



ANNO DECIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1966

No. 28 of 1966

**An Act to amend the Local Government Act,
1934-1964.**

[Assented to 24th March, 1966.]

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, 1965-1966".

(2) The Local Government Act, 1934-1964, as amended by this Act, may be cited as the "Local Government Act, 1934-1966".

(3) The Local Government Act, 1934-1964, 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. 5—
Interpretation.**

3. Subsection (1) of section 5 of the principal Act is amended—

(a) by striking out the words "used exclusively for public worship" in subparagraph (d) of paragraph (1) of the definition of "ratable property" therein and inserting in lieu thereof the words "solely used for religious purposes".

(b) by striking out the passage "and used for the purposes of the University of Adelaide" in subparagraph (i) of the said paragraph (1) and in subparagraph (g) of paragraph (2) of the said definition and inserting in lieu thereof in each case the words "dedicated to,

or in any manner placed under the care control and management of, and used for the purposes of, the University of Adelaide or any other University in the State or the South Australian Institute of Technology”.

3a. The following section is inserted in the principal Act after section 27a thereof :—

Enactment of
s. 27b of
principal Act—

27b. Not less than one-tenth of the ratepayers of any ward or part of any ward may, by notice under their hands, delivered to the Minister, request that the question whether or not that ward or part thereof as the case may be should be severed from the area of which it forms a part and annexed to another area should be submitted to a poll of the ratepayers in the ward or part thereof concerned and the Minister may hold such a poll in such manner as he thinks fit. If the proposition is carried the Governor may make a proclamation giving effect to the proposition.

Request for
poll for
severance of
area.

4. Section 52 of the principal Act is amended—

Amendment of
principal Act,
s. 52—

(a) by inserting at the end of subsection (1) thereof the following passage :—

Qualifications
of aldermen
and councillors.

For the purposes of paragraph (d) of this subsection the spouse of a person in the employment of the council shall be deemed to be interested in employment under the council. ;

(b) by inserting therein after paragraph (d) of subsection (3) thereof the following paragraph :—

(d1) by reason of his being insured pursuant to paragraph (h) of subsection (1) of section 288 or paragraph (b2) of subsection (1) of section 289. ;

(c) by inserting after the passage “terms similar to” in paragraph (h1) of the said subsection (3) the words “or more favourable than”.

5. Subdivision VIII of section 147 is amended by inserting at the end thereof the following proviso :—

Amendment of
principal Act,
s. 147—
Provisions as
to meetings.

Provided that nothing in this subdivision shall preclude a member from taking part in any discussion before the council or from voting on any question relating to the insurance of members of the council under section 288 or section 289.

Enactment of
s. 163de of
principal Act—

6. The following section is inserted in the principal Act after section 163dd thereof :—

Consolidation
of determina-
tions.

163de. (1) Where a determination has been varied by one or more determinations and as so varied is in force the board may at any time of its own motion make a determination consolidating the determination as so varied. By any such consolidating determination the board may rescind any determination or determinations included in the consolidating determination.

(2) Any such consolidation shall be published in the *Gazette* and shall contain a statement that it is a consolidating determination and that no appeal lies against the determination by the council or any officer affected thereby.

(3) Subsection (2) of section 163z shall not apply to or in respect of a determination made under subsection (1) of this section.

Enactment of
s. 163ff of
principal Act.

7. The following subsection is inserted in section 163ff of the principal Act after subsection (3) thereof :—

(4) Notwithstanding the provisions of subsections (1), (2) and (3) of this section, no appeal by an officer holding an office the minimum salary of which has been fixed by a consolidating determination made under section 163de, or by any council under which the office is held, shall lie to the board against the fixation of that salary.

Amendment of
principal Act
. 177

8. Subsections (2) and (3) of section 177 of the principal Act are repealed.

Amendment of
principal Act,
s. 186.

9. Subsections (2) and (3) of section 186 of the principal Act are repealed.

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

10. Section 233a of the principal Act is amended by inserting at the end thereof the following subsection :—

(3) Any two ratable properties outside of townships which properties are owned by the same owner and occupied by the same occupier shall, for the purposes of this section, be deemed to be adjoining ratable properties if they are separated only by a road, railway line, waterway or easement.

11. Subsection (1) of section 288 of the principal Act is amended by inserting therein after paragraph (g) thereof the following paragraph :—

Amendment of principal Act, s. 288—
Additional power for expenditure of revenue by municipal councils.

(h) in insuring members of the council against personal injury, whether fatal or not, arising out of or in the course of their attendance at any meeting of the council or a committee thereof which they are authorized or required to attend or arising out of or in the course of any journey undertaken by them for the purposes of special business at the written request or by the written authority of the council or otherwise in the course of their duties as members.

12. Subsection (1) of section 289 of the principal Act is amended by inserting therein after paragraph (b1) thereof the following paragraph :—

Amendment of principal Act, s. 289—
Additional powers for expenditure of revenue by district councils.

(b2) in insuring members of the council against personal injury whether fatal or not, arising out of or in the course of their attendance at any meeting of the council or a committee thereof which they are authorized or required to attend or arising out of or in the course of any journey undertaken by them for the purposes of special business at the written request or by the written authority of the council or otherwise in the course of their duties as members.

13. Subsection (11) of section 319 of the principal Act is amended—

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

(a) by striking out the words “under any provision of this section” and inserting in lieu thereof the words “in relation to works described in this section”; and
(b) by inserting after the word “paid” (first occurring therein) the words “or payable”.

14. Subsection (2) of section 328 of the principal Act is amended by striking out the words “one shilling and six pence” therein and inserting in lieu thereof the words “three shillings”.

Amendment of principal Act, s. 328—
Power to pave footways.

15. The following section is inserted in the principal Act after section 403 thereof :—

Enactment of s. 403a of principal Act—

403a. A controlling authority may obtain advances from any bank by overdraft on the credit of its revenue.

Power of controlling authority to borrow on overdraft for the temporary accommodation of a controlling authority.

Enactment of
s. 530c of
principal Act—

16. The following section is inserted in Part XXV of the principal Act after section 530b thereof :—

Sewerage
effluent
disposal
schemes.

530c. (1) The council may submit for the Minister's authorization a scheme for the disposal of sewerage effluent whether such scheme is or is not a work or undertaking that might be executed under any of the other provisions of this Act.

(2) Before submitting such a scheme the council shall consult with the Central Board of Health and Engineer in Chief.

(3) The scheme submitted shall be in writing and shall clearly state—

(a) details of the proposed scheme including the portion of the area that is to be benefited thereby ;

(b) the particulars of the manner in which the scheme is to be financed, including the manner in which the capital and annual operating costs are to be recovered ; and

(c) the estimated cost of the work or undertaking, and shall be accompanied by a plan and specifications of the scheme or such other details thereof as the nature of the case permits.

(4) Notice in writing of the matters mentioned in the preceding subsection shall be given by the council to the owners of all the land in the portion of the area to be benefited by the scheme.

(5) After receipt of any such notice any owner may lodge with the council an objection to the scheme within twenty-one days.

(6) The council shall consider any such objections and may either abandon the scheme or proceed with it with such modifications as it thinks fit subject however to approval of the scheme as modified (if at all) by the Central Board of Health and the Engineer in Chief.

(7) The Minister may at any time before authorizing the scheme propose such amendments thereto as he thinks proper and if the council accepts the amendments the scheme shall be amended accordingly.

(8) The Minister may authorize the scheme if he is of the opinion that it will substantially benefit the area or portion of the area concerned.

(9) If the Minister authorizes the scheme he shall cause a notice of his authorization thereof, together with a copy of the scheme as submitted or as amended (as the case may be) to be published in the *Gazette*; and the scheme as so published shall be an authorized scheme from the date of the said publication.

(10) After such publication as aforesaid, the council may execute the work or undertaking set forth in the authorized scheme, and may, from time to time, subject to and in accordance with the provisions of Part XXI, borrow money for the work or undertaking on the security of the general rates, by the issue of debentures. The total amount so borrowed may exceed the estimated cost as stated in the scheme when submitted, or as amended, by any amount not exceeding ten per centum of the said estimated cost.

(11) Upon completion of the work the owner of every building in the portion of the area benefited thereby shall at his own expense provide effluent drains connecting with the scheme. If any such owner fails so to provide such effluent drains the council may carry out such work and for that purpose any person authorized by the council on that behalf may enter upon any land and perform any work necessary for so doing. The cost to the council of carrying out such work shall be a debt due to the council by the owner of the building and shall until paid be a charge upon the land in respect of which the cost is incurred.

(12) The council may recover the capital cost of the work and the cost of the maintenance and operation thereof from the ratepayers in the portion of the area benefited. For this purpose the council may declare for one year or annually or for several years a separate rate or separate rates which shall be payable by all the ratepayers in the said portion.

17. Section 667 of the principal Act is amended—

(a) by inserting after the words "water skis" (twice occurring) in paragraph (29a) thereof the passage " , surf boards";

Amendment of
principal Act,
s. 667—
General power
to make
by-laws.

Water for
irrigation,
escaping to
public roads.

(b) by inserting therein after paragraph (48) thereof the following paragraph :—

(48a) For regulating, controlling, or prohibiting the escape of water used for irrigation purposes into upon or under public streets or roads.

Enactment of
s. 686b of
principal Act—

18. The following section is inserted in the principal Act immediately after section 686a thereof :—

Order for
payment of
excess fares.

686b. Upon the conviction of a person of an offence of receiving more than the legal fare payable in respect of a vehicle under any by-law made pursuant to paragraph (17) of section 669 the Court may, in addition to the penalty (if any) imposed, order the defendant to pay to the person from whom such fare was received the amount by which such fare exceeded the legal fare.

19. Subsection (1) of section 840 of the principal Act is amended by inserting after the line commencing “x” therein the following line :—

xI. Any person having authority to administer an oath in the place where the ratepayer votes by means of a postal voting paper.

20. The nineteenth schedule to the principal Act is amended—

(a) by striking out the passage “or a legal practitioner” in Form No. 1 therein and inserting in lieu thereof the passage “, a legal practitioner or any person having authority to administer an oath in the place where a ratepayer votes by means of a postal voting paper” ; and

(b) by inserting after paragraph (j) under the heading “AUTHORIZED WITNESSES.” in Form No. 3 therein the following paragraph :—

(k) any person having authority to administer an oath in the place where a ratepayer votes by means of a postal ballot paper.

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

EDRIC BASTYAN, Governor.