ANNO DECIMO QUINTO

GEORGII VI REGIS.

A.D. 1951.

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No. 46 of 1951.

An Act to amend the Local Government Act, 1934-1949.

[Assented to 13th December, 1951.]

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, 1951".

(2) The Local Government Act, 1934-1949, as amended by this Act, may be cited as the "Local Government Act, 1934-1951".

(3) The Local Government Act, 1934-1949, is hereinafter referred to as "the principal Act".

2. Section 27 of the principal Act is amended by striking out the words "or shall be annexed to another area" in the second and third lines thereof.

3. The following section is enacted and inserted in the principal Act after section 27 thereof:

27a. (1) Every petition to sever a portion of an area and to annex that portion to another area shall either be signed by persons who are a majority of the ratepayers of that portion and are owners in occupation of more than one-half in value of the ratable property within that portion or shall be under the common seals of the council of...
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The area from which the portion is proposed to be severed and the council of the area to which the portion is proposed to be annexed.

(2) Before any such petition is presented by any such councils, the council for the area from which it is proposed to sever a portion thereof, shall give notice in writing to each owner or occupier of rateable property within that portion. The notice shall state what is proposed in the petition of the council and shall inform the person to whom it is given that any persons concerned may, within six weeks of the presentation of the petition, present to the Minister a counter-petition as provided by this Act.

4. Section 49 of the principal Act is amended by striking out the words "nor more than ten" in the second line of subsection (3) thereof.

5. The following section is enacted and inserted in the principal Act after section 57 thereof:—

57a. If—

(a) any term of office of any councillor or alderman in any municipal council would not expire by effluxion of time at the conclusion of any annual election; and

(b) any such councillor or alderman before the day of nomination for that annual election, with the licence of the council, resigns his office of councillor or alderman, as the case may be, in order that, in the case of a councillor, he may be nominated for the office of mayor or alderman to be elected in that council at that annual election or, in the case of an alderman, in order that he may be nominated for the office of mayor to be elected in that council at that annual election; and

(c) the councillor or alderman, as the case may be, after resigning as aforesaid is duly and properly nominated for the office of mayor or alderman, as the case may be, to be elected at that annual election,

then, notwithstanding that the councillor or alderman has resigned his office as aforesaid, he shall be deemed to have continued in his office of councillor or alderman, as the case may be, and shall be deemed to so continue until his successor in the office of councillor or alderman, as the case may be, is elected or until the conclusion of the annual election aforesaid, whichever first occurs.
6. Section 163dd of the principal Act is amended by adding at the end thereof the following words "Provided that if any salaries are fixed under a determination of the board or any variation thereof which is made for the purpose of giving effect to any variation of the living wage made pursuant to the Industrial Code, 1920-1951, the board may, in the determination or variation thereof, declare that the salaries fixed thereunder shall be payable as from any day not earlier than the day upon which the variation of the living wage takes effect”.

7. Section 169 of the principal Act is amended by adding at the end thereof the following subsection:—

(3) Any land situated in an area in which Division III of Part X applies shall during the five financial years next occurring after the passing of the Local Government Act Amendment Act, 1951, be assessed at three-quarters of the amount of the land value thereof if—

(a) the land is occupied by an association or organization of persons the principal object of which is the playing of games on the land by the members thereof; and

(b) the land is used for the playing of games by a substantial number of the members of the association or organization; and

(c) the land is ten acres or more in area; and

(d) the constitution of the association or organization is such that the members thereof (other than honorary members) are required to pay subscriptions to the association or organization and no payment is made to the members from any of the receipts of the association or organization.

8. The following section is enacted and inserted in the principal Act after section 173 thereof:—

173a. (1) The Minister of Works may, upon request of any council, supply to the council a copy of the assessment for the time being in force under the Waterworks Act, 1932-1936 (which assessment is in this Act referred to as "the waterworks assessment") so far as that assessment relates to land within the area of the council.

(2) The council shall pay to the Minister of Works such appropriate charge for the copy aforesaid as the Minister of Works from time to time determines.
(3) The council, instead of causing an assessment to be made as provided by this Division, may, in respect of any financial year, adopt the waterworks assessment for the time being in force and the assessment so adopted shall be the assessment of the council.

(4) If the waterworks assessment is adopted by the council and—

(a) any land within the area is not included in the waterworks assessment; or

(b) any land within the area is included in the waterworks assessment in one assessment with other land not situated within the area; or

(c) any land included in the waterworks assessment as an entirety is divided or is subsequently divided between two or more owners,

the council may cause to be made a fresh assessment or fresh assessments thereof which shall, so far as practicable, be founded upon the waterworks assessment.

9. Section 204 of the principal Act is amended—

(a) by inserting after the word “council” in the second line thereof the words “and except where the appeal is in respect of ratable property held by two or more joint tenants or tenants in common one of whom is a member of the council”.

(b) by adding at the end of subsection (2) thereof the words “and where the appeal is in respect of ratable property held by two or more joint tenants or tenants in common one of whom is a member of the council the appeal shall be made direct to the local court of full jurisdiction nearest the office”.

10. Section 205 of the principal Act is amended—

(a) by striking out the words “by a member of the council to the local court or” in the second and third lines thereof;

(b) by inserting after the word “subsection” in the fourth line thereof the passage “(2) or”;

(c) by striking out the words “by members of the council to the local court and appeals” in subdivision VIII. thereof;
(d) by inserting after the word "subsection" in subdivision VIII. thereof the passage "(2) or".

11. The following section is enacted and inserted in the principal Act after section 207 thereof:

207a. In any appeal to a local court under section 206 or 207 of this Act the local court shall have the powers vested in a judge or special magistrate by section 25 of the Local Courts Act, 1926-1947.

12. Section 233a of the principal Act is amended by striking out the words "two shillings and sixpence" in the second and third lines thereof and by inserting in lieu thereof the words "five shillings".

13. (1) Section 237 of the principal Act is amended by striking out the word "four" in the second line thereof and by inserting in lieu thereof the word "five".

(2) Section 239 of the principal Act is amended by striking out the word "three" in the third line thereof and by inserting in lieu thereof the word "four".

(3) Section 243 of the principal Act is amended by striking out the word "four" in the second line thereof and by inserting in lieu thereof the word "eight".

(4) Section 246 of the principal Act is amended by striking out the word "four" in the third line thereof and by inserting in lieu thereof the word "eight".

14. Section 287 of the principal Act is amended by striking out paragraph (j2) of subsection (1) thereof and by inserting in lieu thereof the following paragraph:

(j2) providing for the cost of any public entertainments, functions, illuminations, or decorations (whether within or outside the area) or other like expenditure in connection with any visit of His Majesty or any member of the Royal Family to the State, and for contributing to any fund established for any such purpose:
15. Section 289 of the principal Act is amended by inserting in subsection (1) thereof after paragraph (c) thereof the following paragraph:

(d) providing a salary or subsidy to or for a dentist registered under the Dentists Act, 1931-1936, practising within the district.

16. Section 319 of the principal Act is amended—

(a) by striking out the words “five shillings” in the penultimate line of subsection (2) thereof and by inserting in lieu thereof the words “seven shillings”;

(b) by adding at the end thereof the following subsections:

(7) If any work of a kind described in this section is carried out (whether before or after the passing of the Local Government Act Amendment Act, 1951) which the council is satisfied is other than of a permanent nature and should not be regarded as work for which a contribution should be required under this section, the council may (unless payment for the said work has been previously required by the council under this section) by resolution declare that the work is of the nature aforesaid. If any such resolution as aforesaid is passed the council shall not be entitled to require payment from any owner in respect of any work to which the resolution applies, and, for the purpose of ascertaining the obligations of any owner under subsection (2), the work to which the resolution applies shall be deemed not to have been previously carried out.

(8) If any roadway is paved with any material other than concrete, bitumen, tar or asphalt and the roadway is subsequently paved with any one of the said materials, the paving of the roadway, to the extent that it was not carried out in that material, shall be deemed not to have been previously carried out and the cost of paving with concrete, bitumen, tar or asphalt, as the case may be, may be recovered in manner provided by this section.
17. (1) Section 322 of the principal Act is amended—

(a) by inserting after the word "surveyor" in the first line thereof the words "or any officer of the council authorized by the council for the purpose";

(b) by inserting after the word "surveyor" in the second line of subsection (2) thereof the words "or officer authorized as aforesaid".

(2) Section 324 of the principal Act is amended by inserting after the word "surveyor" in the second line thereof the words "or of an officer of the council authorized by the council for the purpose".

18. Section 328 of the principal Act is amended—

(a) by striking out the words "one shilling" in the proviso to subsection (2) thereof and by inserting in lieu thereof the words "one shilling and sixpence";

(b) by adding at the end thereof the following subsection:

(7) If any work of a kind described in this section is carried out (whether before or after the passing of the Local Government Act Amendment Act, 1951) which the council is satisfied is other than of a permanent nature and should not be regarded as work for which a contribution should be required under this section, the council may (unless payment for the said work has been previously required by the council under this section) by resolution declare that the work is of the nature aforesaid. If any such resolution as aforesaid is passed the council shall not be entitled to require payment from any owner in respect of any work to which the resolution applies and, for the purpose of ascertaining the obligations of any owner under subsection (2), the work to which the resolution applies shall be deemed not to have been previously carried out.

19. Section 375 of the principal Act is amended by striking out the word "either" in the third line of paragraph (a) of the proviso to subsection (1) and by inserting in lieu thereof the words "such of the following as is directed by the council, namely".

20. Section 416 of the principal Act is amended by striking out the words "not being more than in the case of a municipality four hundred yards and in the case of a district five miles distant from the work or undertaking, and" in paragraph (a) thereof.
Amendment of principal Act, s. 435—
Borrowing for reproductive purposes.

21. Section 435 of the principal Act is amended by adding at the end thereof the following subsection:—

(7) If any money is borrowed in pursuance of this section, the amount so borrowed shall not be taken into account for the purposes of section 424 and moneys borrowed in pursuance of this section shall be additional to moneys which may be borrowed in pursuance of section 424.

Repeal of s. 623 of principal Act—
Fires.

22. (1) Section 623 of the principal Act is repealed.

(2) Paragraph (7) of section 669 of the principal Act is amended—

(a) by striking out the words "the lighting of fires in the open air, and" in subdivision v. thereof;

(b) by inserting therein after subdivision v. thereof the following subdivision:—

va. For regulating, controlling or prohibiting the lighting of fires in the open air:

Amendment of principal Act, s. 666—
Vehicles left in streets.

23. Section 666 of the principal Act is amended—

(a) by striking out the words "the expenses of the removal" in the penultimate and last lines thereof;

(b) by inserting therein after the word "vehicle" in the last line thereof the words "all the expenses in connection with the removal, custody, and maintenance of the vehicle".

Amendment of principal Act, s. 667—
By-laws as to foreshores.

24. Paragraph (18) of section 667 of the principal Act is amended—

(a) by striking out the words "or reserve" in the last line of subdivision ii. thereof;

(b) by striking out the word "therefrom" in the last line of subdivision iii. thereof and by inserting in lieu thereof the words "from any such foreshore".

25. (1) Section 667 of the principal Act is amended by inserting therein after paragraph (37) thereof the following paragraph:—

(37a) 1. For the licensing, regulation, supervision, government, and control of premises for the sale of raw or green hides or skins which are situated within the municipality or any township within the district:
For licensing premises for keeping, storing, or selling, and for preventing the keeping, storing, or selling of hides and skins of any description within the municipality or any township within the district:

For preventing the burning of rags, clippings, or parings of leather, or other offensive substances within the municipality or any township within the district:

For the prevention of the keeping of animals or birds of any kind within the municipality or any township within the district so as to be a nuisance or injurious to health:

(2) Section 669 of the principal Act is amended by striking out subdivisions i. to iv. (both inclusive) of paragraph (19) thereof.

26. Paragraph (25) of section 669 of the principal Act is amended by inserting therein after subdivision XIII. thereof the following subdivision:

xiiiA. For regulating the hours during which ladders, scaffolding, and similar appliances may be used upon footways and generally for controlling and regulating the use of ladders, scaffolding, and similar appliances upon footways:

27. Section 670 of the principal Act is amended—

(a) by inserting after the word "upon" in the second line of paragraph (2) thereof the words "the Crown lands, or lands let to the council, or public roads within the district";

(b) by striking out the words "the Crown lands, or" in the fourth and fifth lines of paragraph (2) thereof;

(c) by inserting after the word "of" in the fourth line of paragraph (4) thereof the word "or";

(d) by striking out the words "or under the control of" in the last line of paragraph (4) thereof.

28. Section 689 of the principal Act is amended by striking out subsections (2) and (3) thereof and by inserting in lieu thereof the following subsections:

(2) The resolution adopting any such model by-law or alteration thereof and such information relating thereto
as he may require, shall be submitted to the Crown Solicitor. If the Crown Solicitor is satisfied that the provisions of this Act applicable to the resolution have been complied with, he shall give a certificate accordingly.

(3) After any certificate has been given as aforesaid, notice of the resolution together with the certificate of the Crown Solicitor given in respect thereof shall be published in the Gazette.

(4) After one week has elapsed from the publication in the Gazette of the notice aforesaid, the model by-law so adopted shall, until altered or repealed by the council, for all purposes have the same force and effect within the area as if it had been enacted in and formed part of this Act, and any by-law repealed by any such resolution shall be deemed to be repealed.

29. (1) The following section is enacted and inserted in the principal Act after section 755 thereof:—

755a. If, in connection with any election, any person—

(a) publishes or causes to be published any electoral advertisement which has not at the end thereof the name and address of the person authorizing it; or

(b) issues or causes to be issued any electoral notice which has not on the face thereof the name and address of the person authorizing the notice,

he shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(2) Section 766 of the principal Act is amended by inserting after the word "numbered" in the third line thereof the passage "755a or".

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

C. W. M. NORRIE, Governor.