



ANNO VICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1972

No. 141 of 1972

An Act to amend the Local Government Act,
1934-1972.

[Assented to 7th December, 1972]

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

1. (1) This Act may be cited as the "Local Government Act Amendment Act, 1972". Short titles.

(2) The Local Government Act, 1934-1972, as amended by this Act, may be cited as the "Local Government Act, 1934-1972".

(3) The Local Government Act, 1934-1972, is hereinafter referred to as "the principal Act".

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

3. Section 57a of the principal Act is amended by striking out from paragraph (b) the passage "with the licence of the council,". Amendment of principal Act, s. 57a—
Resignation to contest other office in council.

4. Section 84 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection:—

Amendment of principal Act, s. 84—
Appointment and qualifications of auditors.

(1a) A council may appoint the Auditor-General to be auditor for its area under this section. ;

and

(b) by inserting in subsection (3) after the passage "No person" the passage "(other than the Auditor-General)".

Amendment of
principal Act,
s. 86—
Vacancies in
the office of
auditor.

5. Section 86 of the principal Act is amended by inserting in paragraph VI after the passage "Revocation of" the passage ", or failure to renew,".

Amendment of
principal Act,
s. 88—
Entitlement
to vote.

6. Section 88 of the principal Act is amended by striking out the provisos from subsection (1).

Amendment of
principal Act,
s. 100—
Exercise of
vote by
companies.

7. Section 100 of the principal Act is amended—

(a) by striking out from subsection (2) the passage "one hundred and fifty pounds" wherever it occurs in the first and second sentences thereof and inserting in lieu thereof in each case the passage "three hundred dollars";

(b) by striking out the third sentence of subsection (2);

and

(c) by inserting after subsection (2) the following subsection:—

(3) For the purposes of any area, or any part thereof, in which Division III of Part X of this Act is in operation this section shall be read as if the words "a land value" were inserted in lieu of the words "an annual value" and the words "two thousand dollars" were inserted in lieu of the words "three hundred dollars".

Amendment of
principal Act,
s. 105—
Form of
nomination
and time for
lodging it.

8. Section 105 of the principal Act is amended—

(a) by striking out paragraph IV of subsection (1) and inserting in lieu thereof the following paragraph:—

IV. Where any person is nominated for more than one office, all nominations in his favour shall be invalid; ;

and

(b) by inserting after paragraph v of subsection (1) the following paragraph:—

va. The officer with whom the nomination paper is lodged shall, as soon as practicable, examine the paper and if there is any apparent defect in the nomination shall afford the person by whom the nomination paper was lodged such assistance (if any) as may be reasonable in the circumstances to cure any apparent defect in the nomination: .

9. Section 115 of the principal Act is amended—

Amendment of
principal Act,
s. 115—
Rights of
voting.

(a) by striking out from subsection (3) the passage “one hundred and fifty pounds” wherever it occurs in the first and second sentences thereof and inserting in lieu thereof in each case the passage “three hundred dollars”;

(b) by striking out the third sentence of subsection (3);

(c) by inserting after subsection (3) the following subsection:—

(3a) For the purposes of an area or any part thereof in which Division III of Part X of this Act is in operation this section shall be read as if the words “a land value” were inserted in lieu of the words “an annual value” and the words “two thousand dollars” were inserted in lieu of the words “three hundred dollars”.

10. Section 129 of the principal Act is amended by inserting after subsection (1) the following subsection:—

Amendment of
principal Act,
s. 129—
Returning
officer's vote.

(1a) Where an equal number of votes is cast in favour of a candidate who is submitting himself for re-election and some other candidate, or candidates, the returning officer shall vote in favour of the candidate submitting himself for re-election, and, in any other case, his vote shall be decided by lot.

11. Section 153 of the principal Act is amended by inserting in paragraph (b) of subsection (1) after the word “Act” the passage “or the Planning and Development Act, 1966-1967, as amended.”

Amendment of
principal Act,
s. 153—
Power to
appoint
committees.

Amendment of
principal Act,
s. 156—
Proceedings of
council.

12. Section 156 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “to which this section applies”;

and

(b) by striking out subsection (4).

Amendment of
principal Act,
s. 157—
Officers of
council.

13. Section 157 of the principal Act is amended by inserting after subsection (4) the following subsections:—

(5) Within three months after the commencement of the Local Government Act Amendment Act, 1972, or such longer period as the Minister may allow, a council shall submit to the Minister a scheme for providing superannuation rights for those in the full-time employment of the council.

(6) The Minister may approve any such proposed scheme with or without additions or modifications.

(7) Where a scheme for providing superannuation rights has been approved under this section, the council shall be obliged to provide superannuation rights to those engaged in the full-time employment of the council in accordance with the approved scheme.

(8) Where a scheme for providing superannuation rights is not submitted by a council to the Minister in accordance with this section, the council shall be obliged to provide superannuation rights to those engaged in the full-time employment of the council in accordance with a scheme determined in relation to that council by the Minister.

(9) Where an employee of a council has previously been in the employment of another council, and that former employment is continuous with his present employment, any period of that former employment in respect of which long service leave, or payment in lieu thereof, has not been received by the employee shall be taken into account in assessing the long service leave, or payment in lieu thereof (if any) to which the employee may be entitled.

(10) Where a council grants long service leave, or payment in lieu thereof, to an employee of the council and the service in respect of which the leave, or payment in lieu thereof, is granted includes service in the employment of another council, the council by which the leave or payment in lieu thereof is granted may, subject to subsection (11) of this section, recover from that other council a contribution towards the cost of granting the leave, or the payment in lieu thereof, agreed upon by the councils, or, in the event of a dispute, determined on the application of a council concerned in the dispute by the Minister.

(11) No contribution shall be recoverable under subsection (10) of this section in respect of a period of service before the commencement of the Local Government Act Amendment Bill, 1972.

14. Section 169 of the principal Act is amended by inserting after the passage "situated in an area" in subsection (3) the passage "or part thereof".

Amendment of principal Act, s. 169—
Assessment of certain lands and buildings.

15. Section 173 of the principal Act is amended by inserting after the passage "all ratable property" in subsection (1) the passage "(except ratable property to which Division III of this Part applies)".

Amendment of principal Act, s. 173—
Duty to make assessment.

16. Section 178b of the principal Act is amended by inserting after the passage "the area" in subsection (3) the passage "or any part or parts of the area to which this Division applies".

Amendment of principal Act, s. 178b—
Adoption of Government assessment.

17. Section 179 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 179 of principal Act and enactment of section in its place.

179. (1) The Governor may, by proclamation made pursuant to Division IV of this Part, declare that this Division shall apply to—

Operation of this Division.

- (a) any area;
- (b) any township;
- (c) any ward;
- (d) any zone;

or

- (e) any portions of an area excluding such portions of the area as are included within any specified township, ward or zone,

and this Division shall apply to that area or that part or those parts of the area in accordance with the terms of the proclamation.

(2) While this Division applies to an area, or any part or parts of an area, the provisions of Division II of this Part shall not apply to the area, or the part or parts thereof.

(3) In this section—

"zone" means any zone established by regulation under the Building Act or by planning regulation, or planning directive under the Planning and Development Act.

18. Section 180 of the principal Act is amended by inserting after the passage "its area" in subsection (3) the passage "or any part or parts of its area to which this Division applies".

Amendment of principal Act, s. 180—
Adoption of Government assessment.

Amendment of
principal Act,
s. 184—

Power of
council to
make its own
assessment.

19. Section 184 of the principal Act is amended by striking out the passage “the area” from subsection (2) and inserting in lieu thereof the passage “any part or parts of the area to which this Division applies”.

Repeal of
s. 189 of
principal Act
and enactment
of section in
its place.

Petition.

20. Section 189 of the principal Act is repealed and the following section is enacted and inserted in its place:—

189. No proclamation under which Division III of this Part is brought into operation in relation to an area, or any part or parts of an area, shall be made except upon the petition of the council of the area.

Repeal of
s. 190 of
principal Act
and enactment
of section
in its place.

Poll.

21. Section 190 of the principal Act is repealed and the following section is enacted and inserted in its place:—

190. (1) Where a council proposes to present a petition that Division III of this Part shall be brought into operation in relation to the area, or any part of the area, of the council, public notice of the proposal must be given by the council.

(2) Where the council proposes to present a petition that Division III of this Part should be brought into operation in relation to the whole of the area, a poll must be taken of the ratepayers for the area if such a poll is demanded within one month of the day on which public notice is given under subsection (1) of this section by one hundred or more of the ratepayers for the area.

(3) Where the council proposes to present a petition that Division III of this Part should be brought into operation in relation to part of the area, a poll must be taken of the ratepayers in respect of ratable property in that part of the area if such a poll is demanded within one month of the day on which public notice is given under subsection (1) of this section by one hundred or more of those ratepayers or more than one-quarter in number of those ratepayers.

(4) No such petition shall be presented before the expiration of one month from the day on which public notice of the proposal is given under subsection (1) of this section or, if a poll has been demanded, unless a majority of the voters at the poll have voted in favour of the proposal that Division III of this Part should come into operation in relation to the area, or to the particular part of the area to which the proposal relates.

(5) Where a poll has been conducted, the petition must be accompanied by a certificate, signed by the mayor or chairman and the clerk, of the result of the poll.

22. Section 192 of the principal Act is amended by inserting after the passage "in the area" in subsection (1) the passage " , or the part of the area to which the proposal relates,".

Amendment of principal Act, s. 192—
Tentative assessments to be prepared.

23. Section 193 of the principal Act is amended—

Amendment of principal Act, s. 193—
Method by which poll is to be taken.

(a) by striking out from subsection (1) the passage "as regards this municipality (*or district*)" and inserting in lieu thereof the passage "in relation to (*here name or describe the municipality or district, or the part of the municipality or district in relation to which it is proposed that Division III of this Part should come into operation*)";

(b) by striking out paragraphs I and II of subsection (2) and inserting in lieu thereof the following paragraphs:—

I. If the area, or the part of the area to which the proposal relates, is divided into wards, every ratepayer in respect of ratable property in the area or part thereof, shall, subject to paragraphs III and IV of this subsection, be entitled to one vote, and only one vote, in every ward to which the proposal relates in which he has ratable property:

II. If the area, or the relevant part of the area, is not divided into wards, every ratepayer in respect of ratable property in the area, or the part thereof, shall, subject to paragraphs III and IV of this subsection, be entitled to one vote, and only one vote:.

and

(c) by striking out from paragraph III of subsection (2) the passage "owners of" and inserting in lieu thereof the passage "ratepayers in respect of".

24. Section 196 of the principal Act is amended by inserting after the word "area" where it occurs for the first and third time the passage "or any part or parts thereof".

Amendment of principal Act, s. 196—
Withdrawal of area, or parts thereof, from Division III.

25. Sections 196a and 197 of the principal Act are repealed and the following section is enacted and inserted in their place:—

Repeal of ss. 196a and 197 of principal Act and enactment of new section in their place—
Poll.

197. (1) Where a council proposes to present a petition that Division III of this Part should cease to operate in the area or any part of the area, of the council, public notice of the proposal must be given by the council.

(2) Where the council proposes to present a petition that Division III of this Part should cease to operate in relation to the whole of the area, a poll must be taken of the ratepayers for the area if such a poll is demanded within one month of the day on which public notice is given under subsection (1) of this section by one hundred or more of those ratepayers.

(3) Where the council proposes to present a petition that Division III of this Part should cease to operate in relation to part of the area, a poll must be taken of the ratepayers in respect of ratable property in that part of the area if such a poll is demanded within one month of the day on which public notice is given under subsection (1) of this section by one hundred of those ratepayers, or more than one quarter in number of those ratepayers.

(4) No such petition shall be presented before the expiration of one month from the day on which public notice of the proposal is given under subsection (1) of this section or, if a poll has been demanded, unless a majority of the voters at the poll have voted in favour of the proposal that Division III of this Part should cease to operate in relation to the area, or to the particular part of the area, to which the proposal relates.

(5) Where a poll has been conducted, the petition must be accompanied by a certificate, signed by the mayor or chairman and the clerk, of the result of the poll.

Amendment of
principal Act,
s. 198—
Method by
which poll
is to be taken.

26. Section 198 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “as regards this municipality (or district)” and inserting in lieu thereof the passage “in relation to (*here name or describe the municipality or district, or the part of the municipality or district in relation to which it is proposed that Division III of this Part should cease to operate*)”;

(b) by striking out paragraphs I and II of subsection (2) and inserting in lieu thereof the following paragraphs:—

I. If the area, or the part of the area to which the proposal relates, is divided into wards, every ratepayer in respect of ratable property in the area, or part thereof, shall, subject to paragraphs III and IV of this section, be

entitled to one vote, and only one vote, in every ward to which the proposal relates in which he has ratable property:

II. If the area, or the part of the area to which the proposal relates, is not divided into wards, every ratepayer in respect of ratable property in the area or part thereof shall, subject to paragraphs III and IV of this subsection, be entitled to one vote and only one vote.

and

(c) by striking out from paragraph II of subsection (2) the passage "owners of" and inserting in lieu thereof the passage "ratepayers in respect of".

27. Section 199 of the principal Act is amended—

(a) by inserting in subsection (1) after the word "area" wherever it occurs the passage "or part thereof";

and

(b) by inserting in subsection (2) after the word "area" wherever it occurs the passage "or part thereof".

Amendment of principal Act, s. 199—
Effect of withdrawal of area or part thereof from Division III.

28. Section 200 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "owner of" and inserting in lieu thereof the passage "ratepayer in respect of";

(b) by striking out from subsection (1) the passage "of which he is the owner" and inserting in lieu thereof the passage "for which he is the ratepayer";

and

(c) by striking out from subsection (2) the word "owners" wherever it occurs and inserting in lieu thereof in each case the word "ratepayers".

29. Section 202 of the principal Act is repealed and the following section is enacted and inserted in its place:—

202. The provisions of this Division shall apply to an area, or part thereof, in relation to which Division III of Part X of this Act is not in operation.

Voting rights.
Repeal of s. 202 of principal Act and enactment of section in its place.

Application of this Division.

30. Section 211 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 211 of principal Act and enactment of section in its place.

Application of
this Division.

211. The provisions of this Division shall apply to an area, or part thereof, in relation to which Division III of Part X of this Act is in operation.

Repeal of
s. 214 of
principal Act
and enactment
of sections
in its place.

31. Section 214 of the principal Act is repealed and the following sections are enacted and inserted in its place:—

Power to
declare
general rate.

214. (1) The council may, at any time, declare a general rate or general rates upon ratable property within its area for the financial year ending on the thirtieth day of June next ensuing after the declaration of the rate.

(2) Subject to subsection (3) of this section, the council may in the exercise of its powers under subsection (1) of this section declare differential general rates that vary according to where the ratable property to which they respectively relate is situated.

(3) Not more than one general rate shall be declared for any financial year in respect of ratable property within the same ward, township or zone.

(4) No more than one general rate shall be declared for any financial year in respect of ratable property within the area of a council unless at least three-quarters of the total number of members of the council (excluding, in the case of a municipal council, the mayor) have voted in favour of declaring the differential rates.

(5) In this section—

“zone” means a zone established by regulation under the Building Act, or by planning regulation, or planning directive under the Planning and Development Act.

(6) The consent of ratepayers is not required for the declaration of a general rate, or general rates, under this section.

Rebates or
concessions.

214a. (1) Where in the opinion of a council it is necessary or expedient for the purpose of securing the proper development of any portion of its area, or of preserving buildings or places of historical value, it may grant to a ratepayer rebates or concessions in relation to the rates payable on ratable property that are conditional upon the ratable property being used or preserved in accordance with stipulations made by the council.

(2) No such rebate or concession shall be granted by a council without the consent in writing of the Minister.

Amendment of
principal Act,
s. 228—
Minimum rate.

32. Section 228 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsections:—

(1) A municipal council may by resolution fix, in respect of any financial year, a minimum amount that shall be payable by way of rates on ratable properties within the municipality or any part thereof.

(1a) Different minimum amounts may be fixed under subsection (1) of this section in respect of different parts of the municipality.

(1b) If the total of the general and other rates payable on any one ratable property for a financial year is less than the minimum amount appropriate to that property for the financial year, the minimum amount shall be payable in respect of that ratable property.

33. Section 233a of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsections:—

Amendment of
principal Act,
s. 233a—
Minimum
rates.

(1) A district council may, by resolution, fix, in respect of any financial year, a minimum amount that shall be payable by way of rates on ratable properties within the district, or any part thereof.

(1a) Different minimum amounts may be fixed under subsection (1) of this section in respect of different parts of the district.

(1b) If the total of the general and other rates payable on any one ratable property for a financial year is less than the minimum amount appropriate to that property for the financial year, the minimum amount shall be payable in respect of that ratable property.

34. Section 234 of the principal Act is amended by striking out subparagraphs (a) and (b) of the proviso and inserting in lieu thereof the following subparagraphs:—

Amendment of
principal Act,
s. 234—
Differential
rate.

(a) in relation to ratable property in which Division III of Part X of this Act is not in operation, exceed twenty-three cents in the dollar;

or

(b) in relation to ratable property in which Division III of Part X of this Act is in operation, exceed twelve cents in the dollar.

35. Section 235 of the principal Act is amended by striking out the word "areas" and inserting in lieu thereof the passage "an area or part thereof".

Amendment of
principal Act,
s. 235—
Application of
this Division.

36. Section 241 of the principal Act is amended by striking out the word "areas" and inserting in lieu thereof the passage "an area or part thereof".

Amendment of
principal Act,
s. 241—
Application of
this Division.

Amendment of
principal Act,
s. 245—

Power of
rating under
other Acts.

37. Section 245 of the principal Act is amended by inserting after the passage "in respect of any municipality" the passage "or part thereof".

Amendment of
principal Act,
s. 248—

Power of
rating under
other Acts.

38. Section 248 of the principal Act is amended by inserting after the passage "in respect of any district" the passage "or part thereof".

Amendment of
principal Act,
s. 249—

Application of
this Division.

39. Section 249 of the principal Act is amended by striking out the word "areas" and inserting in lieu thereof the passage "an area or part thereof".

Amendment of
principal Act,
s. 253—

Application of
this Division.

40. Section 253 of the principal Act is amended by striking out the word "areas" and inserting in lieu thereof the passage "an area or part thereof".

Amendment of
principal Act,
s. 267a—

Postponement
of the
payment of
rates.

41. Section 267a of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:—

(2) Where the payment of any rates or portion thereof has been postponed by a council, the ratepayer shall not, during the period of the postponement, be considered to have made any default in the due payment of the amount in respect of which the postponement was granted.

Amendment of
principal Act,
s. 287—

Power to
expend
revenue.

42. Section 287 of the principal Act is amended by inserting after paragraph (b) of subsection (1) the following paragraph:—

(b1) in repaying any amount overpaid by a ratepayer to the council by way of rates or charges;

Amendment of
principal Act,
s. 287a—

Power to
contribute to
purchase of
land of
Housing
Trust.

43. Section 287a of the principal Act is amended by striking out from subsection (1) the passage "(not exceeding £35,000 in any financial year)" and inserting in lieu thereof the passage "(not exceeding two hundred and fifty thousand dollars in any financial year)".

Amendment of
principal Act,
s. 338—

Works to be
continuous.

44. Section 338 of the principal Act is amended by striking out subsection (4) and inserting in lieu thereof the following subsection:—

(4) This section shall not apply to the opening, or breaking up of any street or road, or any other work undertaken by—

(a) the Electricity Trust of South Australia in pursuance of powers conferred by the Electricity Trust of South Australia Act;

(b) the Municipal Tramways Trust in pursuance of powers conferred by the Municipal Tramways Trust Act;

or

(c) the South Australian Railways Commissioner in pursuance of powers conferred by the South Australian Railways Commissioner's Act, or any Act incorporated therewith.

45. Section 339 of the principal Act is amended by striking out subsection (5) and inserting in lieu thereof the following subsection:—

Amendment of principal Act, s. 339—
Re-instatement of roads, etc.

(5) This section shall not apply to the opening, or breaking up of any street or road, or any other work undertaken by—

(a) the Electricity Trust of South Australia in pursuance of powers conferred by the Electricity Trust of South Australia Act;

(b) the Municipal Tramways Trust in pursuance of powers conferred by the Municipal Tramways Trust Act;

or

(c) the South Australian Railways Commissioner in pursuance of powers conferred by the South Australian Railways Commissioner's Act, or any Act incorporated therewith.

46. Section 346a of the principal Act is amended by inserting after subsection (5) the following subsection:—

Amendment of principal Act, s. 346a—
Fencing of swimming pools.

(6) This section does not apply to a swimming pool to which the Swimming Pools (Safety) Act, 1972, applies.

47. Section 425 of the principal Act is amended by striking out paragraph (b) of subsection (1) and inserting in lieu thereof the following paragraph:—

Amendment of principal Act, s. 425—
Preparation of plans, estimates, etc.

(b) an estimate of the cost of the works or undertakings and reasonable particulars of the nature thereof.

48. Section 426 of the principal Act is amended by striking out paragraphs (d) and (e) of subsection (2) and inserting in lieu thereof the following paragraph:—

Amendment of principal Act, s. 426—
Publication of notice before borrowing.

(d) shall state that an estimate of the cost of the works or undertakings and reasonable particulars of the nature thereof are open for inspection at the office of the council.

Amendment of principal Act, s. 434—
Power to borrow for purposes of repaying previous loan.

49. Section 434 of the principal Act is amended—

(a) by inserting after the passage “loan contracted” in subsection (1) the passage “(including a loan contracted by way of overdraft)”;
and

(b) by inserting after subsection (1) the following subsection:—

(1a) Unless the Minister has given his consent in writing, a Council shall not exercise its powers under subsection (1) of this section in respect of a loan contracted by way of overdraft.

Amendment of principal Act, s. 449aa—
Overdraft for electric and other undertakings.

50. Section 449aa of the principal Act is amended by striking out from subsection (1) the words “one-quarter” and inserting in lieu thereof the words “one-half”.

Enactment of s. 449d of principal Act—

51. The following section is enacted and inserted in the principal Act immediately after section 449c:—

Exclusion of the Corporation of the City of Adelaide from provisions of this Part.

449d. (1) Subject to this section, the provisions of this Part (except sections 434, 435, 449, 449a, 449aa, 449b and this section) do not apply to the Corporation of the City of Adelaide.

(2) This section does not affect the validity or enforcement of any obligation incurred by the Corporation of the City of Adelaide under this Part prior to the commencement of the Local Government Act Amendment Act, 1972.

Amendment of principal Act, s. 475—
Power to lease certain lands to E.T.S.A.

52. Section 475 of the principal Act is amended by striking out from subsection (1) the passage “Adelaide Electric Supply Company, Limited” and inserting in lieu thereof the passage “Electricity Trust of South Australia”.

Amendment of principal Act s. 488—Power to declare lighting rate.

53. Section 488 of the principal Act is amended by inserting after the passage “any district” whichever it occurs in paragraphs (a) and (b) the passage “or part of a district”.

Repeal of s. 509 of principal Act.

54. Section 509 of the principal Act is repealed.

Amendment of principal Act, s. 517—
Regulations.

55. Section 517 of the principal Act is amended by inserting after paragraph (h) of subsection (1) the following paragraph:—

(ha) regulating the positioning of electrical conductors and apparatus, and requiring the removal and re-positioning of electrical conductors and apparatus that are not situated in accordance with the regulations;

Amendment of principal Act, s. 530c—
Sewerage effluent disposal scheme.

56. Section 530c of the principal Act is amended by striking out from subsection (10) the passage “subject to and in accordance with the provisions of Part XXI” and inserting in lieu thereof the passage “without the consent of the ratepayers”.

57. Section 536 of the principal Act is amended—

Amendment of
principal Act,
s. 536—
Keeping of
cattle, etc.

- (a) by striking out from subsection (1) the passage “or within any township within any district” and inserting in lieu thereof the passage “or township, or an area within one hundred metres of the borders of a township,”;
- (b) by striking out from subsection (2) the passage “or township within the district” and inserting in lieu thereof the passage “or township, or within one hundred metres of the borders of a township”;
- and
- (c) by striking out from subsection (3) the passage “this Act” and inserting in lieu thereof the passage “Local Government Act Amendment Act, 1972”.

58. Section 666b of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of
s. 666b of
principal Act
and enactment
of section
in its place.

666b. (1) If a council is of the opinion that any structure or object on land within a municipality or township is unsightly and detracts significantly from the amenity of the locality in which the land is situated, the council may, by notice in writing served on the owner or occupier of the land, direct him to demolish or remove the unsightly structure or object, or to take such other action as the council considers necessary to ameliorate the unsightly condition created by the structure or object.

Unsightly
condition of
land.

(2) A person to whom a direction is given under subsection (1) of this section may, within fourteen days after service of the direction, appeal to the local court of full jurisdiction nearest the land.

(3) The local court, if satisfied that the direction or any part thereof is unreasonable, may vary or set aside the direction.

(4) If the owner or occupier to whom a notice is given under this section fails to comply with the direction within twenty-eight days after the service of the direction, or where there has been an appeal, within twenty-eight days after the determination of the appeal, the council may itself take the action stipulated in the direction.

(5) Where the council, in the exercise of its powers under subsection (4) of this section, has removed any object or materials from the land, it may sell or otherwise dispose of the object or materials and any proceeds realized upon sale of the object or materials—

(a) may be applied towards defraying the expenses incurred in defraying the expenses incurred by the council in taking action under subsection (4) of this section;

and

(b) to the extent of any amount remaining after defraying those expenses, shall be paid to any person who satisfies the council that he was the owner of the object or materials prior to the sale thereof under this section.

(6) No action shall lie against a council or any officer or servant of a council for anything done by the council or the officer or servant in pursuance of this section.

Amendment of
principal Act,
s. 669—
Power to
make by-laws.

59. Section 669 of the principal Act is amended—

(a) by striking out from subparagraph II of paragraph (16) the word “male”;

and

(b) by striking out the proviso from subparagraph II of paragraph (16).

Repeal of
s. 776 of
principal Act
and enactment
of section in
its place—
Officers not
to receive
fees,
gratuities, etc.

60. Section 776 of the principal Act is repealed and the following section is enacted and inserted in its place:—

776. (1) Any officer employed by a council who, without the knowledge and consent of the council, exacts or receives any fee, gratuity or reward in respect of anything done by him by virtue of, or in the execution of, his office shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars or imprisonment for three months.

(2) Any officer employed by a council who has any interest in any contract made by the council (except an interest of a kind approved by the Minister) shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

(3) Where a person is convicted of an offence under this section, and he is in the employment of a council at the time of the conviction, the council shall dismiss him from its employment.

(4) A council shall not employ a person convicted of an offence under this section.

61. Section 777 of the principal Act is repealed.

Repeal of
s. 777 of
principal Act.

62. Section 779a of the principal Act is amended by inserting after subsection (2) the following subsection:—

Amendment of
principal Act,
s. 779a—

(3) A council shall not be subject to any liability in negligence in respect of the erection of a notice under this section.

Prohibition
of traffic on
unsafe bridge
or road.

63. Section 816 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of
s. 816 of
principal Act
and enactment
of section
in its place.

816. (1) A ratepayer in respect of ratable property within an area or part thereof to which Division III of Part X of this Act does not apply shall, if entitled to vote at a poll to consent to a rate, or with respect to a loan, be entitled to vote at that poll in accordance with the scale set forth in section 236 of this Act.

Regulation
of number
of votes.

(2) A ratepayer in respect of ratable property within an area or part thereof to which Division III of Part X of this Act applies shall, if entitled to vote at a poll to consent to a rate, or with respect to a loan, be entitled to vote at that poll in accordance with the scale set forth in section 242 of this Act.

64. Section 835 of the principal Act is amended by striking out from subsection (1) the passage “and No. 3 in the nineteenth schedule” and inserting in lieu thereof the passage “in the nineteenth schedule and No. 4 in the fifth schedule”.

Amendment of
principal Act,
s. 835—
Issue of
certificate and
voting papers.

65. Section 847 of the principal Act is amended by striking out subsection (2).

Amendment of
principal Act,
s. 847—
Application of
Part.

66. Section 856 of the principal Act is amended—

Amendment of
principal Act,
s. 856—
Power to
borrow.

(a) by striking out from subsection (1) the passage “which would result from a rate of ten shillings in the pound on the assessed annual value of the ratable property in the said city” and inserting in lieu thereof the passage “arrived at by multiplying the total assessed annual value of all the ratable property in the City of Adelaide by one and a half”;

and

(b) by inserting after paragraph XIXB of subsection (2) the following paragraph:—

XIXC. For carrying out a scheme of development approved under section 855b of this Act:.

Amendment of
principal Act,
s. 858—
Regulation of
borrowing.

67. Section 858 of the principal Act is amended by striking out from paragraph VI the passage "one shilling in the pound" and inserting in lieu thereof the passage "twenty cents in the dollar".

Amendment of
principal Act,
s. 863—
Sinking fund.

68. Section 863 of the principal Act is amended by striking out from subsection (1) the passage "on the basis of three pounds per centum per annum, compound interest and with like annual payments, to redeem the loan secured by the debentures at the expiration of fifty years from the date thereof" and inserting in lieu thereof the passage "with the interest and accretions to the fund resulting from investment, to redeem the loan secured by the debentures at the expiration of the term of the loan".

Repeal of
s. 864 of
principal Act.

69. Section 864 of the principal Act is repealed.

Repeal of
s. 884 of
principal Act.

70. Section 884 of the principal Act is repealed.

Enactment of
s. 886c of
principal Act.

71. The following section is enacted and inserted in the principal Act immediately after section 886b thereof:—

Vesting of
Beaumont
Common in
the
Corporation
of the City
of Burnside.

886c. (1) The Beaumont Common is hereby vested in the Corporation of the City of Burnside for an estate of fee simple.

(2) The Registrar-General shall upon receipt of a request in writing from the Corporation of the City of Burnside, and production of the appropriate duplicate certificate of title, make such entries in the Register Book as may be necessary to evidence the vesting of the Beaumont Common in the Corporation of the City of Burnside.

(3) The Corporation of the City of Burnside shall maintain the Beaumont Common in perpetuity as park lands.

(4) The council shall not develop, or adapt the Beaumont Common or any part thereof, for the purpose of any organized sporting activity.

(5) In this section—

"the Beaumont Common" means the whole of the land comprised in Certificate of Title Volume 479, Folio 61.

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

M. L. OLIPHANT, Governor