



ANNO DUODECIMO

ELIZABETHAE II REGINAE

A.D. 1963

No. 60 of 1963

An Act to amend the Local Government Act,
1934-1961.

[Assented to 5th December, 1963.]

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), 1963". Short title.
- (2) The Local Government Act, 1934-1961, as amended by this Act, may be cited as the "Local Government Act, 1934-1963".
- (3) The Local Government Act, 1934-1961, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. The lines "DIVISION XII.—Levels of Streets and Roads within Municipalities" and the lines "DIVISION I.—Provisions Applicable to Municipalities only:" and "DIVISION II.—Provisions Applicable Generally." after the line "PART XXV.—Sewerage and Drainage—", in section 3 of the principal Act are struck out. Amendment of principal Act, s. 3.
4. (1) Subsection (1) of section 5 of the principal Act is amended— Amendment of principal Act, s. 5.
 - (a) by striking out the word "quarter" in sub-paragraph (c1) of paragraph (1) and sub-paragraph (d1) of paragraph (2) of the definition of "ratable property" therein and inserting in lieu thereof the word "half" in each case ;

(b) by striking out the word "forty" in the definition of "township" therein and inserting in lieu thereof the word "twenty".

(2) The amendment effected by paragraph (a) of subsection (1) of this section shall apply in respect of any assessment made or rate declared by any council for the financial year ending on the thirtieth day of June one thousand nine hundred and sixty-four and any subsequent year.

Amendment of
principal Act,
s. 133.

5. Section 133 of the principal Act is amended by inserting at the end thereof the following proviso :—

Provided that the distribution by an authorized agent of a candidate of "how-to-vote" cards or the exhibition of any electoral notice not by this Act prohibited shall not be an illegal practice.

Amendment of
principal Act,
s. 153.

6. Subsection (4) of section 153 of the principal Act is amended by striking out the word "twenty" therein and inserting in lieu thereof the words "two hundred".

Amendment of
principal Act,
s. 163ff.

7. Subsection (1) of section 163ff of the principal Act is amended by striking out the word "thirty" therein and inserting in lieu thereof the words "forty-two".

Amendment of
principal Act,
s. 173a.

8. Section 173a of the principal Act is amended by inserting therein after subsection (4) thereof the following subsections :—

(5) If the waterworks assessment is adopted by the council, whenever any alteration or reduction is made in the waterworks assessment relating to the whole or portion of any land which is ratable property within the area, the council may alter its assessment thereof so as to accord with such alteration or reduction and a minute shall be made of the alteration by the council and a copy of the minute signed by the clerk shall be entered in the assessment book and in every copy thereof.

(6) When any assessment is altered in accordance with subsection (5) of this section the council shall adjust the amount of any rates paid or payable by any ratepayer to accord with the fresh assessment. The provisions of this subsection shall apply and be deemed to have applied and been in force in respect of any alteration of any assessment made since the first day of July, One thousand nine hundred and sixty-three.

Amendment of
principal Act,

9. Section 188 of the principal Act is amended by inserting therein after subsection (4) thereof the following subsection :—

(5) When any assessment is altered in accordance with this section the council shall adjust the amount of any rates paid or payable by any ratepayer to accord with the fresh assessment. The provisions of this subsection shall apply and be deemed to have applied and been in force in respect of any alteration of any assessment made since the first day of July, One thousand nine hundred and sixty-three.

10. Section 225 of the principal Act is amended by striking out the word "fourteen" therein and inserting in lieu thereof the words "twenty-one".

Amendment of principal Act, s. 225.

11. The following section is inserted in the principal Act after section 267a thereof :—

Enactment of s. 267a of principal Act—

267b. The Council may, upon the application of any person who is liable for the payment of any rates in any financial year in respect of any property and who in the opinion of the Council is in necessitous circumstances, by resolution passed by an absolute majority of the Council remit the payment of such rates or any part thereof or the interest or any part of the interest thereon. The Council shall require the applicant for any remission under this section to support his application by evidence on oath or by statutory declaration, in such manner and with such particulars as may be prescribed or the Council may require.

Remission of Rates.

12. Paragraph (j4) of subsection (1) of section 287 of the principal Act is amended by striking out the words "one hundred" therein and inserting in lieu thereof the words "two hundred and fifty".

Amendment of principal Act, s. 287.

13. Paragraph (d) of subsection (1) of section 288 of the principal Act is amended by inserting therein after the word "nurses" the words "or home-help aides (or both)".

Amendment of principal Act, s. 288.

14. The following section is inserted in the principal Act after section 290c thereof :—

Enactment of s. 290d of principal Act—

290d. (1) In subsection (2) of this section the expression "revenue to which this section applies" in relation to a municipal council, means moneys collected or otherwise received by the council—

Power to apply parking meter revenue for car parks.

(a) in respect of charges and fees paid by owners and drivers of vehicles for the parking and standing

of vehicles in and at metered zones and metered spaces pursuant to any by-law made by the council under section 475a of this Act ;

- (b) by way of penalty imposed by any court for any offence against or any non-compliance with or contravention of such a by-law ; and
- (c) by way of any amount payable by virtue of section 64 of the Police Offences Act, 1953-1960, by any person alleged to have committed an offence against such a by-law,

less any amounts which may be set aside by the council to amortize the capital cost of parking meters or other appliances or devices erected and maintained by the council pursuant to the said section 475a and any amounts payable by way of interest on such capital cost and any amounts expended in payment of salaries and maintenance charges in respect of such parking meters appliances and devices.

(2) In addition to the powers conferred by this Part a municipal council may expend the whole or any part of its revenue to which this section applies in providing a reserve fund or funds for all or any of the following purposes :—

- (a) constructing, providing, improving, altering, extending, or maintaining such car parks, parking stations, garages and similar places and such services incidental thereto as the council may construct or provide under section 475g of this Act ;
- (b) acquiring land or any right or interest in land for any of the purposes referred to in paragraph (a) of this subsection.

(3) A municipal council may expend the whole or any part of moneys standing to the credit of a reserve fund provided under this section for the purpose or purposes for which the fund was so provided.

Amendment of
principal Act,
s. 203.

15. Section 293 of the principal Act is amended by inserting therein after subsection (1) thereof the following subsection :—

(1a) If the clerk notifies the council of his intention to resign or the council suspends or removes from office any clerk the council shall give written notice thereof to the auditor and at the same time to the Auditor-General. The auditor shall within fourteen days of the receipt of any such notice proceed to audit the accounts.

16. Subsection (11) of section 319 of the principal Act is amended by inserting after the word "purpose" therein the passage "(other than that of payment of interest under subsection (3) of this section)".

Amendment of principal Act, s. 319.

17. Subsection (2) of section 328 of the principal Act is amended by inserting after the word "expenses" (second occurring) therein the passage "(other than expenses incurred in payment of interest under subsection (3) of this section)".

Amendment of principal Act, s. 328.

18. The heading "DIVISION XII.—LEVELS OF STREETS AND ROADS WITHIN MUNICIPALITIES." and sections 349, 350 and 351 of the principal Act are repealed.

Repeal of Division XII of principal Act.

19. Section 354 of the principal Act is amended—

Amendment of principal Act, s. 354.

(a) by striking out the words "the wall of any house" in paragraph (a) thereof and inserting in lieu thereof the words "any building";

(b) by striking out the word "wall" in paragraph (b) thereof and inserting in lieu thereof the word "building";

(c) by striking out the word "house" in paragraph (c) thereof and inserting in lieu thereof the word "building".

20. Section 373 of the principal Act is amended—

Amendment of principal Act, s. 373.

(a) by inserting after the word "regulation" in subsection (2) thereof the words "made under the provisions of the Road Traffic Act, 1961";

(b) by inserting therein after subsection (8) thereof the following subsection:—

(9) In this section the expression "prohibited area" includes a no standing area and a no parking area.

21. Paragraph xviii of subsection (1) of section 383 of the principal Act is amended by inserting therein after the word "purchase" the passage "(either for cash or by instalments over a period of years)".

Amendment of principal Act, s. 383.

22. Section 423 of the principal Act is repealed.

Repeal of s. 423 of principal Act.

23. Section 424 of the principal Act is amended—

Amendment of principal Act, s. 424.

(a) by striking out the words "In addition to the powers conferred by section 423" in subsection (1) thereof;

(b) by inserting therein after the word "undertakings" in the said subsection (1) thereof the words "or any object or purpose for which any special or separate rate has been declared";

- (c) by striking out the words "six times the amount which would result from a rate in the case of a municipality, of one shilling and sixpence, and in the case of a district of one shilling" in subdivision I of subsection (1) thereof and inserting in lieu thereof the words "a rate in the case of a municipality, of nineteen shillings, and in the case of a district, of sixteen shillings";
- (d) by striking out the words "twice the amount which would result from a rate in the case of a municipality of one shilling in the pound, and in the case of a district of fourpence one halfpenny in the pound" in subdivision II of the said subsection (1) thereof and inserting in lieu thereof the words "the amount which would result from a rate in the case of a municipality of four shillings and sixpence in the pound and in the case of a district of two shillings in the pound".

Amendment of
principal Act,
s. 426.

24. Subsection (2) of section 426 of the principal Act is amended by striking out the word "general" (wherever occurring) therein.

Amendment of
principal Act,
s. 434.

25. Subsection (1) of section 434 of the principal Act is amended by striking out the word "general" therein.

Amendment of
principal Act,
s. 435.

26. Section 435 of the principal Act is amended—

- (a) by inserting at the end of subsection (4) thereof the following proviso :—

Provided that notwithstanding the foregoing provisions of this subsection the Minister may authorize a scheme for sewerage or septic effluent disposal within the whole or any portion of the area if he is of opinion that the proposed work or undertaking will substantially benefit the area or portion of the area (as the case may be). ;

- (b) by striking out the word "general" in subsection (6) thereof.

Amendment of
principal Act,
s. 436.

27. Section 436 of the principal Act is amended—

- (a) by striking out the word "shall" (second occurring) in subsection (1) thereof and inserting in lieu thereof the word "may";
- (b) by striking out the word "shall" (twice occurring) in subsection (3) thereof and inserting in lieu thereof the word "may" in each case.

28. Subsection (1) of section 437 of the principal Act is amended— Amendment of principal Act s. 437.

(a) by striking out the passage “or coupons, as the case may be,” therein ;

(b) by striking out the words “or coupons” at the end thereof.

29. Section 438 of the principal Act is amended by striking out the words “or coupon” therein. Amendment of principal Act. s. 438.

30. Section 439 of the principal Act is amended by striking out the words “and coupons” and the words “or coupons” (twice occurring) therein. Amendment of principal Act. s. 439.

31. Section 443 of the principal Act is amended by striking out the words “or coupons” (twice occurring) and the words “and coupons” therein. Amendment of principal Act. s. 443.

32. The following section is inserted in the principal Act after section 449b thereof :— Enactment of s. 449c of principal Act—

449c. The purchase by instalments of dwelling houses by the council in pursuance of the power contained in paragraph xviii of subsection (1) of section 383 of this Act shall be deemed not to be a loan within the meaning of this Part and this Part shall not apply to or in respect of any exercise of the said power. Non-application of this Part to purchase of houses by instalments.

33. Section 456 of the principal Act is amended by inserting after the word “horses” (twice occurring) therein, the word “sheep” in each case. Amendment of principal Act. s. 456.

34. Subsection (2) of section 477 of the principal Act is amended by striking out the word “five” therein and inserting in lieu thereof the word “twenty”. Amendment of principal Act. s. 477.

35. The heading “DIVISION I.—PROVISIONS APPLICABLE TO MUNICIPALITIES ONLY.” preceding section 521 of the principal Act is struck out. Repeal of heading.

36. Section 521 of the principal Act is amended— Amendment of principal Act. s. 521.

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

(b) by striking out the word “municipality” (twice occurring) therein and inserting in lieu thereof the word “area”.

Amendment of
principal Act,
ss. 522-526.

37. The word "municipality" (wherever occurring) in sections 522, 523, 524, 525 and 526 of the principal Act is struck out and the word "area" is inserted in lieu thereof in each case.

Amendment of
principal Act,
s. 527.

38. Section 527 of the principal Act is amended—

- (a) by striking out the words "This Division" therein and inserting in lieu thereof the passage "sections 521 to 526";
- (b) by inserting therein after the figures "669" the passage "and paragraph (11a) of section 670";
- (c) by striking out the word "municipality" (twice occurring) therein and inserting in lieu thereof in each case the word "area".

Amendment of
principal Act,
s. 607.

39. Subsection (1) of section 607 of the principal Act is amended so as to read as follows :—

(1) Whenever any builder or other person has erected any building or part thereof abutting on or within six feet of any footpath of any street road or place to the height of twelve feet above the level of the footpath, or whenever any plastering or other building operations are in progress above the height hereinbefore mentioned, such builder or other person, or the plasterer or person conducting such other building operation, shall cause the footway abutting on or within six feet of such building to be covered until the completion of the work then in progress with a close and substantial covering. Every such covering shall be not less than nine feet above the footway at the lowest part of the said covering and shall be suitable for retaining falling materials.

Amendment of
principal Act,
s. 667.

40. Section 667 of the principal Act is amended—

- (a) by inserting in paragraph (15a) thereof after the word "intersection" the words "or junction";
- (b) by inserting therein after paragraph (38a) thereof the following paragraph :—
 - (38b) For regulating and controlling the breaking of metal by the dropping of heavy weights thereon within three hundred feet of any public place or property occupied within the area of the council ; ;
- (c) by striking out the passage "coal, coke, firewood, timber, lime, casks and barrels (whether empty or otherwise), and other like commodities, materials, and things" in subdivision VII of paragraph (47)

thereof and inserting in lieu thereof the passage
“any goods, materials, substances or things of
any kind”.

41. Section 670 of the principal Act is amended by inserting therein after paragraph (11) thereof the following paragraph :— Amendment of principal Act, s. 670.

- (11a) I. For regulating the construction of branch or private sewers, and the communicating thereof with the main common sewers ; for preventing the use of private drains and sewers except by any persons entitled ; and for fixing annual or other rents to be paid for such branch or private sewers :
- II. For the repairing and cleansing of branch or private sewers, under the direction of the surveyor or other officer appointed for the purpose :
- III. For removing by drainage to be discharged into the common sewers, any nuisance from any lands, buildings, or premises at the expense of the owners or occupiers :

Provided that the provisions of this paragraph shall not apply to any district or portion of a district which is included within the drainage area as defined by the Sewerage Act, 1929-1962.

42. Subsection (4) of section 779b of the principal Act is amended by striking out the word “twenty” therein and inserting in lieu thereof the word “fifty”. Amendment of principal Act, s. 779b.

43. (1) Subsection (1) of section 783 of the principal Act is amended— Amendment of principal Act, s. 783.

- (a) by striking out the passage “filth, dung, ashes, debris, waste, refuse, rubbish, dead animal or bird, or any other noxious or offensive substance or liquid” in paragraph (a) thereof and the passage “earth, building spoil, road metal, bricks, stones, gravel or any similar substance” in paragraph (a1) thereof and inserting in lieu thereof the passage “goods, materials, substance, liquid, animal or bird or any thing whether of a similar kind or not” in each case ;
- (b) by striking out the passage “filth, dung, ashes, debris, waste, refuse, rubbish or dead animal or bird or earth, building spoil, road metal, bricks, stones,

gravel or substance," therein and inserting in lieu thereof the passage "goods, materials, substance, liquid, animal, bird or thing."

(2) Subsection (2) of the said section 783 of the principal Act is amended to read as follows :—

If any goods, materials, substance, liquid, animal or bird or any thing whether of a similar kind or not are or is conveyed in any vehicle and by reason of the manner of construction or loading of the vehicle, any such goods, materials, substance, liquid, animal or bird fall or falls on to any street, road, or public place, the owner or driver of the vehicle shall be guilty of an offence and liable to a penalty not exceeding twenty pounds and shall, in addition, be liable to pay to the council the cost of removing the goods, materials, substance, liquid, animal or bird. Payment of any such cost to the council may be ordered by a court imposing any such penalty as aforesaid or may be recovered by the council by action in any court of competent jurisdiction.

Enactment of
s. 832a of
principal Act—

44. The following section is inserted in the principal Act after section 832 thereof :—

General
provision as
to requests
for polls.

832a. (1) Every signature to a notice or writing demanding a poll of ratepayers or that a question be submitted to a poll of ratepayers in pursuance of any provision of this Act shall—

(a) be followed by the residential address or addresses of the person signing the same and the address or addresses of the property or properties in respect of which he or they is or are entitled to vote ; and

(b) be verified by one or more declaration or declarations of some person or persons signing the notice or writing.

(2) No notice or writing demanding a poll of ratepayers or that a question be submitted to a poll of ratepayers in pursuance of any provision of this Act shall be received by the person to whom it is addressed or given or delivered unless it complies with the requirements of this section.

45. Subsection (1) of section 840 of the principal Act is amended by inserting at the end thereof the following lines :—

Amendment of
principal Act,
s. 840.

- ix. Notaries public :
- x. Legal practitioners.

46. Section 883 of the principal Act is amended by inserting therein after subsection (1) thereof the following section :—

Amendment of
principal Act,
s. 883.

(1a) Notwithstanding the provisions of subsection (1) of this section, any money whether principal or interest, vested in the person holding the office of mayor of the Corporation of the Town of Kapunda on the 6th day of July, 1962, as trustee of the Mayor's Bounty Fund, is by virtue of this Act vested in the District Council of Kapunda and may be expended by it in and for the provision of public conveniences in and for the area of the said council as the said council may deem fit.

47. The fifth schedule to the principal Act is amended—

Amendment of
principal Act,
fifth schedule.

(a) by striking out the words "on the voters' roll" (twice occurring) in Form No. 2 therein and inserting in lieu thereof the words "in the assessment book" in each case ;

(b) by striking out the penultimate line in the said Form 2 and inserting in lieu thereof the line—

"(4) Omit the ward name if same is not available."

(c) by striking out the words "on the voters' roll" (thrice occurring) in Form No. 2A therein and inserting in lieu thereof the words "in the assessment book" in each case ;

(d) by striking out the third line from the end of the said Form No. 2A and inserting in lieu thereof the line—

"(5) Omit the ward name if same is not available."

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

Amendment of
nineteenth
schedule of
principal Act

(a) by striking out the passage "or any minister of religion of any State" in Form No. 1 therein and inserting in lieu thereof the passage "any minister of religion of any State, a notary public or a legal practitioner"

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(b) by inserting at the end of the list of authorized witnesses set out in Form No. 3 therein the following lines :—

(i) Notaries public.

(j) Legal practitioners.

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

EDRIC BASTYAN, Governor.