



ANNO TERTIO

ELIZABETHAE II REGINAE

A.D. 1954

No. 17 of 1954

An Act to amend the Local Government Act,
1934-1952.

[Assented to 28th October, 1954.]

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

Short titles.

1. (1) This Act may be cited as the "Local Government Act Amendment Act (No. 1), 1954".

(2) The Local Government Act, 1934-1952, as amended by this Act, may be cited as the "Local Government Act, 1934-1954".

(3) The Local Government Act, 1934-1952, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of
principal Act,
s. 319—
Cost of
constructing
public street.

3. Section 319 of the principal Act is amended—

(a) by striking out subsection (2) thereof and by inserting in lieu thereof the following subsection :—

(2) If any one or more of the following works, namely :—

i. forming, levelling or paving any roadway in any public street or road within a municipality or within or adjoining a township within a district ;

ii. draining any such public street or road ;

III. forming or constructing watertables in any such public street or road ;

IV. constructing kerbs in any such public street or road,

have not been previously carried out and if the council carries out, either separately or together, all or any of the said works not previously carried out, the council may recover from the owners at the time of the completion of the work of ratable property abutting on the public street or road, the cost of such work or such part thereof as the council thinks fit ratably according to the frontages of the ratable property abutting on the street or road.

The cost or any part of the cost of any work may be recovered as provided by this section notwithstanding that money is borrowed under any provision of this Act for the purpose of carrying out that work, and notwithstanding that other money of the council is used for that purpose.

- (b) by striking out the words " six pounds " in subsection (3) thereof and by inserting in lieu thereof the words " five pounds ";
- (c) by striking out the words " three months " in subsection (3) thereof and by inserting in lieu thereof the words " six months ";
- (d) by adding at the end of subsection (3) thereof the following proviso :—

Provided that in any case in which the council is of opinion that the payment of any such interest would inflict grave hardship on the person required to pay the interest, the council may, by resolution passed in respect of the particular case, reduce the amount of, or altogether remit, any such interest.

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

(9) If any roadway is formed, levelled or paved to a part of its width and is subsequently formed, levelled or paved to a greater width then, if the subsequent forming, levelling or paving, as the case may be, has not been previously carried out, the cost of so doing or of such part thereof as the council thinks fit may be recovered in manner provided by this section.

(10) The council shall within six months of the completion of any work the cost or any part of the cost of which is sought to be recovered under this section from any owner of any ratable property, give notice in writing to the owner of the ratable property specifying the amount required to be paid to the council and requiring the payment thereof.

(11) The total of all amounts payable under this section in respect of any ratable property shall not exceed ten shillings per lineal foot of the frontage thereof to the public street or road in which the work is carried out.

Amendment of
principal Act,
s. 328—
Recovery of
cost of paving
footways.

4. Section 328 of the principal Act is amended—

(a) by inserting at the end of subsection (2) the following passage :—

The cost or any part of the cost of any work may be recovered as provided by this section notwithstanding that money is borrowed under any provision of this Act for the purpose of carrying out that work, and notwithstanding that other money of the council is used for that purpose.

(b) by striking out the words " six pounds " in subsection (3) thereof and by inserting in lieu thereof the words " five pounds ";

(c) by striking out the words " three months " in subsection (3) thereof and by inserting in lieu thereof the words " six months ";

(d) by adding at the end of subsection (3) thereof the following proviso :—

Provided that in any case in which the council is of opinion that the payment of any such interest would inflict grave hardship on the person required to pay the interest, the council may, by resolution passed in respect of the particular case, reduce the amount of, or altogether remit, any such interest.

(e) by inserting at the end thereof the following subsection :—

(8) The council shall within six months of the completion of any work the cost or any part of the cost of which is sought to be recovered under this section from the owner of any ratable

property, give notice in writing to the owner of the ratable property specifying the amount required to be paid to the council and requiring the payment thereof.

5. Section 425 is amended by inserting therein after subsection (1) thereof the following subsection :—

Amendment of principal Act, s. 425—

Plans, etc., with respect to loan proposal.

(1a) In any case where the works or undertakings are such as are mentioned in section 319 or section 328, and in pursuance of either of those sections the council would, upon the completion of the works or undertakings, have power to recover from owners of ratable property part of the cost thereof, the statement referred to in subsection (1) shall also state that payment of the part of the said cost as provided by the said sections may be required by the council from owners of ratable property.

6. (1) Subject to subsection (2) of this section, where before the commencement of this Act a council borrowed money under any provision of the principal Act for the purpose of carrying out work authorized by Division V or Division VI of Part XVII of the principal Act, the cost or any part of the cost of the work shall be recoverable and shall be deemed always to have been recoverable under section 319 or section 328 of the principal Act, as the case may be.

Recovery of loan money borrowed before passing of Act.

(2) The defendant in the action No. 5566 of 1953 in the Local Court of Adelaide and the defendant in the action No. 5565 of 1953 in the said court shall not be liable to pay any sum if as a result of that action (including all proceedings arising out of it by way of case stated or appeal) he is or has been held not liable to pay that sum.

In the said actions and proceedings the court shall hear and determine the matter in issue as if subsection (1) of this section had not been passed.

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

R. A. GEORGE, Governor.