

Respondent's reply

(filed pursuant to leave granted by the His Honour the Chief Justice on 20 June 2012)

**IN THE HIGH COURT OF AUSTRALIA
ADELAIDE REGISTRY**

No. A16 of 2012

BETWEEN:

**ATTORNEY-GENERAL FOR THE STATE
OF SOUTH AUSTRALIA**

Appellant

10

and

**THE CORPORATION OF THE CITY OF
ADELAIDE**

First Respondent

CALEB CORNELOUP

Second Respondent

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SAMUEL CORNELOUP

Third Respondent

FIRST RESPONDENT'S REPLY

Part I – Internet Publication

1. It is certified that this Reply is in a form suitable for publication on the internet.

Part II – Submissions in Reply

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The appeal – implied freedom of political communication

Means of review

2. As to paragraph 10, page 6, of the second respondent's outline and paragraph 5.3, pages 3-4 of the appellant's reply:

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2.1. The Supreme Court of South Australia has jurisdiction to review the performance of a duty of a public nature¹.

2.2. In South Australia, the Ombudsman has the jurisdiction to investigate any 'administrative act'² of, amongst other bodies, a council³. If satisfied that an agency has acted unreasonably or inappropriately, the Ombudsman may, amongst other things, make a recommendation to the agency and if not satisfied with the agency's response, report the matter to the Premier⁴.

2.3. Section 270 of the *Local Government Act 1999 (the 1999 Act)* requires a council to have policies dealing with internal review of decisions. Section 271 provides that such policies may include mediation or conciliation.

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¹ *Supreme Court of South Australia Rules 2006*, Rule 199.

² *Ombudsman Act (1972) (SA)* Section 13.

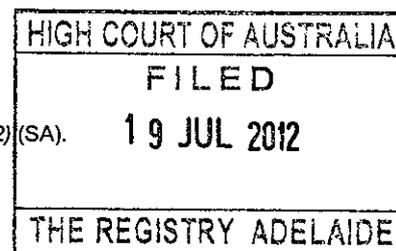
³ See definition of 'agency to which this act applies' – Section 3 of the *Ombudsman Act (1972) (SA)*.

⁴ *Ombudsman Act (1972) (SA)* Section 25.

THIS FIRST RESPONDENT'S REPLY dated 19 July 2012 is filed by:

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3. Thus, any decision of a council officer administering the by-law is open to scrutiny internally through the council's review procedure⁵, externally through the Ombudsman and Parliament, and importantly through the courts. In cases of urgency, there is no reason why an application to the Supreme Court could not be made specially returnable and heard urgently.

Width of the by-law (Advanced by the third respondent in response to the appeal and in its submissions on alternative contentions 1-3)

- 10 4. Both the second and third respondents point to the width of the by-law as applying to all roads in the council area, and as not targeting any particular level of noise, time or place. The third respondent seeks to have 'all roads' include 'squares...some park land and other public land' (paragraph. 21), and any 'public area in central Adelaide' (paragraph. 46).
- 20 5. They also draw on the width of the word 'harangue' (by adopting a strained definition of it) and the third respondent suggests that this consists of '*restraint on almost all forms of speech and physical distribution of printed matter to other persons*', that will '*prohibit a large portion of normal written everyday written and oral communication*', and which will have a '*chilling effect*' on '*most forms*' of communication. At paragraph 40 of his submissions, the third respondent identifies a series of propositions which (unsupported by evidence),
overstate the position.
6. The arguments are put at an extreme level. They ignore the reality as to the way that most political debate takes place in this country. The by-laws do not prohibit communications over the radio, television, internet, post, or letter box dropping. They do not prohibit everyday speech and discussion.
7. The word 'road' is defined in Section 4 of the 1999 Act. The definition does not extend to parks, squares, or open spaces. It would exclude, for example, the steps of Parliament House, where many demonstrations regularly occur.
- 30 8. The word 'harangue' should not be interpreted in the manner the respondents contend (or as the Judge at first instance found⁶). The Collins dictionary defines 'harangue' as (verb) '*to address (a person or crowd) in an angry, vehement, or forcefully persuasive way*' and (noun) '*a loud, forceful, or angry speech*'. The appellant, in paragraph 23 of its outline, identifies a number of similar dictionary meanings.
9. Regardless of whether a wider or narrower definition is adopted, the word is clearly not directed at everyday communication. Ordinary conversation is clearly not caught by the by-law.
- 40 10. The concept of 'criminalising many forms of everyday communication' also sensationalises the argument. Preaching, canvassing and haranguing, constituting only a minority of everyday communication, is regulated under the by-law in an orderly way (not prohibited), and can take place with the permission of the council, through a system designed to ensure the safety and convenience of road users. No 'criminalisation of everyday communication' takes place. There is no evidence that democracy is under threat in the City of Adelaide, or any other jurisdiction where similar by-laws have been passed.
- 50 11. Both respondents complain that 'less draconian' mechanisms of regulation could be implemented, without putting forward a suggested alternative, other than the general proposition that the law could target particular behaviour under different laws. The Full Court correctly dealt with these arguments at paragraph 128 of its decision.
12. Other councils adopt a similar method of regulating preaching and haranguing. A table is **annexed** to these submissions.

⁵ Ultimately, responsibility is being placed on a tier of government, in this case local government, which as with the other two tiers, is answerable to its electors.

⁶ [2010] SADC 144 at [25, 29 – adopting Gavan Duffy J in *Proud v City of Box Hill* (1949) VLR 208, [119].

Alternative Contentions

13. The first respondent assumes that the second and third respondents have abandoned any grounds in their notices of alternative contention that were not addressed in their submissions, and accordingly limits its reply to those matters raised in the written submissions. The first respondent adopts the analysis in paragraphs 9 and 10 of the appellant's Reply.
- 10 14. The first respondent asserts that the remaining matters raised are in the nature of cross-appeals. The Full Court determined against the second and third respondents on these issues. They do not raise grounds upon which the decision below should be affirmed which are grounds other than those relied upon by the court below.⁷ The first respondent asserts that the terms of *High Court of Australia Rules 2004* Rule 42.08.5 do not create an entitlement in the second and third respondents to have this Court consider these issues – leave is still appropriate.

Scope of Section 667(1)(9)(XVI) of the 1934 Act (Second Respondent's alternative contention 1 and Third Respondent's alternative contentions 1-3)

- 20 15. Unusually, there are two *Local Government Acts* still in force in South Australia – the 1934 Act, and the 1999 Act. Both Acts give a series of powers to councils to make by-laws. The provisions in the 1934 Act are not to be read down simply because there is another head of power in the 1999 Act. The powers in the 1934 Act are additional to that in the 1999 Act.
16. The introduction to section 667 of the 1934 Act is instructive: '*Subject to this Act, a council may make by-laws for all or any of the following purposes:*' (emphasis). The reference to 'all or any' is clearly expansive rather than restrictive. One of those purposes is:

30 9 *Miscellaneous*

XVI generally for the good rule and government of the area, and for the convenience, comfort and safety of its inhabitants.

17. The legislature has left it to the Council to determine whether or not an activity is contrary to, and should be regulated for the 'good rule and government of the area'⁸. The test for striking down a by-law on the grounds of unreasonableness is a stringent one⁹, and the Court is careful not to put itself in the position of legislator. The first respondent repeats the matters in its first outline of submissions as to the reasons why the law serves a legitimate end, and otherwise refers to and adopts the reasoning of the Full Court at [125] to [129]. It also adopts the appellant's argument
- 40 18. The power is not to be read '*eiusdem generis*'. Firstly there is no particular genus other than in the most general sense that other heads of powers relate to local government. Secondly, the provision stands alone as a clear and separate head, with the introductory words to section 667 being expansive. Thirdly, the words were enacted in the statutory context set out

⁷ Note the position under the former rules and form (Form 67): *Suvaal v Cessnock City Council* (2003) 77 ALJR 1449 at [104].

⁸ *Rice v Dare* (1982) 30 SASR 560; *Thomas v Sutters* [1900] 1 Ch 10 at 14-15. *Lynch v Brisbane City Council* (1960) 104 CLR 353, *Bremer v District Council of Echunga* [1919] SALR 288, *Jovanovic v Southorn* [1987] Tas SR 7, and Pearce, *Argument Delegated Legislation* 3rd edition at [14.25] to [14.30].

⁹ For example per Starke J in *Brunswick Corporation v Stewart* (1941) 65 CLR 88 at 97 '*The question is whether the delegated legislation is so oppressive or capricious that no reasonable mind could justify it*'; Diplock LJ in *Mixnam's Properties Ltd v Chertsey UDC* Paragraph 14 of Mr Kelly's affidavit. That the certificates arrived at the Council also proves the reliability of the server. [1964] 1 QB 214 at 237 '*Thus the kind of unreasonableness which invalidates a by-law is not the antonym of 'reasonableness' in the sense in which that expression is used in the common law, but such manifest arbitrariness, injustice or partiality that a court would say 'Parliament never intended to give authority to make such rules; they are unreasonable and ultra vires'*'. The authors of Pearce, *Argument Delegated Legislation* 3rd edition at [21.4] put the proposition '*Unreasonableness has been argued unsuccessfully in many other cases. Indeed there is the appearance that it is a ground that is asserted, more in hope than anything....Of the decided cases, it is fair to say that unreasonableness as a ground of review is more theoretical than practical*'.

in detail in the Full Court's judgment at paragraphs [48] to [98]. The first respondent adopts the Full Court's reasoning.

19. The authors of Delegated Legislation in Australia¹⁰ describe the application of the *eiusdem generis* concept in the following terms:

10 '*When considering the interpretation of a power to make by-laws for the good rule and government of a municipality where that power is included as one among a list of enumerated powers, it is desirable to dismiss at the outset a heresy which seems to have crept into the cases, and which while rejected from time to time has a habit of recurring*'.

The heresy is then identified as the assertion that where a general good rule and government power appeared at the conclusion of a list of specified powers, the general power had to be read *eiusdem generis* with the specified powers.

- 20 20. The powers in the 1999 Act cannot be used to read down the powers in the 1934 Act. There is nothing in the text of Section 239 of the 1999 Act to say that the intention of passing it was to abrogate the powers in Section 667 of the 1934 Act. To the contrary, the fact that the majority of the 1934 Act was repealed, but Section 667 retained, supports the conclusion that Section 239 is a supplementary power, rather than a new code. A positive inference is to be drawn from the non repeal of Section 667 on the passing of the 1999 Act.

21. It is enough for the first respondent to rely on the law making power in the 1934 Act. The first respondent also argued unsuccessfully in the Courts below that it could also rely on the 1999 Act. Section 239 of the 1999 Act gives a council power to regulate the use of roads for, amongst other things:

- 30 (a) *the broadcasting of announcements or advertisements; or*
 (b) *public exhibitions or displays; or*
 (c) *soliciting for religious or charitable purposes...*

22. The first respondent argued (and maintains the argument is correct):

- 22.1. A dictionary definition of '*solicit*'¹¹ includes '*to seek for by entreaty, earnest or respectful request*' and '*to entreat or petition for something or to do something*'.¹²
- 22.2. The word broadcast is not limited to something on radio or television. A dictionary definition includes to '*spread and disseminate widely e.g. to broadcast gossip*'.
- 40 22.3. A dictionary definition of '*preach*' includes '*to advocate...(religious or moral truth, right conduct, etc) in speech ...*' and '*to give earnest advice, as on religious subjects*'. Preaching accordingly is a form of soliciting for a religious purpose.
- 22.4. A dictionary definition of '*canvass*' includes: '*to solicit...opinions, etc., from (a...group of people, etc.)*'.
- 22.5. The by-law could accordingly also be justified on the basis of Section 239 of the 1999 Act.

50 Section 248 of the 1999 Act (New ground not in either Notice of Contention)

23. Section 248 of the 1999 Act refers to '*rights established by-law*'. There is no recognised right to freedom of speech generally. There is no recognised right of freedom of religion at State level¹³. Accordingly Section 248 of the Act has no application to the issues at bar.

¹⁰ Pearce, *Argument Delegated Legislation* 3rd edition at [14.28].

¹¹ All dictionary definitions herein referred to are from The Macquarie Dictionary, 3rd Edit.

¹² See also, *R v Forgione* (1969) SASR 248 at 251, where the Full Court approved of a broad interpretation to the word '*solicit*'.

24. For completeness, the first respondent notes that Section 247 of the 1999 Act refers to general notions of reasonableness, but expressly provides '*but a by-law cannot be challenged on the ground that it is inconsistent with one or more of these principles.*'

A Licence? (Second Respondent's alternative contention 2)

10 25. This is not an issue that would in the ordinary course warrant a grant of special leave. The legislation is substantially peculiar to South Australia. The submissions following assume that the issue is argued.

26. As to the argument on the final page of the second respondent's submissions, the Full Court was correct to hold that the by-law was not invalid as contravening the provisions of the Act dealing with licences.

27. Section 246(2) of the 1999 Act prohibits the passing of a by-law that requires a person to obtain a licence from the Council to carry out activity at a particular place unless the Council is authorised to do so under an Act.

20 28. Section 246(3) authorises the regulation of matters through a permit system. Subsection (3) provides that a by-law made by a Council may:

- '(d) operate subject to specified conditions; and...
- (c) be of general or limited application, and **provide for exemptions**; and
- (d) **make different provision** according to the persons, things or circumstances to which it is expressed to apply; and
- (e) provide that the by-law, or a provision of a by-law, applies only within a part or parts of the **area as the council may determine from time to time**; and
- (f) **provide that a matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the council**, a specified person, authority or body, or a person holding a specified office.' (emphasis)

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29. The Full Court correctly read subparagraphs (2) and (3) of Section 246 together¹⁴. Subparagraph (3) would be meaningless if the second respondent's argument was correct. Rather, subparagraph (2) is directed at the grant of permission to carry on a commercial like activity from a particular place. The by-law refers to roads generally as opposed to the carrying on of an activity at a particular place. Subsections (c) and (f) gives the council the power to prohibit activities at its discretion.

40 Electronic Transaction Act (Second Respondent's Alternative Contention 3)

30. This is not an issue that in the ordinary course would warrant a grant of special leave. The issue in this matter raises questions of fact (found against the second respondent which he appears to wish to go behind). The submissions following assume that the issue is argued.

31. As to the final page of the second respondent's outline, the first respondent says that the Full Court was correct to hold that the by-law was not invalid by the reason of a lack of an ink signature on the certificate of validity of the by-law where the requirements of the *Electronic Transactions Act 2000 (SA) (ETA)* were met. The effect of Section 9 of the ETA is that the certificate is taken to have been signed¹⁵.

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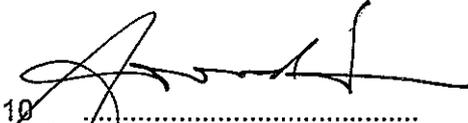
¹³ *Grace Bible Church v Reedman* (1984) 36 SASR 376 at 385-388. Indeed freedom of religion includes the concept "freedom from religion".

¹⁴ At [134] to [135].

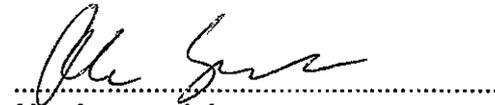
¹⁵ Section 9 provides that '*If, under a law of this jurisdiction, the signature of a person is required, that requirement is taken to have been met in relation to an electronic communication...[where the requirements of the section are made out].*'

32. A purposive approach should be taken to the enabling statute.¹⁶ The purpose of the Section 249(4) of the 1999 Act is that the Council must be satisfied that a solicitor has certified that it has power to make the by-law. Mr Kelly's certificate, exhibit PSK-2 to his affidavit¹⁷ provided that certification. The requirements of Section 9 of the ETA were met.

Dated: 19 July 2012


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¹⁶ *Acts Interpretation Act 1915 Section 22; Dignan v Australian Steamships (1931) 45 CLR 188 per Dixon J at 205-206; Project Blue Sky Inc v Australian Broadcasting Authority (1998) 194 CLR 355 at 392-393.*

¹⁷ See Affidavit of Paul St Leger Kelly sworn 30 September 2010 (exhibit R2 in the District Court Proceedings) and Affidavit of Trevor Battersby sworn 8 September 2010 (exhibit R1 in the District Court Proceedings). See also [146]-[152] of the Full Court's decision.

Annexure

South Australian Council Roads By-laws: Current

Council	By-law	Clause
Alexandrina Council	By law No 3 of 2010 - Roads. [SA Government Gazette 10/9/2009 p 4443]	<u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council: <u>7.7 Preaching</u> Preach, harangue or solicit for religious purposes.
Barossa Council	By-law No 3 - Roads. [SA Government Gazette 5/05/2005 p 1207]	<u>2. Activities Requiring Permission</u> No person shall without permission on any road: <u>2.3 Preaching</u> preach or harangue;
Barunga West District Council	By-law No 3 - Roads. [SA Government Gazette 23/7/2010 p 3570]	<u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council: <u>7.7 Preaching</u> Preach, harangue or solicit for religious purposes.
Berri Barmera Council	By-law No 4 - Roads. [SA Government Gazette 8/06/2006 p 1647]	<u>2. Activities requiring permission</u> No person shall without permission on any road: <u>2.2 Preaching</u> preach or harangue; <u>2.6 Canvassing</u> convey any advertising, religious or other message to any bystander, passer by or other person provided that this restriction shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government Election or to a handbill or leaflet given out or distributed during the course and for the purpose of a Referendum;
Campbelltown City	By-law No 3 - Roads. [SA Government Gazette 16/4/2009 p 1443]	<u>2. Activities Requiring Permission</u> No person shall without permission on any Road: <u>2.7 Preaching</u> preach, harangue or otherwise solicit for religious purposes;

Council	By-law	Clause
Charles Sturt City	By-law No 4 - Streets and Roads. [SA Government Gazette 30/08/2007 p 3593]	<u>Activities requiring permission</u> 2. No person will without permission on any street or road: <u>Preaching</u> (2) preach or harangue. <u>Canvassing</u> (6) convey any advertising, religious or other message to any bystander, passer by or other person except for any message or material conveyed with the authority of a candidate during the course of a Federal, State or Local Government election or during the course of and for the purposes of a Referendum.
Cooper Pedy District Council	By-law No 4 - Roads. [SA Government Gazette 28/08/2003 p 3414]	<u>Activities Requiring Permission</u> 2. No person shall without permission on any road: <u>Preaching</u> (2) preach or harangue;
Coorong District Council	By-law No 2 - Roads. [SA Government Gazette 8/1/2008 p 94]	<u>2. Activities Requiring Permission</u> A person must not, without permission, undertake any of the following activities on any Road: <u>2.6 Preaching</u> Preach, harangue, or otherwise solicit for religious purposes.
Copper Coast District Council	By-law No 3 - Roads. [SA Government Gazette 20/8/2009 p 3777]	<u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council: <u>7.6 Preaching</u> Preach, harangue or solicit for religious purposes
Elliston District Council	By-law No 3 - Roads. [SA Government Gazette 13/07/2006 p 2268]	<u>2. Activities Requiring Permission</u> No person shall without permission on any road: <u>2.4 Canvassing</u> convey any advertising, religious or other message to any bystander, passer-by or other person except for any message or material conveyed for the purpose of a Local, State or Federal election or Referendum; <u>2.6 Distribution of Printed Material</u> place on any vehicle or give out or distribute to any bystander or passer-by any handbill, book, notice or other printed matter, provided that this restriction shall not apply to any electoral matter or handbill or leaflet given out or distributed by or within the authority of a candidate during the course of a Federal, State or Local Government election or Referendum; <u>2.9 Preaching</u> preach or harangue;

Council	By-law	Clause
Corporation of the Town of Gawler	<u>By-law No 3 - Roads.</u> [SA Government Gazette 9/08/2001 p 2918]	<u>Activities Requiring Permission</u> 2. No person shall without permission on any road: <u>Preaching</u> (4) preach or harangue
Kangaroo Island Council	<u>By-law No 4 - Roads.</u> [SA Government Gazette 26/8/2010 p 4622]	<u>2. Activities Requiring Permission</u> No person shall without permission on any road: <u>2.4 Canvassing</u> convey any advertising, religious or other message to any bystander, passer by or other person provided that this restriction shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government election or to a handbill or leaflet given out or distributed during the course and for the purpose of a Referendum; <u>2.8 Preaching</u> solicit for religious or charitable purposes
Karoonda East Murray District Council	<u>By-law No 2 - Roads.</u> [SA Government Gazette 18/12/2008 p 5708]	<u>2. Activities Requiring Permission</u> A person must not, without permission, undertake any of the following activities on any road: <u>2.6 Preaching</u> Preach, harangue, or otherwise solicit for religious purposes.
Kingston District Council	<u>By-law No 4 - Roads.</u> [SA Government Gazette 6/8/2009 p 3604]	<u>2. Activities Requiring Permission</u> No person shall without permission on any Road: <u>2.8 Preaching</u> Preach or harangue, or otherwise solicit for religious purposes.
Light Regional Council	<u>By-law No 3 - Roads.</u> [SA Government Gazette 4/12/2008 p 5387]	<u>2. Activities Requiring Permission</u> A person must not, without the permission of the Council undertake any of the following activities, on any Road: <u>2.7 Preaching</u> Preach, harangue or otherwise solicit for religious purposes.
Loxton Waikerie District Council	<u>By-law No 3 - Roads.</u> [SA Government Gazette 2/9/2010 p 4714]	<u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council: <u>7.7 Preaching</u> Preach, harangue or solicit for religious purposes

Council	By-law	Clause
Mid Murray Council	<u>By-law No 3 - Roads.</u> [SA Government Gazette 18/3/2010 p 1078]	<u>2. Activities Requiring Permission</u> A person must not, without permission, undertake any of the following activities on any Road: <u>2.6 Preaching</u> Preach, harangue or otherwise solicit for religious purposes.
Mitcham City	<u>By-law No 4 - Roads.</u> [SA Government Gazette 3/7/2008 p 3236]	<u>2. Activities Requiring Permission</u> A person must not, without the permission of the Council, undertake any of the following activities on any Road: <u>2.5 Preaching</u> Preach or harangue or otherwise solicit for religious purposes.
Mount Barker District Council	<u>By-law No 3 - Roads.</u> [SA Government Gazette 20/5/2010 p 2012]	<u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council: <u>7.7 Preaching</u> Preach, harangue or solicit for religious purposes.
Mount Gambier City	<u>By-Law No 3 – Roads.</u> [viewed on Council website]	<u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council: <u>7.7 Solicit for Religious or Charitable Purposes</u> Ask for or receive or indicate a desire for donation of money or any other thing, or otherwise solicit for religious or charitable purposes
Murray Bridge Rural City	<u>By-law No 3 - Roads.</u> [SA Government Gazette 5/8/2010 p 3994]	<u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council: <u>7.7 Preaching</u> Preach, harangue or solicit for religious purposes
Naracoorte Lucindale Council	<u>By-law No 3 - Roads.</u> [SA Government Gazette 2/9/2010 p 4701]	<u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council: <u>7.7 Preaching</u> Preach, harangue or solicit for religious purposes
Norwood, Payneham and St Peters City	<u>By-Law No 3: Roads.</u> [SA Government Gazette 22/5/2008 p 1775]	<u>Activities Requiring Permission</u> 2. No person will without permission on any road: <u>Preaching</u> (3) preach or harangue;

Council	By-law	Clause
Onkaparinga City Council	By-law No 3 - Roads. [SA Government Gazette 25/6/2009 p 3048]	<u>2. Activities requiring permission</u> 2. No person shall without permission on any road: <u>Preaching</u> (3) preach or harangue, or otherwise solicit for religious or charitable purposes
Orroroo Carrieton District Council	By-law No 4 - Roads. [SA Government Gazette 5/3/2009 p 969]	<u>2. Activities requiring permission</u> A person must not without the permission of the Council, on any Road: <u>2.8 Preaching</u> Preach, harangue or otherwise solicit for religious purposes.
Port Adelaide Enfield City	By-law No 4 - Roads. [SA Government Gazette 21/08/2008 p 3807]	<u>2. Activities Requiring Permission</u> A person must not without permission on any road: <u>2.3 Preaching</u> 2.3.1 preach or harangue; provided that this restriction does not apply to a person legitimately canvassing public opinion during the course of a Local, State or Federal Government election or during a Referendum;
Port Augusta City	By-law No 4 - Roads. [SA Government Gazette 14/07/2005 p 2401]	<u>2. Activities requiring permission</u> No person shall without permission on any road: <u>2.3 Preaching</u> preach or harangue; <u>2.6 Canvassing</u> convey any advertising, religious or other message to any bystander, passer-by or other person provided that this restriction shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government election or to a handbill or leaflet given out or distributed during the course and for the purpose of a Referendum;
Port Pirie RC	By-law No 4 - Roads. [SA Government Gazette 5/2/2009 p 569]	<u>2. Activities requiring permission</u> A person must not, without the permission of the Council, undertake any of the following activities on any Road: <u>2.8 Preaching</u> Preach, harangue or otherwise solicit for religious purposes.
Prospect City	By-law No 4 - Roads. [SA Government Gazette 6/11/2008 p 5072]	<u>2. Activities Requiring Permission</u> A person must not without permission on any road: <u>Preaching</u> 2.3 preach or harangue, provided that this restriction does not apply to a person legitimately canvassing public opinion, during the course of a Local, State or Federal Government election or during a Referendum;

Council	By-law	Clause
Renmark Paringa Council	<u>By-law No 3 - Roads.</u> [SA Government Gazette 12/8/2010 p 4290]	<u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council: <u>7.7 Preaching</u> Preach, harangue or solicit for religious purposes
Robe District Council	<u>By-law No 3 - Roads.</u> [SA Government Gazette 19/11/2009 p 5235]	<u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council: <u>7.7 Preaching</u> Preach, harangue or solicit for religious purposes
Salisbury City	<u>By-law No 3 - Roads.</u> [SA Government Gazette 7/08/2008 p 3577]	<u>2. Activities Requiring Permission</u> A person must not, without the permission of the Council, undertake any of the following activities on any Road: <u>2.8 Preaching</u> Preach, harangue or solicit for religious purposes on any Road to which this subparagraph applies;
Streaky Bay District Council	<u>By-law No 3 - Roads.</u> [SA Government Gazette 30/9/2010 p 5002]	<u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council: <u>7.7 Preaching</u> Preach, harangue or solicit for religious purposes
Tatiara District Council	<u>By-law No 3 - Roads.</u> [SA Government Gazette 24/9/2009 p 4731]	<u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council: <u>7.6 Preaching</u> Preach, harangue or solicit for religious purposes.
Tea Tree Gully City	<u>By-law No 2 - Roads.</u> [SA Government Gazette 21/08/2008 p 3811]	<u>2. Activities Requiring Permission</u> A person must not, without permission, undertake any of the following activities on any road: <u>2.6 Preaching</u> preach or harangue, or otherwise solicit for religious purposes;
Tumby Bay District Council	<u>By-law No 4 – Roads.</u> [viewed on Council website]	<u>2. Activities Requiring Permission</u> A person must not do any of the following activities on a Road without the permission of the Council: <u>2.8 Preaching</u> Preach, harangue or solicit for religious purposes.

Council	By-law	Clause
Unley City	<u>By-law No 2 - Roads.</u> [SA Government Gazette 7/08/2008 p 3584]	<u>2. Activities Requiring Permission</u> A person must not, without permission, undertake any of the following activities on any road: <u>2.6 Preaching</u> Preach, harangue, or otherwise solicit for religious purposes.
Victor Harbor City	<u>By-law No 3 - Roads.</u> [SA Government Gazette 1/10/2009 p 4789]	<u>2. Activities Requiring Permission</u> A person must not without the permission of the Council, on any Road: <u>2.8 Preaching</u> preach, harangue or otherwise solicit for religious purposes
Wakefield Regional Council	<u>By-law No 3 - Roads.</u> [SA Government Gazette 3/6/2010 p 2173]	<u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council: <u>7.7 Preaching</u> Preach, harangue or solicit for religious purposes
Corporation of the Town of Walkerville	<u>By-law No 3 - Roads.</u> [SA Government Gazette 17/7/2008 p 3390]	<u>Activities Requiring Permission</u> 2. No person will without permission on any road: <u>Preaching</u> (2) preach or harangue. This restriction does not apply to person(s) legitimately canvassing public opinion during Local, State or Federal Government elections or during a Referendum;
Wattle Range Council	<u>By-law No 3 - Roads.</u> [SA Government Gazette 18/08/2005 p 3081]	<u>2. Activities requiring permission</u> No person shall without permission on any road: <u>2.3 Preaching</u> preach or harangue; <u>2.9 Canvassing</u> convey any advertising, religious or other message to any bystander, passer-by or other person except for any electoral matter conveyed with the authority of a candidate during the course of a Federal, State or Local Government election or Referendum
West Torrens City	<u>By-law No 3 - Roads.</u> [SA Government Gazette 15/7/2010 p 3513]	<u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council: <u>7.6 Preaching</u> Preach, harangue or solicit for religious purposes

Council	By-law	Clause
Whyalla City	By-law No 3 - Roads. [SA Government Gazette 25/10/2007 p 4067]	<p><u>2. Activities Requiring Permission</u> No person shall without permission on any Road:</p> <p><u>2.3 Canvassing</u> Convey any advertising, religious or other message to any by-stander, passer-by or other person except for any message or material conveyed for the purpose of a Federal, State or Local Government election.</p> <p><u>2.5 Distribution of Printed Material</u> Place on any vehicle (without the owner's consent) or give out or distribute to any by-stander or passer-by any handbill, book, notice or other printed matter, provided that this restriction shall not apply to any electoral matter or handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government election or to a handbill or leaflet given out or distributed during the course and for the purposes of a Referendum.</p> <p><u>2.9 Preaching</u> Preach or harangue</p>
Yankalilla District Council	By-law No 3 - Roads. [SA Government Gazette 10/12/2009 p 6283]	<p><u>7. Activities Requiring Permission</u> A person must not do any of the following activities on a road without the permission of the Council:</p> <p><u>7.7 Preaching</u> Preach, harangue or solicit for religious purposes.</p>

South Australian Council Roads By-laws: Revoked

Council	By-law	Clause
Adelaide Hills Council	By-law No 4 - Roads. [SA Government Gazette 16/09/2004 p 3663]	<u>2. Activities Requiring Permission</u> No person shall without permission on any road: <u>2.3 Preaching</u> preach or harangue
Burnside City	By-law No 4 - Roads. [SA Government Gazette 11/11/2004 p 4324]	<u>2. Activities Requiring Permission</u> No person shall without permission on any road: <u>2.3 Preaching</u> preach or harangue <u>2.6 Canvassing</u> convey any advertising, religious or other message to any bystander, passer-by or other person provided that this restriction shall not apply to the conveyance of any electoral matter given out with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum in accordance with the Electoral Act 1995;
Cleve District Council	By-law No 3 - Roads. [SA Government Gazette 14/10/2004 p 3881]	<u>2. Activities Requiring Permission</u> No person shall without permission on any road: <u>2.3 Preaching</u> preach or harangue
Peterborough Council	By-law No 3 - Roads. [SA Government Gazette 30/1/2003 p 409]	<u>Activities Requiring Permission</u> 2. No person shall without permission on any road: <u>Preaching</u> (3) preach or harangue