



ANNO PRIMO

## ELIZABETHAE II REGINAE

A.D. 1952

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## No. 48 of 1952.

An Act to amend the Local Government Act,  
1934-1951.

[Assented to 4th December, 1952.]

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), 1952". Short titles.

(2) The Local Government Act, 1934-1951, as amended by this Act, may be cited as the "Local Government Act, 1934-1952".

(3) The Local Government Act, 1934-1951, is hereinafter referred to as "the principal Act".

2. Section 5 of the principal Act is amended by inserting in subsection (1) thereof after the definition of "township" the following definition :— Amendment of principal Act, s. 15— Interpretation.

"vehicle" includes motor cycle and bicycle :

3. Section 7 of the principal Act is amended—

(a) by striking out the word "three" in the last line of subsection (2) thereof and by inserting in lieu thereof the word "five" ; Amendment of principal Act, s. 7— Constitution of new area by severance.

(b) by adding at the end of subsection (2) thereof the words "and unless the Governor is satisfied that, with respect to the area remaining after the severance

therefrom of the new municipality or district, the amount which will be derived from a general rate an amount which in the opinion of the Governor sufficient for the purposes of that area will exceed five thousand pounds”.

Amendment of principal Act, ss. 47 and 48—  
Proclamation of municipality as a city.

4. (1) Section 47 of the principal Act is amended—
- (a) by striking out the word “twenty” in the third line thereof and by inserting in lieu thereof the word “fifteen”;
- (b) by striking out the word “twenty” in the last line thereof and by inserting in lieu thereof the word “fifteen”.

(2) Section 48 of the principal Act is amended by striking out the word “twenty” in the third line thereof and by inserting in lieu thereof the word “fifteen”.

Repeal of principal Act, ss. 74 and 75 and substitution of other provisions—  
Proclamation as to aldermen.

5. Sections 74 and 75 of the principal Act are repealed and the following section is enacted and inserted in the principal Act in lieu thereof:—

74. (1) The council of any municipality may by petition pray the Governor to make a proclamation declaring that the provisions of this Part relating to aldermen shall apply to the municipality.

(2) If any such petition is made as aforesaid and if the Governor is satisfied that it is desirable so to do, the Governor may by proclamation declare that the council of the municipality shall consist of aldermen in addition to councillors.

Amendment of principal Act, s. 104—  
Nomination day.

6. Section 104 of the principal Act is amended by striking out the word “Saturday” in the fourth line thereof and by inserting in lieu thereof the word “Friday”.

Amendment of principal Act, s. 157—  
Resignation by clerk.

7. Section 157 of the principal Act is amended by adding at the end thereof the following subsection:—

(4) If the clerk of any council resigns his office, he shall give to the council at least two months’ notice of his intention to resign.

Amendment of principal Act, s. 203—  
Appeal against assessment.

8. Section 203 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) If two or more ratepayers are included in the assessment book as joint tenants or tenants in common with respect to any ratable property, any one of these ratepayers may appeal as aforesaid.

9. Section 206 of the principal Act is amended by inserting after the word "just" in the sixth line of subdivision IV. thereof the words "and may by such order increase, decrease, or leave unchanged the assessed value of the property to which the appeal relates".

Amendment of  
principal Act,  
s. 206—  
Proceedings on  
appeal.

10. Section 207 of the principal Act is amended by inserting after the word "and" in the fourth line of subdivision VI. thereof the words "may by such order increase, decrease, or leave unchanged the assessed value of the property to which the appeal relates, and the local court".

Amendment of  
principal Act,  
s. 207—  
Provision on  
hearing of  
appeals.

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

Amendment of  
principal Act,  
s. 287—  
Expenditure  
of council.

(a) by inserting therein after paragraph (f3) of subsection (1) thereof the following paragraph :—

(f4) subscribing to any hospital situated within or outside the area if the hospital is incorporated under the Associations Incorporation Act, 1929-1935, and if the council is satisfied that the hospital provides directly or indirectly for the needs of the inhabitants of the area :

(b) by inserting therein after paragraph (j2) of subsection (1) thereof the following paragraphs :—

(j3) providing for the cost of public functions or entertainments or other like expenditure to celebrate the centenary of the institution of local government within the area of the council :

(j4) subscribing for the purposes of any organization having as an object the furtherance of local government or the development of any part of the State in which the area of the council is situated : Provided that the total amount which may be subscribed to organizations as aforesaid in any financial year shall not exceed fifty pounds :

(j5) band and orchestral concerts :

(j6) contributing in the case of a municipal council towards the establishment or maintenance of any band or orchestra or contributing in the case of a district council towards the establishment or maintenance of any band or orchestra within the district of the council :

(2) Section 288 of the principal Act is amended by striking out paragraphs (a) and (a1) of subsection (1) thereof.

Enactment of  
s. 355b. of  
principal Act—

**12.** The following section is enacted and inserted in the principal Act after section 355a thereof:—

Protection of  
ramps.

355b. (1) If any ramp is erected on any public street or road pursuant to section 355a or section 375 and if the council is of opinion that in order to prevent damage to the ramp it is proper so to do, the council may cause to be erected in the vicinity of the ramp notices stating that vehicles exceeding the weight specified therein or that vehicles of any kind specified therein shall not be driven across the ramp.

(2) One such notice shall be placed so that it is clearly visible to traffic approaching the ramp from each direction. Every such notice shall consist of letters not less than one inch in height clearly and legibly painted or printed on a white background.

(3) If any person drives any vehicle across any ramp in contravention of any such notice he shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(4) The council shall not be liable for any damage occasioned by the driving of a vehicle across any ramp in contravention of any such notice.

Amendment of  
principal Act,  
s. 383—  
Quarrying  
operations by  
councils.

**13.** Section 383 of the principal Act is amended by striking out subsection (8) thereof.

Amendment of  
Part XXVI. of  
principal Act—

**14.** The following section is enacted and inserted in Division II of Part XXVI of the principal Act after section 550a thereof:—

Establishment  
of veterinary  
hospitals.

550b. (1) No person shall, after the passing of the Local Government Act Amendment Act, 1952, establish a veterinary hospital or shall after the said passing extend or add to a veterinary hospital at any place within a municipality until after the expiration of three months from his giving to the council of the municipality a notice in writing stating—

- (a) the intention to establish or extend or add to the veterinary hospital ;
- (b) the proposed site thereof ;
- (c) the purpose for which the veterinary hospital or extension or addition thereto is to be used ;
- (d) the name and address for service of the person intending to establish, extend, or add to the veterinary hospital.

(2) The notice shall be accompanied by a plan which shall show the distance of the veterinary hospital or, as the case may be, extension of or addition thereto from the nearest building on every side thereof.

(3) The person intending to establish the veterinary hospital or to extend or add to a veterinary hospital shall, for six weeks immediately after giving the said notice, cause a copy of the notice to be affixed and kept affixed on a board or prominent position on the site thereof in such a position that it can be read by persons passing along the footway in front of the proposed veterinary hospital, extension, or addition.

(4) Within six weeks after the receipt of the notice mentioned in subsection (1) hereof any owner or occupier of ratable property in the neighbourhood of the proposed veterinary hospital, extension, or addition may present a petition to the council praying that the proposed veterinary hospital, extension, or addition may be prohibited.

(5) Within three months after the receipt of the notice mentioned in subsection (1) the council may (whether a petition has been presented under subsection (4) or not) if it is of opinion that the proposed veterinary hospital or, as the case may be, the extension of or addition to a veterinary hospital is unsuitable, or that its existence would be likely to be injurious or detrimental to the health, welfare, or comfort of the inhabitants in the neighbourhood thereof, by notice under the hand of the town clerk served on the person named in the notice under subsection (1), prohibit the establishment of the veterinary hospital or, as the case may be, the extension or addition to the veterinary hospital. The notice by the council shall be deemed to be duly served if served on the said person personally or left at the address for service stated in the notice under subsection (1) hereof.

(6) Any person who establishes a veterinary hospital or extends or adds to a veterinary hospital contrary to the provisions of subsection (1) hereof, or without furnishing the plan mentioned in subsection (2) hereof, or without having affixed and kept affixed the copy of the notice in accordance with subsection (3) hereof, or after service upon him of a notice under subsection (5) hereof, shall be guilty of an offence and liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding two pounds for every day during which the offence continues.

(7) In this section "veterinary hospital" means any premises or place in which, in the course of practice or business, any animals are received for treatment for disease or injury.

Amendment of  
Parts XXXIV  
and XXXIX  
of principal  
Act—  
Powers of  
councils as to  
hide and skin  
markets, etc.

15. (1) The heading to Part XXXIV. of the principal Act is amended by striking out the words "within municipalities".

(2) Section 629 of the principal Act is amended—

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

(b) by inserting after the word "municipality" in the third line thereof the words "or, as the case may be, within any township within the district";

(c) by inserting after the word "municipality" in the first line of subsection (2) thereof the words "or in any township within a district".

(3) Section 630 of the principal Act is amended by striking out the word "municipal" in the first line thereof.

(4) Section 631 of the principal Act is amended—

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

(b) by inserting after the word "municipality" in the second line thereof the words "or any township within the district".

(5) Section 632 of the principal Act is amended by inserting after the word "municipality" in the first line thereof the words "or within any township within a district".

(6) Section 3 of the principal Act is amended by striking out the words "within municipalities" in the line commencing "Part XXXIV".

(7) Section 667 of the principal Act is amended by inserting therein after paragraph (5) thereof the following paragraph:—

Bazaars.

(5a) I. For regulating the licensing, supervision, and control of any premises within the municipality or any township within the district as bazaars or general sale yards for the sale of horses, cattle, and other animals or any of them, and the maintenance of cleanliness in the licensed premises:

II. For the general regulation of horse bazaars, sheep markets, and cattle markets within the municipality or within any township within the district; for the maintenance of good order therein; for the licensing

of the said bazaars or markets ; and for fixing fees to be paid to the council in respect of sales at the said bazaars and markets :

(8) Section 669 of the principal Act is amended by striking out paragraph (2) thereof.

16. (1) Section 667 of the principal Act is amended by inserting therein after paragraph (38) thereof the following paragraph :—

Amendment of principal Act, ss. 667 and 670—  
Quarrying.

(38a) For regulating and controlling quarrying and blasting operations :

(2) Section 670 of the principal Act is amended by striking out paragraph (10) thereof.

17. Section 667 of the principal Act is amended by inserting therein after paragraph (48) thereof the following paragraph :—

Amendment of principal Act, s. 667—  
Unightly chattels and structures.

(48a) For enabling the council by notice in writing to require the owner or occupier of any land within the municipality or any township within the district to remove therefrom any unsightly chattels or any unsightly structure the presence of which is likely to affect adversely the value of adjoining land or which is prejudicial to the interests of the public and for enabling the council on default of compliance by the owner or occupier to remove the chattels or structure and to recover the cost thereby incurred from the owner or occupier ; but every by-law made pursuant to this paragraph shall provide that the owner or occupier shall have a right of appeal to a local court from any notice given by the council :

18. The following section is enacted and inserted in Division I of Part XXXIX of the principal Act after section 686 thereof :—

Enactment of s. 686a of principal Act—

686a. (1) If under any by-law made pursuant to paragraph (17) of section 669 the rates or fares to be charged with respect to vehicles licensed to ply for hire are fixed or the fees payable upon the licensing thereof are fixed, the council may, subject to this section, by resolution from time to time vary those rates, fares, or fees, or any of them.

Variation of taxi fares, etc., fixed by by-law.

(2) The council may pass any such resolution and may by resolution revoke or vary any such resolution, but no such resolution shall be passed except at a meeting of the council at which at least two-thirds of the members then in office are present.

(3) Notice of every such resolution shall be published in the *Gazette*.

Amendment of  
principal Act,  
s. 840 and  
nineteenth  
schedule—  
Authorized  
witnesses.

**19.** (1) Section 840 of the principal Act is amended by striking out paragraph VII. of subsection (1) thereof and by inserting in lieu thereof the following paragraph :—

VII. Any town clerk or district clerk.

(2) Form No. 3 in the nineteenth schedule to the principal Act is amended by striking out paragraph (g) appearing under the heading "Authorized Witnesses" and by inserting in lieu thereof the following paragraph :—

(g) Any town clerk or district clerk.

Amendment of  
principal Act.

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

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

J. M. NAPIER, Lieutenant-Governor.



## THE SCHEDULE.

## AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1934-1951.

Provision Amended.	How Amended.
Section 5 (1) . . . . .	The definition of " manufacturing district " in subsection (1) of section 5 is repealed.
Section 57a . . . . .	The words " be deemed to have continued " in the twenty-third and twenty-fourth lines of section 57a are struck out and the words " , from the time he is nominated as aforesaid, continue " . The words " , and shall be deemed to so continue " in the twenty-fifth line of section 57a are struck out. The words " at a supplementary election " are inserted after the word " elected " in the penultimate line of section 57a.
Section 180 . . . . .	The word " Taxes " in the first line of subsection (1) and in the first line of subsection (2) of section 180 is struck out, and in each case, the words " Land Tax " are inserted in lieu thereof.
Section 182 . . . . .	The word " Taxes " in the fifth and the seventh lines of section 182 is struck out, and in each case, the words " Land Tax " are inserted in lieu thereof.
Section 183 . . . . .	The words " Commissioner of Crown Lands " in the second and third lines of section 183 are struck out and the words " Minister of Lands " are inserted in lieu thereof.
Section 188 . . . . .	The word " Taxes " in the second, sixth, and eighth lines of section 188 is struck out, and in every case, the words " Land Tax " are inserted in lieu thereof.
Section 234 . . . . .	The word " three " in the third line of subparagraph (a) of paragraph (ii.) of section 234 is struck out and the word " four " is inserted in lieu thereof. The words " one shilling and eight pence " in the third and fourth lines of subparagraph (b) of paragraph (ii.) of section 234 are struck out and the words " two shillings " are inserted in lieu thereof.
Section 238 . . . . .	The word " five " in the third line of section 238 is struck out and the word " six " is inserted in lieu thereof.
Section 240 . . . . .	The word " three " in the third line of section 240 is struck out and the word " four " is inserted in lieu thereof.
Section 244 . . . . .	The words " one shilling and eight pence " in the second and third lines of section 244 are struck out and the words " two shillings " are inserted in lieu thereof.
Section 247 . . . . .	The words " one shilling and eight pence " in the fourth line of section 247 are struck out and the words " two shillings " are inserted in lieu thereof.
Section 289a . . . . .	The word " and " last occurring in the fifth line of section 289a is struck out and the words " trees, wood, stumps or " are inserted in lieu thereof.
Section 301 . . . . .	The words " and land used as streets or roads " are inserted after the word " roads " in the first line of section 301. The words " or land " are inserted after the word " roads " in the first line of paragraph III. of subsection (1) of section 301. The words " and land " are inserted after the word " roads " in the first line of paragraph VI. of subsection (1) of section 301. The words " or land " are inserted after the word " road " in the third line and in the seventh line of subsection (3) of section 301.
Section 303 . . . . .	The words " street or road " in the third and fourth lines of section 303 are struck out and the word " land " is inserted in lieu thereof. The words " land used as a " are inserted after the word " Any " in the first line of paragraph II. of subsection (1) of section 303. The words " street or road " in the penultimate line of paragraph II. of subsection (1) of section 303 are struck out and the word " land " is inserted in lieu thereof. The words " land used as a " are inserted after the word " Any " in the first line of paragraph III. of subsection (1) of section 303. The words " street or road " in the fourth line of paragraph III. of subsection (1) of section 303 are struck out and the word " land " is inserted in lieu thereof. The words " street or road " first occurring in the last line of paragraph III. of subsection (1) of section 303 are struck out and the word " land " is inserted in lieu thereof.

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AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1934-1951—*continued.*

Provision Amended.	How Amended.
Section 303— <i>contd.</i>	<p>The words " or land " are inserted after the word " road " wherever occurring in the second and fourth lines of subsection (2) of section 303.</p> <p>The words " street or road or " are inserted after the word " the " first occurring in the penultimate line of subsection (2) of section 303.</p> <p>The words " or land " are inserted after the word " road " first occurring in the fourth line of subsection (3) of section 303 and after the word " road " in the penultimate line of subsection (3) of section 303 and after the word " road " in the third line of subsection (4) of section 303 and after the word " road " in the third line of subsection (5) of section 303.</p>
Section 304 . . . . .	<p>The words " or land " are inserted after the word " road " in the penultimate line of paragraph II. of section 304 and after the word " road " first occurring in the third line of paragraph VI. of section 304.</p>
Section 305 . . . . .	<p>The words " or land " are inserted after the word " road " in the second line of subsection (1) of section 305 and after the word " road " in the sixth line of subsection (1) of section 305 and after the word " road " first occurring in the second line of subsection (2) of section 305 and after the word " road " in the third line of subsection (2) of section 305 and after the word " road " in the first line of subsection (3) of section 305 and after the word " road " in the first line of subsection (4) of section 305.</p>
Section 669 (17) . . .	<p>The words " the fixing " in the first line of subdivision v. of paragraph (17) of section 669 are struck out and the words " fixing the " are inserted in lieu thereof.</p>
Section 673 . . . . .	<p>The word " passed " in the first line of section 673 is struck out and the word " made " is inserted in lieu thereof.</p>
Section 674 . . . . .	<p>The word " passed " in the first line of section 674 is struck out and the word " made " is inserted in lieu thereof.</p>
Section 841 . . . . .	<p>The word " fasten " in the fourth line of subdivision v. of section 841 and in the eighth line of subdivision VI. of section 841 is struck out and the word " seal " is in each case inserted in lieu thereof.</p>
Section 896 . . . . .	<p>Section 896 is repealed.</p>
Nineteenth Schedule	<p>The word " fasten " in the second line of paragraph (e) and in the fifth line of paragraph (f) under the heading of " Directions to Ratepayers and Authorized Witnesses " in form No. 3 in the Nineteenth Schedule is struck out and the word " seal " is in each case inserted in lieu thereof.</p>