



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 61 of 1981

An Act to amend the Local Government Act, 1934-1981.

[Assented to 3 September 1981]

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 (No. 2), 1981". Short titles.

(2) The Local Government Act, 1934-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Local Government Act, 1934-1981".

2. Section 94 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "returning officer or a deputy returning officer" and substituting the passage "presiding officer";

(b) by striking out from subsection (2) the passage "returning officer or deputy returning officer" and substituting the passage "presiding officer";

(c) by striking out from subsection (3) the passage "returning officer or deputy returning officer" and substituting the passage "presiding officer";

and

(d) by striking out from subsection (4) the passage "returning officer or deputy returning officer" and substituting the passage "presiding officer".

Amendment of s. 94—
Votes of persons whose names do not appear on voter's rolls.

3. Section 120 of the principal Act is amended by striking out subparagraphs (a) and (b) of paragraph II and substituting the passage "commence at eight o'clock in the forenoon and shall close at six o'clock in the afternoon of the same day:". Amendment of s. 120—
Proceedings on the day of election.

Repeal of
s. 755b and
substitution
of new section.

Interest in
non-profit
making
organization
not interest
for purposes
of Act.

4. Section 755b of the principal Act is repealed and the following section is substituted:

755b. (1) For the purposes of sections 52 (1) (d), 147 VIII and 755, a mayor, chairman, alderman or councillor shall not be deemed to be interested in any matter by reason only of the fact that he has an interest in, or takes part in any capacity in proceedings of, a non-profit-making organization that is a party to any contract or dealing with the council or that is affected by any discussion before or vote by the council.

(2) Where a non-profit-making organization is affected by a discussion before or vote by a council, a member of the council who has an interest in the organization shall, before participating in the discussion or vote, disclose that interest to the council.

(3) Any disclosure of an interest under subsection (2) shall be recorded in the minutes of the council.

(4) In this section—

“interest” in relation to a non-profit-making organization means an interest arising by virtue only of being a member, trustee, officer or employee of the organization:

“non-profit-making organization” means—

(a) a body, whether incorporated or unincorporated and whether constituted by or under an Act or otherwise—

(i) the principal purpose of which is not to engage in trade or secure a profit;

and

(ii) that is so constituted that its profits (if any) must be applied towards the purposes for which it is established and may not be distributed to its members;

or

(b) a body that is a governing body of, board of trustees for, or committee of any kind established by or for the purposes of, a body referred to in paragraph (a).

Amendment of
s. 804—
Hours of
voting.

5. Section 804 of the principal Act is amended by striking out paragraphs (a) and (b) and substituting the passage “commence at eight o’clock in the forenoon and shall close at six o’clock in the afternoon of the same day:”.

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

K. D. SEAMAN, Governor