



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 63 of 1974

An Act to amend the Local Government Act, 1934-1974.

[Assented to 26th September, 1974]

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, 1974". Short titles.

(2) The Local Government Act, 1934-1974, 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, 1934-1974".

2. 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 inserting after paragraph (2) of the definition of "ratable property" the following paragraphs:— Amendment of principal Act, s. 5—
Interpretation.

(3) Notwithstanding any exception of property belonging to, or used by, the Crown in paragraphs (1) and (2) of this definition, includes—

(a) any land and buildings held by or on behalf of the Crown, or any part of any such land or buildings—

(i) occupied;

or

(ii) unoccupied but intended for occupation within a period of twelve months,

as a dwelling house or for any other purpose, not being a public or educational purpose;

and

(b) any land held by or on behalf of the Crown by virtue of a lease.

(4) For the purposes of paragraph (3) of this definition, land shall be deemed to be occupied if it is used (continuously or intermittently) for the agistment of cattle.;

and

(b) by striking out subsections (1a) and (1b).

Enactment of
s. 49a of
principal Act—

4. The following section is enacted and inserted in the principal Act immediately after section 49 thereof:—

Deputy mayor.

49a. (1) A municipal council may at any meeting choose one of the members of the council to be deputy mayor.

(2) The deputy mayor shall hold office for such term and on such conditions as may be determined by resolution of the council.

Repeal of
s. 70 of
principal Act
and enactment
of section in
its place—
Absence of
mayor or
chairman.

5. Section 70 of the principal Act is repealed and the following section is enacted and inserted in its place:—

70. (1) If the mayor or chairman of the council is for any reason unable to perform the duties of his office on any occasion or during any period the deputy mayor or deputy chairman may exercise the powers and perform the duties of the mayor or the chairman of the council in his place.

(2) Where there is no deputy mayor or deputy chairman the members of the council may elect one of their number to be acting mayor or acting chairman of the council and he may exercise the powers and perform the duties of the mayor or chairman on any occasion, or during any period, for which the mayor or chairman is unable to perform the duties of his office.

Amendment of
principal Act,
s. 83—
Local
Government
auditors'
certificates.

6. Section 83 of the principal Act is amended by striking out the passage “and Local Government” from subsection (1).

Amendment of
principal Act,
s. 157—
Appointment,
removal and
salaries of
officers.

7. Section 157 of the principal Act is amended—

(a) by striking out from subsection (5) the passage “Within three months after the commencement of the Local Government Act Amendment Act, 1972, or such longer period as the Minister may allow” and inserting in lieu thereof the passage “Within such time as the Minister may stipulate”;

(b) by striking out subsection (9) and inserting in lieu thereof the following subsections:—

(9) Where an employee of a council has previously been in the employment of another council, or other councils, any period of that former employment shall, to the extent to which, together with the period of his present employment, it constitutes a continuous period of employment—

(a) be taken into account, for the purpose of determining the employee's rights to long service leave, as if it constituted continuous employment with the same employer (except to the extent that long service leave or payment in lieu thereof has already been granted in respect of the aggregate period of employment, or any part thereof);

and

(b) be taken into account in determining any other rights in relation to employment that may be dependent upon length of service.

(9a) A person in changing from the employment of one council to the employment of another council shall not be entitled to claim from the former council any payment or *pro rata* payment in lieu of long service where his employment by the former council is continuous with his employment by the latter council.;

(c) by inserting in subsection (10) after the passage "another council" the passage "or other councils";

(d) by inserting in subsection (10) after the passage "that other council" the passage "or those other councils";

(e) by striking out from subsection (10) the passage "subject to subsection (11) of this section";

and

(f) by striking out subsection (11) and inserting in lieu thereof the following subsections:—

(11) The provisions of this section relating to superannuation, long service leave and other rights in respect of employment apply to employees of a controlling authority constituted under Part XIX of this Act and any such authority shall be deemed to be a council for the purposes of those provisions.

(12) A council shall at the request of any other council supply that other council with details of the service of any person in the employment of that council so far as those details may be necessary for the purposes of this section.

(13) This section shall be construed as if the amendments effected to this section by the Local Government Act Amendment Act, 1974, had come into operation upon the commencement of the Local Government Act Amendment Act, 1972.

8. Section 193 of the principal Act is amended by striking out from subsection (1) the passage "owners of ratable property" and inserting in lieu thereof the word "ratepayers".

Amendment of
principal Act,
s. 193—
Method of
taking poll.

Amendment of principal Act, s. 198—
Method of taking poll.

9. Section 198 of the principal Act is amended by striking out from subsection (1) the passage “owners of ratable property” and inserting in lieu thereof the word “ratepayers”.

Amendment of principal Act, s. 264—
Notices to tenants to pay rents to council when rates payable by owner are in arrear.

10. Section 264 of the principal Act is amended by striking out from subsection (3) the passage “a charge of ten cents thereon” and inserting in lieu thereof the passage “a charge of five cents in the dollar thereon”.

Amendment of principal Act, s. 288—
Additional power for expenditure of revenue by municipal councils.

11. Section 288 of the principal Act is amended by striking out paragraph (h1) of subsection (1) and inserting in lieu thereof the following paragraph:—

(h1) insuring the spouse of the mayor, or of any other member or officer of the council, and any one who may be performing the official functions of the spouse of the mayor, or of another member or officer of the council, against personal injury, whether fatal or not, arising out of or in the course of the performance by him or her of any official function, or in the course of any journey undertaken by him or her in connection therewith;

Amendment of principal Act, s. 289—
Additional powers for expenditure of revenue by district councils.

12. Section 289 of the principal Act is amended by striking out paragraph (b3) of subsection (1) and inserting in lieu thereof the following paragraph:—

(b3) insuring the spouse of the chairman, or of any other member or officer of the council, and anyone who may be exercising the official functions of the spouse of the chairman, or of another member or officer of the council, against personal injury, whether fatal or not, arising out of or in the course of the performance by him or her of any official function, or in the course of any journey undertaken by him or her in connection therewith;

Amendment of principal Act, s. 332—
Power of council to issue permits for petrol pumps.

13. Section 332 of the principal Act is amended by striking out from subsection (4) the passage “section 130a of the Road Traffic Act, 1934-1956” and inserting in lieu thereof the passage “Road Traffic Act, 1961-1974”.

Repeal of s. 366 of principal Act and enactment of section in its place—
Installation of pipes and equipment.

14. Section 366 of the principal Act is repealed and the following section is enacted and inserted in its place:—

366. (1) Subject to any regulations, a council may—

(a) grant a licence for laying pipes under the surface of any public street or road under the care, control and management of the council for the purpose of conveying water;

and

(b) grant, with the consent of the Minister, a licence for installing pumps and equipment on or under any land under the care, control and management of the council.

(2) The council may revoke any licence granted under subsection (1) of this section.

15. The following section is enacted and inserted in the principal Act immediately after section 370 thereof:—

Enactment of
s. 370a of
principal Act—

370a. (1) A council may grant a licence permitting any person—

Roadside
restaurants and
cafes, etc.

(a) to use any portion of a public street, public road or public place for the supply of food and drink;

and

(b) to place in the public street, public road or public place tables, chairs and other furniture for the convenience of persons consuming food or drink.

(2) A licence under this section may be subject to such conditions as the council thinks fit and includes in the licence.

(3) A fee fixed by resolution of the council shall be payable for a licence under this section.

(4) No action shall lie against the holder of a licence under this section for the obstruction of a public street, public road or public place arising from any act or omission authorized by the licence.

16. Section 382d of the principal Act is amended by striking out subsection (4) and inserting in lieu thereof the following subsection:—

Amendment of
principal Act,
s. 382d—
Development
schemes.

(4) The Land Acquisition Act, 1969-1973, shall apply in respect of the acquisition of land under this section.

17. Section 398 of the principal Act is amended by striking out the passage “Part XI of The Companies Act, 1934” and inserting in lieu thereof the passage “the Companies Act, 1962-1973”.

Amendment of
principal Act,
s. 398—
Winding-up
controlling
authorities.

18. Section 449c of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsections:—

Amendment of
principal Act,
s. 449c—
Non-application
of this Part
to certain
borrowings.

(2) In addition to the powers conferred by this Part, the council may borrow money repayable by instalments—

(a) for the purpose of purchasing, or constructing, dwelling houses for occupation by persons employed by the council;

or

(b) for the purpose of satisfying any liability of the council arising from its obligation to provide long service leave or superannuation rights to, or in respect of, persons employed, or formerly employed, by the council.

(3) Any loan contracted by a council under paragraph (b) of subsection (2) of this section must be repaid within ten years of the date on which it was contracted.

(4) The provisions of this Part (other than this section) shall not apply to or in respect of a borrowing under this section.

Amendment of principal Act, s. 454—
Power of council to improve park lands and reserves.

19. Section 454 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:—

(2) A council shall not exercise the powers conferred on it by paragraph (d) of subsection (1) of this section in respect of lands dedicated as park lands pursuant to the provisions of the Crown Lands Act, 1929-1974, unless prior consent in writing to the use of the lands in that manner has been obtained by the council from the Minister of Lands.

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

20. Section 457 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) No lease of any park lands shall comprise any land exceeding 6 hectares in area unless the Minister has approved in writing of a lease comprising a greater area of land.

Amendment of principal Act, s. 489—
Power to establish gas works.

21. Section 489 of the principal Act is amended—

(a) by inserting after the word “may” in subsection (1) the passage “, if authorized to do so by proclamation of the Governor,”;

(b) by striking out from subsection (3) the passage “The Governor may by proclamation vary or revoke any such proclamation”;

and

(c) by inserting after subsection (3) the following subsection:—

(4) The Governor may, by proclamation, vary or revoke any proclamation made under this section.

Repeal of ss. 490 to 494 of principal Act.

22. Sections 490, 491, 492, 493 and 494 of the principal Act are repealed.

Amendment of principal Act, s. 516—
Council to make compensation.

23. Section 516 of the principal Act is amended by striking out the passage “in manner provided by and subject to the provisions of the Compulsory Acquisition of Land Act, 1925” and inserting in lieu thereof the passage “by the Land and Valuation Court”.

Amendment of principal Act, s. 629—
Power to license hide and skin markets.

24. Section 629 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (1) the passage “within the municipality or, as the case may be, within any township within the district” and inserting in lieu thereof the passage “within its area”;

and

(b) by striking out from subsection (2) the passage “municipality or in any township within a district” and inserting in lieu thereof the word “area”.

Amendment of principal Act, s. 630—
Power of council to establish hide and skin markets, etc.

25. Section 630 of the principal Act is amended by inserting after the word “establish” the passage “, maintain and conduct”.

26. Section 631 of the principal Act is amended by striking out the passage "the municipality or any township within the district" and inserting in lieu thereof the passage "its area".

Amendment of principal Act, s. 631—
Power to license bazaars.

27. Section 632 of the principal Act is amended—

(a) by striking out the passage "municipality or within any township within a district" and inserting in lieu thereof the word "area";

and

(b) by inserting after the passage "or at bazaars" the passage "conducted by a council, or".

Amendment of principal Act, s. 632—
Penalty for selling horses, etc., except at markets or bazaars.

28. Section 666b of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (5) the passage "in defraying the expenses incurred";

and

(b) by inserting after subsection (5) the following subsection:—

(5a) Any expenses incurred by a council in taking action under subsection (4) of this section shall, to the extent to which they are not defrayed by the sale of any object or material under subsection (5) of this section, be recoverable from the owner or occupier to whom a notice was given under this section as a debt.

Amendment of principal Act, s. 666b—
Unsanitary condition of land.

29. Section 667 of the principal Act is amended—

(a) by striking out from subparagraph I of paragraph (5a) the passage "within the municipality or any township within the district";

and

(b) by striking out from subparagraph II of paragraph (5a) the passage "within the municipality or within any township within the district".

Amendment of principal Act, s. 667—
General power to make by-laws.

30. Section 687 of the principal Act is amended—

(a) by striking out from subsection (5) the passage "section (3)" and inserting in lieu thereof the passage "subsection (3) of this section";

and

(b) by striking out from subsection (5) the passage "in manner in aforesaid".

Amendment of principal Act, s. 687—
Power to make model by-laws.

31. Section 731 of the principal Act is repealed and the following section is enacted and inserted in its place:—

731. A copy of any valuation roll for the time being in force under the Valuation of Land Act, 1971-1972, shall, so far as it relates to ratable property within an area, be evidence of the Government assessment in relation to any such ratable property.

Repeal of s. 731 of principal Act and enactment of section in its place—
Evidence of Government assessment.

Amendment of principal Act, s. 855b—
Power of council to acquire and develop land.

32. Section 855b of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) The Land Acquisition Act, 1969-1973, shall apply in respect of the acquisition of land under this section.

Enactment of s. 873a of principal Act—

33. The following section is enacted and inserted in the principal Act immediately after section 873 thereof:—

Microfilm records.

873a. (1) Where a council makes a copy of any record that it is required to make or keep under this Act upon microfilm, the microfilm shall be admissible in any legal proceedings in lieu of the record.

(2) Where any provision of this Act requires the production of any record, it shall be sufficient compliance with that requirement to produce a microfilm copy of that record.

Amendment of principal Act, s. 874—
Right of ratepayers to signed copy of by-laws.

34. Section 874 of the principal Act is amended by striking out from subsection (2) the passage “shall charged” and inserting in lieu thereof the passage “shall be charged”.

Amendment of principal Act, s. 875—
Particulars of charges upon property.

35. Section 875 of the principal Act is amended by striking out from subsection (1) the passage “of a fee of ten cents” and inserting in lieu thereof the passage “of a fee of two dollars”.

Amendment of thirteenth schedule of principal Act.

36. The thirteenth schedule to the principal Act is amended—

(a) by striking out from Form No. 5 the passage “Each Year” in the heading to the fourth column and inserting in lieu thereof the passage “Each Half-yearly Period”;

and

(b) by striking out from Form No. 5 the word “Interest” in the heading to the sixth column and inserting in lieu thereof the word “Principal”.

Metric amendments.

37. The various provisions of the principal Act set out in the first column of the schedule to this Act are amended as shown in the second column of that schedule.

SCHEDULE

Section 37.

Provision Amended	How Amended
Section 5 (1) definition of "foreshore" . . .	Strike out "one and a half chains" and insert "30 metres"
Section 5 (1) definition of "urban farm land"	Strike out "two acres" and insert "0.8 hectare"
Section 169 (3) (c)	Strike out "ten acres" and insert "4 hectares"
Section 302	Strike out "forty feet" and insert "12.2 metres"
Section 303 (3)	Strike out "forty feet" and insert "12.2 metres"
Section 307	Strike out "forty feet" and insert "12.2 metres" Strike out "twelve feet" and insert "3.7 metres"
Section 319 (11)	Strike out "one dollar per lineal foot" and insert "three dollars twenty-five cents per metre"
Section 325 (3)	Strike out "two and a half inches" and insert "63.5 millimetres" Strike out "four inches" and insert "100 millimetres"
Section 326 (1)	Strike out "thirteen feet" and insert "4 metres" Strike out "ten feet" and insert "3 metres"
Section 328 (2)	Strike out "thirty cents per lineal foot" and insert "one dollar per metre"
Section 332 (2)	Strike out "forty feet" and insert "12.2 metres"
Section 332 (3)	Strike out "fifty feet" and insert "15.2 metres" Strike out "twenty-five miles" and insert "40 kilometres"
Section 342 (11a) i	Strike out "two hundred feet" and insert "61 metres"
Section 342 (11a) ii	Strike out "two hundred feet" and insert "61 metres"
Section 342 (11a) iii	Strike out "two hundred feet" and insert "61 metres"
Section 344a (5)	Strike out "twenty feet" and insert "6 metres"
Section 345 (1) (b)	Strike out "five feet" and insert "1.5 metres"
Section 347 (1)	Strike out "five feet" and insert "1.5 metres" Strike out "twenty feet" and insert "6 metres" Strike out "one hundred feet" and insert "30 metres"
Section 355b (2)	Strike out "one inch" and insert "25 millimetres"
Section 365b (3)	Strike out "ten feet" and insert "3 metres"
Section 368 (1)	Strike out "one mile" and insert "2 kilometres"
Section 375 (1) (a) (i)	Strike out "eighteen feet" and insert "5.5 metres"
Section 375 (1) (a) (ii)	Strike out "eighteen feet" and insert "5.5 metres"
Section 375 (1) (a) (iii)	Strike out "twelve feet" and insert "3.7 metres" Strike out "eighteen feet" and insert "5.5 metres"
Section 375 (1) (d)	Strike out "nine feet" and insert "2.75 metres"
Section 416 (1) (a)	Strike out "five hundred yards" and insert "450 metres"
Section 521 (b)	Strike out "six inches to a mile" and insert "1 to 10 000"
Section 572	Strike out "two hundred yards" and insert "200 metres"
Section 576	Strike out "four feet" and insert "1.2 metres"
Section 600 (1) IV	Strike out "eight feet" and insert "2.4 metres"
Section 607 (1)	Strike out "six feet" twice occurring and insert "1.8 metres" Strike out "twelve feet" and insert "3.6 metres" Strike out "nine feet" and insert "2.75 metres"
Section 610 (1)	Strike out "nine inches" and insert "230 millimetres"
Section 610 (2)	Strike out "fourteen inches" and insert "355 millimetres" Strike out "seven inches" and insert "180 millimetres" Strike out "five feet" and insert "1.5 metres"
Section 622 (1)	Strike out "two feet" and insert "0.6 metre"
Section 657	Strike out "fifty miles" and insert "80 kilometres"
Section 667 (15a)	Strike out "twenty feet" and insert "6 metres"
Section 667 (21)	Strike out "twelve feet" and insert "3.7 metres"
Section 667 (38b)	Strike out "three hundred feet" and insert "100 metres"
Section 669 (23)	Strike out "twelve feet" and insert "3.6 metres"
Section 670 (1)	Strike out "twelve feet" and insert "3.6 metres"
Section 763	Strike out "twenty feet" and insert "6 metres"
Section 833	Strike out "five miles" and insert "8 kilometres"
Section 851	Strike out "town acre"
Section 854 (1)	Strike out "one hundred and thirty acres" and insert "52.6 hectares"
Section 855 (1)	Strike out "sixteen acres" and insert "6.5 hectares"

SCHEDULE—*continued*

Provision Amended	How Amended
Section 855a	Strike out "65 acres" and insert "26 hectares"
Section 880a (2)	Strike out "fifteen feet" and insert "4.5 metres"
Section 886a (2)	Strike out "approximately 21 acres" and insert "8.5 hectares"
Section 889 (5) (c)	Strike out "one quarter of a mile" and insert "400 metres"
Fifteenth Schedule.....	Strike out "3 roods and 3 perches or thereabouts" and insert "0.311 hectare"
	Strike out "100½ links" and insert "20.217 metres"
	Strike out "94½ links" and insert "19.01 metres"
	Strike out "737 links" and insert "148.261 metres"
	Strike out "94½ links" and insert "19.01 metres"
	Strike out "650 links" and insert "130.759 metres"
Sixteenth Schedule (a)	Strike out "150½ links" and insert "30.276 metres"
	Strike out "558 links" and insert "112.252 metres"
	Strike out "125 links" and insert "25.146 metres"
	Strike out "13 chains" and insert "261.518 metres"
Sixteenth Schedule (b)	Strike out "one chain" and insert "20.117 metres"
Seventeenth Schedule	Strike out "100 feet" and insert "30.48 metres"
	Strike out "900 feet" and insert "274.32 metres"
Nineteenth Schedule	Strike out "five miles" and insert "8 kilometres"
Twenty-first Schedule	Strike out "76 feet" and insert "26.165 metres"

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

M. L. OLIPHANT, Governor