



ANNO DECIMO

## GEORGI VI REGIS.

A.D. 1946.

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### No. 16 of 1946.

#### An Act to amend the Local Government Act, 1934-1941.

[Assented to 31st October, 1946.]

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, 1946". Short titles.

(2) The Local Government Act, 1934-1941, as amended by this Act, may be cited as the "Local Government Act, 1934-1946".

(3) The Local Government Act, 1934-1941, is hereinafter referred to as "the principal Act".

2. (1) The definition of "owner" in subsection (1) of section 5 of the principal Act is amended by striking out the words "trustee or" in paragraph (f) thereof. Amendment of principal Act, ss. 5, 54, 101, 105, 116, and 705—

Trustees.

(2) Section 54 of the principal Act is amended by striking out the words "trustee or" wherever occurring in the fifth and ninth lines of paragraph ix. thereof.

(3) Section 101 of the principal Act is amended by striking out the words "trustee or" wherever occurring in subsections (1), (2), (3) and (5) of the said section and by striking out subsection (4) of the said section.

(4) Section 105 of the principal Act is amended by striking out the words "trustee or" wherever occurring in paragraph vi. of subsection (1) thereof.

(5) Section 116 of the principal Act is amended—

- (a) by striking out the words “ trustee or ” wherever occurring in the fourth and the fifth lines thereof ;
- (b) by striking out the words “ trustees or ” in the second line of subsection (2) thereof.

(6) Section 705 of the principal Act is amended by striking out the words “ trustee or ” wherever occurring in the first, fifth, and eighth lines thereof.

Amendment of  
principal Act,  
s. 5—  
Definition of  
“ ratable  
property ”.

3. (1) The definition of “ ratable property ” in subsection (1) of section 5 of the principal Act is amended by striking out the words “ unless the land has been acquired by or on behalf of the Crown under a statutory provision authorizing the acquisition of land for the purposes of closer settlement ” occurring in sub-paragraph (a) of paragraph (1) of the said definition and in sub-paragraph (a) of paragraph (2) of the said definition.

(2) The definition of “ ratable property ” in subsection (1) of section 5 of the principal Act is amended—

- (a) by inserting after the word “ or ” in the second line of subparagraph (c) of paragraph (1) thereof the words “ land or ” ;
- (b) by inserting after the word “ any ” in the first line of subparagraph (d) of paragraph (1) thereof the words “ land or ” ;
- (c) by inserting before the word “ building ” occurring in the first and in the fourth lines of subparagraph (e) of paragraph (1) thereof in each case the words “ land or ” ;-
- (d) by inserting after the word “ any ” in the first line of subparagraph (f) of paragraph (1) thereof the words “ land or ” and by striking out the words “ of a building ” in the first line of the said subparagraph and by inserting in lieu thereof the word “ thereof ”.

Amendment of  
principal Act,  
ss. 7 and 24—  
Re-defining  
of areas.

4. (1) Section 7 of the principal Act is amended by inserting at the end of subsection (1) thereof the following paragraph :—

- (n) define or re-define the boundaries of any area or ward and for that purpose make any alteration in the boundaries thereof which is necessary to correct any error in the survey or definition thereof or otherwise to make any alteration of a minor nature.

(2) Section 24 of the principal Act is amended by adding at the end thereof the following paragraph :—

(h) exercising the powers conferred by paragraph (n) of subsection (1) of section 7 of defining or re-defining the boundaries of any area or ward.

5. (1) Section 52 of the principal Act is amended by inserting therein after subsection (1) thereof the following subsection :—

(1a) No person who is not a natural born or naturalized British subject shall be qualified to be or continue to be a mayor, alderman, or councillor.

Amendment of principal Act, s. 52 and fifth schedule—

Disqualification of aliens from acting as mayor, alderman, or councillor.

(2) Form No. 2 in the fifth schedule to the principal Act is amended by inserting after the word “ declare ” in the paragraph commencing “ I, the abovenamed candidate, do hereby consent ” the words “ that I am a natural born (*or* naturalized) British subject and ”.

(3) Form No. 2a in the fifth schedule to the principal Act is amended by inserting after the word “ declare ” in the paragraph commencing “ I, the abovenamed candidate, do hereby consent ” the words “ that I am a natural born (*or* naturalized) British subject and ”.

6. Section 73 of the principal Act is amended by striking out all the words therein after the words “ Oaths Act, 1936,” and by inserting in lieu thereof the words “ in manner provided by section 10 of the Justices Act, 1921-1943 ”.

Amendment principal Act, s. 73—

Appointment of mayor or chairman as justice.

7. Section 84 of the principal Act is amended by adding at the end thereof the following subsection :—

(7) Within fourteen days after the appointment of the auditor by the council the clerk shall cause notice of the appointment to be published in the *Gazette*.

Amendment of principal Act, s. 84—

Appointment of auditor.

8. (1) The heading to Division I. of Part VI. of the principal Act is amended so as to read as follows :—

Amendment of principal Act, Parts VI. and VII.

Division I.—Preparation of Voters' Rolls.

(2) Section 87 of the principal Act is repealed.

(3) Sections 89 to 98, both inclusive, of the principal Act are repealed and the following sections are enacted and inserted in the principal Act in lieu thereof :—

Keeping of voters' roll.

89. (1) The council may cause a voters' roll to be kept by the clerk which shall comprise an alphabetical list of all persons entitled to be enrolled as voters under the provisions of this Act in the area and, if the area is divided into wards, in each ward.

(2) On any alteration or amendment of the assessment book by the insertion or omission of any name therein, the clerk shall alter or amend the voters' roll so as to accord with the alteration or amendment of the assessment book.

Preparation of voters' roll for elections and polls.

90. If a voters' roll is not kept as provided by section 89 and if—

- (a) for any annual election of a mayor, alderman, or councillor, more candidates are nominated than are required to be elected ; or
- (b) for any supplementary election of a mayor, alderman, or councillor, more candidates are nominated than are required to be elected ; or
- (c) any poll of ratepayers is to be held,

voters' rolls for use at any such election or poll shall be prepared as follows :—

- (i.) At least seven days before the day of voting the clerk shall, for the area or ward, as the case may be, for which the voters' roll is necessary, prepare a voters' roll which shall comprise an alphabetical list of all persons entitled to be enrolled as voters under the provisions of this Act for the area or ward, as the case may be ;
- (ii.) If the area is divided into wards, the voters' roll may be prepared only in respect of those wards in which voting is required to be held.

Duties of clerk as to voters' roll.

91. (1) The clerk shall cause a sufficient number of copies of the voters' roll to be printed or otherwise made.

(2) The clerk shall, before the day upon which voting is held for any election or poll, supply to the returning officer for the election or poll a copy of the voters' roll certified

by the clerk to be a true copy thereof and with such other copies of the voters' roll as are necessary for the proper conduct of the election or poll.

92. The voters' roll shall be open for inspection and the clerk shall, on payment of a reasonable price therefor, deliver copies thereof to any person applying for the same.

Inspection of voters' roll.

93. The clerk may, on any day prior to the day of voting, and the returning officer or deputy returning officer may on the day of voting add to the voters' roll the name of any person entitled to be included in the voters' roll which has been inadvertently omitted from the voters' roll.

Inclusion in voters' rolls of names inadvertently omitted.

(4) The heading to Division II. of Part VI. and Division II. of Part VI. of the principal Act are repealed.

(5) Section 104 of the principal Act is amended by striking out the word " June " in the fifth line thereof and by inserting in lieu thereof the word " May ".

(6) Section 117 of the principal Act is amended by striking out the words " This subsection shall not apply to any area which is not subject to the provisions of Division I. of Part VI." in subsection (2) thereof.

(7) Section 118 of the principal Act is amended by striking out subsection (2) thereof.

(8) Section 808 of the principal Act is amended by striking out the proviso thereto.

(9) Section 809 of the principal Act is amended by striking out the words " This subsection shall not apply to any area which is not subject to the provisions of Division I. of Part VI." in subsection (2) thereof.

(10) The third schedule and the fourth schedule to the principal Act are repealed.

(11) Section 3 of the principal Act is amended—

(a) by striking out the passage " Division I.—Rolls for Municipal Councils and for Metropolitan District Councils and certain other District Councils : " and by inserting in lieu thereof the passage " Division I.—Preparation of Voters' Rolls : " ;

(b) by striking out the passage " Division II.—Rolls for other District Councils : " .

Amendment of  
principal Act,  
ss. 88, 122,  
820 and  
nineteenth  
schedule—

Disqualification  
of aliens from  
voting.

9. (1) Section 88 of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof)—

(2) No person who is not a natural born or naturalized British subject shall be entitled to be enrolled on the voters' roll or to vote at any election or meeting or poll of ratepayers.

(2) Subsection (1) of section 122 of the principal Act is amended by inserting therein after paragraph iv. thereof the following paragraph :—

v. Are you a natural born or naturalized British subject ?

(3) Subsection (1) of section 820 of the principal Act is amended by inserting therein after paragraph iv. thereof the following paragraph :—

v. Are you a natural born or naturalized British subject ?

(4) Subsection (3) of section 820 is amended by striking out the words "and third" in the second line thereof and by inserting in lieu thereof the words "third, and fifth".

(5) Form No. 1 in the nineteenth schedule to the principal Act is amended by inserting therein after paragraph (b) thereof the following paragraph :—

(c) that I am a natural born (or naturalized) British subject.

Amendment of  
principal Act,  
s. 172—  
Alteration of  
assessment  
book.

10. Section 172 of the principal Act is amended by inserting therein after the words "ten days immediately preceding" the words "the day appointed for voting at".

Amendment of  
principal Act,  
s. 111—  
Appointment  
of deputy  
returning  
officer and  
poll clerks.

11. Section 111 of the principal Act is amended by adding at the end thereof the following subsection :—

(5) A candidate shall not be appointed as a deputy returning officer or poll clerk.

Amendment of  
principal Act,  
ss. 115 and  
819 and enact-  
ment of  
s. 101a.—  
Rights of  
voting.

12. (1) Section 115 of the principal Act is amended by inserting after the word "more" in the fourth line thereof the words "and unless he is otherwise qualified to vote pursuant to the provisions of this Act: Provided that any person to whom section 101a applies may vote notwithstanding that he is under the age of twenty-one years".

(2) Section 819 of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

(2) No person shall vote at any poll unless he is of the age of twenty-one years or more and unless he is otherwise qualified to vote pursuant to the provisions of this Act: Provided that any person to whom section 101a applies may vote notwithstanding that he is under the age of twenty-one years.

(3) The following section is enacted and inserted in Division III. of Part VI. of the principal Act after section 101 :—

101a. (1) Any person who is the owner or occupier of ratable property but who is not of the age of twenty-one years but who if of that age would pursuant to this Act be entitled to be enrolled on the voters' roll, shall be entitled to be so enrolled and shall, if otherwise entitled to vote pursuant to this Act, be entitled to vote at elections and meetings and polls of ratepayers if—

Voting rights  
of members of  
the armed  
forces.

- (a) he is or has been a member of a naval, military, or air force of the Commonwealth during any war in which His Majesty is or has been engaged and who—
- (i.) voluntarily enlisted in that force ; or
  - (ii.) whether he voluntarily enlisted or not, served in that force outside the Commonwealth or in an evacuated area ;
- (b) he is or has been a member of a naval, military, or air force of any other part of His Majesty's Dominions during a war in which His Majesty is or has been engaged and who during that war served in that force outside the part of His Majesty's Dominions in which the force was raised ;
- (c) he during a war in which His Majesty is or has been engaged was domiciled in any State of the Commonwealth and whilst so domiciled is or has been employed in any capacity in sea-going service on a ship other than a ship belonging to a navy.

(2) A person shall not be entitled to be enrolled or vote as aforesaid if he has been discharged from service in the naval, military, or air force or from his employment on a ship because of his own default or misconduct.

(3) The expression "evacuated area" when used in this section in relation to any service means an area for which, at the time of the service, the civil population was evacuated pursuant to the order of a Minister of the Crown or an officer of a naval, military, or air force.

Amendment of  
principal Act,  
ss. 120 and  
804—  
Hours of voting  
at elections and  
polls.

**13.** (1) Section 120 of the principal Act is amended—

(a) by striking out the word "municipal" in the first line of paragraph (b) of subdivision II. thereof;

(b) by striking out paragraph (c) of subdivision II. thereof.

(2) Section 804 of the principal Act is amended—

(a) by striking out the word "municipal" in the first line of paragraph (b) thereof;

(b) by striking out paragraph (c) thereof.

Amendment of  
principal Act,  
s. 157—  
Appointment of  
clerk.

**14.** Section 157 of the principal Act is amended—

(a) by inserting at the end of paragraph (a) of subsection (1) thereof of the words "who shall, if appointed after the passing of the Local Government Act Amendment Act, 1946, be a person of the age of twenty-one years or more";

(b) by adding at the end thereof the following subsection:—

(3) Forthwith after the appointment by the council of the clerk, or of an engineer, surveyor, or overseer of works, the council shall cause notice of the appointment to be published in the *Gazette*.

Amendment of  
principal Act,  
ss. 163a to  
163j—

**15.** (1) Section 163a of the principal Act (as enacted by section 26 of the Local Government Act Amendment Act, 1938) is repealed and the following section is enacted and inserted in the principal Act in lieu thereof:—

Interpretation.

163a. In this Part "the President" means the President of the Industrial Court.

(2) Sections 163b to 163e, both inclusive, of the principal Act (as enacted by section 26 of the Local Government Act Amendment Act, 1938) are repealed.



(3) Section 163f of the principal Act (as enacted by section 26 of the Local Government Act Amendment Act, 1938) is amended—

- (a) by striking out the words “ thirty days ” therein and by inserting in lieu thereof the words “ two months ” ;
- (b) by striking out the words “ any member of the board ” therein and by inserting in lieu thereof the words “ the Industrial Registrar of the Industrial Court ” ;
- (c) by striking out the word “ board ” last occurring in the said section and by inserting in lieu thereof the word “ President ”.

(4) Section 163g of the principal Act (as enacted by section 26 of the Local Government Act Amendment Act, 1938) is amended by striking out the word “ board ” wherever it occurs in the said section and by inserting in lieu thereof in every case the word “ President ”.

(5) Section 163h of the principal Act (as enacted by section 26 of the Local Government Act Amendment Act, 1938) is amended—

- (a) by striking out the word “ board ” in the first line thereof and by inserting in lieu thereof the word “ President ” ;
- (b) by striking out the word “ it ” in the second line thereof and by inserting in lieu thereof the words “ the President ”.

(6) Section 163i of the principal Act (as enacted by section 26 of the Local Government Act Amendment Act, 1938) is repealed.

(7) Section 163j of the principal Act (as enacted by section 26 of the Local Government Act Amendment Act, 1938) is repealed and the following section is enacted and inserted in the principal Act in lieu thereof :—

163j. The President may make rules for the procedure and forms to be followed and used in appeals and generally for carrying out the purposes and provisions of and prescribing the procedure under this Part. Rules.

(8) The heading to Part IXa. of the principal Act (as enacted by section 26 of the Local Government Act Amendment Act, 1938) is amended so as to read as follows :—

Part IXa.—Appeal by Clerk against Dismissal, Suspension, or Reduction in Status.

(9) Section 3 of the principal Act (as amended by section 26 of the Local Government Act Amendment Act, 1938) is amended

by striking out the passage "Part IXa.—The Clerks' Appeal Board" and by inserting in lieu thereof the passage "Part IXa.—Appeal by Clerk against Dismissal, Suspension, or Reduction in Status".

Enactment of  
Part IXb. of  
principal Act—

16. The principal Act is amended by inserting therein after Part IXa. the following Part :—

PART IXb.

Interpretation.

LOCAL GOVERNMENT OFFICERS' CLASSIFICATION BOARD.

163k. In this Part, except where the context or subject matter requires a different construction—

"board" means The Local Government Officers' Classification Board :

"chairman" means the chairman of the board :

"member" means a member of the board and includes the chairman :

"office" means an office held by an officer :

"officer" means any person employed by a council as a clerical, administrative or professional officer, but does not include any person remunerated by fees, allowances or commissions only.

Constitution of  
board.

163l. (1) For the purposes of this Part there shall be a board to be called "The Local Government Officers' Classification Board".

(2) The board shall consist of five members to be appointed as follows :—

- i. One member, who shall be the chairman, shall be appointed by the Governor on the nomination of the Minister :
- ii. One member shall be appointed by the Governor on the nomination of the Municipal and Metropolitan Councils' Association of South Australia :
- iii. One member shall be appointed by the Governor on the nomination of The Local Government Association of South Australia, Incorporated :
- iv. Two members shall be appointed by the Governor on the nomination of the Local Government Officers' Association of South Australia, Incorporated.

(3) If any of the said associations is dissolved the Minister may, by notice published in the *Gazette*, declare that, for the purposes of this Part, some other association specified by the Minister which has similar objects to the dissolved association, shall be deemed to be substituted for the dissolved association. The provisions of this Part shall be construed so as to give effect to any such notice.

(4) The member appointed as chairman as aforesaid shall not be a mayor, alderman or councillor, or auditor of any council, nor a person in the employ of any council.

163m. (1) A member shall, subject to this Part, hold office for four years. Term of office.

(2) A member appointed to fill an extraordinary vacancy shall, subject to this Part, hold office only for the unexpired portion of the term of the member in whose place he is appointed.

(3) Any retiring member shall hold office until his successor is appointed.

(4) Any person ceasing to be a member by reason of the expiration of his term of office shall be eligible for reappointment if otherwise eligible under this Part.

163n. (1) In any case where, in the opinion of the Minister, there has been unreasonable delay in the nomination of a member by any association entitled to nominate a member, the Minister may, on behalf of that association, nominate a member for appointment by the Governor. Power of Minister in case of default in nomination.

(2) The member so appointed shall be deemed to have been duly nominated by that association.

(3) The Minister shall give notice of the appointment in the *Gazette*, stating on whose behalf the member was nominated, and the notice in the *Gazette* of the appointment shall be conclusive evidence of the appointment and that the same was duly made.

163o. When any vacancy occurs on the board, whether by expiration of a member's term of office or otherwise, it shall be filled in manner provided by this Part by appointment on nomination by the person or association which nominated the member whose place it is desired to fill. Method of filling vacancies.

Casual  
vacancies.

163p. (1) In addition to the retirement of members by the expiration of their terms of office, the office of a member shall be vacated on—

- (a) the death, lunacy, or bankruptcy of the member, or the execution by the member of a statutory deed of assignment for the benefit of his creditors, or his compounding with his creditors for less than twenty shillings in the pound, or the conviction of the member of an indictable offence ;
- (b) the absence of the member from three consecutive ordinary meetings of the board, without leave of the Minister ;
- (c) the absence of the member from the State for three consecutive months without leave of the Minister ; or
- (d) the resignation of the member by notice in writing, posted or delivered to the Minister.

(2) If the chairman is elected as mayor, alderman, or councillor in any council or is appointed as auditor of any council, or is employed by any council, his office as chairman shall be vacated.

(3) Any association on the nomination of which any member has been appointed by the Governor may, by notice in writing given to the Minister, request that the appointment of that member be determined before the expiration of his term of office. If satisfied that the appointment should be determined, the Governor may determine the appointment of the member.

Dismissal of  
member.

163q. The Governor may dismiss a member from his office—

- (a) if in the opinion of the Governor he is, owing to mental or physical infirmity, incapable of discharging the duties of his office ; or
- (b) if he has been guilty of serious misconduct which, in the opinion of the Governor, makes it undesirable that he should remain a member of the board.

Notification of  
appointment.

163r. Every appointment of a member shall be notified in the *Gazette* and shall take effect as from the date specified in the notification.

163s. A quorum of the board shall consist of three members comprised as follows :— **Quorum.**

- I. The chairman :
- II. The member appointed on the nomination of the Municipal and Metropolitan Councils' Association of South Australia, or the member appointed on the nomination of The Local Government Association of South Australia, Incorporated :
- III. A member appointed by the Local Government Officers' Association of South Australia, Incorporated.

163t. The chairman shall have a casting vote as well as a deliberative vote. **Voting rights of chairman.**

163u. The Governor may appoint a secretary to the board. **Secretary.**

163v. (1) The members shall be paid such remuneration as is from time to time fixed by the Minister but not exceeding in the case of the chairman seventy-five pounds a year or in the case of other members fifty pounds a year. **Members' remuneration.**

(2) There shall be paid to any member, in payment of travelling or other expenses necessarily incurred by him on the business of the board, travelling expenses at a rate from time to time fixed by the Minister.

(3) Any association on the nomination of which any member was appointed may, from the moneys of the association, pay to that member such remuneration, in addition to that payable pursuant to subsection (1), as the association thinks fit. No such payment to any member shall disqualify the member from being or continuing as a mayor, alderman, or councillor.

163w. The expenses of the board (other than payments made pursuant to subsection (3) of section 163v) and of carrying out the provisions of this Part shall be defrayed out of moneys provided by Parliament for the purpose. **Expenditure of board.**

163x. The board shall have jurisdiction from time to time to determine the following matters :— **Jurisdiction of board.**

- I. The minimum salary to be payable to the holder of every office :

- ii. Fixing any special payment or allowance for any special circumstances connected with the work of any office :
- iii. Fixing the annual recreation leave to be granted by councils to officers and fixing the period of service to entitle an officer to such leave :
- iv. Fixing the annual leave in case of illness to be granted by councils to officers and the conditions of the grant thereof and fixing the conditions under which and the extent to which any such leave may be accumulated from year to year :
- v. Fixing overtime rates of payment for holders of offices other than the office of clerk and what times shall be regarded as overtime :
- vi. Varying or adding to any determination previously made by the board or rescinding any such determination and making a new determination in lieu thereof.

Power of the board as to witnesses.

163y. (1) The board may by summons under the hand of the chairman or of the secretary require any person named in the summons to appear before the board and to produce any books, papers or documents mentioned in the summons.

(2) The board may require any person appearing before it to give evidence on oath or affirmation and the chairman or any member of the board may administer any such oath or affirmation.

(3) If any person who has been personally served with a summons to appear before the board—

- (a) does not attend in obedience to the summons ; or
- (b) refuses to be sworn or to affirm ; or
- (c) without lawful excuse fails to produce any books, papers or documents mentioned in the summons ; or
- (d) prevaricates in his evidence or refuses to answer any lawful question,

he shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(4) If any person—

(a) wilfully insults the board or any member thereof ;

or

- (b) misbehaves himself before the board or interrupts its proceedings,

he shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(5) Every person required by the board to attend before it shall be entitled to such fees and expenses as are from time to time fixed by the Minister.

163z. (1) The board may make any determination of its own motion or on application, made in accordance with the regulations, by a council or by any association described in section 163l or by an officer or by any association of officers.

Commencement of proceedings.

(2) The board shall not make any determination without first sitting to hear the councils and the officers affected thereby, and giving reasonable notice of the time and place of such sitting to the parties interested.

163bb. Any person entitled to be heard by the board may appear before the board either personally or by any other person, and may either personally or by such other person call, examine and cross-examine witnesses, and address the board.

Representatives before board.

163cc. Every determination made by the board shall be signed by the chairman and be published in the *Gazette*.

Publication of determination.

163dd. Every determination shall come into force upon the expiration of fourteen days after it has been published in the *Gazette*, and shall remain in force, subject to any variations thereof, until the date specified therein, or if no date is so specified, until rescinded or varied by the board.

Duration of determination.

163ee. (1) A determination made under this Part with respect to any office under a council shall be binding on the council and every holder of that office.

Effect of determination.

(2) If under any determination made under this Part the minimum salary payable in respect of an office under a council is fixed, the council may pay to the person holding that office a salary greater than the minimum salary so fixed.

163ff. (1) Within thirty days of the publication in the *Gazette* of any determination fixing the minimum salary of any office, the officer holding that office or the council under which the office is held, may appeal to the board against the fixation of that salary.

Appeal against determination of board.

(2) Every appeal shall be by notice in writing setting out the grounds of the appeal.

(3) The board shall thereupon consider and determine the appeal and, if satisfied that the minimum salary so fixed should be varied, shall make a further determination fixing the salary.

Frivolous  
applications  
and appeals.

163gg. If the board is of opinion that any application or appeal made to it is frivolous or unreasonable it may order the applicant or appellant to pay such sum as the board thinks proper, not exceeding five pounds.

Evidence.

163hh. In the exercise of its jurisdiction under this Part the board shall not be bound by the rules of evidence.

Application of  
Industrial  
Code.

163ii. (1) Any determination of the board shall be subject to any award or order of the Industrial Court.

(2) Nothing in this Part shall be so construed as to abridge any power of the Industrial Court under the Industrial Code, 1920-1943.

(3) If any determination of the board is made fixing the minimum salary payable in respect of any office and, if at the time the determination comes into force, there is in force a determination of an industrial board made pursuant to Part III. of the Industrial Code, 1920-1943, and fixing the salary or wages payable in respect of that office or to the officer holding that office, the determination of the industrial board shall cease to apply to that office and to the officer holding that office; and any determination of any industrial board fixing the salary or wages payable in respect of any office or the officer holding any office, the minimum salary of which is fixed by a determination of the board under this Part, shall not apply to that office or officer.

(4) If the salary or wages payable in respect of any office or to any officer holding any office are fixed under any award or order of the Commonwealth Court of Conciliation and Arbitration, nothing in any determination of the board shall apply to that office or to the officer holding that office.

Notice to  
board.

163jj. Any notice required to be given to the board may be given by delivering the same to the chairman or secretary or may be given by post in a prepaid letter addressed to the chairman or the secretary at the place of business of the board.

Non-  
application of  
Public Service  
Act, 1936-1945.

163kk. The secretary shall not be subject, as such, to the Public Service Act, 1936-1945.



163ll. Nothing in this Part shall prevent a council from appointing or transferring any person to any office at such salary as accords with any determination of the board relating to that office.

Saving of  
certain powers.

163mm. (1) It shall be the duty of the auditor of a council to ascertain whether the salary paid to every officer of the council is in accord with the provisions of any determination of the board with respect to the office held by that officer and otherwise to ascertain whether the provisions of the determination are being complied with.

Breaches of  
determination.

If the auditor is satisfied that the salary paid to any officer is less than that required to be paid pursuant to any such determination or that any other breach or non-observance of any such determination with relation to any officer has occurred, he shall report in writing accordingly to the council and to the chief inspector appointed under Part VI. of the Industrial Code, 1920-1943.

(2) If any council commits any breach or non-observance of a determination of the board, the council shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(3) The court by which any council is convicted of an offence against subsection (2) may, in addition to imposing a penalty, order the council to pay to any officer in respect of whom the offence was committed, any sum which, to the satisfaction of the court, is shown to be due to the officer by the council as salary or otherwise in connection with his employment and required to be paid pursuant to a determination of the board.

Any sum so ordered to be paid may be recovered by the officer or by the chief inspector aforesaid on behalf of the officer, in the same manner as a penalty imposed under this Act and if any penalty is imposed for the offence mentioned aforesaid, the said sum shall, for the purposes of recovering the same, be treated as part of the penalty.

Nothing in this subsection shall limit the right of any such officer to recover in any court of competent jurisdiction any sum recoverable by him from the council which is not recovered in manner provided by this subsection.

163nn. The Governor may make regulations prescribing all matters required or necessary to be prescribed for the purpose of carrying this Part into effect and in particular

Regulations

regulations prescribing the practice and procedure in relation to the matters dealt with by the board and may by any regulation impose penalties recoverable summarily and not exceeding ten pounds for breach of any regulation.

Amendment of principal Act, s. 3—

Arrangement.

**17.** Section 3 of the principal Act is amended by inserting therein after the line "Part IXa—The Clerks Appeal Board" the following line:—

Part IXb—Local Government Officers' Classification Board.

Amendment of principal Act, s. 173—

Assessment.

Cf. N.Z. 31, 1925, s. 2.

Cf. Vic. 3685, 1928, s. 88.

**18.** Section 173 of the principal Act is amended by inserting therein after subsection (3a) thereof the following subsection:—

(3b) In the assessment of any ratable property the value of any trees (other than fruit trees or live hedges) that have been planted on the ratable property, and the value of any trees on the ratable property that have been preserved for shelter or ornamental purposes, shall not be taken into account.

Amendment of principal Act, ss. 178 and 184—

Extension of period for making new assessment.

**19.** (1) Section 178 of the principal Act is amended by adding at the end of subsection (4) thereof the following passage:—

"In any case in which the Minister is satisfied that the council, after making all reasonable efforts so to do, has been unable to cause a new assessment to be made within the period required by this subsection, the Minister may, by notice in writing, direct that, in respect of any financial year specified in the notice, the council need not cause a new assessment to be made and in such a case it shall not be necessary for the council to make a new assessment in respect of that financial year."

(2) Section 184 of the principal Act is amended by adding at the end of subsection (5) thereof the following passage:—

"In any case in which the Minister is satisfied that the council, after making all reasonable efforts so to do, has been unable to cause a new assessment to be made within the period required by this subsection, the Minister may, by notice in writing, direct that, in respect of any financial year specified in the notice, the council need not cause a new assessment to be made and in such a case it shall not be necessary for the council to make a new assessment in respect of that financial year."

Amendment of principal Act, s. 268—

Sale of land for non-payment of rates.

**20.** Section 268 of the principal Act is amended by striking out the word "five" in the fifth line thereof and by inserting in lieu thereof the word "three".

**21.** Subsection (1) of section 269 is amended—

- (a) by adding at the end of paragraph (c) thereof the word “and”; and
- (b) by striking out paragraph (d) thereof.

Amendment of  
principal Act,  
s. 269—  
Exercise of  
power of sale.

**22.** Section 276 of the principal Act is amended—

- (a) by inserting after the word “shall” in the second line thereof the words “, after payment to the council of the purchase money payable and of the necessary fees and charges for the stamping and registration of the transfer,”;
- (b) by adding at the end of subsection (1) the following words:—“The council shall within seven days after the execution thereof forward the memorandum of transfer to the Registrar-General together with the appropriate fees and charges”;
- (c) by inserting after the word “shall” in the third line of subsection (2) thereof the words “, after payment to the council of the purchase money payable and of the necessary fees for stamping the conveyance and the other fees and charges necessary to be paid as provided by subsection (3),”;
- (d) by inserting after the word “shall” in the fifth line of subsection (2) thereof the words “within seven days after the execution thereof”;
- (e) by inserting after the word “together” in the sixth line of subsection (2) thereof the words “with the appropriate fees and charges and together”.
- (f) by adding at the end thereof the following subsection:—

Amendment of  
principal Act  
of s. 276—  
Duties of  
council and  
Registrar-  
General.

(5) If any land so sold is comprised in a limited certificate of title within the meaning of the Real Property (Registration of Titles) Act, 1945, and issued pursuant to that Act, the Registrar-General may, before issuing therefor an ordinary certificate of title within the meaning of that Act, require the deposit of such plan of survey or otherwise as he deems necessary.

**23.** (1) Section 281a of the principal Act (as enacted by section 7 of the Local Government Act Amendment Act, 1939) is amended—

- (a) by striking out the words “His Majesty” in subsection (1) thereof and by inserting in lieu thereof the words “the Minister of Lands”;

Amendment of  
principal Act  
s. 281a and  
eleventh  
schedule—  
Transfer of  
land to  
Minister.

(b) by striking out subsections (2) and (3) thereof and by inserting in lieu thereof the following subsections :—

(2) Where the land is under The Real Property Act, 1886, the transfer shall be executed under the common seal of the council and shall be in the form No. 4 in the eleventh schedule or in a form to the like effect.

(3) Where the land is not under The Real Property Act, 1886—

(a) the conveyance shall be executed under the common seal of the council ;

(b) the council shall forward the conveyance to the Registrar-General together with a request in writing to the Registrar-General to issue to and in the name of the Minister of Lands, a certificate of title under The Real Property Act, 1886, for the said land.

The Registrar-General shall, on receipt of any such conveyance and request, and without any further evidence of title or the necessity of publishing any notice of the said request, forthwith issue to the Minister of Lands a certificate of title as aforesaid. Before issuing any certificate of title as aforesaid, the Registrar-General may require the council to deposit with him a plan or map of the land conveyed, as if the request had been an application to bring the land conveyed under The Real Property Act, 1886.

(3a) Notwithstanding the provisions of The Real Property Act, 1886, but subject to subsection (8), the registration of a memorandum of transfer as aforesaid or issue of a certificate of title as aforesaid shall vest in the Minister of Lands an indefeasible estate in fee simple in the land free from any mortgage, lease, tenancy, encumbrance or charge (including such as mentioned in section 277). Section 277 shall not apply to any transfer or conveyance made pursuant to this section.

(c) by adding at the end thereof the following subsections :—

(8) If the land so transferred is comprised in a limited certificate of title within the meaning of the Real Property (Registration of Titles) Act,

1945, and issued pursuant to that Act, the Registrar-General may, before issuing therefor an ordinary certificate of title within the meaning of that Act, require the deposit of such plan of survey or otherwise as he deems necessary.

(9) Any land vested in the Minister of Lands pursuant to this section may be disposed of in such manner as he thinks fit.

(2) The eleventh schedule to the principal Act is amended by striking out the words "His Majesty" in form No. 4 therein and by inserting in lieu thereof the words "the Minister of Lands".

**24.** Section 281b of the principal Act (as enacted by section 7 of the Local Government Act Amendment Act, 1939) is amended by adding at the end thereof the following subsection:—

Amendment of  
principal Act,  
s. 281b—  
Transfer of  
land to council.

(8) If the land so transferred is comprised in a limited certificate of title within the meaning of the Real Property (Registration of Titles) Act, 1945, and issued pursuant to that Act, the Registrar-General may, before issuing therefor an ordinary certificate of title within the meaning of that Act, require the deposit of such plan of survey or otherwise as he deems necessary.

**25.** (1) Section 287 of the principal Act is amended by inserting after paragraph (e) of subsection (1) thereof the following paragraph:—

Amendment of  
principal Act,  
ss. 287 and  
288—

(e1) making retiring allowances to any of its officers or employees:

Payment of  
retiring  
allowances by  
councils.

(2) Section 288 of the principal Act is amended by striking out paragraph (h) of subsection (1) thereof.

**26.** (1) Section 287 of the principal Act is amended—

Amendment of  
principal Act,  
ss. 287 and  
286—

(a) by inserting after the word "of" in the second line of paragraph (f) of subsection (1) thereof the words "or for the provision of equipment for";

Expenditure  
of revenue.

(b) by inserting after the word "institution" in the fourth line of paragraph (f) of subsection (1) thereof the words "any charitable association, any charitable society,";

- (c) by inserting in subsection (1) thereof after paragraph (f) thereof the following paragraphs :—
- (f1) subscribing for the purpose of the maintenance of or the provision of equipment for any public hospital, public asylum, charitable institution, charitable association, or charitable society outside the area if the council is satisfied that the hospital, asylum, institution, association, or society provides directly or indirectly for the needs of the inhabitants of the area :
- (f2) subscribing for the purpose of the provision or maintenance of any ambulance within the area :
- (f3) subscribing for the purpose of the provision or maintenance of any ambulance outside the area if the council is satisfied that the ambulance provides directly or indirectly for the needs of the inhabitants of the area :
- (d) by striking out the words “ as sailors or soldiers in the Great War of 1914-1918 ” in paragraph (h1) thereof (as enacted by section 42 of the Local Government Act Amendment Act, 1938) and by inserting in lieu thereof the words “ in any naval, military or air force of any part of His Majesty’s Dominions in any war in which His Majesty was engaged ” ;
- (e) by inserting after paragraph (j) of subsection (1) thereof the following paragraph :—
- (j1) providing trees or subscribing to the cost of trees to be planted by any persons in the grounds of any school within the area or in any place of public resort or recreation within the area :
- (2) Subsection (4) of section 296 of the principal Act (as enacted by section 46 of the Local Government Act Amendment Act, 1938) is amended by inserting after the passage “ paragraph (f) ” therein the passage “ , paragraph (f1), paragraph (f2), paragraph (f3) ”.

Amendment of  
principal Act,  
ss. 287 and  
288—  
Encourage-  
ment of tourist  
traffic.

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

- (i1.) the encouragement of and making provision for tourist traffic in or near the area and for matters incidental to the said purposes :

(2) Section 288 of the principal Act is amended by striking out paragraph (g) of subsection (1) thereof.

28. Part XV. of the principal Act is amended by inserting therein after section 289 the following section :—

Amendment of principal Act, Part XV.—

289a. (1) The council shall pay into a separate fund to be called the "Tree Planting Fund" all revenue of the council consisting of—

Revenue derived from sale of timber, etc.

(a) any amounts paid to the council for licences granted under section 374 to cut and remove timber and bark from public roads within the area; or

(b) the proceeds arising from the sale by the council of any trees or timber.

(2) Except as provided by subsection (3) the moneys in the said fund shall be applied by the council for the purpose of planting trees or shrubs in the streets and roads within the area and in any land vested in or under the care, control and management of the council.

(3) If at any time the moneys in the said fund exceed the sum of three hundred pounds, the council, with the consent in writing of the Minister, may expend any such excess amount in any manner which the council is authorized by this Act to expend moneys.

29. Part XV. of the principal Act is amended by inserting therein after section 290 the following section :—

Amendment of principal Act—

290a. The council may invest any funds of the council in any securities of, or guaranteed by, the Government or the Parliament of the Commonwealth or the State.

Investment of surplus funds.

30. Part XV. of the principal Act is amended by inserting therein after section 290a the following section :—

Amendment of principal Act—

290b. The council may hold upon such trusts as are declared by any instrument of trust (whether declared before or after the passing of the Local Government Act Amendment Act, 1946), any sick, pension or accident fund for its officers or employees or any fund for the purpose of providing retiring benefits for its officers or employees and may invest, deal with and otherwise manage any such funds in any manner consistent with the trusts upon which the funds are held.

Power to hold pension funds in trust.

Amendment of  
principal Act,  
Part XV.—

**31.** Part XV. of the principal Act is amended by inserting therein after section 298 the following section :—

Power to  
write off rates  
on reverted  
Crown leases  
and agree-  
ments.

298a. (1) If—

- (a) any rates are payable in respect of any property comprised in any lease granted by the Crown or in any agreement granted by the Crown for the sale and purchase thereof ; and
- (b) the lease or agreement is surrendered to or cancelled by the Crown or otherwise reverts to the Crown ; and
- (c) the lessee or purchaser under the lease or agreement remains in lawful occupation of the property,

the council may, by resolution passed by an absolute majority of the council, write off any such rates which were payable in respect of the property at the time the lease or agreement was surrendered or cancelled or, as the case may be, reverted to the Crown.

(2) The provisions of this section shall not be subject to the provisions of subsection (2) of section 298.

Amendment of  
principal Act,  
Part XVII,  
Division III.—

**32.** Sections 308, 309, and 310 of the principal Act are repealed and the following sections are enacted and inserted in the principal Act in lieu thereof :—

Alignment of  
public streets  
and roads, etc.

308. (1) For the purpose of determining the alignment of any public streets, roads or places or squares in the area, the Registrar-General, or the Surveyor-General, or the council, may from time to time cause the area or any part thereof to be surveyed and a plan to be prepared.

(2) If in the course of the survey or the preparation of the plan it is found—

- (a) that any land has been erroneously described in any of the records of the Registrar-General or the Surveyor-General as regards position, dimensions, or area ;
- (b) that any land has been previously erroneously surveyed as regards position, dimensions or area ;
- (c) that the survey discloses that in respect of any instruments or documents of title to land an excess or deficiency of measurements exists ; or
- (d) that the occupation of any land does not accord with the boundaries of any public street, road



or place or square as defined in any of the records of the Registrar-General or the Surveyor-General,

and if it is considered by the Registrar-General and the Surveyor-General that it is necessary and expedient for the recognition or issue of certificates of titles or other documents of title in respect of any such land so to do, the plan aforesaid may be prepared determining and adjusting in such manner as is equitable, the boundaries of any such public street, road or place or square or any or all or any part of any allotments or sections and the like or of any private road or other easement within the area or part surveyed, as the case may be.

(3) If any survey is made and plan prepared pursuant to this section by the council, the survey shall be made and plan prepared by a licensed surveyor and shall be verified by the Surveyor-General who may direct that any alterations he deems necessary shall be made to the plan.

(4) In making any survey or preparing any plan pursuant to this section such one of the Registrar-General, Surveyor-General or council as causes the survey to be made and plan prepared shall consult with the others and regard shall be had to—

- (a) any plans which are in the office of the Surveyor-General or in the Lands Titles Registration Office or General Registry Office ;
- (b) existing physical boundaries erected ;
- (c) any other matters which are considered necessary or proper to be considered.

(5) Any plan prepared pursuant to this section shall be considered by the Registrar-General and the Surveyor-General and, if the plan shows any alteration to the existing boundaries of any public street, road or place or square, shall so far as it relates thereto, be considered by the council and, if considered to be in accord with the intent of this Division, shall be approved by the Registrar-General and the Surveyor-General and, if the plan shows any alteration as aforesaid, by the council. After the plan has been approved as aforesaid, copies thereof shall be prepared and be open for inspection at the offices of each of the Registrar-General, the Surveyor-General and the council.

Notice of  
plan.

309. (1) After any plan has been approved as required by section 308, the Surveyor-General shall give notice in the *Gazette* and one newspaper published in Adelaide and to every person who has any registered interest in land in any way affected, that the plan is open for inspection at the said offices and that any person who so desires may make representations to the Surveyor-General that the plan does not give effect to the provisions of this Division.

(2) The notice shall fix a time (being not less than one month) within which any person may make representations to the Surveyor-General as aforesaid. If any such representations are made to the Surveyor-General he shall consider the representations, and if he thinks fit, may, with the consent of the Registrar-General and if the alteration affects the boundaries of any public street, road or place or square, with the consent of the council, alter the said plan accordingly.

(3) After any representations have been made and considered, or if the plan is altered, then after such alteration, the Surveyor-General shall give notice to the person making the representations, and to any person whose registered interest in land appears to the Surveyor-General to be affected by any such alteration, informing him of any action which has been taken. Any such person may, within one month of the posting of the notice to him, lodge a caveat with the Surveyor-General, signed by himself or his agent, stating the grounds and particulars of his objections.

(4) The local court of full jurisdiction nearest to the office of the council may, upon the application of the Surveyor-General, call upon the caveator to attend before the court to show cause why the caveat should not be discharged; and the court may make such order in the premises and as to the costs of the proceedings as to it seems just.

(5) Any caveator may at any time by notice in writing withdraw his caveat; but the court may, notwithstanding any such withdrawal, order payment by the caveator to the Surveyor-General of any costs incurred by him prior to the receipt of the said notice of withdrawal.

(6) Any notice required to be given by the Surveyor-General to any person under this section shall be deemed sufficient if it is sent to him by post by prepaid letter addressed to any address appearing in the office of the council as being the address of that person or, if there is no such address, to any address appearing in the office of the

Registrar-General. If in respect of any person there is no such address appearing either in the office of the council or of the Registrar-General, notice may be given to that person by publishing a notice to the effect thereof once in a newspaper published in Adelaide.

(7) The Governor may make regulations for the conduct of any proceedings in relation to caveats under this section.

(8) Rules of court may be made under the Local Courts Act, 1926, prescribing the procedure to be followed and the fees to be paid in proceedings before local courts under this section.

310. (1) After the expiration of the time mentioned in subsection (2) of section 309, or if representations are made, after one month from the time of the posting of the notice mentioned in subsection (3) of section 309, or if a caveat is lodged then after its withdrawal, or, if any order is made by the court relative to the caveat, then, after compliance with that order, the Surveyor-General shall cause the said plan to be prepared in triplicate and each copy shall be signed by the Registrar-General and the Surveyor-General and shall, if the plan shows any alteration to the existing boundaries of any public street, road or place or square, be sealed by the council. The Surveyor-General shall deposit one copy in the office of the Surveyor-General, one copy in the General Registry Office, and one copy with the council.

Effect of  
plan.

(2) Upon deposit as aforesaid—

(a) the alignments of any public street, road, place or square, shown on the said plan, shall be deemed to be the alignments of that street, road, place or square, and any permanent marks fixed to give effect to the said plan shall be the permanent marks of that street, road, place or square ;

(b) the boundaries shown in the said plan as boundaries of any allotments, sections or the like, or any private road or other easement, or portions thereof, shall be deemed to be the boundaries of those allotments, sections or the like, or private road or other easement, or portions thereof, notwithstanding any certificate of title or other document.

(3) The provisions of this section shall apply notwithstanding the provisions of The Real Property Act, 1886-1945, or any other Act or law to the contrary.

(4) The Registrar-General shall cause any correction to be made in any register book or plan or any certificate of title or other document which is necessary to give effect to the provisions of this section, and for the purpose of securing the production to him of any certificate of title or other document may exercise any of the powers conferred by section 220 or any other provisions of The Real Property Act, 1886-1945.

(5) If any certificate of title or other document is required to be produced as aforesaid, then, notwithstanding any agreement to the contrary, any person having the possession thereof shall not be entitled to demand or receive any fee or charge from any person for the production thereof.

(6) No fee shall be payable to the Registrar-General in respect of the correction of any register book or any certificate of title, plan or document pursuant to this section.

(7) Every correction made pursuant to this section shall be deemed to have been made prior to the registration of any instruments registered on any certificate of title so corrected.

Costs of  
survey and  
plan.

310a (1). The council shall pay the costs of any survey or plan made by the council pursuant to this Division.

(2) If any survey or plan is made by the Registrar-General or Surveyor-General, the Minister of Lands may by notice in writing given to the council require the council to pay one-half of the costs thereof. The certificate of the Minister of Lands as to the cost of any such survey or plan shall be final.

Permanent  
marks.

310b. The Registrar-General, Surveyor-General or the council causing any survey to be made under this Division shall, as soon as may be after the survey is made, cause to be fixed permanent marks for the purpose of defining permanently any alignments or boundaries determined pursuant to this Division.

Amendment of  
principal Act,  
s. 328—  
Cost of paving  
footways.

33. Section 328 of the principal Act is amended —

(a) by striking out the words "pay one moiety of the expenses incurred thereby, and may recover the other moiety" in subsection (2) thereof and by inserting in lieu thereof the words "recover such part of the expenses incurred by the council thereby (but not exceeding one-half thereof) as the council thinks fit";

- (b) by striking out the words "last mentioned moiety" in the first and second lines of subsection (3) thereof and by inserting in lieu thereof the words "said expenses".

**34.** Section 342 of the principal Act is amended by inserting at the end of subsection (11a) thereof (as enacted by section 55 of the Local Government Act Amendment Act, 1938) the following paragraph:—

Amendment of principal Act, s. 342—  
Repair of private streets in City of Adelaide.

- iv. In any case where it is necessary to carry out the work of repairing any private street or road in order to remedy any condition which is or is likely to be dangerous or seriously inconvenient to users of the street or road—fifty pounds.

**35.** Section 355 of the principal Act is amended by adding thereto after paragraph (e) thereof the following paragraph:—

- (f) bicycle racks.

Amendment of principal Act, s. 355—  
Powers as to streets and roads.

**36.** (1) Section 357 of the principal Act is amended by adding at the end thereof the following paragraph:—

- (e) construct or erect or permit to be constructed or erected in or upon any public street, road, or place within the area any statue or monument.

Amendment of principal Act, s. 357—  
Power to erect statues, etc.

(2) Section 372 of the principal Act is repealed.

**37.** Section 360 of the principal Act is amended by striking out the words "prickly pear, African box thorn" in the fifth and sixth lines thereof.

Amendment of principal Act, s. 360—  
Destruction of bushes on roads.

**38.** Section 365 of the principal Act is amended—

- (a) by striking out the word "nine" occurring in the second and fourth lines of subsection (2) thereof and by inserting in lieu thereof in each case the word "forty-two";
- (b) by inserting after the passage "(1)" in the second line of subsection (3) thereof the words "or any renewal thereof";
- (c) by inserting after the word "permit" wherever occurring in the third line of subsection (3) thereof in each case the words "or renewal".

Amendment of principal Act, s. 365—  
Works on or across roads.

**39.** Division XIV. of Part XVII. of the principal Act is amended by inserting therein after section 365a the following section:—

Amendment of principal Act, Part XVII.—

Erection of  
milk shelters,  
loading ramps,  
etc., on  
roadsides.

365b. (1) The council may authorize any person to erect upon any public street or road within the area any stand or shelter for milk or cream containers or any stand, platform, or ramp for the loading or unloading of goods or animals.

(2) No stand, shelter, platform, or ramp shall be erected pursuant to this section in any place where it will or is likely to cause danger or to impede traffic unreasonably.

(3) No stand, shelter, platform, or ramp shall be erected pursuant to this section upon any public street or road which is a main road within the meaning of the Highways Act, 1926-1944, unless it is erected at least ten feet from the nearest edge of any paved roadway thereon.

(4) Any such authority shall be granted upon such terms and conditions as are from time to time fixed by the council.

(5) The council may at any time revoke any authority granted under this section and may remove the stand, shelter, platform, or ramp.

(6) The Minister may at any time revoke any authority granted by a council under this section in which case the stand, shelter, platform, or ramp may be removed by the Minister or the council.

Amendment of  
principal Act,  
s. 369—  
Obstructing  
streets.

40. (1) The heading “(b) Provisions Applicable to Municipalities only” to section 369 of the principal Act is struck out.

(2) Section 369 of the principal Act is amended by inserting after the word “municipality” in the second line thereof the words “or township within any district”.

(3) The heading “(b) Provisions Applicable to Municipalities only” is inserted in the principal Act before section 370 thereof.

Amendment of  
principal Act,  
ss. 374, 670,  
780, and 880a—  
Cutting of  
timber.

41. (1) Section 374 of the principal Act is amended by inserting after the word “regulations” in the third line thereof the passage “and subject to the provisions of section 13a of the Soil Conservation Act, 1939-1945”.

(2) Section 374 of the principal Act is amended by striking out the word “and” first occurring in the fourth line thereof and by inserting in lieu thereof the words “trees, wood, stumps, or”.

(3) Section 670 of the principal Act is amended by inserting after the word “timber” in the second line of paragraph (2) thereof the words “trees, wood, stumps”.

(4) Section 780 of the principal Act is amended—

- (a) by inserting after the word "timber" in the first line thereof the words "trees, wood, stumps";
- (b) by striking out the word "trunks" in the ninth line thereof and by inserting in lieu thereof the words "timber, trees, wood, stumps".

(5) Section 880a of the principal Act (as enacted by section 25 of the Local Government Act Amendment Act, 1939) is amended by adding at the end of subsection (1) thereof the words "and except in compliance with the provisions of section 13a of the Soil Conservation Act, 1939-1945".

42. Section 375 of the principal Act is amended by striking out paragraphs (a), (b), and (c) of the proviso to subsection (1) thereof and by inserting in lieu thereof the following passage:—

Amendment of  
principal Act,  
s. 375—  
Leasing of  
public roads.

- (a) in every such fence the council shall direct the owner or occupier to provide and the owner or occupier shall provide either—
  - (i.) a gate not less than eighteen feet in width ;  
or
  - (ii.) a ramp constructed as provided by paragraph (d) hereof and a wire panel gate not less than eighteen feet in width ; or
  - (iii.) a gate not less than twelve feet in width and a wire panel gate not less than eighteen feet in width ;
- (b) every gate (other than a wire panel gate) shall be at all times properly hung on hinges or in some other similar substantial manner to the satisfaction of the council ;
- (c) every wire panel gate shall be constructed to the satisfaction of the council so that the same may be readily taken down for the purpose of permitting the passage of vehicles ;
- (d) every ramp shall be at least nine feet in width and shall be constructed of the material and in the manner approved by the council but no such ramp shall be constructed through any fence which is a vermin fence, rabbit proof fence, or dog proof fence within the meaning of the Vermin Act, 1931-1945 ;
- (e) every gate, wire panel gate, and ramp shall be kept in good order and repair by the owner or occupier ;
- (f) there shall be prominently displayed on every such fence a notice with the words "Public Road" legibly painted on both sides thereof ;

Amendment of  
principal Act,  
s. 380—  
Power to  
acquire  
property.

**43.** Section 380 of the principal Act is amended by adding at the end thereof the following paragraph :—

(d) accept any gift, conveyance, or assignment of real or personal property subject to conditions other than conditions connected with religious worship.

Amendment of  
principal Act,  
Part XVIII,  
Division II.—

**44.** Division II. of Part XVIII. of the principal Act is amended by inserting therein after section 382 the following section :—

Power to  
acquire  
premises for  
lease to  
Returned  
Soldiers, Etc.  
League.

382a. (1) With the consent in writing of the Minister, the council may acquire any land or premises for the purpose of leasing the same to the Returned Sailors', Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Incorporated or to any sub-branch thereof.

(2) The council may with the consent of the Minister from time to time lease any such land or premises as aforesaid. Any such lease may provide for the payment of a peppercorn rental and may be granted for any term not exceeding fifty years.

Amendment of  
principal Act,  
Part XVIII.,  
Division II.—

**45.** Division II. of Part XVIII. of the principal Act is amended by inserting therein after section 382a the following section :—

Provision as to  
land subject  
to trusts.

382b. (1) If any land is held by the council in trust for any charitable purpose, and the council is satisfied that, owing to any change in circumstances since the creation of the trust or for any other reason, it is impracticable to give effect to the trust, and that it is desirable that the land should cease to be held by the council and should be transferred or conveyed to the Crown, the council may request the Minister to direct an inquiry to be held as provided by this section.

(2) If any land situated outside the area of a council is held by the council in trust for any charitable purpose, and if the council of the area in which the land is situated is satisfied that, owing to any change in circumstances since the creation of the trust or for any other reason, it is impracticable to give effect to the trust, and that it is desirable that the land should cease to be held by the council by which it is held and should be transferred or conveyed to the Crown, the council of the area in which the land is situated may request the Minister to direct an inquiry to be held as provided by this section.



(3) With any request made as aforesaid, the council shall supply to the Minister such information as is necessary for the Minister to ascertain whether or not an inquiry should be made as provided by this section. If satisfied that an inquiry as provided by this section should be made, the Minister may appoint a special magistrate by whom an inquiry into the matter of the request shall be made.

(4) For the purpose of any inquiry under this section, the special magistrate shall have any powers of summoning and examining witnesses that may be exercised by a local court of full jurisdiction, but in conducting the inquiry the special magistrate shall not be bound by the rules of evidence.

(5) The special magistrate shall, after making full investigation into the matter, report to the Minister as to the following :—

- I. Whether or not it is impracticable to give effect to the trust upon which the land is held by the council :
- II. Whether the land should cease to be held by the council and whether the land should be transferred or conveyed by the council to the Crown :
- III. If, in the opinion of the special magistrate the land should be transferred or conveyed as aforesaid, whether the land, if subsequently disposed of by the Crown, should be disposed of subject to any dedication or reservation of any kind referred to in section 5 of the Crown Lands Act, 1929.

(6) In making his report, the special magistrate shall pay regard to the intention of the person creating the trust, as expressed in the instrument creating the trust, but shall make such findings as appear to the special magistrate, in the circumstances of the case and having regard to the needs of the locality in which the land is situated, to be in the best interests of the public.

(7) If the report of the special magistrate is to the effect that it is impracticable to give effect to the trust upon which the land is held by the council and that the land should cease to be held by the council but should be transferred or conveyed by the council to the Crown, the Governor may by order declare that the council may so transfer or convey the land. A notice giving the purport of any such order shall be published in the *Gazette*.

(8) After the making of any such order in respect to any land, then, notwithstanding the provisions of any trust affecting the land, the council may transfer or convey the land to His Majesty.

(9) Where the land is under The Real Property Act, 1886, the transfer shall be executed under the common seal of the council and where the land is not under The Real Property Act, 1886, the conveyance shall be executed under the common seal of the council and shall be registered under the Registration of Deeds Act, 1935.

Upon the transfer being lodged with him, or the conveyance being registered, the Registrar-General shall make any entry in any register book or other book of the Lands Titles Registration Office or the General Registry Office which may be necessary or proper to evidence that the land is vested in His Majesty.

If the land is under The Real Property Act, 1886, the Registrar-General shall cancel any certificate of title relating to the land by indorsing thereon "Cancelled, the within land having been acquired by the Crown", and the land shall, for the purpose of The Real Property Act, 1886, and until again alienated from the Crown, be dealt with and regarded in all respects as if it had never been alienated from the Crown.

If the land is not under The Real Property Act, 1886, the Registrar-General may require the council to deposit with him a plan or map of the land as if an application had been made to bring the land under The Real Property Act, 1886.

(10) Upon the registration of the transfer or conveyance the land shall be deemed to be Crown lands free from any trusts and may be dealt with as Crown lands under the Crown Lands Act, 1929, but, in dealing with the land as aforesaid, if the special magistrate has in his report made any finding as provided in paragraph III. of subsection (5), such regard shall be paid to that finding as the Minister of Lands deems necessary.

(11) In subsections (5), (7), (8), and (9), the term "the council" means the council by which the land in question is held.

Amendment of  
principal Act,  
s. 383—  
Provision of  
dwelling-houses  
for employees.

46. Subsection (1) of section 383 of the principal Act is amended by inserting therein after paragraph xvii. thereof the following paragraph:—

xviii. Construct and purchase dwelling-houses for occupation by persons employed by the council:

47. Section 449a of the principal Act (as enacted by section 13 of the Local Government Act Amendment Act, 1939) is amended by inserting therein after subsection (1) thereof the following subsection:—

Amendment of  
principal Act,  
s. 449a—  
Overdraft  
against  
Government  
securities.

(1a) The council may obtain advances from any bank by overdraft to the amount of any funds of the council invested in any securities of, or guaranteed by, the Government or the Parliament of the Commonwealth or the State.

48. (1) Section 461 of the principal Act is repealed.

Repeal of  
s. 461 of the  
principal Act—  
Timber  
licences.

(2) Notwithstanding the repeal of the said section any licence issued pursuant to the said section before the passing of this Act shall continue in force for the term thereof, or a period of twelve months from the passing of this Act, whichever is the less, but no longer: Provided that any such licence so continued in force shall be wholly or *pro tanto* revoked by any sale, lease, licence, proclamation, or dealing by the Governor or the Minister of Lands inconsistent with the licence, in which case the grantee of the licence shall be entitled to be repaid by the council a proportionate part of the fee which he has paid therefor.

(3) Section 462 of the principal Act is amended by striking out the words "sections 460 and 461" and by inserting in lieu thereof the words "section 460".

(4) Section 463 of the principal Act is amended by striking out the words "timber, bark, stone, gravel, or sand" in the first and second lines thereof.

49. (1) Part XXII. of the principal Act is amended by inserting therein before section 464 the following heading "Division IIa.—Power of Council to Exchange Reserves".

Amendment of  
principal Act,  
Part XXII.—  
Power of  
council to  
exchange  
reserves.

(2) Section 464 of the principal Act is amended by striking out the words "A district" in the first line thereof and by inserting in lieu thereof the word "The".

(3) Section 466 of the principal Act is amended by striking out the word "district" in the first line of paragraph III. thereof.

(4) The following section is enacted and inserted in the principal Act after section 474a:—

474b. In lieu of exchanging for other land a reserve or other land such as is referred to in section 464 a council may sell any such reserve or land and acquire other land in lieu thereof. Any such transaction shall be deemed to

Power to sell  
reserve.

be an exchange for the purposes of this Division and the provisions of this Division shall, *mutatis mutandis*, apply to the transaction, to the reserve or land so sold and to the land so acquired.

(5) The fourteenth schedule to the principal Act is amended—

- (a) by inserting before the word "District" first occurring in form No. 1 therein the words "Municipality or";
- (b) by inserting before the words "District Council" in form No. 1 therein the words "Corporation of the City (or Town) of or";
- (c) by inserting before the words "District Council" first and second occurring in form No. 2 therein in each case the words "Corporation of the City (or Town) of or";
- (d) by inserting before the words "district council" wherever elsewhere occurring in form No. 2 therein in every case the words "municipal corporation or";
- (e) by striking out the words "within the said district" wherever occurring in form No. 2 therein and by inserting in lieu thereof in each case the words "within the said municipality or district";
- (f) by inserting before the words "District Council" wherever occurring in forms Nos. 3, 4, and 5 therein in every case the words "Corporation of the City (or Town) of or".

(6) Section 3 of the principal Act is amended by inserting therein before the passage "Division III.—Provisions Applicable to the Municipality of Gawler:" the passage "Division IIa.—Power of Council to Exchange Reserves".

Amendment of principal Act—

**50.** Division II. of Part XXIV. of the principal Act is amended by inserting therein after section 507 the following section:—

Power to grant powers of council outside areas.

507a. (1) The Governor may by proclamation declare that in any part of the State outside any area, any person described in the proclamation may, subject to any conditions or restrictions imposed by proclamation, exercise during any term fixed by proclamation all or any of the powers given by this Division to councils and be subject to all or any of the legal liabilities imposed by this Division upon councils.

(2) The Governor may make any such proclamation and may by proclamation revoke or vary any such proclamation.

(3) If whilst any proclamation made pursuant to this section is in force, any part of the State to which the proclamation relates is included in any area, the proclamation shall nevertheless continue to be of full force and effect.

51. (1) Division I. of Part XXVI. of the principal Act is amended by inserting therein after section 540 the following section :—

Amendment of  
principal Act,  
Part XXVI.—

540a. (1) If from any premises (other than a private dwelling-house), within any municipality or township within any district, smoke, dust, or any fumes or gases are sent forth in such quantity as to be a nuisance, the owner or occupier of the premises shall be guilty of an offence and liable to a penalty not exceeding five pounds, and on a second conviction to a penalty not exceeding ten pounds, and on each subsequent conviction to a penalty not exceeding twice the amount of the maximum penalty which might have been imposed on the last preceding conviction.

Penalty if  
smoke, dust,  
fumes, or gas  
from premises  
other than  
dwelling-houses  
amount to  
nuisance.

M.C. Act, 1923,  
s. 273.

Cf. U.K. 122,  
Geo. 4, c. 41.

Cf. U.K. 10 and  
11 Vict. c. 34,  
s. 108.

Cf. U.K. 26 Geo.  
5 and 1 Edw. 8,  
c. 49, s. 101.

(2) In any proceedings under this section it shall be a sufficient defence to show—

- (a) that the defendant, at all times material to the alleged offence, has, in connection with the premises in question, made use of any means generally recognised as sufficient, having regard to the nature of the manufacture or trade carried on upon the premises, and to the character of the locality, for preventing the emission of smoke, dust, or such fumes or gases, or carried out the reasonable requirements of the council for preventing the emission thereof; or
- (b) that the council, after being requested in writing so to do by the defendant, has not made known to him its requirements for preventing the emission of smoke, dust, or such fumes or gases, from the premises in question.

(3) In proceedings under this section—

- (a) it shall not be necessary to prove that the smoke, dust, or fumes, or gases sent forth are injurious to health;

(b) the premises from which the smoke, dust, or fumes, or gases are sent forth shall be deemed not to be a private dwelling-house unless the contrary is shown.

(4) Nothing in this section shall limit the operation of section 13 or any other provision of the Noxious Trades Act, 1943, and this section shall be construed subject to those provisions.

(2) Section 549 of the principal Act is repealed.

Amendment of  
principal Act—

52. (1) Part XXVII. of the principal Act is amended by inserting therein after section 555 the following section:—

Exemption  
from require-  
ments to obtain  
slaughterhouse  
licence.

555a. (1) Subject to subsection (2), a person shall not be required to obtain a licence or permission under this Part to slaughter at any one time any one head of cattle or any one sheep or pig at his own farm when the farm is situated within a district and outside a township or is situated outside any area and outside a township, if the cattle, sheep, or pig is slaughtered partly for the purpose of his own domestic consumption or the consumption of persons employed by him and partly for the purpose of sale to any other person and for the purpose of the domestic consumption by that other person or the consumption of persons employed by him.

(2) The Governor may, by proclamation, declare that the provisions of subsection (1) shall cease to apply within any part of the State and may, by proclamation, revoke or vary any such proclamation. During the time any such proclamation is in force with respect to any part of the State, the provisions of subsection (1) shall not apply within that part of the State.

(3) In any proceedings for an offence against section 552 in which the defendant is charged with slaughtering any cattle, sheep or swine contrary to the provisions of that section, the onus shall be upon the defendant to prove that the cattle, sheep or swine were slaughtered in the circumstances to which this section relates.

(4) Nothing in this section shall affect the operation of the proviso to subsection (2) of section 552.

(2) Section 552 of the principal Act is amended by inserting after the word "township" in the eighth line of subsection (2) thereof the words "or is situated outside any area and outside a township".

**53.** (1) Section 571 of the principal Act is amended by striking out the word "premises" in the second line thereof and by inserting in lieu thereof the words "building or place".

Amendment of principal Act, ss. 571 and 572—  
Noisy trades.

(2) Section 572 of the principal Act is amended by striking out the words "the premises whereon the same are carried on are" in the second and third lines thereof and by inserting in lieu thereof the words "any source of noise therefrom is" and by striking out the word "are" in the penultimate line thereof and by inserting in lieu thereof the word "is".

**54.** Section 620 of the principal Act is amended by inserting at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

Amendment of principal Act, s. 620—  
Prevention of fires.

(2) If any fire brigade is established by a council as aforesaid, any superintendent or officer thereof being present at a fire within the area of the council and being in charge of the fire brigade thereat, may exercise any of the appropriate powers of the Chief Officer of Fire Brigades under the Fire Brigades Act, 1936-1944, in so far as the same may be necessary or expedient for extinguishing the fire or for preventing the spread or extension thereof.

**55.** Part XXXVIII. of the principal Act is amended by inserting therein after section 664 the following section:—

Amendment of principal Act, Part XXXVIII—

664a. (1) The council may agree with any person that the council will construct any dam or any other works for the storage or supply of water.

Power of council to contract for the construction of water facilities.

(2) Every such agreement may be made upon such terms and conditions as thought fit by the council but shall provide that the full cost of the works carried out by the council shall be paid to the council by the other party to the agreement.

**56.** Section 667 of the principal Act is amended by inserting therein after paragraph (8) thereof the following paragraphs:—

Amendment of principal Act, s. 667—

(8a) For regulating, controlling or prohibiting the erection on any land abutting or within view of any public street or road or of any reserve or foreshore, of tents or of buildings or other structures constructed of other than brick, stone, concrete or similar material, and which are used for the purpose of habitation or are adapted for that purpose: Provided that this paragraph shall not apply within any area or part of an area to which the Building Act, 1923-1940, applies:

Buildings of light construction.

Caravans.

(8b) For regulating, controlling or prohibiting the use within the municipality or any township within the district of any caravan or other vehicle as a place of habitation :

Amendment of principal Act s. 667—

57. Section 667 of the principal Act is amended by inserting therein after paragraph (14) thereof the following paragraph :—

Excavations.

(14a) Subject to compliance with section 347, for regulating, controlling or prohibiting within the municipality or within any township within the district, the digging or excavating in any land of holes or pits for the purpose of using or removing to any other place the soil, clay, stone, sand, gravel, or other such like material :

Amendment of principal Act, s. 667.—

By-laws as to weight of wood, etc.

58. Section 667 of the principal Act is amended by adding at the end of subdivision iv. of paragraph (49) thereof the words “ ; and for requiring the vendor of any articles or commodities weighed as aforesaid to supply to the purchaser thereof a weight ticket in the form prescribed by regulations made under the said Act and showing the weight of the articles or commodities ”.

Amendment of principal Act, s. 693—  
Services of notices.

59. Section 693 of the principal Act is amended—

- (a) by inserting after the word “ residence ” in paragraph (a) thereof the words “ or business or, if the owner, occupier or person aforesaid is a company or body corporate, by sending the same by post in a prepaid letter addressed to the company or body corporate at its place of business ” ;
- (b) by inserting after the word “ person ” in paragraph (b) thereof the words “ or, if the owner, occupier or person aforesaid is a company or body corporate, by serving the same on the manager or secretary thereof ” ;
- (c) by striking out the word “ his ” in paragraph (c) thereof and by inserting in lieu thereof the word “ the ” and by inserting after the word “ residence ” in paragraph (c) thereof the words “ of the owner or occupier or person ”.

Amendment of principal Act—

60. Part XLII. of the principal Act is amended by inserting therein after section 778 the following section :—

Improperly interfering with council property.

778a. Any person who improperly removes or improperly interferes with any chattel or thing being the property of the council shall be guilty of an offence and liable to a penalty not exceeding five pounds.



**61.** Section 783 of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

Amendment of  
principal Act,  
s. 783—  
Rubbish in  
streets.

(2) If any filth, dung, ashes, rubbish, or any other noxious or offensive substance or liquid is conveyed in any vehicle and by reason of the manner of construction or loading of the vehicle, any such filth, dung, ashes, rubbish, or other noxious or offensive substance or liquid falls on to any street, road, or public place, the owner or driver of the vehicle shall be guilty of an offence and liable to a penalty not exceeding five pounds.

**62.** The following section is enacted and inserted in the principal Act after section 779a thereof:—

Enactment  
of s. 779b of  
principal Act—

779b. (1) If the council is satisfied that any public street or road, if used by traffic generally or by any kind of traffic during any particular portion of the year, would be seriously damaged, the council may cause notices to be displayed upon the public street or road stating that during the period specified in the notices—

Power to stop  
traffic in  
streets and  
roads during  
portions of  
year.  
Cf. Vic., 3720,  
1928, s. 539.

- (a) the public street or road is closed to the passage of all traffic; or
- (b) the public street or road is closed to all traffic of any kind specified in the notices.

If notice is given as provided by paragraph (b), the notices may specify that the public street or road is closed to use by vehicles of any description or by any vehicles the total weight of which and the load thereof exceeds a specified weight, or both.

(2) The notices required to be displayed by subsection (1) shall be so placed as to be easily visible to all persons entering the public street or road so closed to traffic from any public highway.

(3) At least seven days before notices are displayed as aforesaid, the council shall also publish in a newspaper circulating in the area, a notice setting forth in respect of the public street or road, the matters required to be notified by subsection (1).

(4) Any person who, without the consent of the council or any authorized officer of the council, drives or propels any vehicle over any public street or road contrary to notice given by the council under this section, shall be guilty of an offence and liable to a penalty not exceeding five pounds.

Amendment of  
principal Act,  
s. 788—  
Improper use  
of public  
fountains.

**63.** Section 788 of the principal Act is amended by inserting after the word “washes” in the first line thereof the words “himself or any animal or article or thing whatsoever”.

Amendment of  
principal Act,  
Part XLIV.  
Postal voting.

**64.** (1) Section 833 of the principal Act (as amended by section 100 of the Local Government Act Amendment Act, 1938) is amended by striking out the words “or of a ratepayer” in paragraph (c) of subsection (2) thereof.

(2) Section 834 of the principal Act is amended by inserting before paragraph (a) of subsection (1) thereof the following paragraph :—

(aa) he is an authorized witness as provided by section 840 and is not, by virtue of the provisions of subsection (2) of section 840, debarred from witnessing the signature of the applicant ;

(3) Section 835 of the principal Act is amended—

(a) by striking out the words “deliver or” in the fourth line thereof ;

(b) by striking out the words “deliver or” in the twelfth line thereof ;

(c) by adding at the end thereof the following subsection :—

(3) Every such postal voting certificate and postal voting paper shall be sent by post by the returning officer to the ratepayer addressed to the address given in the application as the address of the ratepayer and a postal voting certificate or postal voting paper shall not be delivered by the returning officer to the applicant nor to any other person.

(4) Section 840 of the principal Act is amended by inserting after the word “witnessing” in the penultimate line thereof the words “the signature of any ratepayer to an application for a postal vote certificate and postal voting paper or for the purpose of witnessing”.

(5) Section 841 of the principal Act is amended—

(a) by striking out the words “or deliver,” in the fifth line of paragraph V. thereof ;

(b) by striking out the words " or delivered," in the sixth line of paragraph V. thereof.

(6) Section 846 of the principal Act is amended—

(a) by inserting after the word " received " in the fourth line thereof the words " by post " ;

(b) by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof) :—

(2) The returning officer shall accept for scrutiny only such postal voting papers as have been received by him by post and all postal voting papers which come into his possession other than by post shall not be withdrawn from the envelopes bearing the postal vote certificates. Any such envelopes shall not be opened and the envelopes and the contents thereof shall be destroyed without any examination of the contents thereof.

(7) Form No. 1 in the nineteenth schedule to the principal Act is amended by adding before the paragraph commencing " No person shall witness " the following paragraph :—

The signature of a ratepayer to an application must be witnessed by a justice of the peace, a legally qualified medical practitioner, a postmaster, a member of the police force, a bank manager, the returning officer for the election or poll, or the town clerk or district clerk. A person who is otherwise authorized to witness any such signature but who is a candidate at any election is not authorized to witness the signature of any ratepayer making an application.

(8) Section 130 of the principal Act is amended by adding at the end of subsection (1) thereof the following paragraph :—

VI. The giving or supplying to an elector of any postage stamp for the purpose of inducing the elector to apply for a postal vote certificate or for the purpose of being used by the elector in order to forward any such application or any postal voting paper to the returning officer.

(9) Section 835 of the principal Act is amended by striking out the words " twelve o'clock noon " in the tenth line thereof and by inserting in lieu thereof the words " five o'clock in the afternoon ".

Amendment of  
principal Act.

65. The principal Act is amended in the manner shown in the schedule to this Act.

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

J. M. NAPIER, Governor's Deputy.

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## THE SCHEDULE.

## AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1934-1941.

Provision Amended.	How Amended.
Section 5 (1)—Definition of "ratable property"	The words "Public Library, Museum, and Art Gallery, and Institutes Act, 1936" occurring in subparagraph (g) of paragraph (1) and in subparagraph (e) of paragraph (2) of the definition of "ratable property" are struck out, and in each case the words "Libraries and Institutes Act, 1939" are inserted in lieu thereof.
Section 6 .....	The words "Campbelltown, Enfield" are inserted after the word "Burnside" in the first and second lines. The words "Marion, Mitcham, Payneham," are inserted after the word "Norwood" in the third line. The words "Walkerville, West Torrens," are inserted after the word "Unley" in the fourth line. Subsection (2) of section 6 is repealed.
Section 29 .....	The word "ratable" in the third line is struck out. The words "which, if included within an area, would be ratable property" are inserted at the end of subsection (1).
Section 46 .....	The word "Burnside," is inserted after the word "Adelaide" in the third line, and the words "and Unley" in the third line are struck out and the words "Unley and Woodville" are inserted in lieu thereof.
Section 52 .....	The passage "and 78" in the first line thereof is struck out and the passage ", 78 and 105" is inserted in lieu thereof.
Section 57 (1) .....	The words "upon which the term of his office would expire by effluxion of time" are inserted after the word "year" in the third line thereof.
Section 65 (2) .....	The words "If more than one member is nominated for the office of chairman, a ballot of the members present shall thereupon be held for the election of the chairman" are inserted at the end of paragraph (b) of subsection (2).
Section 86, III. ....	The word "for" in the fourth line of paragraph III. is struck out and the word "of" is inserted in lieu thereof.
Section 105 (1), VI. ....	The words "before the hour for nomination" are inserted after the word "who" in the eleventh line.
Section 105 (1), VI. ....	The words "or from nominating any person as aforesaid" are inserted after the words "from being nominated as aforesaid".
Section 105 (1), VI. ....	The second proviso to paragraph VI. (as enacted by paragraph (b) of section 2 of the Local Government Act Amendment Act, 1939) is amended by inserting after the words "entitled to be nominated as aforesaid" the words "or to nominate any person for any such office".
Section 105 (1), VIII. ....	The word "mayor" is inserted after the word "as" in the fourth line of paragraph VIII.
Section 126, III. ....	The word "pursuance" in the fifth line of paragraph III. is struck out and the words "the presence" are inserted in lieu thereof.
Section 137 .....	The words "or, if the supplementary election is held to fill a vacancy to occur after the retirement of a mayor, alderman or councillor, as from the date of retirement of that mayor, alderman, or councillor" are inserted at the end of subsection (3).
Section 165 .....	The words "provision thereof" in the second line are struck out and the words "part of any such assessment" are inserted in lieu thereof.
Section 184 (4) .....	The words "or occupier" in the second line are struck out.
Section 184 (6) .....	The words "or occupier" wherever occurring in the fifth and sixth lines are struck out.
Section 187 (2) .....	The words "or occupier" wherever occurring in the fifth, ninth and twelfth lines are struck out and the words "or the occupier" in the fourteenth line are struck out.
Section 193 (2) .....	The words "notwithstanding section 817," are inserted after the word "shall" in the second line.
Section 198 (2) .....	The words "notwithstanding section 817," are inserted after the word "shall" in the second line.
Section 206, VII. ....	The word "exceed" in the first line of paragraph VII. is struck out and the word "except" is inserted in lieu thereof.

1946.      **Local Government Act Amendment**      No. 16.  
**Act, 1946.**

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1934-1941—*continued.*

Provision Amended.	How Amended.
Section 254 .....	The words "and payable" are inserted after the word "due" in the first line.
Section 281a .....	The words "Commissioner of Crown Lands" are struck out wherever occurring in section 281a and the words "Minister of Lands" are inserted in lieu thereof in every case.
Section 281b .....	The words "Commissioner of Crown Lands" are struck out wherever occurring in section 281b and the words "Minister of Lands" are inserted in lieu thereof in every case.
Section 301 (3) .....	The passage "but subject to sections 303 and 304" in the fourth and fifth lines of subsection (3) are struck out. The words "Nothing in this subsection shall apply to any proceedings under section 303 or 304 and any street or road may in any such proceedings be declared a public street or road notwithstanding the provisions of this subsection" are inserted at the end of subsection (3).
Section 315 (2) .....	The words "Commissioner of Public Works" in the first line of subsection (2) are struck out and the words "Minister of Works" are inserted in lieu thereof.
Section 368 .....	The passage "or paragraph (7) of section 670" is inserted after "669" in the second line.
Section 435 (6) .....	The words "or otherwise" in the eighth line are struck out.
Section 459 .....	The words "Commissioner of Crown Lands" are struck out wherever occurring in section 459 and the words "Minister of Lands" are inserted in lieu thereof in every case.
Section 463 .....	The words "Commissioner of Crown Lands" in the fourth and fifth lines thereof are struck out and the words "Minister of Lands" are inserted in lieu thereof.
Section 465 .....	The words "Commissioner of Crown Lands" in the fifth line thereof are struck out and the words "Minister of Lands" are inserted in lieu thereof.
Section 468 .....	The words "Commissioner of Crown Lands" are struck out wherever occurring in section 468 and the words "Minister of Lands" are inserted in lieu thereof in every case.
Section 472 .....	The words "Commissioner of Crown Lands" in the first line are struck out and the words "Minister of Lands" are inserted in lieu thereof.
Section 497 .....	The words "Commissioner of Waterworks or the Commissioner of Sewers, as the case may require" in the second, third, and fourth lines thereof are struck out and the words "Minister of Works" are inserted in lieu thereof. The words "such Commissioner" in the fifth line thereof are struck out and the words "the Minister of Works" are inserted in lieu thereof.
Section 547 .....	Section 547 is repealed.
Section 677 .....	The words "altering or" are inserted after the word "expressly" in the fourth line thereof.
Section 686 .....	The words "or any provision thereof" are inserted after the word "by-law" in the second line.
Section 691 (f) .....	The word "the" is inserted after the word "councils" second occurring in the third line.
Section 710 .....	The words "the complainant" in the seventh line are struck out and the words "any other person" are inserted in lieu thereof.
Section 803 .....	The words "prescribe and" in the second line are struck out. The word "in" in the third line is struck out and the word "for" inserted in lieu thereof. The words "If the council appoints one or more polling places for each of the wards it may also appoint one or more polling places for all the wards" are inserted after the word "wards" in the fourth line.
Section 829 .....	The words "prescribe and" in the seventh line are struck out. The figures "820" are inserted after the word "section" in the tenth line.
Sections 871g (2) .....	The words "Commissioner of Waterworks or the Commissioner of Sewers" in the third and fourth lines are struck out and the words "Minister of Works" are inserted in lieu thereof.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1934-1941—*continued.*

Provision Amended.	How Amended.
Section 871g (2)— <i>continued.</i>	The words "Commissioner of Waterworks, Commissioner of Sewers" in the ninth and tenth lines thereof are struck out and the words "Minister of Works" are inserted in lieu thereof. The words "Commissioner of Waterworks, or Commissioner of Sewers" in the twelfth and thirteenth lines are struck out and the words "Minister of Works" are inserted in lieu thereof.
Section 885 .....	The words "Public Library, Museum, and Art Gallery, and Institutes Act, 1936" are struck out and the words "Libraries and Institutes Act, 1939" are inserted in lieu thereof.
Section 886 (2) .....	The words "Public Library, Museum, and Art Gallery, and Institutes Act, 1936" are struck out and the words "Libraries and Institutes Act, 1939" are inserted in lieu thereof.
Eleventh schedule .....	The words "Commissioner of Crown Lands" wherever occurring in Form No. 4 and Form No. 5 in the eleventh schedule are struck out and the words "Minister of Lands" are inserted in lieu thereof in every case.
Fourteenth schedule .....	The words "Commissioner of Crown Lands" wherever occurring in Form No. 3 and Form No. 5 in the fourteenth schedule are struck out and the words "Minister of Lands" are inserted in lieu thereof in every case.
Nineteenth schedule .....	The passage "Date....." is inserted in Form No. 1 after the line "[State qualifications of witness]". The passage "Date....." is inserted in Form No. 2 after the line "[State qualifications of authorized witness]".