



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 12 of 1976

An Act to amend the Local Government Act, 1934-1975, and to repeal the Garden Suburb Act, 1919-1973.

[Assented to 4th March, 1976]

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), 1975". Short titles.

(2) The Local Government Act, 1934-1975, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Local Government Act, 1934-1975".

2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commencement.

(2) Notwithstanding the provisions of subsection (1) of this section, the Governor may, by the proclamation made for the purposes of that subsection, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or until a day to be fixed by subsequent proclamation.

3. Section 3 of the principal Act is amended—

(a) by inserting after the item:

DIVISION VII—CHANGE OF STATUS OF AREAS:

the item:

DIVISION VIIA—THE LOCAL GOVERNMENT ADVISORY COMMISSION: ;

Amendment of principal Act, s. 3—Arrangement of Act.

(b) by striking out the item:

PART IXB—LOCAL GOVERNMENT OFFICERS'
CLASSIFICATION BOARD.;

and

(c) by inserting after the item:

PART XLI—EVIDENCE

the item:

PART XLIA—LITTER, WASTE MATERIAL, ETC.

Amendment of
principal Act,
s. 5—
Interpretation.

4. Section 5 of the principal Act is amended—

(a) by inserting after the definition of “clerk” the following definition:—

“the Commission” means the Local Government Advisory
Commission established under Part II of this Act.;

(b) by inserting in the definition of “ratable property” after subparagraph (c1) of paragraph (1) the following subparagraph:—

(c2) any institution approved by the Minister established for
the rehabilitation of persons addicted to alcohol or
drugs.;

(c) by inserting in the definition of “ratable property” after subparagraph (d1) of paragraph (2) the following subparagraph:—

(d2) any institution approved by the Minister established for
the rehabilitation of persons addicted to alcohol or
drugs.;

(d) by inserting after the definition of “ratepayer” the following
definition:—

“refuse” includes rubbish and “rubbish” includes refuse.;

and

(e) by striking out from subsection (1) the definition of “urban farm
land” and inserting in lieu thereof the following definition:—

“urban farm land” means a parcel of land—

(a) that is within a municipality or township;

(b) for which a separate assessment has been made;

and

(c) that is wholly or mainly used by the occupier for
carrying on one or more of the following
businesses:—

(i) grazing;

(ii) dairying;

(iii) pig farming;

(iv) poultry farming;

(v) bee keeping;

(vi) viticulture;

(vii) fruit growing;

(viii) vegetable growing;

(ix) floriculture;

or

(x) growing of crops of any other kind.;

5. The following section is enacted and inserted in the principal Act immediately after section 6 thereof:—

Enactment of
s. 6a of
principal Act—

6a. (1) The Local Government Association of South Australia Incorporated shall continue in existence under the name: "Local Government Association of South Australia".

The Local
Government
Association.

(2) The Association shall be a body corporate with perpetual succession and a common seal and shall—

(a) be capable of holding, acquiring, dealing with and disposing of real and personal property;

(b) be capable of acquiring or incurring any other rights or liabilities;

and

(c) be capable of suing or being sued in its corporate name.

(3) The Association shall have the objects and powers prescribed by its constitution and rules.

(4) The constitution and rules of the Association, as in force immediately before the commencement of the Local Government Act Amendment Act (No. 2), 1975, shall, subject to any amendments made by the Association and approved by the Minister, continue as the constitution and rules of the Association.

(5) The incorporation of the Association under the Associations Incorporation Act, 1956-1965, is hereby dissolved.

6. The following Division is enacted and inserted in the principal Act immediately after Division VII of Part II thereof:—

Enactment of
Division VIIA
of Part II of
principal Act—

DIVISION VIIA—THE LOCAL GOVERNMENT ADVISORY COMMISSION

22a. (1) There shall be a commission entitled the "Local Government Advisory Commission".

The Local
Government
Advisory
Commission.

(2) The Commission shall consist of the following members:—

(a) a chairman (who must be a person holding judicial office under the Local and District Criminal Courts Act, 1926-1974) appointed by the Governor;

(b) a person holding or acting in the office of Secretary for Local Government;

and

(c) a person appointed by the Governor.

(3) A member of the Commission appointed by the Governor shall hold office at the pleasure of the Governor.

(4) The Governor may appoint a suitable person to be a deputy of the chairman or any other member of the Commission, and such a person while acting in the absence of the person of whom he has been appointed a deputy shall be deemed to be the chairman or a member of the Commission (as the case may require).

(5) The Commission shall have the powers of a Royal Commission under the Royal Commissions Act, 1917, and that Act shall apply in relation to the Commission as if—

- (a) the Commission were a commission to which a Commission of Inquiry had been issued by the Governor under his hand and public seal of this State;
- and
- (b) the chairman of the Commission were the chairman of such a commission, and the other members of the Commission were members of such a commission.

Repeal of s. 42 of principal Act and enactment of section in its place—
Investigation by the Commission.

7. Section 42 of the principal Act is repealed and the following section is enacted and inserted in its place:—

42. The Minister may refer to the Commission, for investigation, any matter connected with a petition or counter petition.

Amendment of principal Act, s. 45a—
Approved Proposals.

8. Section 45a of the principal Act is amended—

- (a) by striking out from paragraph (b) of subsection (1) the word “Royal”;
- and
- (b) by striking out subsection (8).

Amendment of principal Act, s. 133—
Principals bound by acts of their agents.

9. Section 133 of the principal Act is amended—

- (a) by striking out the second sentence;
- and
- (b) by inserting after the present contents thereof as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—
- (2) Notwithstanding the provisions of subsection (1) of this section it shall not be an illegal practice for an agent of a candidate to distribute how-to-vote cards that conform with the requirements of the regulations or to exhibit an electoral notice that conforms with the requirements of the regulations.

Amendment of principal Act, s. 155—
Inspection of minute books.

10. Section 155 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “and (except in the case of a member) on payment of a fee of ten cents”;
- and
- (b) by inserting after subsection (1) the following subsection:—
- (2) The council may, if it thinks fit, display any such minutes, or recommendation, for public inspection in some convenient place.

Amendment of principal Act, s. 157—
Appointment, removal and salaries of officers.

11. Section 157 of the principal Act is amended by inserting after subsection (1) the following subsection:—

- (1a) The town clerk or district clerk shall be the chief executive officer of the council.

Enactment of s. 158a of principal Act—

12. The following section is enacted and inserted in the principal Act immediately after section 158 thereof:—

Local Government holiday.

158a. (1) The council may, by resolution, fix one day in each year as a holiday for its officers and employees.

(2) On the day so fixed the officers and employees of the council shall be entitled to a holiday.

13. Part IXB of the principal Act is repealed.

Repeal of Part IXB of principal Act.

14. Section 163ja of the principal Act is amended by striking out the definition of "officer" and inserting in lieu thereof the following definition:—

Amendment of principal Act, s. 163ja—
Definition.

"officer" means any person employed by a council as a clerical, administrative or professional officer, but does not include any person remunerated only by fees, allowances or commission:.

15. Section 178b of the principal Act is amended—

Amendment of principal Act, s. 178b—
Adoption of Government assessment.

(a) by inserting at the end of subsection (4) after paragraph (c) the passage "and if the Valuer-General certifies that it is not practicable for him to make an assessment in accordance with the request, the council may itself make the requisite assessment";

and

(b) by inserting after subsection (6) the following subsection:—

(6a) Where the Government assessment of annual value is adopted by the council the council is not obliged to give or cause to be given to the owner or occupier of any ratable property subject to that assessment any notice of the assessment or of any alteration thereto made pursuant to the Valuation of Land Act, 1971-1973.

16. Section 180 of the principal Act is amended—

Amendment of principal Act, s. 180—
Adoption of Government assessment.

(a) by inserting at the end of subsection (4) after paragraph (c) the passage "and, if the Valuer-General certifies that it is not practicable for him to make an assessment in accordance with the request, the council may itself make the requisite assessment";

and

(b) by inserting after subsection (5) the following subsection:—

(5a) Where the Government assessment of land value is adopted by the council, the council is not obliged to give or cause to be given to the owner or occupier of any ratable property subject to that assessment any notice of that assessment or of any alteration thereto made pursuant to the Valuation of Land Act, 1971-1973.

17. Sections 184a and 184b of the principal Act are repealed.

Repeal of ss. 184a and 184b of principal Act.

18. Section 212 of the principal Act is amended by striking out subsection (2a).

Amendment of principal Act, s. 212—
Appeals from assessment.

19. Section 212a of the principal Act is repealed.

Repeal of s. 212a of principal Act.

20. Section 214 of the principal Act is amended—

Amendment of principal Act, s. 214—
Power to declare general rates.

(a) by striking out subsections (1), (2) and (3) and inserting in lieu thereof the following subsections:—

(1) Subject to this section, the council may, at any time declare—

(a) a general rate on property within its area;

or

(b) differential general rates on property within its area, for the financial year ending on the thirtieth day of June next ensuing after the declaration of the rate or rates.

(2) Where the council declares differential general rates in pursuance of this section, those rates shall be applicable, in accordance with the terms of the declaration, to ratable property within its area by reference to criteria specified in the declaration.

(3) Where a council proposes to declare differential rates under this section, the rates may vary by reference to the criteria contained in one of the following paragraphs:—

(a) by reference to the use to which the ratable property is put;

(b) by reference to the ward in which the ratable property is situated;

(c) by reference to the ward in which the ratable property is situated and the use to which the ratable property is put;

(d) by reference to the zone in which the ratable property is situated;

and

(e) by reference to whether the ratable property is situated within or outside a township and, where it is situated within a township and there are two or more townships within the area, by reference to the township within which the ratable property is situated.;

and

(b) by inserting after subsection (6) the following subsection:—

(7) The revenue derived from differential rates may be expended for purposes authorized by this Act without any restriction as to the part of the area of the council in which it is to be expended.

Enactment of
a. 214b of
principal Act—

21. The following section is enacted and inserted in the principal Act immediately after section 214a thereof:—

Urban farm
land.

214b. (1) Where any ratable property is urban farm land, a statement of that fact shall be included in the assessment book in relation to that property.

(2) The owner of any land may, by notice in writing served upon the council, request that the property be described as urban farm land in the assessment book.

(3) A council shall, upon receipt of an application under subsection (2) of this section—

(a) include a statement in the assessment book in accordance with the request;

or

(b) inform the owner of the ratable property by notice in writing, that the council does not consider that his property is urban farm land.

(4) The owner of ratable property may appeal against a decision of the council not to include the property in the assessment book as urban farm land.

(5) An appeal under subsection (4) of this section shall be instituted, heard and determined according to the provisions of Division II of Part XI of this Act in all respects as if the appeal were an appeal against an assessment.

(6) Where a council declares differential general rates upon ratable property that vary by reference to the use to which the property is put, the council shall fix as the general rate applicable to urban farm land a rate that is an average of all other general rates fixed by the council.

(7) In respect of urban farm land there shall be a remission of rates payable upon the land of an amount determined by the council (being not less than one-half of the amount of the rates that would, apart from this subsection, be payable).

(8) Where land ceases to be urban farm land the amount of rates remitted under this section during the period of five years immediately preceding that cessation shall forthwith become due and payable by the ratepayer.

(9) If the Governor is satisfied that it is desirable to do so, he may, by proclamation declare that the provisions of this section shall not apply in respect of an area specified in the proclamation and any such proclamation shall have effect according to its terms.

(10) The Governor may, by proclamation, vary or revoke a proclamation under this section.

22. Section 221 of the principal Act is amended—

(a) by striking out from paragraph (b) the passage “or annually, or for several years” and inserting in lieu thereof the passage “or annually for several years”;

**Amendment of principal Act, s. 221—
Power to execute works in accordance with memorial.**

and

(b) by inserting after the present contents thereof as amended by this section (which are hereby designated subsection (1) thereof) the following subsections:—

(2) A rate declared under this section may be based upon the assessed value of ratable property subject to the rate or may consist of a lump sum determined by the council in relation to each parcel of ratable property subject to the rate.

(3) Any rate declared under this section shall be payable by all ratepayers within the portion of the area defined in the memorial.

(4) The resolution declaring the rate shall define the portion of the area referred to in subsection (2) of this section in accordance with the memorial.

23. Section 222 of the principal Act is repealed.

Repeal of s. 222 of principal Act.

24. Section 233 of the principal Act is amended by striking out from subsection (2) the passage “amount per foot” and inserting in lieu thereof the passage “amount per metre”.

**Amendment of principal Act, s. 233—
Payment for special works.**

25. Section 234 of the principal Act is repealed.

Repeal of s. 234 of principal Act.

Amendment of principal Act, s. 237—
Amount and purposes of general rate.
Repeal of s. 238 of principal Act.

26. Section 237 of the principal Act is amended by striking out subsection (1).

27. Section 238 of the principal Act is repealed.

Amendment of principal Act, s. 239—
Amount and purposes of general rate in districts.
Repeal of s. 240 of principal Act.

28. Section 239 of the principal Act is amended by striking out subsection (1).

29. Section 240 of the principal Act is repealed.

Amendment of principal Act, s. 243—
Amount and purpose of general rate.

30. Section 243 of the principal Act is amended by striking out subsection (1).

Repeal of s. 244 of principal Act.

31. Section 244 of the principal Act is repealed.

Repeal of s. 244a of principal Act.

32. Section 244a of the principal Act is repealed.

Amendment of principal Act, s. 246—
Amount and purposes of general rate.

33. Section 246 of the principal Act is amended by striking out subsection (1).

Repeal of s. 247 of principal Act.

34. Section 247 of the principal Act is repealed.

Amendment of principal Act, s. 250—
Notice before recovery of rates.

35. Section 250 of the principal Act is amended—

(a) by striking out the passage “twenty-one days” and inserting in lieu thereof the passage “sixty days”;

and

(b) by striking out the passage “, and if not paid within that period shall thenceforth be deemed to be in arrears until fully paid” and inserting in lieu thereof the passage “of this Act”.

Amendment of principal Act, s. 254—
Notice before recovery of rates.

36. Section 254 of the principal Act is amended—

(a) by striking out the passage “twenty-one days” and inserting in lieu thereof the passage “sixty days”;

and

(b) by striking out the passage “, and if not paid within that period shall thenceforth be deemed to be in arrears until fully paid” and inserting in lieu thereof the passage “of this Act”.

Amendment of principal Act, s. 257—
Contents of notice of rates.

37. Section 257 of the principal Act is amended—

(a) by striking out the passage “notice required to be given pursuant to section 250 or section 254 shall contain” and inserting in lieu thereof the passage “council shall give to any person from whom it seeks to recover rates in respect of ratable property a notice containing”;

(b) by striking out paragraph (b1) of subsection (1) and inserting in lieu thereof the following paragraph:—

- (b1) an indication of whether the assessment is an assessment of annual value or land value and, if it is derived from a Government assessment adopted by the council, a note of that fact;;
- (c) by striking out paragraph (d) and inserting in lieu thereof the following paragraph:—
 - (d) a statement of the time allowed for payment of the rates (including a statement to the effect that the ratepayer may apply to the council for the right to pay the rates by instalment);
- (d) by striking out subsection (2);
- and
- (e) by striking out from subsection (3) the passage “or posted”.

38. The following section is enacted and inserted in the principal Act immediately after section 257 thereof:—

Enactment of s. 257a of principal Act—

257a. (1) Subject to this section, rates shall be in arrears and recoverable by the council from the ratepayer upon the expiration of sixty days from the date of the notice given pursuant to this Division.

Time for payment of rates.

(2) Where the council, upon an application made by a ratepayer within thirty days of the date of the notice addressed to the ratepayer under this Division, decides to permit the ratepayer to pay the rates by instalment, those rates shall be paid as follows:—

(a) in four equal, or approximately equal, instalments, fixed by the council, of which—

(i) the first is to be paid upon the expiration of sixty days from the date of the notice;

and

(ii) the subsequent instalments are to be paid each at an interval of one calendar month from the day on which the previous instalment was to be paid;

or

(b) in instalments to be paid in accordance with terms agreed upon by the council and the ratepayer.

(3) An instalment of rates is in arrears if not paid on or before the day on which it is required to be paid by this section, or by an agreement between the council and the ratepayer made under this section.

39. Section 259 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 259 of principal Act and enactment of section in its place—

259. (1) If any rates that become due and payable after the first day of July, 1976, are in arrears, the following fine or fines shall be added to the amount in arrears:—

Fine in default of payment.

(a) on the day on which the rates are first in arrears a fine of five per centum of the amount in arrears;

and

(b) upon the expiration of each month from that day, a further fine of one per centum of the total amount in arrears (including the amount of any previous unpaid fine).

(2) Where any rates that become due and payable before the first day of July, 1976, are in arrears on the first day of July, 1976, a fine of one per centum of the amount in arrears (including the amount of any previous unpaid fine) shall be added to the amount in arrears on that day and on the expiration of each successive month during which the rates continue in arrears.

(3) A fine shall be recoverable from a ratepayer as if it were part of the outstanding rates.

(4) In any case in which the council is of the opinion that the addition of any such fine would inflict hardship, the council may, by resolution, reduce the amount of, or altogether remit, any such fine.

(5) In this section—

“rates” includes an instalment of rates.

Amendment of
principal Act,
s. 267a—
Postponement
of payment of
rates.

40. Section 267a of the principal Act is amended—

(a) by striking out from subsection (1) the passage “in respect of any financial year by” and inserting in lieu thereof the passage “or any other amount due from”;

(b) by inserting in subsection (1) after the word “rates” where it occurs for the second, third and fourth times the passage “or other amount”;

(c) by striking out from subsection (1) the passage “any rates or portion of rates” and inserting in lieu thereof the passage “any rates or other amount, or portion thereof”;

(d) by striking out from subsection (1) the passage “any rates payment of which has been postponed” and inserting in lieu thereof the passage “any rates or other amount payment of which has been postponed”;

(e) by inserting in subsection (2) after the word “rates” the passage “or other amount”;

and

(f) by inserting after subsection (2) the following subsection:—

(3) The council may require an applicant for the postponement of payment of rates or any other amount under this section to give such particulars in relation to the application as the council thinks fit and may require him to verify the particulars upon oath or by statutory declaration.

Repeal of
s. 267b of
principal Act
and enactment
of section in
its place—

Remission of
rates.

41. Section 267b of the principal Act is repealed and the following section is enacted and inserted in its place:—

267b. (1) The council may, upon the application of any person who is liable for the payment of any rates and who is, in the opinion of the council, in necessitous circumstances, remit payment of the rates or any part thereof, or of a fine or any part of a fine imposed in respect thereof.

(2) The council may, upon the application of any person or body that provides homes for persons in necessitous circumstances, or for aged persons, remit payment of the rates or any part thereof, or a fine, or any part of a fine, imposed in respect of the rates.

(3) The council may require an applicant for remission of rates under this section to give such particulars in relation to the application as the council thinks fit and may require him to verify those particulars upon oath or by statutory declaration.

42. Section 272 of the principal Act is amended by inserting after subsection (2) the following subsection:—

Amendment of principal Act, s. 272—
Advertisement of sale.

(2a) Every such advertisement shall contain a statement of the amount due upon the property by way of rates, and the amount of any rates or taxes due in respect of the property to the Crown.

43. Section 277 of the principal Act is repealed.

Repeal of s. 277 of principal Act.

44. Section 279 of the principal Act is amended—

Amendment of principal Act, s. 279—
Application of purchase moneys.

(a) by inserting after the paragraph commencing with the word “Secondly” the following paragraph:—

Thirdly, in discharge of the rates and taxes due to the Crown (whether a charge upon the land or not);;

(b) by striking out the word “Thirdly” and inserting in lieu thereof the word “Fourthly”;

(c) by striking out the word “Fourthly” and inserting in lieu thereof the word “Fifthly”;

and

(d) by inserting after the present contents thereof as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

(2) No sale, transfer or conveyance made pursuant to this Part shall discharge or diminish any liability to the Crown in respect of the land subject thereto except to the extent that the liability is satisfied by a payment made under subsection (1) of this section.

45. Section 286 of the principal Act is amended—

Amendment of principal Act, s. 286—
Payment of council moneys.

(a) by striking out from subsection (3) the passage “ten dollars” and inserting in lieu thereof the passage “twenty dollars”;

(b) by striking out from subsection (4) the passage “ten dollars” and inserting in lieu thereof the passage “twenty dollars”;

(c) by striking out subsection (5) and inserting in lieu thereof the following subsections:—

(5) The council may, by resolution, authorize either generally or specifically payments from any of its banking accounts.

(5a) The clerk shall submit to each meeting of the council a schedule showing all payments made in pursuance of a general authorization under subsection (5) of this section since the date of the last meeting of the council;

and

(d) by striking out from subsection (6) the passage "or against the advance account, signed and countersigned in accordance with subsection (5) of this section".

Amendment of
principal Act,
s. 287—
Expenditure
of revenue.

46. Section 287 of the principal Act is amended—

(a) by inserting after paragraph (f) of subsection (1) the following paragraph:—

(f7) subscribing to the cost of establishing or maintaining a library within the area of the council;

and

(b) by striking out from paragraph (j1) of subsection (1) the passage "in the grounds of any school within the area or in any place of public resort or recreation within the area" and inserting in lieu thereof the passage "within the area".

Enactment of
s. 287c of
principal Act—

47. The following section is enacted and inserted in the principal Act immediately after section 287b thereof:—

Child care
centres.

287c. (1) A council may expend any portion of its revenue in the provision of child care and the establishment, management or operation of child care centres.

(2) In this section—

"child care" means the care of pre-school aged children at a time or times during the day when they are not being cared for in their own homes or in the homes of other persons:

"child care centre" means a place where child care is provided.

Amendment of
principal Act,
s. 289—
Additional
powers of
expenditure
for district
councils.

48. Section 289 of the principal Act is amended by inserting after paragraph (d) of subsection (1) the following paragraph:—

(e) providing the salary or subsidy to or for a veterinary surgeon practising within the district.

Amendment of
principal Act,
s. 319—
Cost of
constructing
public street.

49. Section 319 of the principal Act is amended by striking out from subsection (11) the passage "three dollars twenty-five cents per metre" and inserting in lieu thereof the passage "five dollars per metre".

Amendment of
principal Act,
s. 328—
Power to pave
footways.

50. Section 328 of the principal Act is amended by striking out from subsection (2) the passage "one dollar per metre" and inserting in lieu thereof the passage "one dollar fifty cents per metre".

51. Section 364 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 364 of principal Act and enactment of section in its place—

364. (1) The council may, with the consent of the Minister, construct, maintain, manage or operate any building, structure or works upon, across, under or over any public street or road within the area.

Power of council to construct certain works.

(2) The consent of the Minister may be given upon, and subject to, such conditions, reservations, restrictions and stipulations, as the Minister thinks proper.

(3) A council shall not be liable in any action or proceedings (whether for nuisance or otherwise) by reason only of anything done by a council in pursuance of this section.

52. Section 365 of the principal Act is amended—

Amendment of principal Act, s. 365—
Power of council to authorize certain works.

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) A council may, with the consent of the Minister, grant to any person a permit to construct, maintain, manage or operate any building, structure or works upon, across, under or over any public street or road within its area.;

(b) by inserting after subsection (2) the following subsection:—

(2a) Any such permit may provide for the payment by the holder of the permit of an annual fee, and where a permit contains such a provision, and the fee is not paid as required by the permit, the council may cancel the permit.;

and

(c) by striking out subsection (7) and inserting in lieu thereof the following subsection:—

(7) A person shall not be liable in any action or proceedings (whether for nuisance or otherwise) by reason only of anything done without negligence in pursuance of a permit under this section.

53. Section 365b of the principal Act is amended—

Amendment of principal Act, s. 365b—
Erection of certain structures on roadsides.

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) The council may authorize any person to erect upon any public street or road within the area—

(a) a stand or shelter for milk or cream containers;

(b) a stand, platform or ramp for the loading or unloading of goods or animals;

or

(c) a letter box.;

(b) by striking out from subsection (2) the passage “or ramp” and inserting in lieu thereof the passage “ramp or letter box”;

- (c) by striking out from subsection (3) the passage "or ramp" and inserting in lieu thereof the passage "ramp or letter box";
- (d) by striking out from subsection (5) the passage "or ramp" and inserting in lieu thereof the passage "ramp or letter box";
- and
- (e) by striking out from subsection (6) the passage "or ramp" and inserting in lieu thereof the passage "ramp or letter box".

Amendment of principal Act, s. 373—
Prohibited areas.

54. Section 373 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage "street or road" wherever it occurs and inserting in lieu thereof, in each case, the word "place";
- (b) by striking out from subsection (2) the passage "street or road" and inserting in lieu thereof the word "place";
- and
- (c) by striking out from subsection (4) the passage "street or road" and inserting in lieu thereof the word "place".

Amendment of principal Act, s. 383—
Works and undertakings.

55. Section 383 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

- (2) The following are permanent works and undertakings for the purposes of this section:—
 - (a) the works and undertakings referred to in subsection (1) of this section;
 - (b) any works or undertakings incidental to or consequent upon any of the works or undertakings referred to in subsection (1) of this section;
 - and
 - (c) the preparation of a plan relating to the planning and development of the area of the council or any part thereof.

Amendment of principal Act, s. 426—
Publication of notice before borrowing.

56. Section 426 of the principal Act is amended by inserting after subsection (3) the following subsection:—

- (4) The provisions of this section shall not apply in respect of a borrowing under section 434 of this Act.

Amendment of principal Act, s. 430—
Order for loan.

57. Section 430 of the principal Act is amended by striking out from subsection (4) the passage "section 435" and inserting in lieu thereof the passage "section 434 or section 435 of this Act".

Amendment of principal Act, s. 435—
Scheme for works or undertakings.

58. Section 435 of the principal Act is amended by striking out from subsection (4) paragraphs (b) and (c) and the proviso thereof and inserting in lieu thereof the following paragraph:—

- and
- (b) substantially benefit the area or portion of the area.

Amendment of principal Act, s. 449—
Overdrafts.

59. Section 449 of the principal Act is amended—

- (a) by inserting at the end of subsection (1) after paragraph (b) of that subsection the passage "unless the Minister, by instrument in writing, authorizes the council to borrow on overdraft a greater amount";
- and
- (b) by striking out subsection (5).

60. Section 475g of the Principal Act is amended by striking out from subsection (2) the passage “shall be deemed a permanent work or undertaking for the purpose of this Act” and inserting in lieu thereof the passage “shall, for the purposes of this Act, be deemed to be—

(a) a public place;

and

(b) a permanent work and undertaking.”

Amendment of principal Act, s. 475g—
Powers of council as to parking stations.

61. Section 530c of the principal Act is amended by inserting after subsection (10) the following subsection:—

(10a) If any money is borrowed in pursuance of this section it shall not be taken into account for the purposes of section 424 of this Act.

Amendment of principal Act, s. 530c—
Sewerage effluent disposal scheme.

62. Section 541 of the principal Act is amended by inserting after subsection (4) the following subsection:—

(5) The provisions of this section are in addition to, and do not derogate from, the provisions of the Planning and Development Act, 1967-1975, and the regulations thereunder.

Amendment of principal Act, s. 541—
Hospital for treatment of infectious diseases.

63. Section 550 of the principal Act is amended by inserting after subsection (6) the following subsection:—

(7) In this section—

“private hospital” includes a nursing home.

Amendment of principal Act, s. 550—
Establishment of private hospitals, etc.

64. Section 550a of the principal Act is amended by inserting after subsection (6) the following subsection:—

(7) In this section—

“private hospital” includes a nursing home.

Amendment of principal Act, s. 550a—
Extensions to private hospitals, etc.

65. The following section is enacted and inserted in the principal Act immediately after section 550b thereof:—

550c. The provisions of sections 550, 550a and 550b of this Act are in addition to, and do not derogate from, the provisions of the Planning and Development Act, 1967-1975, and the regulations thereunder.

Enactment of s. 550c of principal Act—

Application of certain provisions of this Division.

66. Section 640 of the principal Act is amended—

(a) by striking out the passage “ten dollars” and inserting in lieu thereof the passage “five hundred dollars”;

and

(b) by inserting after the present contents thereof, as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

(2) Any person who, within a municipality or district, without the consent of the council, makes or causes to be made any drain, gutter, sink, or watercourse in, over or across any street, road or public place, or fills up or obstructs any ditch, drain, or watertable in any street, road or public place shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

Amendment of principal Act, s. 640—
Obstruction of watercourse, etc.

67. Section 641 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “ten dollars” and inserting in lieu thereof the passage “five hundred dollars”;

and

Amendment of principal Act, s. 641—
Obstruction or diversion of watercourse.

(b) by striking out from subsection (2) the passage “ten dollars” and inserting in lieu thereof the passage “five hundred dollars”.

Repeal of
s. 666 of
principal Act.

68. Section 666 of the principal Act is repealed.

Amendment of
principal Act,
s. 693—
Service of
notices, etc.

69. Section 693 of the principal Act is amended by inserting after paragraph (a) the following paragraph:—

or

(a1) by leaving the same in the letterbox to which it would have been delivered if sent by post;

Enactment of
Part XLIA of
principal Act—

70. The following Part is enacted and inserted in the principal Act immediately after section 748 thereof:—

PART XLIA

LITTER, WASTE MATERIAL, ETC.

Depositing of
rubbish, etc.

748a. (1) Any person who, within or outside an area—

(a) deposits any litter, refuse, or waste matter on any street, road or public place;

or

(b) deposits any goods, materials, earth, stone, gravel, or other substance on any street, road or public place,

shall be guilty of an offence and liable to a penalty of not less than twenty dollars and not more than five hundred dollars.

(2) In any proceedings for an offence under paragraph (b) of subsection (1) of this section it shall be a defence that the authority having the care, control and management of the street, road or public place (whether a council or otherwise) consented to the deposit of goods, materials, earth, stone, gravel, or other substance on the street, road or public place.

(3) Where any—

(a) litter, refuse or waste matter;

or

(b) goods, materials, earth, stone, gravel, or other substance,

falls from a vehicle onto any street, road or public place, the person by, or on whose behalf, the vehicle is driven shall be deemed to have deposited it on the street, road or public place.

(4) In any proceedings for an offence under this section in which it is alleged that any litter, refuse, waste matter, goods, materials, earth, stone, gravel or other substance fell from a vehicle, it shall be a defence that the defendant could not, by the exercise of reasonable care and diligence, have prevented that alleged occurrence.

(5) The court by which any person is convicted of an offence under this section shall, upon application by a council in whose area the offence was committed, order the convicted person to pay to the council any costs incurred by the council in removing and disposing of any litter, refuse, waste matter, goods, materials, earth, stone, gravel or other substance deposited in contravention of this section.

(6) In this section—

“litter” includes bottles, cans, cartons, packages, paper, glass and foodstuffs:

“public place” means any place to which the public has access:

“waste matter” includes any discarded object or material whether or not it has any apparent value.

(7) Where, in any proceedings under this section, evidence is given that leads, in the opinion of the court, to a reasonable inference that litter, refuse or waste matter has been deposited in a particular place by a certain person, it shall be presumed in the absence of proof to the contrary that it was so deposited by that person.

748b. (1) A person who abandons a vehicle or farm implement in any public place shall be guilty of an offence and liable to a penalty of not less than twenty dollars and not more than five hundred dollars.

Apparently abandoned vehicles and farm implements.

(2) A council, or an officer authorized by a council, may remove any apparently abandoned vehicle or farm implement from a public place and, if no claim is made for the return of the vehicle or farm implement within seven days after its removal, the council may proceed to sell or dispose of the vehicle or farm implement.

(3) The proceeds of any sale under subsection (2) of this section shall be paid into the general funds of the council.

(4) The court by which a person is convicted of an offence under this section shall, upon application by the council, order the convicted person to pay to the council any costs incurred by the council in removing or disposing of a vehicle or farm implement under this section.

748c. (1) If any vehicle of any kind is left upon any part of any street, road or public place, or on any land or building owned by, or under the care, control and management of, the council for a period of not less than twenty-four hours, the council or any officer authorized by the council may cause the vehicle to be removed to such place as the council or officer, as the case may be, thinks fit.

Removal of vehicles left on streets and roads.

(2) Forthwith after any such removal, the council shall give to the owner of the vehicle written notice of the removal and the place to which the vehicle was removed.

(3) The notice shall, where practicable, be served upon the owner personally but if the owner is unknown or cannot be found the notice may be given by advertisement in two newspapers circulating generally in the State.

(4) If the owner of the vehicle does not, within fourteen days after the service or advertisement of the notice, pay all expenses in connection with the removal, custody, and maintenance of the vehicle, and of serving or advertising the notice and take possession of the vehicle, the council shall, subject to subsection (5) of this section, sell the vehicle and apply the proceeds as follows:—

- (a) Firstly, in payment of the expenses of the sale;
- (b) Secondly, in payment of the cost of removal, custody, and maintenance of the vehicle and of the notice served or advertised under this section;
- (c) Thirdly, in payment of the balance to the owner or if, after reasonable inquiry, an owner cannot be found, to the general funds of the council.

(5) Where in the opinion of the council it is not practicable or convenient to sell the vehicle it may dispose of it in any manner that it thinks fit.

(6) The owner of the vehicle shall be liable to the council for any expenses incurred by the council in the removal, custody, maintenance, sale or attempted sale or otherwise in the disposal, of the vehicle under this section and the council may recover so much of those expenses as have not been satisfied by any proceeds from the sale of the vehicle as a debt due to it.

(7) This section does not derogate from the powers of a council under any other provision of this Part.

Expiation of offences.

748d. (1) Where a council, or an authorized officer, believes on reasonable grounds that a person has committed an offence against this Part, the council or officer may serve personally or by post upon that person a notice to the effect that he may expiate the offence—

(a) where the offence was committed within the area of a council, by payment to the council of the sum of twenty dollars;

or

(b) in any other case, by payment at a police station specified in the notice, of the sum of twenty dollars,

within twenty-one days of the date of the notice.

(2) Where a person does expiate an offence in accordance with the terms of a notice served on him under subsection (1) of this section, no proceedings shall be commenced against him in respect of the alleged offence in any court.

(3) In this section—

“authorized officer” means—

(a) an officer authorized by a council to exercise the powers conferred by this section;

(b) a member of the police force;

or

(c) a person authorized by the Minister to exercise the powers conferred by this section.

(4) Where moneys are paid to a council in pursuance of a notice served under this section, and the notice was served by an authorized officer who is not an employee of the council, the council shall remit one-half of the moneys received by it to the Minister to be paid into the general revenue of the State.

Repeal of s. 783 of principal Act.

71. Section 783 of the principal Act is repealed.

Amendment of principal Act, s. 875—
Particulars of charges upon property.

72. Section 875 of the principal Act is amended by striking out from subsection (1) the word “registered”.

73. Section 889 of the principal Act is amended by striking out from paragraph (d) of subsection (5) the passage "one-quarter of a mile" and inserting in lieu thereof the passage "400 metres".

Amendment of
principal Act,
s. 889—
Drive-in
theatres.

74. The following Acts and portions of Acts are repealed:—

Repeal of
certain Acts.

the Garden Suburb Act, 1919-1973;

the Garden Suburb Act, 1919;

the Garden Suburb Act Amendment Act, 1921;

the Garden Suburb Act, 1925;

so much of the second schedule to the Statute Law Revision Act, 1936,
as relates to the Garden Suburb Act, 1919-1925;

the Garden Suburb Act Amendment Act, 1960;

so much of the second schedule to the Statute Law Revision Act, 1973,
as relates to the Garden Suburb Act, 1919-1960, or the Garden
Suburb Act Amendment Act, 1960.

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

M. L. OLIPHANT, Governor