



ANNO DUODECIMO

## GEORGII VI REGIS.

A.D. 1948.

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### No. 51 of 1948.

#### An Act to amend the Local Government Act, 1934-1946.

[Assented to 22nd December, 1948.]

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, 1948". Short titles.

(2) The Local Government Act, 1934-1946, as amended by this Act, may be cited as the "Local Government Act, 1934-1948".

(3) The Local Government Act, 1934-1946, is hereinafter referred to as "the principal Act".

2. The definition of "owner" in subsection (1) of section 5 of the principal Act is amended by adding at the end thereof the following paragraph :— Amendment of principal Act, s. 5—  
Definition of "owner".

(g) as regards any land in respect of which there is no owner within the meaning of the foregoing provisions of this definition, any executor, administrator, or other person who receives or is entitled to receive the rents and profits of the land or would be entitled to receive the rents and profits if the land were let :

Amendment  
of principal  
Act, s. 52—  
Qualifications  
of councillors.

3. Section 52 of the principal Act is amended—

(a) by inserting in subsection (3) thereof after paragraph (h) of the said subsection the following subsection:—

(h1) by reason of supplying or providing or being directly or indirectly interested in any contract for the supply or provision of any goods, chattels or services to the council where the goods, chattels or services are supplied or provided on terms similar to the terms on which they are ordinarily supplied or provided to members of the public:

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

(4a) No member of the council who supplies or provides goods, chattels, or services as provided by paragraph (h1) of subsection (3) or who is directly or indirectly interested in any contract for such supply or provision, shall take part in any discussion before the council or vote on any question relating to such supply or provision.

Amendment of  
principal Act,  
s. 137—  
Supplementary  
election.

4. Section 137 of the principal Act is amended—

(a) by striking out the word "ten" in the penultimate line of subsection (4) thereof and by inserting in lieu thereof the word "twenty-three";

(b) by adding at the end of subsection (4) thereof the following proviso:—

Provided that if the day appointed pursuant to this section as nomination day is within three months before the first Saturday in July in any year, the returning officer may adjourn the further proceedings aforesaid until that first Saturday in July.

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

5. Subsection (1) of section 287 of the principal Act is amended by inserting therein after paragraph (j1) thereof the following paragraph:—

(j2) providing during the financial year ending the thirtieth day of June, nineteen hundred and forty-nine, for the cost of any public entertainments, functions, illuminations, or decorations (whether within or outside the area) or other like expenditure in connection with the visit of His Majesty to the State, and for contributing to any fund established for any such purpose:

6. Section 288 of the principal Act is amended by inserting therein after paragraph (a) of subsection (1) thereof the following paragraph :—

Amendment of principal Act, s. 288—  
Expenditure by municipal councils.

(a1) contributing towards the establishment or maintenance of any band or orchestra :

7. (1) The following section is enacted and inserted in Part XVI. of the principal Act after section 300 thereof :—

Enactment of s. 300a of principal Act—

300a. (1) The Governor may, on the recommendation of the Director of the Local Government Department, direct that in any financial year there shall be payable out of the Highways Fund established under the Highways Act, 1926-1944, as a grant to the council of the City of Adelaide an amount not exceeding fifteen thousand pounds.

Grant to council of City of Adelaide.

(2) Any amount received by the said council pursuant to this section shall be expended by the said council in defraying the cost of operations in connection with roads which abut the park lands within the City of Adelaide but which do not abut ratable property within the said City and work appertaining to such roads and any such amount shall not be expended by the said council for any other purpose.

(3) Any amount paid pursuant to this section shall be in addition to any amount which may be payable to the said council pursuant to section 299.

(4) The provisions of this section shall apply only during such time as the provisions of the Highways Act, 1926-1944 (other than the proviso to section 2 of that Act) do not apply to the City of Adelaide.

(2) Section 300 of the principal Act is amended by striking out the words "this Part" in the second line thereof and by inserting in lieu thereof the passage "section 299".

8. Section 317 of the principal Act is amended by adding at the end thereof the following subsection :—

Amendment of principal Act, s. 317—  
Maintenance of boundary roads, etc.

(4) If any public street or road or any bridge or other work thereon or connected therewith is wholly within one area, but abuts on any portion of another area and the said portion is not park lands or a reserve, then for the purposes of this section the public street or road, bridge or work shall, to the extent that it abuts as aforesaid, be deemed to form the common boundary of parts of those areas.

Amendment of  
principal Act,  
s. 319—  
Cost of con-  
structing public  
streets.

**9.** Section 319 of the principal Act is amended—

- (a) by inserting after the word “road” in the sixth line of subsection (2) thereof the words “or constructing kerbs in any such public street or road”;
- (b) by striking out the words “half the cost of so doing” in the eighth and ninth lines of subsection (2) thereof;
- (c) by inserting after the word “road” in the tenth line of subsection (2) thereof the words “the cost of such work or such portion thereof as the council thinks fit”;
- (d) by striking out the word “two” in the penultimate line of subsection (2) thereof and by inserting in lieu thereof the word “five”.

Amendment of  
principal Act,  
s. 328—  
Paving of  
footways.

**10.** Section 328 of the principal Act (as amended by section 33 of the Local Government Act Amendment Act, 1946) is further amended—

- (a) by striking out the words “, paved, or kerbed” in the third line thereof and by inserting in lieu thereof the words “or paved”;
- (b) by inserting therein after the word “recover” in subsection (2) thereof the words “the whole or”;
- (c) by striking out the passage “(but not exceeding one half thereof)” in subsection (2) thereof;
- (d) by striking out the words “, paved, or kerbed” in subsection (2) thereof and by inserting in lieu thereof the words “or paved”;
- (e) by adding at the end of subsection (2) thereof the following proviso:—

Provided that the total of all such expenses which shall be payable in respect of any premises shall not exceed the sum of one shilling per lineal foot of frontage thereof.

Enactment of  
s. 355a of  
principal Act—

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

Erection of  
ramps.

**355a.** The council may erect and maintain any ramp in any fence which is erected on any public street or road.

Enactment of  
s. 362a of  
principal Act—

**12.** The following section is enacted and inserted in the principal Act after section 362 thereof:—

362a. (1) Subject to subsection (2), the council may erect any weighbridge upon any public street or road but no such weighbridge shall be erected in any place where it will or is likely to cause danger or to impede traffic unreasonably.

Erection of weighbridge upon street or road.

(2) At least six weeks before commencing to erect any weighbridge in any public street or road, the council shall give to the Commissioner of Highways notice in writing of its intention, including particulars of the principal dimensions of the weighbridge and of the site at which it is proposed to erect the weighbridge. If satisfied that it is undesirable to erect the weighbridge at the site so specified, the Commissioner of Highways may by notice in writing given to the council within four weeks after the giving of the notice aforesaid, prohibit the erection of the weighbridge and if such notice is given to the council, the council shall not proceed with the erection of the weighbridge.

13. Section 449 of the principal Act is amended—

Amendment of principal Act, s. 449—  
Overdrafts.

- (a) by inserting before the word “municipal” in the fifth line thereof the word “metropolitan”;
- (b) by inserting after the word “council” in the eighth line thereof the words “or of a municipal council (other than a metropolitan municipal council)”;
- (c) by striking out the word “main” in the third line of subsection (3) thereof.

14. The following section is enacted and inserted in the principal Act after section 449a thereof:—

Enactment of s. 449aa of principal Act—

449aa. (1) For the temporary accommodation of a council and for the purpose of providing moneys necessary for the working expenses or maintenance of any gas or electric supply undertaking of the council or other revenue producing undertaking of the council, the council may obtain advances from any bank by overdraft on the credit of the revenue of the undertaking; but at no time shall the overdraft or overdrafts exceed one-quarter of the amount of the gross revenue of the council from the undertaking during the last previous year.

Overdraft for electric and other undertakings.

(2) The powers given by this section shall be in addition to those given by section 449 and section 449a.

15. Part XXI. of the principal Act is amended by inserting therein after section 449a the following section:—

Amendment of principal Act, Part XXI.—

Power of Savings Bank to make advances on overdraft.

449b. Notwithstanding any provisions of The Savings Bank of South Australia Act, 1929-1948, The Savings Bank of South Australia shall be deemed to be a bank by which an advance may be made on overdraft to a council under section 449, section 449a, or section 449aa and the trustees of The Savings Bank of South Australia may, in their discretion, make any advance by overdraft to a council pursuant to section 449, section 449a, or section 449aa.

Amendment of principal Act, s. 640—  
Polluting waterways.

16. (1) Section 640 of the principal Act is amended by inserting after the word "municipality" in the first line thereof the words "or within any township within any district".

(2) The principal Act is amended—

(a) by inserting before section 640 thereof the heading "Division II.—Provisions Applicable Generally"; and

(b) by striking out the heading "Division II.—Provisions Applicable Generally" before section 641 thereof.

Amendment of principal Act, s. 667—  
Fences and hedges.

17. Section 667 of the principal Act is amended by inserting therein after paragraph (15) thereof the following paragraph:—

(15a) For regulating the height of fences, hedges and hoardings erected within twenty feet of the intersection of any streets or roads; for authorizing the council to give notice in writing to any occupier of land upon which any such fence, hedge or hoarding is situated requiring the occupier to reduce the height thereof in conformity with any by-law made under this paragraph; and for authorizing the council to carry out any work necessary on default of any such occupier and for recovering the cost thereof from such occupier:

Amendment of principal Act, ss. 667, 669 and 670—  
By-laws as to advertising hoardings, advertisements, etc.

18. (1) Paragraph (21) of section 667 of the principal Act is amended by inserting therein after the word "footway" in the fourth line thereof the words "for providing that advertising hoardings and other similar erections situated elsewhere than as is previously provided in this paragraph shall not be erected, or as the case may be, permitted to remain except with the permission of the council";

(2) Paragraph (23) of section 669 of the principal Act is amended by inserting therein after the word "road" in the ninth line thereof the words "for providing that lamps, signs, devices, signboards, and advertisements shall not be put up or painted, stencilled or made as aforesaid elsewhere than as is previously provided in this paragraph except with the permission of the council";

(3) Paragraph (1) of section 670 of the principal Act is amended by adding at the end thereof the words “; and for providing that advertisements situated elsewhere than as is previously provided in this paragraph shall not be exhibited except with the permission of the council”.

19. Section 781a of the principal Act (as enacted by section 22 of the Local Government Act Amendment Act, 1939) is amended—

Amendment of  
principal Act,  
s. 781a—  
Advertising  
in streets.

- (a) by striking out the word “mainly” in paragraph (a) thereof and by inserting in lieu thereof the word “substantially”;
- (b) by inserting therein after paragraph (a) thereof the following paragraph:—
  - (a1) in any street, road or public place drives or leads any animal on which is displayed any advertisement or announcement; or

20. Section 783 of the principal Act (as amended by section 61 of the Local Government Act Amendment Act, 1946) is amended—

Amendment of  
principal Act,  
s. 783—  
Depositing  
rubbish, etc.,  
on street.

- (a) by inserting in subsection (1) thereof after paragraph (a) thereof the following paragraph:—
  - (a1) without the consent of the council deposits any earth, building spoil, road metal, gravel or any similar substance on any street, road, or public place; or
- (b) by inserting after the word “rubbish” in the thirteenth line thereof the words “or earth, building spoil, road metal, gravel or substance”;
- (c) by inserting after the word “liquid” in the second line of subsection (2) thereof the words “or any earth, building spoil, road metal, gravel, or any similar substance”;
- (d) by inserting after the word “liquid” in the fifth line of subsection (2) thereof the words “or any such earth, building spoil, road metal, gravel or substance”.

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

Amendment of  
principal Act.

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

C. W. M. NORRIE, Governor.

## THE SCHEDULE.

## AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1934-1946.

Provision Amended.	How Amended.
Section 5 .....	The words " but does not include any land which has been acquired by or on behalf of the Crown under any statutory provision authorizing the acquisition of land for the purposes of closer settlement " in the definition of " Crown lands " in subsection (1) of section 5 are struck out.
Section 46 .....	The word " Mitcham " is inserted before the words " Port Adelaide " in the third line of section 46.
Section 106 .....	The words " opened and " in the eighth line of section 106 are struck out.
Section 1631 .....	The words " and Metropolitan Councils ' " in paragraph II. of subsection (2) of section 1631 (as enacted by section 16 of the Local Government Act Amendment Act, 1946) are struck out.
Section 163s .....	The words " and Metropolitan Councils ' " in paragraph II. of section 163s (as enacted by section 16 of the Local Government Act Amendment Act, 1946) are struck out.
Section 170 .....	The words " the day appointed for voting at " are inserted after the word " preceding " in the penultimate line of section 170, and the word " annual " in the penultimate line of section 170 is struck out.
Section 171 .....	The words " the day appointed for voting at " are inserted after the word " preceding " in the penultimate line of section 171, and the word " annual " in the penultimate line of section 171 is struck out.
Section 374.....	The words " and subject to the provisions of section 13a of the Soil Conservation Act, 1939-1945 " in section 374 as amended by subsection (1) of section 41 of the Local Government Act Amendment Act, 1946, are struck out.
Section 490 .....	The word " Burnside," is inserted before the word " Hindmarsh " in the second line of section 490. The word " Mitcham," is inserted after the word " Norwood " in the third line of section 490. The words " and Thebarton " in the third line of section 490 are struck out and the words " Thebarton, and Walkerville " are inserted in lieu thereof. The words " , or to the district councils of Burnside, Mitcham, and Walkerville," in the third and fourth lines of section 490 are struck out.
Section 491 .....	The word " Burnside," is inserted before the word " Hindmarsh " in the seventh line of section 491. The word " Mitcham," is inserted after the word " Norwood " in the seventh line of section 491. The words " and Thebarton " in the eighth line of section 491 are struck out and the words " Thebarton, and Walkerville " are inserted in lieu thereof. The words " and the district council districts of Burnside, Mitcham, and Walkerville " in the eighth and ninth lines of section 491 are struck out.
Section 493 .....	The word " Burnside," is inserted before the word " Hindmarsh " in the second line of subsection (2) of section 493. The word " Mitcham," is inserted after the word " Norwood " in the second line of subsection (2) of section 493. The words " and Thebarton " in the third line of subsection (2) of section 493 are struck out and the words " Thebarton, or Walkerville " are inserted in lieu thereof. The words " or to the district council districts of Burnside, Mitcham, and Walkerville " in the third and fourth lines of subsection (2) of section 493 are struck out.
Section 691 .....	The passage, " , 460, or 461 " in paragraph (e) of section 691 is struck out and the passage " or 460 " is inserted in lieu thereof.
Section 782.....	The words " or on to " are inserted after the word " across " in the sixth line of section 782.



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AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1934-1946—*continued.*

Provision Amended.	How Amended.
Section 797.....	<p>The word "twenty-five" in paragraph I. of subsection (2) of section 797 (as enacted by section 92 of the Local Government Act Amendment Act, 1938) is struck out and the word "sixty" is inserted in lieu thereof.</p> <p>The word "twenty-five" in paragraph I. of subsection (1) of section 797 is struck out and the word "sixty" is inserted in lieu thereof.</p>
Section 810 .....	Subsection (2) of section 810 is struck out.
Section 833 .....	The words "twelve o'clock noon" in the penultimate line of subsection (2) of section 833 are struck out and the words "five o'clock in the afternoon" are inserted in lieu thereof.
Section 880a .....	The words "and except in compliance with the provisions of section 13a of the Soil Conservation Act, 1939-1945" in subsection (1) of section 880a as amended by subsection (5) of section 41 of the Local Government Act Amendment Act, 1946, are struck out.
Fourteenth schedule ..	The words "Crown Solicitor" in the last line of form No. 3 in the fourteenth schedule are struck out and the word "Surveyor-General" is inserted in lieu thereof.
Nineteenth schedule..	The words "or deliver" and the words "or delivered" wherever occurring in paragraph (e) and in paragraph (f) under the heading "Directions to Ratepayer and Authorized Witness" in form No. 3 in the nineteenth schedule are struck out.