



ANNO VICESIMO

GEORGII V REGIS.

A.D. 1929.

No. 1908.

An Act to empower the Governor to appoint a Commission to inquire into Local Government Areas and to give effect to its recommendations and for purposes incidental thereto.

[Assented to, October 30th, 1929.]

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

1. This Act may be cited as the "Local Government Areas (Re-arrangement) Act, 1929". Short title.

2. (1) In this Act unless the context otherwise requires— Interpretation.

"Commission" means the Local Government Commission appointed pursuant to this Act:

"Council" means Council of a District or Municipality, and includes the Renmark Irrigation Trust No. 1:

"District" means a District as defined in the District Councils Act, 1914:

"Area" means a Municipality or District, and includes the territory in which the Renmark Irrigation Trust No. 1 exercises the rights, powers, authorities, functions, privileges, and discretions of a District Council, pursuant to section 5 of The Renmark Irrigation Trusts Loan Amendment Act, 1900:

"Annual values" means, as regards a District Council, the values of property assessed under Division II. of Part X. of the District Councils Act, 1914, and as regards a Municipality, means the values of property assessed under Division II. of Part XXIII. of the Municipal Corporations Act, 1923:

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“Land values” means, as regards a District Council, the values of property assessed under Division III. of Part X. of the District Councils Act, 1914, and as regards a Municipality, means the values of property assessed under Division III. of Part XXIII. of the Municipal Corporations Act, 1923.

“Municipality” means a Municipality as defined in the Municipal Corporations Act, 1923:

“Outlying district” means any land not within an area:

“Renmark Irrigation Trust No. 1” means the Trust constituted by section 4 of the Renmark Irrigation Trusts Act, 1893”.

(2) Nothing in this Act or done pursuant to this Act shall affect any right, power, authority, function, privilege, or discretion of the Renmark Irrigation Trust No. 1, except the rights, powers, authorities, functions, privileges, and discretions which it exercises as a District Council pursuant to section 5 of The Renmark Irrigation Trusts Loan Amendment Act, 1900.

Power to appoint
Commission.

3. (1) The Governor may appoint a Commission to be known as the Local Government Commission for the purpose of making the inquiries and recommendations hereinafter in this Act mentioned.

(2) The Commission shall consist of the following persons, namely:—

- (1) The Auditor-General or a member of his staff:
- (2) The Director of Local Government or a member of his staff:
- (3) A representative of the Municipal Association of South Australia:
- (4) A representative of the Local Government Association of South Australia:
- (5) One other person nominated by the Minister of Local Government and having knowledge of local government affairs, who shall be chairman.

(3) The Commission shall hold office until discharged by the Governor after it has presented its report on the matters referred to it under this Act.

(4) The members of the Commission who are not public servants shall be entitled to receive such fees as the Governor determines.

(5) The Commission may present progress reports and the Governor may take action under this Act on any recommendations contained in a progress report.

Application of
Royal Commissions
Act, 1917.

4. The Commission shall be deemed for all purposes to be a Commission under the Royal Commissions Act, 1917, and that Act shall in all respects apply to the proceedings and business of the Commission.

5. (1) The

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5. (1) The Commission shall as speedily as possible inquire into Scope of inquiry. and report to the Governor upon the following questions:—

Whether, in order to secure greater efficiency and economy in the performance of the functions of local governing bodies it is desirable that any alterations in existing areas should be made, and, if so, what alterations.

(2) It shall be competent for the Commission to recommend that changes be made in areas by doing any of the following things or any combination thereof:—

- (a) uniting any two or more areas :
- (b) severing any part of any area therefrom :
- (c) constituting any part so severed a new area or annexing it to any other area, or uniting it with any other part or parts of an area or areas so as to form a new area :
- (d) annexing to any area any outlying district :
- (e) constituting any Municipality a District and any District a Municipality :
- (f) making any alteration of wards incidental to any of the foregoing changes.

The Commission may also make any other recommendation consequent on or incidental to any change in areas recommended by it.

(3) Any recommendation of the Commission may be such that if it were given effect to any territory previously constituting or included in a Municipality would constitute or be included in a District, and any territory previously constituting or included in a District would constitute or be included in a Municipality.

(4) The Commission shall also inquire into and report upon any other matters which relate to local government and which are referred to it by the Governor.

6. (1) Before making any report to the Governor on the questions set out in the last preceding section, the Commission shall prepare a draft of its proposed recommendations and send a copy thereof to every Council thereby affected.

Consideration of proposed report by Councils.

(2) Any such Council may, within one month after receipt of the draft or any extended period allowed by the Commission, make representations to and place evidence before the Commission relative to the Commission's proposed recommendations.

(3) The Commission shall, before finalising its report, consider all the said representations and evidence.

7. The Governor in his discretion may by proclamation and in accordance with the unanimous recommendations of the Commission, or the recommendations of a majority thereof, but not otherwise:—

Powers of the Governor.

- (a) unite any two or more areas :
- (b) sever

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- (b) sever any part of an area therefrom :
- (c) constitute any part so severed as a new area :
- (d) annex any such part to any other area :
- (e) unite any such part with any one or more severed parts of any other area or areas so as to form a new area :
- (f) declare any Municipality to be a District, and any District a Municipality :
- (g) make any alteration of wards or other change incidental to the exercise of any of the foregoing powers :
- (h) exercise any two or more of the foregoing powers in conjunction with respect to the same area or areas.

Constitution of new area.

8. Every proclamation constituting a new area consisting of one or more severed portions of previously existing areas shall :

- (a) declare whether the new area is to be a Municipality or District :
- (b) assign a name to the said area :
- (c) describe the boundaries thereof :
- (d) if the new area is to be a Municipality name and describe the wards :
- (e) if the new area is to be a District state whether the area is to be subdivided into wards and if so name and describe the wards :
- (f) determine subject to any relevant provisions of the District Councils Act, 1914, or the Municipal Corporations Act, 1923, the number of councillors, and if the area is to be divided into wards the number of councillors for each ward :
- (g) appoint the first councillors for the new area and if the new area is divided into wards, the first councillor or councillors for each ward :
- (h) appoint any person to fill any vacancy occurring in the office of councillor or auditor in any such new area before the time for the first election in the said area :
- (i) declare whether the assessment for rates in the new area is to be based on land values or annual values :
- (j) provide for any other matter or thing or make any appointment which is necessary or expedient in the circumstances.

Matters to be dealt with in proclamation uniting areas.

9. (1) Every proclamation uniting two or more areas shall—

- (a) declare whether the area formed by the union is to be a Municipality or District :
- (b) assign a name to the area formed by the union :

(c) if

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- (c) if the said area is a Municipality name and describe the wards thereof :
- (d) if the said area is a District determine whether or not it is to be subdivided into wards and if it is to be so subdivided name and describe the wards :
- (e) determine subject to the relevant provisions of the District Councils Act, 1914, or the Municipal Corporations Act, 1923, the number of councillors, and if the area formed by the union is divided into wards the number of councillors for each ward :
- (f) declare whether the assessment for rates in the new area is to be based on land values or annual values :
- (g) provide for any other matter or thing or make any appointment which is necessary or expedient in the circumstances.

(2) Notwithstanding anything contained in a proclamation under this section the Council of an area formed by the union of two or more areas may, during the first financial year after the union, declare and levy rates in each part of the new area which previously formed a separate area in accordance with the assessment in force in that part prior to the union.

In such a case the method of assessment for rates mentioned in the proclamation shall come into operation upon the expiration of the first financial year after the union, unless during that year it has been changed in accordance with the relevant provisions of the District Councils Act, 1914, or the Municipal Corporations Act, 1923.

10. The following provisions shall apply upon the union of two or more areas :— Effect of union of areas.

- I. The area formed by the union shall include the whole of all the areas united :
- II. The council of the area so formed shall be deemed to be one and the same corporation as the council of each of the areas by the union of which it was formed :
- III. All rights and duties of the councils of such areas against or owing to each other shall be extinguished :
- IV. All property, rights, and liabilities vested, possessed, or incurred, and all matters and things, not otherwise provided for, made or done in, by, or on behalf of the council of any of the areas so united, either as a council or as a local board of health, shall vest in, and attach to, and be deemed to have been made or done by or on behalf of, the council of the area formed by the union :

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- v. All by-laws and regulations in force at the time of the union in any of the areas united, which are applicable to the altered circumstances, shall become by-laws and regulations respectively of the area formed by the union, and may be repealed or altered by the council of that area :
- vi. Until so repealed or altered every such by-law and regulation shall remain in force in the territorial area only in which it was in force previous to the union :
- vii. All by-laws and regulations which cannot be restricted to any particular territorial area shall be deemed inapplicable, and such by-laws and regulations and all by-laws and regulations which are inapplicable to the altered circumstances shall be by such union repealed :
- viii. The council of the area formed by such union shall, until the conclusion of the next annual election, consist of all the councillors of the areas united, or the councillors elected in their places to fill any extraordinary vacancies :
- ix. The said council at its first meeting shall elect one of its members as its mayor or chairman, and in case of equality of votes the matter shall be decided by lot :
- x. At the conclusion of the next annual election the mayor or chairman and all the councillors shall go out of office :
- xi. The auditors for the areas united shall cease to hold office unless, under section 9, they have been appointed auditors for the area formed by the union.

Effect of annexation
as to by-laws.

11. Every proclamation annexing any portion of the State to an area subdivided into wards shall, except in cases where it is intended to unite the area with any other area or areas—

- (a) if the said area is a District abolish all the wards and constitute the area an undivided area ; or
- (b) in any case abolish all the wards and re-subdivide the said area into wards ; or
- (c) retain the existing wards and constitute the annexed portion a new ward or wards and appoint the first councillors for the new ward or wards ; or
- (d) annex the annexed portion to some ward or in separate portions to some wards of the area.

Effect of severance.

12. Upon the annexation to any area of any portion severed from another area—

- (a) All by-laws and regulations in force in the portion severed which are applicable to the altered circumstances thereof shall remain in force therein, and as so in force shall be deemed

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deemed by-laws and regulations respectively for the area to which the severed portion is annexed, and may by the council of that area be repealed or altered :

- (b) No by-law or regulation of the last-mentioned area, the application of which can be restricted to any separate portion of that area, shall be deemed in force in such annexed portion unless and until it is so provided by by-law or regulation :
- (c) All by-laws and regulations of the area from which the said portion was severed which are inapplicable to the altered circumstances shall as to such severed portion be by such severance repealed.

13. When any part of an area is severed therefrom the following provisions shall apply :—

Effect of orders subdividing wards, as to councillors.

- (a) If the area is a District subdivided into wards the proclamation may abolish all the wards and constitute the said area an undivided area :
- (b) In any case the proclamation may abolish all the wards and re-subdivide the area into wards :
- (c) If the proclamation does not abolish all the wards it shall be deemed to cancel every entire ward included in the severed portion :
- (d) If the proclamation does not abolish all the wards and the severed portion includes part only of any ward the residue of that ward shall either—
 - (i.) be constituted a separate ward ; or
 - (ii.) be annexed to some other ward ;
 - (iii.) be annexed in separate portions to two or more other wards :
- (e) If any ward is cancelled the councillors returned therefor shall upon cancellation cease to be members of the council :
- (f) In no case shall the number of councillors for any District be reduced below five.

14. (1) Every proclamation which has the effect of abolishing all the wards of a District shall determine the future number of councillors for the said District.

Effect of annexation as to wards.

(2) When any proclamation is made whereby the number of councillors for any District is altered, or whereby any area is re-subdivided, that proclamation shall not affect the council or the filling up of any extraordinary vacancies therein until the conclusion of the annual election next after the taking effect of such order, when all the councillors shall go out of office.

15. The

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Supplementary
powers of
Governor.

15. The Governor may by proclamation—

- (a) rectify any error or supply any omission in any proclamation previously made under this Act:
- (b) provide for any matter or thing which is necessary or convenient to carry into operation the objects of this Act, but is not in this Act elsewhere expressly provided for.

16. Any matter required or permitted by sections 8, 9, 11, 13, 14, or 15 of this Act to be dealt with by proclamation shall, if the Commission has in its report made a recommendation with respect thereto, not be dealt with except in accordance with that recommendation. If the Commission has not made a recommendation with respect thereto, in its report, the Governor may—

- (a) require the Commission to make a supplementary report on the matter and deal with the matter in accordance with that report; or
- (b) deal with the matter as he thinks fit.

Saving of other
powers of Governor.

17. The powers conferred upon the Governor by this Act are in addition to and shall not in any way affect the powers conferred upon him by the District Councils Act, 1914, or the Municipal Corporations Act, 1923.

Financial provision.

18. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

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

A. HORE-RUTHVEN, Governor.