



ANNO VICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1977

No. 47 of 1977

An Act to amend the Local Government Act, 1934-1977

[Assented to 15th December, 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 (No. 2), 1977". Short titles.

(2) The Local Government Act, 1934-1977, 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".

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

3. The following Division is enacted and inserted in the principal Act after Division I of Part II of the principal Act:— Enactment of Division IA of Part II of principal Act—

DIVISION IA—DEFAULTING COUNCILS

9b. (1) Where, in the opinion of the Minister—

Defaulting councils.

(a) a council has refused or failed to carry out the duties or functions imposed upon, or assigned to, the council under this Act;

or

(b) a council is unable to deal properly with affairs requiring its attention by reason of refusal or failure of members of the council to attend meetings of the council,

the Minister may recommend to the Governor that the council be declared to be a defaulting council.

(2) Where the Minister makes a recommendation under subsection (1) of this section, the Governor may, by proclamation—

(a) declare a council to be a defaulting council;

and

(b) appoint a suitable person to be administrator of the affairs of the Council.

(3) Upon the making of a proclamation under subsection (2) of this section—

(a) all powers of the council are suspended;

and

(b) the administrator shall administer the affairs of the council and may, for the purposes of his administration, exercise any power, or carry out any function, that could, but for the proclamation, have been exercised or carried out by the council.

(4) Any liability incurred by the administrator in the course of his administration shall be enforceable against, and satisfied out of the funds of, the council.

(5) The Minister may, by notice in writing, give directions to any member or officer of a defaulting council with a view to facilitating the administration of the affairs of the council under this section.

(6) A person who refuses or fails to comply with a direction given under this section shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

(7) The Governor may, by subsequent proclamation, revoke or vary a proclamation under this section.

Expiry of Act.

4. This Act shall expire on the thirty-first day of May, 1978.

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

K. SEAMAN, Governor