



ANNO VICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1977

No. 1 of 1977

An Act to amend the Local Government Act, 1934-1976.

[Assented to 14th April, 1977]

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, 1977". Short titles.

(2) The Local Government Act, 1934-1976, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Local Government Act, 1934-1977".

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

3. Section 5 of the principal Act is amended—

(a) by striking out from the definition of "elector" in subsection (1) the passage "enrolled as an elector in pursuance of this Act" and inserting in lieu thereof the passage "entitled to be enrolled as an elector in pursuance of this Act (whether or not he has actually been so enrolled)";

and

(b) by inserting after subsection (9) the following subsection:—

(10) A person holding office as a mayor, alderman or councillor immediately before the commencement of the Local Government Act Amendment Act, 1976, is not disqualified from continuing in office by reason of the fact that he is not an elector for the area, or ward, in which he was elected.

4. Section 27a of the principal Act is amended by striking out paragraph (a) of subsection (1) and inserting in lieu thereof the following paragraph:—

(a) must be signed by a number of the electors for that portion of the area that equals or exceeds one-half of the total number of properties within that portion of the area for which separate assessments have been made;

Amendment of principal Act, s. 5—
Interpretation.

Amendment of principal Act, s. 27a—
Petition for severance and annexation.

Amendment of
principal Act,
s. 27b—
Request for
poll on
severance of
area.

5. Section 27b of the principal Act is amended—

- (a) by striking out the passage “Not less than one-tenth” and inserting in lieu thereof the passage “The prescribed number”;

and

- (b) by inserting after the present contents thereof, as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

(2) In subsection (1) of this section—

“the prescribed number” of electors for a ward or part of a ward means a number that equals or exceeds ten per centum of the total number of properties within the ward, or part thereof, for which separate assessments have been made.

Amendment of
principal Act,
s. 45a—
Approved
proposals.

6. Section 45a of the principal Act is amended—

- (a) by striking out from subsection (4) the passage “fifteen per centum of the electors for any area affected by the proposal, or fifty electors, whichever is the greater number,” and inserting in lieu thereof the passage “the prescribed number of electors for an area affected by the proposal”;

and

- (b) by inserting after subsection (4) the following subsection:—

(4a) In subsection (4) of this section—

“the prescribed number” of electors for an area means a number (being not less than fifty) that equals or exceeds fifteen per centum of the total number of properties within the area for which separate assessments have been made.

Amendment of
principal Act,
s. 51—
Election of
mayor, alder-
men, and
councillors.

7. Section 51 of the principal Act is amended by striking out the word “alderman” and inserting in lieu thereof the word “aldermen”.

Amendment of
principal Act,
s. 88—
Enrolment.

8. Section 88 of the principal Act is amended—

- (a) by striking out subparagraphs (i) and (ii) of paragraph (b) of subsection (1) and inserting in lieu thereof the following subparagraphs:—

- (i) he is a ratepayer in respect of ratable property within the area and the sole owner, or sole occupier, or sole owner and occupier, of that property;

- (ii) he is the nominated agent, in respect of the area, of a body corporate that is—

- (A) a ratepayer in respect of ratable property within the area;

and

- (B) the sole owner, or sole occupier, or sole owner and occupier, of that property;;

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

(2) Where an area is divided into wards, a person is entitled to be enrolled as an elector for a ward if—

(a) he is enrolled as an elector for the House of Assembly and is resident in that ward;

or

(b) he is enrolled as an elector for the House of Assembly and—

(i) he is a ratepayer in respect of ratable property within the ward and is the sole owner, or sole occupier, or sole owner and occupier, of that property;

(ii) he is the nominated agent, in respect of the ward, of a body corporate that is—

(A) a ratepayer in respect of ratable property within the ward;

and

(B) the sole owner, or sole occupier, or sole owner and occupier, of that property;

or

(iii) he is a nominated agent in respect of ratable property within the ward by virtue of the provisions of subsection (3) of this section.;

(c) by striking out from paragraphs (a) and (b) of subsection (3) the word “persons” wherever it occurs and inserting in lieu thereof, in each case, the word “ratepayers”;

(d) by striking out from subsection (3) the passage “and none of those persons is entitled to vote by reasons of residence within the area, or the ward,”;

and

(e) by inserting after subsection (7) the following subsection:—

(8) Where an elector who is a nominated agent holds a number of nominations as such, he may vote at an election, meeting or poll in respect of each of those nominations.

9. Section 89 of the principal Act is amended—

(a) by inserting in subsection (1) after the passage “in an area” the passage “or ward,”;

(b) by inserting in subsection (2) after the passage “supply the council with a voters’ roll” the passage “for the area or ward”;

(c) by striking out the passage “those persons” wherever it occurs in subsections (1) and (2) and inserting in lieu thereof, in each case, the passage “those electors”;

and

(d) by striking out subsection (4).

Amendment of
principal Act,
s. 89—
Compilation of
electoral roll.

Amendment of
principal Act,
s. 91—
Vote of persons
whose names
do not appear
on voters' roll.

10. Section 91 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage "of the ward" and inserting in lieu thereof the passage "or the ward";
- (b) by striking out from subsection (1) the passage "person presiding at the polling place at which he claims to vote" and inserting in lieu thereof the passage "returning officer or a deputy returning officer";

and

- (c) by striking out from subsections (2) and (3) the passage "presiding officer" wherever it occurs and inserting in lieu thereof, in each case, the passage "returning officer or deputy returning officer".

Amendment of
principal Act,
s. 115—
Voting rights.

11. Section 115 of the principal Act is amended by inserting after the passage "is entitled" wherever it occurs in subsections (1) and (2) the passage ", subject to sections 88 and 89 of this Act,".

Amendment of
principal Act,
s. 122—
Inquiries which
may be made
of voter.

12. Section 122 of the principal Act is amended by inserting in paragraph 1 of subsection (1) after the passage "voters' roll for this area" the passage "(or ward)".

Amendment of
principal Act,
s. 127—
Count of votes
by returning
officer.

13. Section 127 of the principal Act is amended by striking out from subparagraph (d) of paragraph II the passage "the election" and inserting in lieu thereof the word "counting".

Amendment of
principal Act,
s. 457—
Powers to let
grounds vested
in the council.

14. Section 457 of the principal Act is amended by striking out from subsection (4) the passage "No such lease shall be granted until" and inserting in lieu thereof the passage "A lease shall not be granted under this section for a term exceeding three months, unless".

Amendment of
principal Act,
s. 816—
Voting rights
at poll.

15. Section 816 of the principal Act is amended by inserting after the word "shall" the passage ", subject to sections 88 and 89 of this Act,".

Amendment of
principal Act,
s. 820—
Inquiries that
may be made
of voters.

16. Section 820 of the principal Act is amended by inserting in paragraph 1 of subsection (1) after the passage "for this area" the passage "(or ward)".

Amendment of
principal Act,
s. 825—
Counting of
votes.

17. Section 825 of the principal Act is amended by striking out from subparagraph (d) of paragraph II the passage "the poll" and inserting in lieu thereof the word "counting".

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

W. R. CROCKER, Governor's Deputy