personal property; and
    - (c) shall be capable of acquiring or incurring any other legal rights and liabilities, and of suing and being sued; and
    - (d) shall hold its property on behalf of the Crown.
  - (3) Where an apparently genuine document purports to bear the common seal of the Board, it shall be presumed, in the absence of evidence to the contrary, that the common seal of the Board was duly affixed to that document.

### Control and direction of Board

7. The Board shall be subject to the control and direction of the Minister.

### Membership of Board

8. (1) The Board will consist of six members of whom—
  - (a) one will be the Director-General, Department of Environment and Planning or a person nominated by the Director-General; and
  - (b) one will be the Director of Marine and Harbors or a person nominated by the Director; and
  - (c) one will be the Director of the South Australian Government Tourist Bureau or a person nominated by the Director; and
  - (d) three will be persons appointed by the Governor—
    - (i) one being a person who is qualified for membership of the Board by reason of extensive knowledge of, and experience in, local government; and
    - (ii) one being a person who is qualified for membership of the Board by reason of extensive knowledge of, and experience in, the technical problems of coast protection; and

(iii) one being a person who is qualified for membership of the Board by reason of extensive knowledge of, and experience in, biological sciences and environmental protection.

(2) One of the members of the Board must be appointed by the Governor to be the presiding member of the Board.

(3) Subject to this Act, an appointed member of the Board shall be appointed for such term of office, not exceeding four years, as the Governor may determine and specifies in the instrument of his appointment and, upon the expiration of his term of office, shall be eligible for re-appointment.

(4) If any member of the Board is unable, or fails for any reason, to act in his capacity as a member of the Board, the Governor may appoint a suitable person to be a deputy of the member, and such a person, while so acting, shall be deemed to be a member of the Board, and shall have all the powers, authorities, duties and obligations of the member of whom he has been appointed a deputy.

(5) The Governor may remove an appointed member of the Board from office for—

- (a) mental or physical incapacity; or
- (b) neglect of duty; or
- (c) dishonourable conduct; or
- (d) any other cause considered sufficient by the Governor.

(6) The office of an appointed member of the Board shall become vacant if—

- (a) he dies; or
- (b) his term of office expires; or
- (c) he resigns his office by written notice addressed to the Governor; or
- (d) he is removed from office by the Governor pursuant to subsection (5) of this section.

(7) Upon the office of an appointed member of the Board becoming vacant, a person shall be appointed in accordance with this Act, to the vacant office, but where the office of a member of the Board becomes vacant before the expiration of the term for which he was appointed, a person appointed in his place shall be appointed only for the balance of the term of his predecessor.

#### **Quorum etc**

**9.** (1) Three members of the Board shall constitute a quorum of the Board, and no business shall be transacted unless a quorum is present.

(2) A decision carried by a majority of the votes cast by the members present at a meeting of the Board, shall be a decision of the Board.

(3) The presiding member shall preside at a meeting of the Board, and in the event of an equality of votes, shall have a second or casting vote.

(4) In the absence of the presiding member or a deputy of the presiding member from a meeting of the Board, the members present may elect one of their number to be the presiding member for that meeting, and a member so elected may perform and discharge the functions and obligations of the presiding member for that meeting.

(5) Subject to this Act, the business of the Board shall be conducted in such manner as the Board determines.

### **Validation of acts of Board**

**10.** (1) An act or proceeding of the Board shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the appointment of a member, any such act or proceeding shall be as valid and effectual as if the member had been duly appointed.

(2) No liability shall attach to a member of the Board for any act or omission by him, or by the Board, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge or purported discharge, of his or its duties under this Act.

### **Allowances and expenses**

**11.** An appointed member of the Board shall be entitled to receive such allowances and expenses as may be determined by the Governor.

### **Secretary**

**12.** (1) The Governor may, subject to, and in accordance with the *Public Sector Management Act 1995*, appoint a suitable person to be secretary to the Board.

(2) A person so appointed shall hold office subject to the provisions of the *Public Sector Management Act 1995*.

(3) The office of secretary to the Board may be held in conjunction with any other office in the Public Service of the State.

### **Officers and servants**

**13.** (1) The Governor may, subject to, and in accordance with the *Public Sector Management Act 1995*, appoint such officers and servants as may be necessary or expedient for the due administration of this Act.

(2) A person so appointed shall hold office subject to the provisions of the *Public Sector Management Act 1995*.

(3) With the consent of the Minister administering any Department of the Public Service, the Board may make use of the services of the officers of that Department.

**Delegation by Board**

**13A.** (1) The Board may, with the approval of the Minister, delegate any of its powers or functions.

(2) A delegation under this section—

(a) may be made to—

- (i) the presiding member or any other member of the Board; or
- (ii) the secretary to the Board or any other officer engaged in the administration of this Act; and

(b) may be made subject to such conditions as the Board thinks fit; and

(c) is revocable at will and does not derogate from the power of the Board to act itself in any matter.

**General duties of the Board**

**14.** (1) The functions of the Board are as follows:

(a) to protect the coast from erosion, damage, deterioration, pollution and misuse; and

(b) to restore any part of the coast that has been subjected to erosion, damage, deterioration, pollution or misuse; and

(c) to develop any part of the coast for the purpose of aesthetic improvement, or for the purpose of rendering that part of the coast more appropriate for the use or enjoyment of those who may resort thereto; and

(ca) to manage, maintain and, where appropriate, develop and improve coast facilities that are vested in, or are under the care, control and management of, the Board; and

(d) to report to the Minister upon any matters that the Minister may refer to the Board for advice; and

(e) to carry out research, to cause research to be carried out, or to contribute towards research, into matters relating to the protection, restoration or development of the coast; and

(f) to perform such other functions assigned to the Board by or under this or any other Act.

(2) The Board may prepare and issue bulletins, memoranda, maps and plans for the information of the public.

(3) The Board must, if or when taking any action under this or any other Act within, or in relation to, any part of the Murray-Darling Basin within the meaning of the *Murray-Darling Basin Act 1993*, take into account, and seek to further—

- (a) the objects of the *River Murray Act 2003*; and
- (b) the *Objectives for a Healthy River Murray* under that Act,

(insofar as they may be relevant).

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### **Constitution of consultative committees**

**15.** (1) Where a coast protection district has been established under this Act, the Minister shall appoint a consultative committee in respect of that district.

(2) A council for any area comprising any portion of the coast protection district shall be entitled to nominate a person for appointment as a member of the committee.

(3) Where a council has been requested by instrument in writing under the hand of the Minister to make a nomination under this section, and fails to make a nomination in accordance with the request within one month of the date of the request, or such longer period as may be allowed by the Minister, the Minister may appoint a suitable person to be a member of the consultative committee in lieu of a nominee of that council.

### **Terms and conditions of office**

**16.** (1) The term of office of a member of a consultative committee shall be such term, not exceeding three years, as may be fixed by the Minister in the instrument of his appointment.

(2) A member of a consultative committee shall hold office upon such terms and conditions as may be determined by the Minister.

### **Duties of consultative committee**

**17.** The duties of a consultative committee are as follows:

- (a) to advise the Board upon any matters referred to the consultative committee for advice; and
- (b) to consider any matters pertinent to the protection, restoration or development of any portion of the coast within the coast protection district in respect of which the committee is established, and to advise the Board on any matters that should in the opinion of the committee be considered by the Board.

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**Advisory Committees**

**18.** (1) The Board may appoint such advisory committees as the Board considers necessary for the purpose of providing the Board with expert advice on matters pertinent to the protection, restoration or development of the coast.

(2) A member of an advisory committee shall hold office upon such terms and conditions as may be determined by the Minister.

## Part 3—Coast protection districts

### Constitution of coast protection districts

**19.** (1) Subject to subsection (2) of this section, the Governor may, by proclamation—

- (a) constitute any part of the coast defined or described in the proclamation as a coast protection district; or
- (b) assign a name to a coast protection district so constituted; or
- (c) amalgamate any two or more coast protection districts; or
- (d) vary or revoke a previous proclamation under this section.

(2) A proclamation shall not be made under this section except upon the recommendation of the Board.

(3) The Board shall not make a recommendation under this section until it has invited representations from the councils (if any) for the areas comprising any portion of the proposed coast protection district, and has forwarded to the Minister a report upon any representations made by, any such council in respect of the proposals to constitute the coast protection district.

### Management plan

**20.** (1) The Board shall in respect of any coast protection district constituted under this Part, make an investigation, or cause an investigation to be made, in order to determine the most appropriate measures to be taken to protect, restore or develop the coast comprised in the coast protection district in the best interests of the public.

(2) In preparing a management plan, the Board shall consult with, and take into account the interests of, any council whose area comprises the whole or any part of the coast protection district.

(3) Upon completion of an investigation, the Board shall prepare a management plan setting forth in general terms the measures that the Board considers necessary or expedient for the protection, restoration or development of the coast comprised in the coast protection district.

(4) The Board shall, upon completion of a management plan—

- (a) send, or cause to be sent, to each council whose area comprises any portion of the coast protection district, a copy of the management plan; and
- (b) arrange for the display of the management plan in an office or offices readily accessible to members of the public; and

- (c) cause an advertisement to be published in a newspaper circulating generally throughout the State stating that the management plan may be inspected at the office or offices specified in the advertisement and that representations may be made to the Board in respect of the proposals contained in the plan at any time within a period specified in the advertisement, being a period expiring not less than two months after the date of the advertisement.
- (5) Any council to which a notice is sent under subsection (4) of this section, and any other person, may within the period specified in the advertisement published under that subsection, make written representations to the Board in respect of the proposals contained in the management plan.
- (6) The Board shall consider the representations and may alter the management plan in such manner as it thinks fit.
- (7) The Board shall, after consideration of the representations (if any) made in respect of the management plan, refer the statement with a summary of the representations, and the amendments (if any) made to the plan, to the Minister.
- (8) The Minister may submit the management plan to the Governor.
- (9) The Governor may, by proclamation, declare a management plan submitted to him under this section to be an approved management plan.
- (10) An approved management plan may be varied or revoked by a subsequent management plan prepared and approved in accordance with this section.
- (11) The Board shall supply each council whose area comprises any portion of a coast protection district with a copy of the management plan relating to that district, and shall at the request of any other person, and upon payment of the prescribed fee, supply him with a copy of a management plan.
- (12) In preparing or reviewing a management plan that could affect the River Murray within the meaning of the *River Murray Act 2003*, the Board must consult with the Minister to whom the administration of that Act is committed.

## Part 4—Powers of Board

### Authorised works

**21.** (1) The Board is hereby authorised to execute all works in relation to land constituting or forming part of a coast protection district, as may be necessary or expedient for the purpose of implementing an approved management plan.

(2) The Board is hereby authorised to execute any works that are in the opinion of the Board necessary or expedient for the purpose of repairing or restoring any damage to any portion of the coast resulting from a storm, or from pollution.

### Power to remove sand etc

**21A.** The Board is authorised (and shall be deemed always to have been authorised) to remove sand and other material from one part of the coast (not being private land) to another part of the coast for the purpose of protecting, restoring and developing the coast or any part of the coast.

### Powers of acquisition

**22.** (1) Where the Board is satisfied that it is necessary or expedient to acquire any part of the coast—

- (a) for the purpose of executing works authorised by this Act; or
- (b) for any other purpose consistent with the functions and duties assigned to, or imposed upon, the Board under this Act,

the Board may, with the approval of the Minister, acquire any land constituting or forming part of, that part of the coast.

(2) The *Land Acquisition Act 1969* shall apply in respect of the acquisition of land under subsection (1) of this section.

(3) The Board may, with the approval of the Minister—

- (a) sell, lease or otherwise dispose of land acquired under this section; or
- (b) by agreement with the council for the area in which the land is situated, place the land under the care, control and management of that council.

### Powers of entry

**23.** (1) For the purposes of this Act, any member of the Board, or any person authorised by the Board may—

- (a) enter and remain on any land with any assistants, vehicles, machinery or equipment; and
- (b) make any inspection necessary for the purposes of this Act; and

- (c) affix or establish any trigonometrical stations, survey pegs, marks or poles and from time to time alter, remove or re-instate them; and
- (d) dig or bore into the land.

(2) At least seven days before any private land is entered pursuant to subsection (1) of this section, the Board must serve on the occupier of the land, or where there is no occupier, the owner of the land, a notice of intention to enter the land.

(3) A person who—

- (a) wilfully and without authorisation from the Board, interferes with any trigonometrical stations, survey pegs, marks or poles; or
- (b) wilfully obstructs any person acting in accordance with this section,

shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

### **Temporary occupation**

**24.** (1) For the purposes of this Act, a person authorised in writing by the Board may occupy and use any land constituting or forming part of the coast and may carry out upon that land any works authorised by this Act.

(2) The Board shall, at least seven days before private land is occupied pursuant to subsection (1) of this section, serve upon the occupier of the land, or if there is no occupier, upon the owner of the land, notice of its intention to exercise its powers of temporary occupation in relation to the land.

(3) A person interested in the land may apply to the Court for an order that the authority acquire his interest in the land.

(4) The Court, if satisfied that it is just to do so, may order the Board to acquire the interest upon such terms and conditions as may be determined by the Court, and may make such incidental or consequential orders as the Court thinks fit.

### **Compensation for entry or temporary occupation**

**25.** (1) A person interested in land that is entered or temporarily occupied pursuant to this Part may, at any time before the expiration of three months from the day on which the Board, or any person authorised by the Board, was last in occupation of, or upon, the land, by notice in writing served upon the Board, claim compensation.

(2) If after the expiration of three months from the day on which a notice was served under subsection (1) of this section, the Board and the claimant are not agreed upon the amount of compensation that should be paid, either the Board or the claimant may refer the matter to the Court for determination.

(3) The Court shall, upon the reference of any such matter, determine the amount of compensation that should be paid by the Board, and order the payment of that amount to the claimant.

(4) The compensation shall be determined in accordance with the appropriate provisions of the *Land Acquisition Act 1969*.

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## Part 6—Financial provisions

### Coast Protection Fund

- 29.** (1) There shall be a fund entitled the "Coast Protection Fund".
- (2) The fund shall be established and maintained at the Treasury.
- (3) The following moneys shall be paid into the fund:
- (a) all moneys appropriated by Parliament for the purposes of the fund; and
  - (b) all moneys received or recovered by the Board in pursuance of the provisions of this Act.
- (4) The fund shall be applied by the Board towards the costs incurred by the Board in the administration of this Act.

### Power to borrow

- 30.** (1) The Board may borrow moneys—
- (a) from the Treasurer; or
  - (b) with the consent of the Treasurer, from any other person.
- (2) The Treasurer may guarantee the repayment of any moneys borrowed by the Board under paragraph (b) of subsection (1) of this section, and any interest thereon.
- (3) The Treasurer is hereby authorised, without further appropriation, to satisfy any liability arising under any such guarantee out of the General Revenue of the State.

### Accounts and audit

- 31.** (1) The Board shall cause proper accounts to be kept of its financial affairs.
- (2) The Auditor-General may at any time, and shall at least once in each year, audit the accounts of the Board.

### Contribution towards works to be performed by council

- 32.** (1) Where a council proposes to carry out works for the protection, restoration or development of any part of the coast and seeks a grant from the Board under this section, it shall apply to the Board for its approval of the proposed works.
- (2) Where the Board approves the proposed works it may make a grant to the council under this section.
- (3) The amount of the grant shall be determined by the Board subject to the following provisions:

- (a) where the works consist in storm repairs, the grant may cover the whole or any portion of the cost to be incurred by the council; and
- (b) in any other case, the grant may cover up to four-fifths of the costs to be incurred by the council.

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### **Grants to councils for acquisition of land**

**32A.** (1) Where a council proposes to acquire land forming part of the coast with a view to protecting, restoring or developing that land, the council may apply to the Board for a grant under this section.

(2) If the Board determines to make a grant to a council in pursuance of an application under subsection (1) of this section, the Board may make a grant to the council of an amount covering up to one-half of the cost incurred by the council in acquiring the land.

### **Contribution to works of the Board**

**33.** (1) Where the Board carries out works within the area of a council or the areas of two or more councils, or benefiting that area or those areas, for the protection, restoration or development of any part of the coast within a coast protection district the Board may recover, as a debt, from the council or councils contribution towards the expense incurred in carrying out those works.

(2) The amount of the contribution shall be determined by the Board subject to the following provisions:

- (a) where the works consist in the provision of a coast facility, the contribution may be an amount of up to one-half of the expense incurred by the Board; and
- (b) in any other case the contribution may be an amount of up to one-fifth of the expense incurred by the Board.

(3) Where the works are carried out in the areas of two or more councils, or benefit the areas of two or more councils, the contribution to which the Board is entitled under this section may be apportioned between the councils in such manner as the Board may determine.

(4) Where the Board, acting with the approval of a council and in pursuance of its powers under this Act, acquires land within the area of the council, the Board may recover from the council, as a debt, a contribution, determined by the Board, not exceeding one-half of the cost incurred by the Board in acquiring the land.

## Part 7—Miscellaneous

### Restricted area

**34.** (1) The Minister may, by notice published in the *Gazette*, declare any part of a coast protection district to be a restricted area.

(2) No declaration shall be made under subsection (1) of this section in respect of private land, or land constituting a public road.

(3) The notice may contain such prohibitions and restrictions upon access to the area as the Minister thinks fit.

(4) The Board shall cause notices to be erected upon or in the vicinity of a restricted area informing the public of the prohibitions or restrictions upon access to the area.

(5) A person who enters or remains upon a restricted area in contravention of any such prohibition or restriction shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

### Appointment of wardens

**34A.** (1) The Minister may, by instrument in writing, appoint—

- (a) a person appointed for the purposes of the administration of this Act; or
- (b) an officer or employee of a council; or
- (c) any other person,

to be a warden for the purposes of this Act.

(2) The Minister may, in the instrument of appointment, limit the powers of a warden appointed under subsection (1) so that the powers are exercisable only in relation to an area specified by the Minister and any such limitation shall have effect according to its terms.

(3) The Minister shall issue to a warden appointed under subsection (1) an identity card in the prescribed form identifying the person and stating that he is a warden for the purposes of this Act.

(4) Where the powers of a warden have been limited pursuant to subsection (2), the identity card issued to the warden shall contain a statement of the limitation upon his powers.

(5) Every member of the police force is, by virtue of his office, a warden for the purposes of this Act.

(6) A warden shall, upon demand by any person in relation to whom he is exercising or proposing to exercise any of his powers under this Act, produce his identity card, or, in the case of a warden who is a member of the police force not in uniform, his certificate of authority, for inspection by that person.

### **Powers of warden**

**34B.** (1) A warden may—

(a) require a person whom he finds committing, or whom he suspects on reasonable grounds of having committed, an offence against this Act to state his full name and usual place of residence; or

(b) require a person to leave a restricted area.

(2) A person shall not fail to comply with a requirement made of him by a warden under subsection (1).

Penalty: Two hundred dollars.

(3) A person shall not hinder a warden in the exercise of his powers under subsection (1).

Penalty: Five hundred dollars.

(4) A person shall not use abusive, threatening or insulting language to a warden acting in the exercise of his powers under subsection (1).

Penalty: Three hundred dollars.

(5) A person shall not assault a warden acting in the exercise of his powers under subsection (1).

Penalty: One thousand dollars or imprisonment for three months.

### **Evidentiary**

**34C.** In any proceedings for an offence against this Act, an allegation in the complaint—

(a) that any act or omission subject to the charge related to or took place in any specified restricted area; or

(b) that a person named in the complaint was at a time specified in the complaint a warden,

shall be accepted as proved in the absence of proof to the contrary.

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**Report**

**35.** (1) The Board shall on or before the thirty-first day of October in each year submit a report to the Minister upon the administration of this Act during the year ended on the preceding thirtieth day of June in that year.

(2) The Minister shall cause a copy of a report under this section to be laid before each House of Parliament within six sitting days if Parliament is then in session, or if not, within six sitting days after the commencement of the next session of Parliament.

**Inquiry**

**36.** (1) The Minister may require the Board to make such inquiries pertinent to the administration of this Act as he considers necessary or expedient.

(2) The Board shall comply with any requirement under this section.

**Regulations**

**37.** (1) The Governor may make such regulations as are contemplated by this Act, or as he considers necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of subsection (1) of this section, those regulations may—

(a) regulate the meetings and procedure of the Board and consultative committees; and

\* \* \* \* \*

(c) prescribe and provide for the recovery of fees for the purposes of this Act; and

(d) prescribe penalties not exceeding one hundred dollars for breach of, or non-compliance with, any regulation.

## APPENDIX

### LEGISLATIVE HISTORY

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 2 of The Public General Acts of South Australia 1837-1975 at page 188.

Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

<b>Section 2:</b>	<b>repealed by 44, 2003, s. 3(1) (Sched. 1)</b>
Section 3:	omitted under <i>Legislation Revision and Publication Act 2002</i> 24.11.2003
Section 4:	definition of "area" inserted by 22, 1985, s. 3(a) definition of "council" inserted by 22, 1985, s. 3(b) definition of "restricted area" inserted by 22, 1985, s. 3(c) definition of "the Planning Appeal Board" repealed and definition of "the Planning Appeal Tribunal" inserted in its place by 62, 1982, s. 3(3) (Sched. Pt. 3); repealed by 54, 1993, s. 7(a) definition of "warden" inserted by 22, 1985, s. 3(d)
Section 8(1):	amended by 62, 1982, s. 3(3) (Sched. Pt. 3); substituted by 19, 1988, s. 3(a)
Section 8(2):	substituted by 62, 1982, s. 3(3) (Sched. Pt. 3); 19, 1988, s. 3(a)
Section 9(3):	amended by 19, 1988, s. 3(b)
Section 9(4):	substituted by 19, 1988, s. 3(c)
<b>Section 12(1) and (2):</b>	<b>amended by 44, 2003, s. 3(1) (Sched. 1)</b>
<b>Section 13(1) and (2):</b>	<b>amended by 44, 2003, s. 3(1) (Sched. 1)</b>
Section 13A:	inserted by 22, 1985, s. 4
Section 13A(2):	amended by 19, 1988, s. 3(d)
<b>Section 14(1):</b>	<b>amended by 109, 1978, s. 39(1); 35, 2003, Sched. cl. 3(a), (b)</b>
<b>Section 14(3):</b>	<b>inserted by 35, 2003, Sched. cl. 3(c)</b>
<b>Heading preceding section 15:</b>	<b>repealed by 44, 2003, s. 3(1) (Sched. 1)</b>
<b>Heading preceding section 18:</b>	<b>repealed by 44, 2003, s. 3(1) (Sched. 1)</b>
Section 20(4):	amended by 22, 1985, s. 5(a)
Section 20(5):	amended by 22, 1985, s. 5(b)
<b>Section 20(12):</b>	<b>inserted by 35, 2003, Sched. cl. 3(d)</b>
Section 21A:	inserted by 22, 1985, s. 6
<b>Section 22(2):</b>	<b>amended by 44, 2003, s. 3(1) (Sched. 1)</b>
<b>Section 25(4):</b>	<b>amended by 44, 2003, s. 3(1) (Sched. 1)</b>
	Part 5 comprising ss. 26 - 28 and heading amended by 62, 1982, s. 3(3) (Sched. Pt. 3); 22, 1985, s. 7; repealed by 54, 1993, s. 7(b)
Section 34(5):	amended by 22, 1985, s. 8
Sections 34A - 34C:	inserted by 22, 1985, s. 9
<b>Section 34D:</b>	<b>inserted by 22, 1985, s. 9; repealed by 44, 2003, s. 3(1) (Sched. 1)</b>
Section 37(2):	amended by 62, 1982, s. 3(3) (Sched. Pt. 3)
Section 37(2)(b):	repealed by 54, 1993, s. 7(c)