No. 54 of 1964

An Act to amend the Local Government Act, 1934-1963.

[Assented to 5th November, 1964.]

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, 1964."

   (2) The Local Government Act, 1934-1963, as amended by this Act, may be cited as the "Local Government Act, 1934-1964."

   (3) The Local Government Act, 1934-1963, 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. The following subsection is inserted in section 42 of the principal Act after subsection (2) thereof:—

   (2a) The special magistrate may, if it appears to him to be just so to do, order the payment of such amount of the costs incurred in connection with the investigation as he shall fix to be paid by or to the petitioner or by or to the counter-petitioner. Any amount so ordered to be paid shall be recoverable by the party to whom it is payable as a debt due from the party ordered to pay the same in any court of competent jurisdiction.
4. Subsection (1) of section 100 of the principal Act is amended by striking out the word “March” therein and inserting in lieu thereof the word “May.”

5. Paragraph 1 of subsection (2) of section 115 of the principal Act is amended by striking out the word “March” therein and inserting in lieu thereof the word “May.”

6. Section 267b of the principal Act is amended by striking out the word “interest” (twice occurring) therein and inserting in lieu thereof in each case the word “fine”.

7. Paragraph (j4) of subsection (1) of section 287 of the principal Act is amended—

(a) by striking out the word “an” therein and inserting in lieu thereof the words “its principal”; and

(b) by inserting after the word “government” therein the words “in the State”.

8. The following section is inserted in the principal Act after section 287 thereof:

287a. (1) In addition to the powers conferred by section 287, but subject to any provision of this Act relating to any particular revenue, a metropolitan council may expend its revenue in paying to the South Australian Housing Trust such portion (not exceeding £35,000 in any financial year) as the Minister shall approve of the purchase price of any land within the area of the council purchased or to be purchased by the said Trust for the purpose of development or redevelopment as a residential area in accordance with conditions approved by the Minister:

Provided that no payment shall be made under this section unless the Minister is of the opinion that the land purchased or to be purchased is underdeveloped or insufficiently developed and that the development or redevelopment thereof by the said Trust will substantially increase the assessed value of the land and the revenue from rates in respect thereof.

(2) Any such council may, in addition to its other borrowing powers and without further or other authority or consent than this section, borrow money for the purpose of making any payment pursuant to subsection (1) of this section.

9. Subsection (1) of section 288 of the principal Act is amended by inserting therein after paragraph (f) thereof the following paragraph:
(g) payment of or towards expenses necessarily incurred by councillors for mid-day or evening meals when a meeting of the council has been adjourned before and resumed after the normal meal hour.

10. Subsection (1) of section 289 of the principal Act is amended by inserting therein after paragraph (b) thereof the following paragraph:

(b1) payment of or towards expenses necessarily incurred by councillors for mid-day or evening meals when a meeting of the council has been adjourned before and resumed after the normal meal hour.

11. Subsection (1) of section 300a of the principal Act is amended by striking out the word “fifteen” therein and inserting in lieu thereof the word “twenty”.

12. (1) Section 384 of the principal Act is amended by inserting therein after subsection (1) thereof the following subsection:

(2) For the purposes of this Part any function or duty of a council under this or any other Act shall be deemed to be a permanent work or undertaking.

(2) The amendment made by subsection (1) of this section shall be deemed to have come into operation on the first day of January, one thousand nine hundred and fifty-nine.

13. The following section is inserted in the principal Act immediately after section 399 thereof:

399a. No member of a controlling authority shall be personally liable in respect of any transaction, act or omission of the controlling authority entered into, done or made in good faith for the purpose of the care control or management of the works or undertakings carried out for the purpose of the authorized scheme.

14. Section 424 of the principal Act is amended—

(a) by striking out the passage “four times the amount which would result from a rate, in the case of a municipality, of fourpence one halfpenny, and in the case of a district, of threepence” in paragraph iv of 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 three shillings, and in the case of a district, of two shillings”;

(b) by striking out the passage “four times the amount which would result from a rate, in the case of a
municipality, of one penny in the pound, and in the case of a district, three-eighths of a penny” in paragraph v 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 eightpence, and in the case of a district, threepence”; “

(c) by striking out the word “general” in paragraph vi thereof.

15. Subsection (1) of section 425 of the principal Act is amended by striking out the figures “423” therein.

16. Subsection (2) of section 426 of the principal Act is amended by inserting before the word “rates” (twice occurring) therein the word “general” in each case.

17. Sections 432 and 433 of the principal Act are repealed.

18. The following section is inserted in the principal Act immediately before section 434 thereof:

433a. Any money borrowed by the council on the security of a special or separate rate in accordance with the provisions of this Act as the same was in force prior to the commencement of the Local Government Act Amendment Act (No. 2), 1963, shall, as from such commencement, be deemed for all purposes to be secured on the general rates and every debenture issued in respect thereof shall be deemed to charge the general rates with the repayment of the amount thereof with interest thereon and shall be construed and given effect to accordingly.

19. Subsection (1) of section 434 of the principal Act is amended by inserting before the word “rates” therein the word “general”.

20. Subsection (6) of section 435 of the principal Act is amended by inserting before the word “rates” therein the word “general.”
21. Section 441 of the principal Act is repealed.

22. Section 442 of the principal Act is amended by striking out subsections (5) and (6) thereof and inserting in lieu thereof the following subsection:

(5) Any loan raised on the security of a special or separate rate before the commencement of the Local Government Act Amendment Act (No. 2), 1963, shall, as from such commencement, be deemed for all purposes to be secured on the general rates and every debenture issued in respect thereof shall be deemed to charge the general rates with the repayment of the amount thereof with interest thereon and shall be construed and given effect to accordingly.

23. Section 448 of the principal Act is repealed.

24. Section 449c of the principal Act is amended by inserting at the end thereof the following new subsection (the preceding part of the section being designated as subsection (1) thereof):

(2) In addition to the powers conferred by this Part the council may borrow money repayable by instalments for the purpose of purchasing or constructing dwelling houses for occupation by persons employed by the council. The provisions of this Part (other than this section) shall not apply to or in respect of any such borrowing.

25. Subsection (1) of section 526 and section 527 of the principal Act are amended by striking out the words “a area” and inserting in lieu thereof in each case the word “an area”.

26. Paragraph (47) of section 667 of the principal Act is amended by inserting therein after subdivision x thereof the following subdivision:

xa. For requiring drivers of vehicles upon which logs or sawn timber are or is carried or to be carried to secure and fasten such logs or sawn timber to such
vehicles and for regulating and specifying the manner in which and the materials or types of materials with which such logs or sawn timber shall be so secured and fastened and for prohibiting the driving along streets and roads of vehicles upon which logs or sawn timber are or is carried unless such logs or sawn timber are or is secured and fastened in the manner and with the materials prescribed.

27. Paragraph 1 of subsection (1) of section 817 of the principal Act is amended by striking out the word "March" therein and inserting in lieu thereof the word "May".

28. Subsection (1) of section 832a of the principal Act is amended—

(a) by inserting after the word "person" in paragraph (a) thereof the words "or persons";

(b) by inserting at the end thereof the passage "Every such declaration shall be in the form or to the effect of The Twenty-Third Schedule".

29. Subsection (2) of section 871j of the principal Act is repealed and the following subsection is inserted in the principal Act in lieu thereof:

(2) The total for the time being remaining unrepaid of the amounts borrowed pursuant to the powers conferred by this Division by the Council of the City of Adelaide or by a municipal council to which this Division has been applied pursuant to section 871t, shall not at any time exceed an amount which is equal to two-thirds of the assessed value for the time being of the ratable property in the case of an area in which Division III of Part X is not in operation, or an amount which is equal to one-sixth of the assessed value for the time being of the ratable property in which Division III of Part X is in operation.

30. Section 886b of the principal Act is amended—

(a) by striking out the passage "The trustees of the fund known as the Henley and Grange 1928 and 1929 Regatta Committee Trust Fund" and inserting in lieu thereof the passage:

"(1) The trustees of the moneys standing to the credit of Henley and Grange 1928 and 1929 Regatta Committee at the Savings Bank of South Australia (Account No. M13799)";
(b) by inserting at the end thereof the following subsection:

(2) Upon payment of the said moneys to the said Corporation the trustees of the said moneys shall be freed and discharged from all trusts and conditions in respect thereof.

31. The following Schedule is inserted in the principal Act after The Twenty-Second Schedule thereof:

THE TWENTY-THIRD SCHEDULE.

Declaration Verifying Notice or Writing Demanding Poll.

I, of

do solemnly and sincerely declare that all the signatures [or, if the case so require, such and such signatures, describing them as initialled or marked by such declarant] affixed to the above notice [or, as the case may be, writing] are the genuine signatures of the persons whose signatures they purport to be and that the residential addresses of such persons are the genuine residential addresses of such persons respectively and that the persons are ratepayers [or, as the case may be] of [municipality, district, ward or place] and that the addresses of the properties in respect of which the said persons claim to vote are the addresses of properties in respect of which they are respectively entitled to vote.

Declared before me at the day of ________________
[Justice of the Peace]

Signature

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

EDRIC BASTYAN, Governor.