



ANNO TRICESIMO QUARTO

# ELIZABETHAE II REGINAE

A.D. 1985

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No. 22 of 1985

An Act to amend the Coast Protection Act, 1972

[Assented to 28 March 1985]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. (1) This Act may be cited as the "Coast Protection Act Amendment Act, 1985".

(2) The Coast Protection Act, 1972, is in this Act referred to as "the principal Act".

Commencement.

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

Amendment of  
s. 4—  
Interpretation.

3. Section 4 of the principal Act is amended—

(a) by inserting after the definition of "appointed member" the following definition:

"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;

(b) by inserting after the definition of "consultative committee" the following definition:

"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;

(c) by inserting after the definition of "private land" the following definition:

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

and

(d) by inserting after the definition of "the Planning Appeal Tribunal" the following definition:

"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.

4. The following section is inserted after section 13 of the principal Act: Insertion of new s. 13a.

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

(2) A delegation under this section—

(a) may be made to—

(i) the Chairman 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;

(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.

5. Section 20 of the principal Act is amended—

(a) by inserting in paragraph (c) of subsection (4) after the passage "at any time within" the passage "a period specified in the advertisement, being a period expiring not less than"; Amendment of s. 20— Management plan.

and

(b) by striking out from subsection (5) the passage "two months after receipt of the management plan, or publication of the advertisement" and substituting the passage "the period specified in the advertisement published under that subsection".

6. The following section is inserted in the principal Act after section 21: Insertion of new s. 21a.

21a. The Board is authorized (and shall be deemed always to have been authorized) 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. Power to remove sand, etc.

Amendment of  
s. 28—  
Planning Appeal  
Tribunal.

7. Section 28 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) An appeal under this section must be instituted within two months after the person receives notice of the decision of the Board or such longer period as may be allowed by the Planning Appeal Tribunal.

Amendment of  
s. 34—  
Restricted area.

8. Section 34 of the principal Act is amended by striking out from subsection (5) the passage "fifty dollars" and substituting the passage "two hundred dollars".

Insertion of new  
ss. 34a to 34d.

9. The following sections are inserted in the principal Act after section 34:

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;
- (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.

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

(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.

34d. Proceedings for an offence against this Act shall be disposed of summarily. Summary proceedings.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor