

APA Conference

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A Year in Review

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Rural City of Murray Bridge v Gordon

Parking Prosecution

- case involved a vehicle parked on a nature strip in a school zone at drop-off time;
- the Council relied on a number of legislative evidentiary aids;
- the Court considered whether the evidence was obtained lawfully;
- court found defendant guilty of the offence;
- honest mistake of law (that the area Mr Gordon parked was not a nature strip), however no available defence of honest and reasonable mistake of fact



Cases in the South Australian Civil and Administrative Tribunal

Ivka v City of Charles Sturt

Review of Control Order

- the Council issued a Control (Menacing Dog) Order after a dog attacked a person on the dog owner's property;
- the victim was invited on to the property by the dog's owner;
- the dog attacked without warning;
- the victim suffered lacerations and puncture wounds to his face;
- there were no other witnesses;
- applicant applied to SACAT for a review of the Control (Menacing Dog) Order.



Ivka v City of Charles Sturt

Review of Control Order

- SACAT reviewed the Council's decision to issue the Control Order;
- in doing so the Tribunal obtained additional evidence throughout the proceedings which was not available to the Council's delegate at the time of making the original decision;
- the applicant sought a Control (Nuisance Dog) Order;
- SACAT considered the proper interpretation of 'menacing', with reference to District Court decisions;
- SACAT determined the Control (Menacing Dog) Order was appropriate and the Council's decision was upheld.

Kerr v City of Charles Sturt

Review of Destruction Order

- the Council issued a Destruction Order after a dog attacked a person on a bicycle;
- the victim suffered puncture wounds to her calf;
- history of the dog biting persons on the calf;
- Control (Dangerous Dog) Order previously issued by City of Marion;
- other than the victim and applicants, there were no other witnesses;
- applicant applied to SACAT for a review of the Destruction Order.



Kerr v City of Charles Sturt

Review of Destruction Order

- the applicant had a history of non-compliance in relation to dog ownership and management;
- this case involved the applicant breaching the Control (Dangerous Dog) Order by not ensuring the dog wore a dangerous dog collar at all times;
- the dog did not have a muzzle that was securely fixed on its mouth capable of preventing it from biting a person;
- SACAT found there was a clear breach of the Control (Dangerous Dog) Order;
- the Executive Senior Member of SACAT also held the dog was unduly dangerous;
- the Destruction Order was affirmed by SACAT.

Q & A



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