No. 39 of 1963


[Assented to 28th November, 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, 1963”.

   (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.

3. This Act shall commence on a day to be fixed by the Governor by proclamation.

4. The definition of “ratable property” in subsection (1) of section 5 of the principal Act is amended—

   (a) by inserting at the end of paragraph (1) of the said definition the following paragraphs—

   (j) machinery, plant, mains, poles, wires, pipes and other things used by The Electricity Trust of South Australia for the purposes
of generating transforming transmitting distributing controlling or measuring electricity;

(k) easements rights of way or other similar rights of property or of licence whereby or whereunder the said The Electricity Trust of South Australia may transmit or distribute electricity across through or under or transform electricity upon any land;

and

(b) by inserting at the end of paragraph (2) of the said definition the following paragraph:

(h) easements rights of way or other similar rights of property or of licence whereby or whereunder The Electricity Trust of South Australia may transmit or distribute electricity across through or under or transform electricity upon any land.

5. The following section is inserted in the principal Act after section 363 thereof:

363a. (1) Notwithstanding any other provisions of this or any other Act The Electricity Trust of South Australia shall, upon being requested so to do by a council, remove any pole or post supporting any cable or wire or any cable or wire supported by any pole or post the property of the said Trust in upon or over any street or road within the area of the council (other than a street or road for the maintenance of which the Commissioner of Highways is responsible) and may after submitting plans to and consulting with the council erect the same or any other pole post cable or wire in upon or over the same or any other street or road in place of or in consequence of such removal; provided that the Trust shall be under no obligation to effect any such removal in any case unless the Commissioner of Highways certifies that in his opinion a sufficient reason exists for the removal of any such pole post cable or wire.

(2) Notwithstanding the provisions of subsection (1) of this section or the provisions of section 871g a council and the said Trust may enter into any agreement, relating to the removal and erection of any pole post cable or wire of the Trust, containing such terms and conditions as are agreed upon.
6. Section 871g of the principal Act is amended—

(a) by inserting at the beginning of subsection (1) thereof the words "Subject to subsection (3) of this section";

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

(3) The provisions of subsection (1) of this section shall not apply to any pole post cable or wire of The Electricity Trust of South Australia in respect of which the Commissioner of Highways has given a certificate under the provisions of section 363a of this Act.

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

EDRIC BASTYAN, Governor.