



ANNO TRICESIMO SECUNDO

**ELIZABETHAE II REGINAE**

**A.D. 1983**

\*\*\*\*\*

**No. 103 of 1983**

**An Act to amend the Local Government Act, 1934.**

*[Assented to 22 December 1983]*

**BE IT ENACTED** by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

**1.** (1) This Act may be cited as the "Local Government Act Amendment Act (No. 3), 1983".

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

Commencement.

**2.** This Act shall come into operation on a day to be fixed by proclamation.

Amendment of s. 8—  
General powers of Governor to adjust rights, etc.

**3.** Section 8 of the principal Act is amended by striking out from subsection (2) the passage "(without the necessity of obtaining the consent of the electors)".

Amendment of s. 424—  
Additional borrowing powers.

**4.** Section 424 of the principal Act is amended—

(a) by striking out from subsection (1) the passage ", with the consent of the electors,";

(b) by striking out from subsection (3) the passage "sections 425 and 426" and substituting the passage "section 425";

and

(c) by striking out subsection (4).

Repeal of ss. 426, 427 and 429.

**5.** Sections 426, 427 and 429 of the principal Act are repealed.

Repeal of s. 430 and substitution of new section.

**6.** Section 430 of the principal Act is repealed and the following section is substituted:

430. (1) Every resolution of a council to borrow money shall be passed by an absolute majority of the council. Resolutions to borrow.

(2) Where money that is to be borrowed by a council is to be used, in whole or in part, by the council to compulsorily acquire land, the resolution to borrow the money shall not be acted upon until approved by the Minister.

(3) The council shall not resolve to borrow money unless the council has given, not less than fourteen days previously, public notice of the proposal that the council borrow the money and of the proposed expenditure of that money.

7. Section 434 of the principal Act is amended by striking out from subsection (1) the passage “(without the necessity of obtaining the consent of the electors)”. Amendment of s. 434—  
Power to borrow for purpose of repaying previous loan.

8. Section 449c of the principal Act is amended by striking out subsection (4). Amendment of s. 449c—  
Special provisions for certain borrowings.

9. Section 530c of the principal Act is amended by striking out from subsection (10) the passage “without the consent of the ratepayers,”. Amendment of s. 530c—  
Sewerage effluent disposal schemes.

10. Section 725 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “, or loan consented to or forbidden” twice occurring;

and

(b) by striking out from subsection (2) the passage “, proposition, or loan” and substituting the passage “or proposition”.

Amendment of s. 725—  
Evidence of resolution, etc.

11. Section 797 of the principal Act is amended—

(a) by striking out subsection (1);

and

(b) by striking out from subsection (2) the passage “, except a poll to be taken on the question of a loan or the carrying out of the work or undertaking proposed in a scheme”.

Amendment of s. 797—  
Provisions applicable to polls.

12. Section 858 of the principal Act is amended by striking out paragraphs I to IV (inclusive) and substituting the following paragraphs: Amendment of s. 858—  
Regulation of borrowing.

I. Every resolution of a council to borrow money shall be passed by an absolute majority of the council:

II. Where money that is to be borrowed by a council is to be used, in whole or in part, by the council to compulsorily acquire land, the resolution to borrow the money shall not be acted upon until approved by the Minister:

III. Notice of every resolution of a council to borrow money shall be published in the *Gazette*:

Amendment of  
s. 871j—  
Power to borrow  
money.

**13. Section 871j of the principal Act is amended by striking out from subsection (1) the passage “, without obtaining the consent of the electors,”.**

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

D. B. DUNSTAN, Governor