

South Australia

Adelaide Dolphin Sanctuary Regulations 2020

under the *Adelaide Dolphin Sanctuary Act 2005*

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Legislative history

1—Short title

These regulations may be cited as the *Adelaide Dolphin Sanctuary Regulations 2020*.

2—Commencement

These regulations come into operation on 1 September 2020.

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 the applicant 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
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
Green Adelaide Board
South Australian Employers' Chamber of Commerce and Industry Incorporated
The Minister's Recreational Fishing Advisory Council established by the Minister responsible
for the administration of the *Fisheries Management Act 2007*
Wildcatch Fisheries South Australia Incorporated

Schedule 2—Revocation of *Adelaide Dolphin Sanctuary Regulations 2005*

The *Adelaide Dolphin Sanctuary Regulations 2005* are revoked.

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.

Principal regulations

Year	No	Reference	Commencement
2020	256	<i>Gazette 13.8.2020 p4279</i>	1.9.2020: r 2