
LOCAL GOVERNMENT ACT (No. 2) 1977

ANALYSIS

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Short title, citation, and commencement. 2. Other extraordinary vacancies. 3. Kinds and qualifications of electors. 4. Electoral index. 5. Owner-electors and their substitute voters. 6. Occupier-electors and their substitute voters. 7. Electoral claims. 8. Change of marital status. 9. Number of votes exercisable. 10. Attorney voting for absentee owner. 11. The list of voters. 12. Appointment of polling-places. 13. Mode of polling. 14. Cases where person not on list of voters may vote. 15. Application of scheme. 16. Council Clerks' Board. 17. Powers and duties of Council Clerks' Board. 18. Limitation on by-laws. 19. Rebate of rates in respect of unoccupied land. 20. Time for payment of rates. 21. Payment by instalments. 22. Minimum payment. 23. Provision for timely and late payment of rates. 24. Roads in building estates. 25. Power to put things in or under highways. 26. Power of corporation to construct streets under this Division. 27. State contribution. 28. Boundary streets. | <ol style="list-style-type: none"> 29. Proof that street is subject to this Division. 30. Regulation of timber, &c., carting. 31. The Building Regulations. 32. Prohibition and regulation of building in unstable areas. 33. Houses under the <i>Tourism Development Act 1970</i>. 34. Factories, &c., under the <i>Factories, Shops, and Offices Act 1965</i>. 35. Interpretation. 36. Power of justices to make nuisance order if abatement notice disregarded. 37. Penalty for contravention of nuisance order and abatement by municipality. 38. Summary abatement of certain nuisances. 39. Preservation orders. 40. System of metered parking. 41. Application of system. 42. Closure of metered spaces. 43. Interpretation. 44. Regulations. 45. Amendments of the second Schedule. 46. Amendments of the third Schedule. 47. Amendments of the fourth Schedule. 48. Transitional provisions. 49. Minor amendments of the <i>Local Government Act 1971 (No. 2)</i> and the <i>Local Government Act 1973</i>. 50. Consequential amendments of the <i>Water Act 1957</i> and the <i>Marine Act 1976</i>. |
|---|--|



LOCAL GOVERNMENT (No. 2)

No. 37 of 1977

AN ACT to amend the Local Government Act 1962 and to make consequential amendments to the Water Act 1957 and the Marine Act 1976 relating to voting rights.

[19 May 1977]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Local Government Act (No. 2) 1977*. Short title,
citation, and
commencement.

(2) The *Local Government Act 1962**, as subsequently amended, is in this Act referred to as the Principal Act.

(3) Except as provided in subsections (4) and (5), the provisions of this Act shall commence on the day on which the Governor gives his assent to this Act.

* No. 62 of 1967. For this Act, as amended to 1968, see Part 2 of the Annual Volume of the Statutes for 1968. Subsequently amended by No. 60 of 1970, Nos. 22, 66, and 103 of 1971, Nos. 44 and 73 of 1972, Nos. 21, 35, 40, 56, and 96 of 1973, Nos. 84, 98, and 100 of 1974, Nos. 46 and 63 of 1975, and Nos. 28, 100, 116, and 117 of 1976.

(4) Sections 3 to 14, 45, 48, and 50 shall commence on a day to be fixed by proclamation.

(5) Section 16 shall commence on a day to be fixed by proclamation.

Other
extraordinary
vacancies.

2 Section 57 of the Principal Act is amended by omitting paragraph (b) of subsection (1) and substituting the following paragraph:—

“(b) if any rate or charge for which he is primarily liable to the corporation remains due and unpaid—

(i) for 6 months after it is demanded, if the rate or charge is payable otherwise than by instalments; or

(ii) at the end of the financial year in respect of which it is made, if the rate or charge is payable by instalments,

pursuant to section 249;”.

Kinds and
qualifications
of electors.

3 Section 65 of the Principal Act is amended—

(a) by adding at the end of paragraph (b) of subsection (1) the word “ and ”;

(b) by omitting paragraphs (c) and (d) of that subsection and substituting the following paragraph:—

“(c) residence-electors;” and

(c) by omitting subsections (4), (4A), (5), and (5A) and substituting the following subsection:—

“(4) The persons who—

(a) are enrolled as electors for the Legislative Council or House of Assembly in respect of a division or subdivision that includes the whole or a part of the municipality;

(b) are not entitled to vote as owner-electors or occupier-electors at municipal elections held in the municipality;

(c) have claimed to vote as provided in section 69; and

(d) have lived in the municipality for a period of at least six months immediately before making the claim referred to in paragraph (c),

shall be the residence-electors of the municipality.”.

4 Section 66 of the Principal Act is amended—

Electoral index.

(a) by omitting subsections (1), (2), and (3) and substituting the following subsections:—

“(1) The clerk shall, in accordance with subsection (2), maintain an index, to be called ‘ the electoral index ’, that shall be kept—

- (a) in the form of a card system;
- (b) by computer; or
- (c) in such other form, or by such other method, as may be prescribed by regulation.

“(2) The following provisions apply to the maintenance of the electoral index, namely:—

(a) Where the index is in the form of a card system, it shall be composed of—

- (i) a card for every person entitled to have a card made out for him under section 67 or section 68; and
- (ii) all claim cards received and allowed under section 69; and

(b) Where the index is kept in any other form or by any other method pursuant to subsection (1), it shall be composed of—

- (i) an entry for, or other record of, every person entitled to have an entry or a record of his entitlement made under section 67 or section 68; and
- (ii) entries for, or other records of, all claim cards received and allowed under section 69.

“(2A) An officer of the corporation authorized in that behalf or a servant of the corporation under the direction of such an officer may—

(a) where the electoral index maintained by the clerk is in the form of a card system—

- (i) amend or remove a card or form in the index made out by the corporation to keep the index true; and
- (ii) remove from the index a claim card appearing to the officer to be no longer substantially true; or

(b) where that electoral index is kept in any other form or by any other method—

(i) erase an entry or other record from, or cancel such a record in, the index made by the corporation and, where necessary, make new entries or other records in the index to keep the index true; and

(ii) erase from, or cancel in, the index an entry for, or other record of, a claim card appearing to the officer to be no longer substantially true.

“(3) Where a person has votes in two or more different capacities, one card or, as the case may require, one entry or other record, may be used or made to give all the information for which separate cards, entries, or other records would otherwise be required.”; and

(b) by inserting in subsection (6), after the words “made out”, the words “or an entry or other record made”.

Owner-electors
and their
substitute
voters.

5 Section 67 of the Principal Act is amended—

(a) by omitting from subsection (1) the words “is entitled to have a card in the electoral index made out for him by the corporation” and substituting the following words “is entitled, where the electoral index maintained under section 66 is kept—

(c) in the form of a card system, to have a card in that index made out for him by the corporation; or

(d) in any other form or by any other method pursuant to that section, to have an entry or other record made in the index in respect of him by the corporation.”; and

(b) by inserting in subsection (2), after the words “made out”, the words “or an entry or other record made”.

Occupier-
electors and
their
substitute
voters.

6 Section 68 of the Principal Act is amended—

(a) by omitting from subsections (1), (2), and (3) the words “is entitled to have a card in the electoral index made out for him by the corporation” (wherever occurring) and substituting, in each case, the following words “is entitled, where the electoral index maintained under section 66 is kept—

(c) in the form of a card system, to have a card in the index made out for him by the corporation; or

(d) in any other form or by any other method pursuant to that section, to have an entry or other record made in the index in respect of him by the corporation.”; and

(b) by inserting in subsection (4), after the words “made out”, the words “or an entry or other record made”.

7 Section 69 of the Principal Act is amended—

Electoral claims.

(a) by omitting paragraphs (b) and (c) of subsection (1) and substituting the following paragraph:—

“(b) residence-electors under section 65 (4); or”; and

(b) by omitting paragraph (a) of subsection (3) and substituting the following paragraph:—

“(a) allow the claim and, where the electoral index maintained under section 66 is kept—

(i) in the form of a card system, place the card in that index; or

(ii) in any other form or by any other method pursuant to that section, make the necessary entry or other record in that index;”.

8 Section 70 of the Principal Act is repealed.

Change of marital status.

9 Section 71 of the Principal Act is amended by omitting paragraph (a) of subsection (1) and substituting the following paragraph:—

Number of votes exercisable.

“(a) residence-electors shall each have one vote;”.

10 Section 76 of the Principal Act is amended by inserting in subsection (4), after the words “gave the power,”, the words “in the case of an index kept in the form of a card system, or on the entry or other record relating to that elector, in the case of an index kept in any other form or by any other method pursuant to section 66,”.

Attorney voting for absentee owner.

11 Section 77 of the Principal Act is amended—

The list of voters.

(a) by omitting from subsection (2) “in the index or to the omission of a name therefrom” and substituting the words “in the particulars given for him in the index or to the omission of his name from the index”;

(b) by omitting subsection (4) and substituting the following subsection:—

“(4) As soon as the electoral index is closed, the clerk—

- (a) shall first remove from the electoral index the name and address of each occupier-elect or residence-elect whose name does not appear on a roll for the Legislative Council or House of Assembly in respect of a division or subdivision that includes the whole or a part of the municipality in which the election is to be held;
 - (b) shall then cause a list of voters to be made up in conformity with the electoral index, as altered in accordance with paragraph (a), to show the name and address of each person entitled to vote at the election; and
 - (c) shall certify that that list is a true list of all persons entitled to vote at the election.”;
- (c) by omitting from subsection (5) the words “except in accordance with the list certified for that election or a certified copy thereof ” and substituting the words “ unless his name appears on the list of voters certified for that election pursuant to subsection (4) or a certified copy of that list ”; and
- (d) by inserting in subsection (7), after the word “ objection ”, the words “ against having his name omitted from the electoral index ”.

Appointment of
polling-places.

12 Section 82 of the Principal Act is amended—

- (a) by omitting from subsection (5) the word “A” and substituting the words “ Subject to subsection (5A), a ”; and
- (b) by inserting after that subsection the following subsection:—
“(5A) Each ward for which an election is held shall have at least one polling-place within the ward.”.

Mode of
polling.

13 Section 94 of the Principal Act is amended—

- (a) by omitting from paragraph (c) of subsection (1) the words “ select and deliver to the voter as many ballot-papers as the number of votes to which the voter is entitled, each ” and substituting the words “ hand to the voter a ballot-paper ”;
- (b) by omitting from paragraph (d) of that subsection the words “ delivery of a ballot-paper or ballot-papers ” and substituting the words “ handing a ballot-paper ”;

- (c) by omitting from paragraph (e) of that subsection the words “or ballot-papers” (wherever occurring); and
- (d) by omitting from paragraph (f) of that subsection the word “each” and substituting the word “the”.

14 Section 96 of the Principal Act is amended by omitting subsection (4).

Cases where person not on list of voters may vote.

15 Section 158 of the Principal Act is amended—

Application of scheme.

- (a) by omitting from subsection (1) the words “subsection (2)” and substituting the words “subsections (2) and (3A)”; and
- (b) by inserting after subsection (3) the following subsection:—
- “(3A) A person who, on becoming an employee—
- (a) in the case of a male, is at least 55 years of age; or
- (b) in the case of a female, is at least 50 years of age, may, by notice in writing lodged with the clerk, elect not to be a contributor to, and a participant in the benefits of, the scheme.”.

16 Section 160 of the Principal Act is repealed and the following section is substituted:—

“160—(1) For the purposes of this Act, there shall be a board, to be called the Council Clerks’ Board (in this Division referred to as ‘the Board’).”

Council Clerks’ Board.

“(2) The Board shall consist of the Secretary for Local Government and 4 other members appointed by the Governor.

“(3) Of the members of the Board appointed by the Governor—

- (a) one shall be the Auditor-General or a person nominated by him;
- (b) one shall be the Director-General of Education or a person nominated by him;
- (c) one shall be a person nominated by the Municipal Association of Tasmania; and
- (d) one shall be a person nominated by the Institute of Municipal Administration (Incorporated), Tasmanian Division.

“(4) If the body referred to in paragraph (d) of subsection (3) ceases to exist or ceases to exist under the name specified in that paragraph, the Governor may, by order, declare that this section shall have effect as if a reference therein to that body were a reference to a body specified in the order, and, on the coming into force of that order, this section has effect accordingly.

“(5) The Board is a body corporate having perpetual succession and a common seal, and may sue and be sued in its corporate name.”.

Powers and
duties of
Council Clerks'
Board.

17 Section 161 of the Principal Act is amended—

(a) by omitting subsection (1) and substituting the following subsections:—

“(1) The Board may conduct examinations of persons who wish to qualify for appointment as council clerks under the provisions of this Act.

“(1A) The Board shall grant a certificate, to be known as a ‘ certificate of competency ’, to a person—

(a) who—

(i) has passed an examination under subsection (1) to the satisfaction of the Board; or

(ii) holds a certificate granted to him on his successfully completing a course in business studies in municipal administration that is conducted by a technical college pursuant to the *Education Act 1932*; and

(b) whose character is considered to be satisfactory by the Board.

“(1B) If a person proves to the satisfaction of the Board that he has passed an examination in a subject of a course conducted by an educational institution in the Commonwealth prescribed by regulation, the Board may, if—

(a) it is satisfied that the subject is equivalent to a subject of a course referred to in subsection (1A) (in this subsection referred to as ‘ the prescribed course ’);

(b) that person passes an examination in the remaining subjects of the prescribed course; and

(c) that person’s character is considered to be satisfactory by the Board,

grant a certificate of competency to him.”; and

(b) by inserting in subsection (3), after the word “ accountancy ”, the words “ or secretarial practice ”.

18 Section 197 of the Principal Act is amended by adding at the end the following subsection:— Limitation on by-laws.

“(3) By-laws may not be made under this Act for the licensing of any person, premises, act, or thing, except in the cases prescribed by Part IV of the fourth Schedule.”.

19—(1) Section 240 of the Principal Act is amended—

Rebate of rates in respect of unoccupied land.

(a) by inserting in subsection (4), after the word “ may ”, the words “, subject to subsection (4A),”; and

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

“(4A) No rebate may be obtained under subsection (4) in respect of any period during which any land, or a portion of any land, remains unoccupied unless during the first 14 days of that period a notice has been served on the corporation stating that land, or that portion of land, is unoccupied and stating the date on which it last became unoccupied.”.

(2) Subsection (1) does not apply in respect of any period beginning before the commencement of this section but after 30th June 1977, but no rebate may be obtained under section 240 (4) of the Principal Act in respect of any such period in respect of any land, or a portion of any land unless, within 14 days of the commencement of this section, a notice is served on the corporation stating, as may be the fact—

(a) the period during which the land, or the portion of land, remained unoccupied; or

(b) the date on which the land, or the portion of land, last became unoccupied and that it remains unoccupied.

20 Section 248 of the Principal Act is amended—

Time for payment of rates.

(a) by adding at the end of subsection (2) the words “, and in such a case section 249 applies to the payment of the rate in like manner as it applies to the payment of the general rate ”;

(b) by omitting subsection (3); and

(c) by omitting from subsection (4) the word “ All ” and substituting the words “ Subject to section 249, all ”.

21 Section 249 of the Principal Act is repealed and the following section is substituted:—

Payment by instalments.

“ 249—(1) Subject to this section, a council may resolve that the rates made under this Act for the current financial year shall be payable by 2 or 4 instalments.

“(2) A resolution under subsection (1) may fix the days on which the relevant instalments of rates become payable, so that—

- (a) in the case of 2 instalments, the first instalment becomes payable not later than the end of October in the year in which the rate is made and the remaining instalment becomes payable not later than the end of April next following; and
- (b) in the case of 4 instalments, the first instalment becomes payable not later than the end of October in the year in which the rate is made and one each of the remaining instalments becomes payable not later than the end of each successive period of at least 2 months following the end of that month.

“(3) Where a resolution under subsection (1) does not fix the days on which the relevant instalments of rates become payable, those instalments become payable respectively—

- (a) in the case of 2 instalments, on the day on which the rate is payable pursuant to section 248 and a day not less than 5 months after that day; and
- (b) in the case of 4 instalments, on the day on which the rate is payable pursuant to that section and the day of the expiration of each successive period of at least 2 months after that first-mentioned day.

“(4) Where a council makes a resolution under subsection (1), it shall make—

- (a) a separate demand for each instalment of the rates due for the financial year to which the resolution applies; or
- (b) a single demand for all those instalments, that specifies particulars of those instalments and the day on which each instalment is payable.”.

Minimum payment.

22 Section 250 of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “ two dollars, the sum of two dollars ” and substituting the words “ the amount fixed by the appropriate council, by special

resolution, as the minimum amount of rates payable in respect of land for that year (in this section referred to as 'the minimum amount'), that amount";

(b) by omitting subsection (2) and substituting the following subsection:—

“(2) Where the general rate for a financial year is payable by instalments and the total amount payable on the due date for the payment of the first instalment of that rate and all other rates payable on the same date is less than—

(a) half of the minimum amount, in the case of general rates payable by 2 instalments; or

(b) a quarter of the minimum amount, in any other case,

the minimum amount shall be demanded, levied, and paid in respect of that due date in lieu of the total amount that, apart from this subsection, would be payable in respect of that financial year.”;

(c) by omitting from subsection (3) the words “two dollars” and substituting the words “the minimum amount”; and

(d) by omitting from subsection (5) the words “twenty cents” and substituting the words “the amount fixed by the council by special resolution for the purposes of this subsection”.

23 Section 272 of the Principal Act is amended—

Provision for timely and late payment of rates.

(a) by omitting from subsection (1) the word “five” and substituting the numeral “10”;

(b) by omitting from subsection (2) (a) the word “five” and substituting the numeral “10”; and

(c) by omitting from subsection (2) (b) the word “five” and substituting the numeral “10”.

24 Section 361 of the Principal Act is amended by omitting from subsection (8) (a) the word “three” and substituting the numeral “6”.

Roads in building estates.

25 Section 370 of the Principal Act is amended by omitting from subsection (1) (b) the words “and seats” and substituting the words “seats, and receptacles for litter (being litter within the meaning of the *Litter Act 1973*)”.

Power to put things in or under highways.

Power of corporation to construct streets under this Division.

26 Section 394 of the Principal Act is amended—

(a) by omitting from subsection (1) the words “formed, paved, flagged, or otherwise made good,”; and

(b) by omitting subsection (2).

State contribution.

27 Section 410 of the Principal Act is amended by omitting from subsection (2) the words “thirty thousand dollars” and substituting the amount “\$50 000”.

Boundary streets.

28 Section 412 of the Principal Act is amended by omitting from subsection (1) the words “, formed, paved, flagged, or otherwise made good”.

29 After section 415 of the Principal Act the following section is inserted in Division XI of Part XV:—

Proof that street is subject to this Division.

“415A—(1) A street shall be deemed to have been well and sufficiently made for the purposes of this Division only if it was made well enough to be an all-weather road for light or heavy traffic or both according to the standards accepted at the time of its making.

“(2) A street that is not surfaced with gravel, crushed stone, or bitumen shall be deemed not to have been well and sufficiently made unless the contrary is proved.

“(3) The corporation—

(a) may prepare a copy of all or part of its map under section 694 showing one street or more or all the streets in its municipal district that it says have not been well and sufficiently made and also showing the date on which the copy was prepared; and

(b) shall, if it prepares such a copy, advertise on at least 3 successive Saturdays when and where the copy is exhibited and the effect of the advertisement and exhibition.

“(4) The copy of the map prepared under subsection (3) shall be on show at the corporation’s municipal office at all reasonable times for the period of 3 months after the last advertisement required by that subsection, and thereafter it is conclusive evidence that the streets shown on the copy as not well and sufficiently made have not been so made, unless, before the end of that period, a person concerned has given to the corporation notice of objection to the inclusion of a particular street.

“(5) Where a notice of objection has been given under subsection (4), that subsection does not apply to the street to which the notice relates, but the corporation may make an application in accordance with the *Justices Act* 1959 that the notice should be cancelled.

“(6) An application under subsection (5) shall be heard by a magistrate sitting alone, who—

- (a) may order the notice of objection to which the application relates to be cancelled or allow the objection contained in that notice; and
- (b) may deal with the costs of the application.

“(7) Where, pursuant to subsection (6), a magistrate orders the cancellation of a notice of objection, subsection (4) applies to the street to which the notice related as if it had never been given.

“(8) Where more than one notice of objection is given in relation to the same street under subsection (4), all those notices shall be dealt with together as if they were a single joint notice.

“(9) In this section, ‘made’ refers to the time of making, so that a street that is once well and sufficiently made remains so even if all the work of making is washed away or is otherwise undone.”.

30 Section 421 of the Principal Act is amended—

Regulation of
timber, &c.,
carting.

(a) by inserting before paragraph (a) of subsection (1) the following paragraph:—

“(aa) to restrict that carriage in respect of particular roads;”;

(b) by omitting paragraph (b) of that subsection and substituting the following paragraph:—

“(b) to make different provisions for different cases or circumstances in respect of the nature or class of the material carried, the purpose for which it is carried, and the kind of conveyance in or by which it is carried;”;

(c) by omitting sub-paragraph (ii) of subsection (2) (b) and substituting the following sub-paragraph:—

“(ii) in respect of any other timber carried by or on behalf of the same person within a prescribed period—

- (A) 16·6 cents per cubic metre, in the case of native forest sawlogs; and

(B) 21·2 cents per cubic metre, in the case of sawn timber or plantation saw-logs;"; and

(d) by omitting from paragraph (c) of subsection (2) the words "cubic metre" and substituting the word "tonne".

The Building Regulations.

31 Section 425 of the Principal Act is amended by omitting paragraph (d) of subsection (4) and substituting the following paragraph:—

“(d) in addition to those matters that might, without express mention, be put in the discretion of the corporation or one of its officers, make any matter subject to—

(i) the approval of a municipal architect qualified to give certificates for the purposes of section 426; or

(ii) the approval or satisfaction of the Secretary for Labour, the Fire Brigades Commission of Tasmania, the Chief Officer of Fire Brigades, or an officer appointed under the *Rural Fires Act 1967*.”.

Prohibition and regulation of building in unstable areas.

32 Section 431A of the Principal Act is amended—

(a) by omitting subsections (2) and (3) and substituting the following subsections:—

“(2) No person shall erect or add to a building or structure in an A landslip area, except in accordance with subsection (3).

“(3) The Governor may, on the recommendation of the corporation, license—

(a) the erection of a shed or other insubstantial building in an A landslip area;

(b) an addition to a dwelling in such an area; and

(c) the erection by a marine board of a building or structure within the boundaries of a wharf in such an area (being a building or structure that is subject to the Building Regulations pursuant to section 459A).”;

(b) by omitting paragraph (a) of subsection (4) and substituting the following paragraph:—

“(a) the erection of a shed or other insubstantial building, the addition to a dwelling, or the erection of a building or structure by a marine board, in pursuance of a licence under subsection (3);” and

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

“(4A) For the purposes of this section, an insubstantial building is a building—

(a) that has a total floor area not exceeding 25 square metres; and

(b) that is not more than one storey high.”.

33 The Principal Act is amended by inserting before section 456 the following section:—

“455—(1) Before any permission or approval is given under this Division by the corporation for a building operation for the erection or alteration of a building that is required to be registered as a house pursuant to section 22 of the *Tourism Development Act* 1970, the corporation shall require a certificate that the building, if erected or altered in accordance with the plans and specifications, will be to the satisfaction of the Tourism Development Authority.

Houses under
the *Tourism
Development
Act* 1970.

“(2) The Tourism Development Authority may give certificates for the purposes of subsection (1) and the fees prescribed by the Governor by regulation shall be paid on an application for, and the giving of, such a certificate.

“(3) Where the Tourism Development Authority finds that plans and specifications to which this section applies require amendment to satisfy it, the Authority may make its certificate subject to that amendment, and the corporation shall, if it gives any permission or approval under this Division—

(a) require the plans and specifications to be first amended accordingly; or

(b) give its permission or approval subject to the same condition.”.

34 Section 456 of the Principal Act is amended—

(a) by inserting in subsection (1), after the word “factory”, the words “, shop, or office”; and

(b) by omitting from that subsection the numeral “1958” and substituting the numeral “1965”.

Factories, &c.,
under the
*Factories,
Shops, and
Offices Act*
1965.

Interpretation.

35 Section 462 of the Principal Act is amended by omitting from subsection (6) the numeral “(1)” and substituting the numeral “(5)”.

Power of justices to make nuisance order if abatement notice disregarded.

36 Section 602 of the Principal Act is amended by omitting from subsection (2) the words “forty dollars” and substituting the words “\$500, in the case of a statutory nuisance mentioned in paragraph (m) or paragraph (o) of section 599 (1), or a fine of \$40, in the case of any other statutory nuisance”.

Penalty for contravention of nuisance order and abatement by municipality.

37 Section 603 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

“(1) A person who fails without reasonable excuse to comply with, or who knowingly contravenes, a nuisance order—

(a) is liable for a first offence to a fine of \$500, and for a second or subsequent offence in respect of the same order to a daily penalty of \$30, in the case of a statutory nuisance mentioned in paragraph (m) or paragraph (o) of section 599 (1); or

(b) is liable for a first offence to a fine of \$40, and for a second or subsequent offence in respect of the same order to a daily penalty of \$16, in the case of any other statutory nuisance.”.

Summary abatement of certain nuisances.

38 Section 610 of the Principal Act is amended—

(a) by inserting in paragraph (a) of subsection (2), after the word “health” (first occurring), the words “, a municipal health inspector,”; and

(b) by adding at the end of paragraph (c) of that subsection the words “or that a fire danger period has been declared pursuant to section 36 of that Act”.

Preservation orders.

39 Section 690A of the Principal Act is amended by inserting after subsection (2) the following subsections:—

“(2A) An owner of land in respect of whose building a preservation order has been made who executes or causes to be executed any works for the demolition or alteration of the building or for an addition to the building in contravention of the order is guilty of an offence.

“(2B) Without prejudice to subsection (2A), an owner of land who executes or causes to be executed any works authorized by a preservation order for the alteration of, or addition to, the building

to which the order relates otherwise than as approved by the corporation in the order is guilty of an offence.

“(2C) In proceedings for an offence under this section it is a defence to prove that the works were urgently necessary in the interests of safety or health, or for the preservation of the building, and that notice in writing of the need for the works was given to the corporation as soon as reasonably practicable.

“(2D) An owner of land who is guilty of an offence under this section is liable to a penalty of \$800 or 3 months’ imprisonment or both, and in determining the amount of any pecuniary penalty to be imposed on an owner of land convicted of any such offence the court shall, in particular, have regard to any financial benefit that has accrued or appears likely to accrue to him in consequence of the commission of the offence.”.

40—(1) Section 705 of the Principal Act is amended—

System of
metered
parking.

(a) by omitting from subsection (4) the words “of one dollar by way of” and substituting the words “prescribed by the by-laws of the corporation as a”;

(b) by omitting from paragraph (a) of subsection (13) the words “of one dollar and fifty cents” and substituting the words “prescribed by the by-laws of the corporation”; and

(c) by omitting from paragraph (b) of that subsection the words “of three dollars and fifty cents” and substituting the words “prescribed by those by-laws”.

(2) Subject to subsection (3), subsection (1) has no effect until 3 months after the day on which the Governor gives his assent to this Act.

(3) By-laws to give effect to the amendments to be made to the Principal Act by subsection (1) may be made under that Act as if subsection (1) had not been enacted, but those by-laws have no effect until those amendments have effect.

41 Section 706 of the Principal Act is amended by omitting from subsection (1) (b) the words “public notice” and substituting the word “by-law”.

Application of
system.

42 Section 707 of the Principal Act is amended by inserting in subsection (2), after the word “specified” (second occurring), the words “and to the payment of the appropriate fees prescribed by the by-laws of the corporation,”.

Closure of
metered spaces.

Interpretation.

43 Section 709 of the Principal Act is amended by omitting the words “of the poorer classes” and substituting the words “of indigent circumstances”.

Regulations.

44 Section 870 of the Principal Act is amended by adding at the end the following subsections:—

“ (2) The Governor may make regulations with respect to pools provided for the purpose of swimming, wading, or like activities that the public are not entitled to use.

“ (3) Without prejudice to the generality of subsection (2), regulations made under that subsection may make provision for or with respect to—

- (a) regulating the health measures to be taken in relation to the pools referred to in that subsection and the surrounds of those pools; and
- (b) requiring the installation or provision of such structures and the taking of measures for the protection of the safety of persons who may, with or without the knowledge or consent of the owners or occupiers of the land on which those pools are situated, enter upon that land.”.

Amendments
of the second
Schedule.

45 The second Schedule to the Principal Act is amended—

- (a) by omitting forms 2 and 3 from Part I and substituting the following form:—

“ FORM 2

(Section 69)

“ RESIDENT’S ELECTORAL CLAIM

MUNICIPALITY (or CITY) OF
Surname

(Block letters in ink)

Forenames

(a) Address

To THE COUNCIL (or TOWN) CLERK

FOR THE MUNICIPALITY (CITY)

OF

I hereby claim enrolment as an elector of the municipality (*city*) on the following grounds:—

- (b) 1. I am enrolled on the electoral roll for—

(a) the Legislative Council Division of

(b) the Subdivision of the
House of Assembly Division of

my number on the roll being The place where I live in that division (*subdivision*) is in the abovenamed municipality (*city*).

2. I have lived in the abovenamed municipality (*city*) for a period of at least six months immediately before making this claim.

I declare that the statements made in this claim are true.

(c) *Signature of claimant*
Date / /19

I, the undersigned, am an elector of the abovenamed municipality (*city*) and I certify that I have seen the abovenamed claimant sign this claim.

Signature of witness
Occupation Address
(Please read directions on other side)

[BACK OF CARD]

INSTRUCTIONS FOR FILLING IN OTHER SIDE OF THIS CLAIM

- (a) Full address (including street and number) to be stated.
- (b) Complete paragraph (a) or paragraph (b) and insert number shown on appropriate electoral roll.
- (c) Signature of claimant. The signature of the claimant must be his personal signature. If unable to sign his name in his own handwriting he may make his mark, but his signature or mark must be made in the presence of the witness.

Instructions to witness

A person shall not sign as a witness to—

- (a) any blank electoral claim;
- (b) any incomplete electoral claim; or
- (c) any electoral claim unless he has seen the claimant sign it.

A person shall not sign on any electoral claim any name not being his own name.”;

(b) by omitting form 8 from that Part and substituting the following form:—

“ FORM 8

(Section 94)

“ VOTER’S DECLARATION

Municipality or City of or
..... Ward of the Municipality or City of.....

I, A.B., hereby solemnly declare as follows:—

- 1. That I am the person named in the list of voters.
- 2. That I have the necessary qualifications entitling me to vote at this election.
- 3. That I have not already voted at this election.

Dated this day of 19

(Signed) A.B.

Witness (Signed) C.D.”;

- (c) by omitting from form 10 in that Part the words “ one vote [or two votes]” and substituting the word “ vote ”;
- (d) by omitting from paragraph (b) of that form the word “ twenty-one ” and substituting the word “ eighteen ”;
- (e) by omitting sub-paragraph (ii) of paragraph (c) of that form and substituting the following sub-paragraph:—
“(ii) a residence-elector’s claim card card;”;
- (f) by omitting paragraph (e) of that form.

Amendments of the third Schedule.

46 The third Schedule to the Principal Act is amended by omitting from paragraph 4 the numerals “(1)” and “(2)” and substituting the numerals “ 1 ” and “ 2 ” respectively.

Amendments of the fourth Schedule.

47 The fourth Schedule to the Principal Act is amended—

- (a) by inserting after paragraph 23 of Part I the following paragraph:—

“ 23A Regulating car parks belonging to the corporation that are used by the public for off-street parking, including, without prejudice to the generality of the foregoing provisions of this paragraph, provisions in relation to—

- (a) the liability of the owners of vehicles parked in those parks;
- (b) the making of compositions by those owners and the receipt of those compositions by the corporation;
- (c) the imposition of forfeits payable to the corporation and the recovery of those forfeits and of costs incurred in connection therewith; and
- (d) the recovery of the amounts of compositions and forfeits and of costs incurred in connection therewith by owners of those vehicles from other persons who parked those vehicles in those parks,

that are provisions similar to those contained in section 705 in relation to the system of metered parking provided for in that section.”;

- (b) by inserting after paragraph 6A of Part IV the following paragraph:—

“ 6B Licensing yards and premises used for the collection, storage, or sale of junk, scrap materials, and similar articles.”;

(c) by omitting paragraph 12 of that Part and substituting the following paragraph:—

“ 12 Licensing stables and other buildings and structures for the keeping of animals.”; and

(d) by inserting after paragraph 3 of Part VIII the following paragraph:—

“ 3A Regulating, and prescribing fees for, the enclosure and use of portion of any highway or other public place for the erection of scaffolding, depositing of building materials, or carrying out of operations necessary for—

(a) the erection, repair, alteration, removal, or maintenance of buildings and other structures on or from; or

(b) the removal of earth from, the land adjoining that public place.”.

48—(1) Nothing contained in this Act prejudices or affects the incorporation of a municipality or its continuity as the same corporate body that was in existence immediately before the commencement of the prescribed provisions of this Act. Transitional provisions.

(2) A person who holds the office of mayor, deputy mayor, warden, alderman, or councillor immediately before the commencement of the prescribed provisions of this Act continues to hold that office under and subject to the Principal Act as amended by this Act and shall not be deemed to have ceased to be qualified for that office by reason of the alteration in the qualifications for that office made by this Act.

(3) Where a person is, immediately before the commencement of this Act, included in an electoral index on a claim to vote as a spouse-elect or an ex-service elector made under paragraph (b) or paragraph (c), as the case may be, of section 69 (1) of the Principal Act, that person, on that commencement—

(a) continues to be entitled to be included in that index, notwithstanding the amendments made to section 65 of the Principal Act by this Act; and

(b) shall be deemed to be included in that index as if he were a residence-elect whose claim to vote in that capacity made under subsection (1) (b) of section 69 of the Principal Act, as amended by this Act, had been allowed by the clerk under that section.

(4) In this section, “the prescribed provisions of this Act” means sections 3 to 14, 45, 48, and 50.

Minor amendments of the *Local Government Act 1971* (No. 2) and the *Local Government Act 1973*.

49—(1) Section 1 of the *Local Government Act 1971* (No. 2) is amended by omitting from subsection (1) the words “Act 1971 (No. 2)” and substituting the words “Act (No. 2) 1971”.

(2) Section 39 of the *Local Government Act 1973* is amended by inserting, after the word “section”, the words “(second occurring)”.

Consequential amendments of the *Water Act 1957* and the *Marine Act 1976*.

50—(1) The *Water Act 1957* is amended by omitting subsection (1) of section 125 and substituting the following subsection:—

“(1) A person who is entitled to vote at a municipal election in a municipality of which an area forms part is entitled to vote at elections and polls under this Part in respect of that area.”.

(2) The *Marine Act 1976* is amended—

(a) by omitting paragraph (a) of section 29 (3);

(b) by omitting from subsection (5) (b) of that section the words “, address, and number of votes” and substituting the words “and address”;

(c) by omitting subsection (2) of section 43; and

(d) by omitting from subsection (3) of section 44 all the words after the words “is to be held” (second occurring).