



ANNO SECUNDO

GEORGI VI REGIS.

A.D. 1938.

No. 2424.

An Act to amend the Local Government Act, 1934-1936.

[Assented to 19th December, 1938.]

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, 1938". Short titles.

(2) The Local Government Act, 1934-1936, as amended by this Act, may be cited as the "Local Government Act, 1934-1938".

(3) The Local Government Act, 1934-1936, is hereinafter referred to as "the principal Act".

2. The definition of "owner" in subsection (1) of section 5 of the principal Act is amended— Amendment of principal Act, s. 5—

(a) by striking out all the words in the fourth, fifth, and sixth lines of paragraph (d) of the said definition and by inserting in lieu thereof the words "under any lease granted by the Crown";

(b) by inserting therein after paragraph (e) of the said definition the following paragraph:—

(e1) any mortgagee in possession who is by himself or his tenant in occupation of any land and is entitled to receive the rents and profits thereof:

Definition of "owner".

(c) by striking out the word "abovementioned" in the second line of paragraph (f) of the said definition and by inserting in lieu thereof the word "before-mentioned".

Amendment of principal Act, s. 9—
Proclamation relating to retirement of councillors.

3. Section 9 of the principal Act is amended by inserting therein after the word "Governor" in the first line thereof the words "re-divides any area or".

Amendment of principal Act, s. 51—
Election of councillors.

4. Section 51 of the principal Act is amended—

(a) by striking out the words "owners and occupiers of ratable property within" in the third and fourth lines thereof and by inserting in lieu thereof the word "ratepayers of"; and

(b) by striking out the words "owners and occupiers of ratable property within" in the fifth line thereof and by inserting in lieu thereof the words "ratepayers of".

Amendment of principal Act, s. 52—
Qualifications.

5. Section 52 of the principal Act is amended—

(a) by striking out the words "owner or occupier of ratable property within" in the first and second lines thereof and by inserting in lieu thereof the words "ratepayer of"; and

(b) by inserting after the word "more" in the third line thereof "and every person nominated by a company pursuant to section 100 who is also a director of that company and is of the age of twenty-one years or more".

Amendment of principal Act, s. 52—
Disqualifications of councillors.

6. Section 52 of the principal Act is amended by striking out the word "member" second occurring in the first line of subsection (4) thereof and by inserting in lieu thereof the words "shareholder or member or director, manager, or servant".

Amendment of principal Act, s. 54—
Resignation of councillors.

7. Paragraph vi. of section 54 is amended so as to read as follows :—

vi. Resignation with the licence of the council by notice posted or delivered to the mayor or to the chairman or to the clerk :

Amendment of principal Act, s. 65—
Notice of first meeting of council after election.

8. Section 65 of the principal Act is amended by adding at the end of subsection (1) thereof the words "Notwithstanding the provisions of section 146 it shall be sufficient notice if less than three days' notice is given of such meeting".

9. Section 79 of the principal Act is amended by inserting the word "next" before the word "least" in the fourth line of subsection (2) thereof.

Amendment of principal Act, s. 79—
Retirement of aldermen.

10. Part V. of the principal Act is amended by inserting therein after section 86 the following section :—

Amendment of principal Act, Part V.—

86a. (1) If the council fails to appoint an auditor as provided by this Part, the Minister may appoint an auditor for the area.

Appointment of auditor on failure to appoint by council.

(2) Notice of any such appointment shall be published in the *Gazette*.

(3) Every auditor so appointed shall hold office until the thirty-first day of August next occurring after his appointment.

(4) Every such auditor shall be paid by the council such fee as is fixed by the Minister at the time of his appointment as auditor. The fee shall be recoverable by the auditor from the council as a debt due to the auditor by the council.

(5) For the purposes of this section, a council shall be deemed to have failed to appoint an auditor—

(a) if the council does not in the month of August appoint an auditor as provided by subsection (2) of section 84 ; or

(b) if the council does not appoint an auditor within one month after a vacancy occurs in the office of auditor.

11. Section 99 of the principal Act is amended—

Amendment of principal Act, s. 99—
Voters' rolls.

(a) by inserting after the word "unless" in the eleventh line thereof the words "at least six days before the day of voting"; and

(b) by striking out the word "ten" in the second line of paragraph III. thereof and by inserting in lieu thereof the word "six".

12. Section 100 of the principal Act is amended by inserting therein after the word "any" in the fourth line thereof the word "financial".

Amendment of principal Act, s. 100—
Nomination of companies' representatives.

13. Subsection (1) of section 105 of the principal Act is amended by inserting therein after paragraph VIII. thereof the following paragraphs :—

Amendment of principal Act, s. 105—
Deposits on nomination.

VIIIa. No person shall be entitled to be nominated for any election within the Municipality of the City of

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Adelaide for the office of mayor, alderman, or councillor unless, before the hour of nomination, the person nominated or someone on his behalf deposits with the clerk the sum of three pounds in money or in Australian notes or in a banker's cheque:

Amendment of
principal Act,
s. 105—
Nominations.

14. (1) Subsection (1) of section 105 of the principal Act is amended by inserting therein after paragraph VII. thereof the following paragraph:—

VIIA. No person shall be entitled to be nominated for the office of mayor, alderman, or councillor in any area unless for the whole of the period of six months immediately prior to the day of nomination he was the owner or occupier of ratable property within the area :

(2) Form No. 2 of the fifth schedule to the principal Act is amended by adding at the end of the line commencing " I, the above-named candidate ", the words " and I do hereby declare that I have been an owner or occupier of ratable property within the municipality (or district) for the whole of the period of six months immediately prior to the day of nomination ".

Amendment of
principal Act,
s. 108—
Polling places.

15. Section 108 of the principal Act is amended—

- (a) by striking out the word " in " in the third line thereof and by inserting in lieu thereof the word " for "; and
- (b) by adding at the end of subsection (1) thereof the words " If the council appoints one or more polling-places for each of the wards it may also appoint one or more polling-places for all the wards ".

Amendment of
principal Act,
s. 115—
Rights of
voting.

16. Section 115 of the principal Act is amended—

- (a) by inserting after the word " sections " in the fifth line thereof the passage " 101, " ;
- (b) by striking out the words " If two or more joint tenants or tenants in common of any ratable property are enrolled in the voters' roll for the area or any ward thereof " in subsection (2) thereof and by inserting in lieu thereof the words " If two or more persons are enrolled on the voters' roll for the area or any ward thereof as owners of the same ratable property " ;
- (c) by striking out the word " tenants " wherever occurring in paragraphs I., II., and IV. of subsection (2) thereof and by inserting in lieu thereof in every case the word " owners " ;

(d) by inserting after the word "any" in the penultimate line of paragraph 1. of subsection (2) thereof the word "financial";

(e) by inserting therein after subsection (2) thereof the following subsection :—

(2a) If two or more persons are enrolled on the voters' roll for the area or any ward thereof as occupiers of the same ratable property, the number of such persons who may vote at any election shall be as prescribed by subsection (2) with respect to owners of ratable property. The provisions of subsection (2) shall be deemed to apply to such occupiers and for that purpose subsection (2) shall be read as if the word "occupiers" were substituted for the word "owners" wherever occurring in subsection (2).

(f) by inserting after the figure "(2)" in the first line of subsection (3) thereof the passage "or (2a)";

(g) by striking out the word "tenant" in the third and sixth lines of subsection (3) thereof and by inserting in lieu thereof in each case the words "owner or, as the case may be, occupier" and by striking out the word "tenants" in the seventh line of subsection (3) thereof and by inserting in lieu thereof the word "owners" and by inserting after the word "three" in the eighth line of subsection (3) thereof the words "and the total number of such occupiers entitled to vote shall not exceed three";

(h) by adding at the end thereof the following subsection :—

(4) If two or more persons are enrolled on the voters' roll for the area or any ward thereof both as owners and as occupiers of the same ratable property and no nomination is made as provided by subsection (2), then for the purpose of ascertaining which of those persons shall be entitled to vote as occupiers, regard shall not be had to those of such persons who by virtue of this section are entitled to vote as owners.

17. Section 117 of the principal Act is amended by adding at the end of subsection (2) thereof the words "This subsection shall not apply to any area which is not subject to the provisions of Division I. of Part VI."

Amendment of
principal Act,
s. 117—
Voting rights.

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Amendment of
principal Act,
s. 118—
Voting rights.

18. Section 118 of the principal Act is amended by adding at the end thereof the following subsection (the preceding part of the said section being read as subsection (1) thereof):—

(2) This section shall not apply to any area which is not subject to the provisions of Division I. of Part VI.

Amendment of
principal Act,
s. 126—
Scrutiny.

19. Section 126 of the principal Act is amended by adding thereto after paragraph v. thereof the following paragraph:—

vi. The returning officer, the deputy returning officer, the poll clerks and the scrutineers shall be the only persons who shall be permitted to be present at the place where the ballot-boxes are opened or the voting papers are examined or counted.

Amendment of
principal Act,
s. 127—
Scrutiny.

20. Section 127 of the principal Act is amended by adding thereto after paragraph ii. thereof the following paragraph:—

iii. The returning officer, the deputy returning officer, the poll clerks, and the scrutineers shall be the only persons who shall be permitted to be present at the place where the ballot-boxes are opened or the voting papers are examined or counted.

Amendment of
principal Act,
s. 128—
Destruction of
voting papers.

21. Section 128 of the principal Act is amended by striking out the words "one month" in the first line thereof and by inserting in lieu thereof the words "three months".

Amendment of
principal Act,
s. 137—
Supplementary
election.

22. Section 137 of the principal Act is amended by striking out the words "immediately upon" in the second line thereof and by inserting in lieu thereof the words "within fourteen days after".

Amendment of
principal Act—

23. Part VII. of the principal Act is amended by adding at the end thereof the following section:—

Provision as
to deposits.

142a. (1) The deposit made by or on behalf of a candidate at any election within the Municipality of the City of Adelaide for the office of mayor, alderman, or councillor, shall be retained pending the election and after the election shall be returned to the candidate or to any person authorized by him in writing to receive it if the candidate is elected or obtains the prescribed number of votes or more; otherwise the deposit shall be forfeited to the council.

(2) A candidate in any election shall be deemed to have obtained the prescribed number of votes if the number of votes polled in his favour is one-fifth of the number of votes polled for any other candidate who was elected at that election.

(3) If a candidate nominated for any election dies before or on the day fixed for taking votes for that election, the deposit made by or on behalf of the candidate shall be returned to his personal representatives.

24. Section 144 of the principal Act is amended—

Amendment of principal Act, s. 144—
Place of meetings.

- (a) by striking out the word " other " in the second line thereof ; and
- (b) by inserting after the word " places " in the second line the words " within the area ".

25. Section 147 of the principal Act is amended—

Amendment of principal Act, s. 147—
Voting by mayor.

- (a) by striking out the words " or other member presiding at a meeting of a municipal council " in paragraph v. thereof ;
- (b) by adding at the end of paragraph v. thereof the words " and any other member presiding at a meeting of a municipal council shall have a deliberative vote, and, in case of equality of votes, a casting vote also ".

26. (1) The principal Act is amended by inserting therein after Part IX. the following Part :—

Amendment of principal Act—

PART IXa.—THE CLERKS' APPEAL BOARD.

163a. In this Part " board " means The Clerks' Appeal Board.

Interpretation.

163b. (1) There shall be a board to be called " The Clerks' Appeal Board ".

Constitution of board.

(2) The board shall consist of—

- (a) the president and the secretary for the time being of the Local Government Association :
- (b) the president and the secretary for the time being of the Local Government Officers' Association of South Australia, Incorporated :
- (c) the vice-president of the Municipal Association.

(3) If any appeal is made to the board by the clerk of any council and—

- (a) the person appealing is a member of the board ; or
- (b) any member of the board is also a mayor, alderman or councillor of that council,

then in either case, the member shall not, for the purposes of that appeal, act as a member of the board.

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In any such case, the association which is represented by such member shall, at least seven days before the day appointed for the hearing of the appeal, by notice in writing given to the Minister nominate a member of that association to act as a member of the board for the purposes of the appeal and, failing nomination as aforesaid, the Minister shall appoint a person to act as a member of the board for the purposes of the appeal. Every person so nominated or appointed shall, for the purposes of the appeal, be deemed to be a member of the board.

(4) If any of the said associations is dissolved, the Minister may by notice published in the *Gazette* declare—

(a) that for the purposes of this Part, some other association specified by the Minister which has similar objects to the dissolved association, shall be deemed to be substituted for the dissolved association; and

(b) that such officer or officers of the substituted association as are specified by the Minister shall be a member or members of the board in the place of the officer or officers of the dissolved association who are members of the board.

The provisions of this Part shall be construed so as to give effect to any such notice.

General powers
of board.

163c. The board shall hear and determine appeals as by this Part provided.

Quorum.

163d. Any three members of the board shall constitute a quorum of the board and may exercise any of the powers of the board.

Chairman.

163e. (1) The vice-president of the Municipal Association shall be the chairman of the board.

(2) In the absence of the chairman from any meeting or part thereof the members of the board then present shall elect a member to preside at the meeting.

(3) The person presiding at any meeting shall have both a deliberative and a casting vote.

Right of
appeal.

163f. If any clerk is—

- (a) dismissed; or
- (b) suspended; or
- (c) reduced in status,

by the council by which he is employed, he may within thirty days of the giving of the decision of the council,

by notice in writing given to any member of the board, appeal to the board against the decision of the council.

163g. (1) Subject to subsection (3), the board shall hear and determine any appeal in such manner as appears to the board to be just. Determination by board.

(2) Every such determination shall be binding on the council.

(3) The board may decline to hear or determine any appeal which appears from the notice of appeal to be merely trivial, frivolous, or vexatious.

163h. (1) On any appeal the board may make any order it deems just, requiring either party to pay any amount to the other party by way of costs of the appeal, but no such order shall be made for any amount exceeding one-half of the costs actually incurred by the party to whom costs are awarded. Costs of appeal.

(2) Any costs ordered to be paid as aforesaid may be recovered in any court of competent jurisdiction as a debt due to the party to whom it is payable.

163i. (1) A member of the board shall be paid by the association of which he is an officer and by virtue of which official position he is a member of the board, such fees and expenses as are fixed by that association. Expenses.

(2) The expenses of the board shall be borne by the associations mentioned in section 163b in equal proportions.

163j. The Governor may make regulations for— Regulations.

(a) the form of appeal :

(b) the procedure of the board :

(c) generally carrying out the purposes and provisions of and to prescribe the procedure under this Part.

(2) Section 3 of the principal Act is amended by inserting therein after the line " Part IX.—Officers of the Council " the following line :—

PART IXa.—THE CLERKS' APPEAL BOARD.

27. Division I. of Part X. of the principal Act is amended by inserting therein after section 164 the following sections :— Amendment of principal Act, Part X., Division I.—

164a. (1) Every assessment by the council shall be made by a valuator or valutors appointed by the council. Appointment of valuator.

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(2) Every valuator, before entering upon his duties, shall make and subscribe a declaration in the form No. 1 in the twenty-second schedule. Every such declaration shall be filed in the office.

(3) An assessment shall be certified by the valuator in the form No. 2 in the twenty-second schedule.

Time of making and approving assessment.

164b. The valuator or valutors appointed to make an assessment in respect of any financial year may be appointed and the assessment may be made before the commencement of that financial year, but no assessment in respect of any financial year shall be approved or adopted by the council except after the commencement of that financial year.

Amendment of principal Act, s. 169—
Assessment of certain lands.

28. Section 169 of the principal Act is amended by striking out the words “ or parts of land and buildings or land situated in any district ” in the first and second lines of subsection (2) thereof and by inserting in lieu thereof the words “ situated in any district or in any municipality other than a metropolitan municipality ”.

Amendment of principal Act, Part X., Division I.—

29. Division I. of Part X. of the principal Act is amended by inserting therein after section 172 the following section :—

Provision as to certain occupiers.

172a. In any case where the council is satisfied that—

- (a) the owner of any ratable property is a married woman ; and
- (b) the ratable property is used only for the purposes of a dwelling-house and its appurtenances which is inhabited by the married woman, and her husband, and their family, household, and dependents, and no others,

the husband shall, in the absence of proof to the contrary, be deemed to be the occupier of the ratable property and may be included in the assessment book as the occupier of the ratable property.

Amendment of principal Act, s. 173—
Basis of assessment.

30. (1) Section 173 of the principal Act is amended—

- (a) by striking out the words “ for a term not less than seven years ” in paragraph 1. of subsection (2) thereof, and by inserting in lieu thereof the words “ from year to year ” ; and
- (b) by striking out the words “ for a term of seven years ” in paragraph 1. of subsection (3) thereof and by inserting in lieu thereof the words “ from year to year ”.

(2) The amendments made by this section shall take effect from the first day of July, nineteen hundred and thirty-nine.

31. Section 173 of the principal Act is amended by striking out the words " or at five per centum of the capital value of the fee simple " in paragraph i. of subsection (3) thereof and by inserting in lieu thereof the words " but so that no such building and land or land shall be assessed at an annual value which is less than five per centum of the value of the fee simple thereof ".

Amendment of principal Act, s. 173—
Assessment.

32. Section 188 of the principal Act is amended by adding at the end of subsection (1) thereof the words " The council shall pay to the Commissioner of Taxes eightpence per folio of seventy-two words for every such certificate ".

Amendment of principal Act, s. 188—
Alteration of land assessment.

33. The principal Act is amended by inserting therein after section 196 thereof the following section :—

Amendment of principal Act—

196a. If one hundred or more ratepayers request the council in writing to take a poll as provided by section 197, the council shall hold a poll as provided by that section.

Request for poll.

34. Section 197 of the principal Act is amended by striking out all the words in subsection (1) thereof after the word " taken " in the third line thereof and by inserting in lieu thereof the words " and the said owners voting at the poll have voted affirming a proposition in favour of Division III. of this Part ceasing to operate as regards the area ".

Amendment of principal Act, s. 197—
Poll.

35. Section 203 of the principal Act is amended by striking out the passage " (whether under this Act or any repealed Act) " in the second line thereof and by inserting in lieu thereof the passage " (including any assessment adopted by the council) ".

Amendment of principal Act, s. 203—
Appeals.

36. (1) Section 204 of the principal Act is amended—

Amendment of principal Act, ss. 204 and 205—
Appeals against assessments.

(a) by inserting after the word " council " in the second line thereof the words " and except where the appellant appeals pursuant to subdivision II. of section 203 in respect of ratable property of which he is neither the owner nor the occupier " ; and

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

(2a) Where the appellant appeals pursuant to subdivision II. of section 203 against the assessment or any alteration thereof or addition thereto

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in respect of any ratable property of which the appellant is neither the owner nor the occupier, the appeal shall be made direct to the local court of full jurisdiction nearest to the office.

(2) Section 205 of the principal Act is amended—

(a) by inserting after the word “ court ” in the third line thereof the words “ or to the local court pursuant to subsection (2a) of section 204 ” ; and

(b) by inserting after the word “ court ” in the second line of paragraph VIII. thereof the words “ and appeals to the local court pursuant to subsection (2a) of section 204 ”.

Amendment of
principal Act,
s. 227—
Poll for rate.

37. Subsection (2) of section 227 of the principal Act is repealed, and the following subsections are enacted in lieu thereof :—

(2) The requisite number of ratepayers may demand a poll by thereupon giving notice in writing to the chairman of the meeting or to the clerk, or by giving notice in writing to the clerk at any time during the day upon which the meeting was held or during the day subsequent thereto.

(2a) The requisite number of ratepayers for the purpose of subsection (2) shall, in the case of a municipality, be one hundred ratepayers or one-twentieth of the total number of ratepayers on the voters' roll, whichever is the less, and in the case of a district, be twenty-one ratepayers.

(2b) The decision of the chairman of the meeting on the question whether or not any such demand has been duly made shall be final.

Amendment of
principal Act,
Part XII.,
Division I.—

38. (1) Division I. of Part XII. of the principal Act is amended by inserting therein after the heading “ (c) *Provisions Applicable to Districts only* ” the following section :—

Minimum
rates.

233a. (1) Any district council may for any financial year fix a minimum amount (but not exceeding two shillings and sixpence) which shall be payable by way of rates on ratable properties within the district ; and if the total of the general rates and any other rates payable in respect of any one ratable property in any financial year is less than the minimum amount fixed as aforesaid for that year, the said minimum amount shall nevertheless be payable in respect of the said ratable property.

(2) If any ratable property adjoins any other ratable property which is owned by the same owner and occupied by the same occupier as the owner and occupier of the

first mentioned property, all such adjoining ratable properties shall be deemed to be one ratable property for the purpose of the payment of any minimum rate fixed as aforesaid.

(2) Section 228 of the principal Act is amended—

(a) by striking out the word “ metropolitan ” in the first line thereof ; and

(b) by striking out subsection (3) thereof.

39. Section 251 of the principal Act is amended by adding at the end thereof the following subsection :—

Amendment of principal Act, s. 251—

Liability of owner.

(3) A person who becomes the owner of any ratable property by reason of being a mortgagee in possession shall not be liable, in respect of that ratable property, to the payment of any rates declared in respect of any financial year previous to the financial year in which he becomes the owner as aforesaid. Nothing in this subsection shall be deemed to limit the powers of the council under Part XIV.

40. Section 255 of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

Amendment of principal Act, s. 255—

Liability of owner.

(2) A person who becomes the owner of any ratable property by reason of being a mortgagee in possession shall not be liable, in respect of that ratable property, to the payment of any rates declared in respect of any financial year previous to the financial year in which he becomes the owner as aforesaid. Nothing in this subsection shall be deemed to limit the powers of the council under Part XIV.

41. Section 286 of the principal Act is amended by adding at the end of subsection (1) thereof the following paragraph :—

Amendment of principal Act, s. 286—

Banking account.

Notwithstanding the provisions of The Savings Bank of South Australia Act, 1929-1935, a council may deposit in the Savings Bank of South Australia any of its moneys without restriction as to amount.

42. (1) Subsection (1) of section 287 of the principal Act is amended by inserting therein after paragraph (h) thereof the following paragraph :—

Amendment of principal Act, s. 287—

Expenditure by council.

(h1) subscribing to any fund for the relief of persons who served as sailors or soldiers in the Great War of 1914-1918 or of their dependents :

(2) The amendment made by this section shall be deemed to have been made and councils shall be deemed to have had the powers conferred by the said amendment as from the first day of July, nineteen hundred and thirty-seven.

Amendment of principal Act, s. 287—

Expenditure by council.

Amendment of principal Act, s. 287—

Expenditure of revenue.

43. Section 287 of the principal Act is amended by striking out the proviso to paragraph (e) of subsection (1) thereof.

44. (1) Section 287 of the principal Act is amended by inserting in subsection (1) thereof after paragraph (g) the following paragraph :—

(g1) purchasing and erecting, or contributing to the purchase and erection, of monuments and statuary in the area :

(2) Paragraph (c) of subsection (1) of section 288 of the principal Act is repealed.

Repeal of s. 291 of the principal Act.

Amendment of principal Act, s. 296—

Annual statement.

45. Section 291 of the principal Act is repealed.

46. Section 296 of the principal Act is amended by adding at the end thereof the following subsection :—

(4) In addition to the matters provided for by subsection (3), the said statement shall be drawn up in such form as to show the separate amounts subscribed by the council pursuant to paragraph (f) or paragraph (h1) of subsection (1) of section 287.

Amendment of principal Act, s. 306—

Vesting of public streets and roads.

47. Section 306 of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof) :—

(2) Notwithstanding any law to the contrary, possession by any person of any public street or road (whether before or after the passing of the Local Government Act Amendment Act, 1938) shall not give any rights of ownership to that person.

Amendment of principal Act, Part XVII., Division IV.—

Removal of street from register.

48. Division IV. of Part XVII. of the principal Act is amended by inserting therein after section 313 the following section :—

313a. If all the owners of property abutting upon any street or road request the council in writing to remove the street or road from the register of public streets, the council may by resolution direct that the street or road be removed from the said register. The town clerk shall thereupon alter the register accordingly.

Amendment of principal Act, s. 319—

Moieties for road construction.

Amendment of principal Act, s. 328—

Moieties for footways.

49. Section 319 of the principal Act is amended by inserting after the word "from" in the fourth line of subsection (3) thereof the words "the expiration of three months after".

50. Section 328 of the principal Act is amended by inserting after the word "from" in the third line of subsection (3) thereof the words "the expiration of three months after".

Amendment of principal Act, s. 328—
Paving of footways.

51. Section 328 of the principal Act is amended by striking out the word "stone" in the third line of subsection (6) thereof.

52. Section 330 of the principal Act is amended by inserting after the word " from " in the fifth line of subsection (3) thereof the words " the expiration of three months after ".

Amendment of principal Act, s. 330—
Payments for paving.

53. Division VIII. of Part XVII. is amended by inserting therein after section 337 the following section :—

Amendment of principal Act, Part XVII., Division VIII.—
Saving provision.

337a. Notwithstanding the preceding provisions of this Division, the council may make, remove, or repair any crossing place either wholly or partly at the cost of the council.

54. Section 342 of the principal Act is amended by inserting after the word " from " in the fourth line of subsection (10) thereof the words " the expiration of three months after ".

Amendment of principal Act, s. 342—
Payments for private streets.

55. Section 342 of the principal Act is amended by inserting after subsection (11) thereof the following subsection :—

Amendment of principal Act, s. 342—

(11a) The council may carry out the work of repairing any private street or road to the extent in this subsection mentioned without preparing plans and specifications, estimates and a provisional apportionment and without serving notice thereof upon owners of property, and may apportion the cost thereof and recover the same as provided in this section.

Repairs to private street in City of Adelaide.

The provisions of this subsection shall apply only where the cost to be apportioned and recovered does not exceed the following amounts :—

- I. In private streets and roads wherein the total length of the frontages of the abutting property does not exceed two hundred feet—three pounds :
- II. In private streets and roads wherein the total lengths of the frontages of the abutting property exceeds two hundred feet—five pounds :
- III. In private streets and roads which are situated within the portion of the City of Adelaide bounded by North Terrace, Pulteney Street, Flinders Street and Franklin Street, and Morphett Street and wherein the length of the frontages of the abutting properties exceeds two hundred feet—eight pounds.

56. Section 343 of the principal Act is amended by striking out the words " twenty-one days " in the fourth line of subsection (5) thereof and by inserting in lieu thereof the words " three months ".

Amendment of principal Act, s. 343—
Payments for private streets.

57. Division X. of Part XVII. of the principal Act is amended by inserting therein after section 344 the following section :—

Amendment of principal Act, Part XVII., Division X.—

344a. (1) If a request in writing is presented to the council signed by not less than three-fourths of the owners of ratable property abutting on a private street or road,

Construction and repair of private streets and roads.

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or any part thereof, requesting the council to form, level, pave, kerb, drain, or repair the private street or road, or part thereof, the council may carry out the work and recover from all the persons who, at the time of the completion of the work, are owners of ratable property abutting on the private street or road or part thereof the whole of the expenses incurred by the council in carrying out the work (including the cost, if any, of supervision incurred by the council but not exceeding five per centum of the total expenses) ratably according to the frontages of the ratable property abutting on the private street or road or part thereof.

(2) In any case where property abutting on any such private street or road, or part thereof, is not ratable property, the proportion of the said expenses payable in respect of the said property shall be paid by the council out of moneys of the council.

(3) The respective proportions of the expenses incurred by the council as aforesaid together with interest thereof at the rate of six pounds per centum per annum calculated from three months after the date of the completion of the work may be recovered by the council from the owners of the said ratable property at the time of the completion of the work and until fully paid or recovered shall from the said date of completion be a charge upon the land in respect whereof the same is due and payable under this section.

(4) A document purporting to be a certificate under the hand of the mayor or chairman and the clerk shall be *prima facie* evidence in all courts—

- (a) that the work has been carried out :
- (b) of the expenses incurred by the council in carrying out such work :
- (c) of the proportion thereof payable by each owner :
- (d) of the date of the completion of the work :
- (e) that the land whereon the work was carried out was a private street or road, or part thereof, as the case may be.

(5) In this section "private street or road" includes court, alley, lane, and thoroughfare but does not include any street, road, court, alley, lane, or thoroughfare which is more than twenty feet in width.

(6) This section shall not apply within the City of Adelaide.

58. Section 348 of the principal Act is amended by striking out subsection (4) thereof and by inserting in lieu thereof the following subsection :—

Amendment of principal Act, s. 348—

(4) Where any public street or road is raised or lowered by the council above or below the level of land abutting on the street or road, the council shall construct sufficient retaining walls and shall provide sufficient means of ingress and egress between the street or road and the abutting land.

Provision where level of street altered.

59. Section 352 of the principal Act is amended by striking out the words “liable to contribute” in the penultimate line thereof and by inserting in lieu thereof the words “who contributes”.

Amendment of principal Act, s. 352—
Use of streets, etc.

60. Section 358 of the principal Act is amended :—

Amendment of principal Act, s. 358—

(a) by striking out the word “kiosks” in the fourth line thereof and by inserting in lieu thereof the words “safety zones, or stalls for the sale of fruit, newspapers, magazines and other periodicals,”; and

Safety zones, etc.

(b) by inserting after the word “island” in the seventh line thereof the words “or safety zone”.

61. Section 361 of the principal Act is amended by inserting after the word “growing” in the fourth line thereof the words “or was growing”.

Amendment of principal Act, s. 361—
Removal of suckers of trees.

62. Section 364 of the principal Act is amended—

Amendment of principal Act, s. 364—

(a) by inserting after the word “any” in the second line thereof the words “telegraph or telephone lines,”;

Construction of telephone lines.

(b) by inserting after the word “any” in the fifth line of subsection (3) thereof the words “telegraph or telephone line,”; and

(c) by inserting after the word “the” second occurring in the penultimate line thereof the words “telegraph or telephone line,”.

63. Section 365 of the principal Act is amended—

Amendment of principal Act, s. 365—

(a) by inserting after the word “desirous” in the second line thereof the words “of constructing telegraph or telephone lines or”;

Construction of telephone lines.

(b) by inserting after the word “such” in the sixth line thereof the words “telegraph or telephone line,”;

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(c) by inserting after the word "the" in the third line of subsection (7) thereof the words "telegraph or telephone line,"; and

(d) by inserting after the word "the" second occurring in the penultimate line thereof the words "telegraph or telephone line,".

Amendment of principal Act, s. 366—
Water pipes in streets.

64. Section 366 of the principal Act is amended—

(a) by inserting before the word "road" twice occurring in the seventh line thereof in each case the words "street or"; and

(b) by adding at the end thereof the words "or for the purpose of enabling owners of land abutting on the street or road to convey water to such land".

Amendment of principal Act, Part XVII.—

65. Division XIV. of Part XVII. of the principal Act is amended by inserting therein after section 366 the following section:—

Mining on public streets and roads.

366a. Notwithstanding the provisions of the Mining Act, 1930-1931, no claim, lease, permit, licence, or other authority to mine (within the meaning of the said Act) upon or under any public street or road shall be issued or granted except with the consent of the council.

Amendment of principal Act, s. 370—
Stands for vehicles.

66. Section 370 of the principal Act is amended by adding at the end of paragraph (e) of subsection (1) thereof the words "and prohibit the plying for hire with any such vehicle from any place other than the stand allotted to it".

Amendment of principal Act, s. 371.—
Hawking in streets.

67. Section 371 of the principal Act is amended :—

(a) by inserting after the word "by-law" in paragraph (a) of subsection (1) thereof the word "to"; and

(b) by inserting after the word "provided" in paragraph (b) of subsection (1) thereof the word "by".

Amendment of principal Act, s. 382.—
Powers as to property.

68. Section 382 of the principal Act is amended by striking out paragraph (a) of subsection (1) thereof and by inserting in lieu thereof the following paragraph :—

(a) if any property is held in trust by the council or is placed under its control for any purpose the property shall be dealt with in a manner consistent with the trust or purpose :

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

69. Section 383 is amended by inserting after the word "halls" in the first line of paragraph xvii. of subsection (1) thereof the words "other halls".

70. Part XXI. of the principal Act is amended by inserting therein after section 427 the following section :—

Amendment of principal Act, Part XXI.—

427a. A poll with respect to a loan or held pursuant to section 435 shall be deemed to be carried unless a majority of the votes cast at the poll are against the question and unless the number of votes cast against the question is ten per centum or more of the total number of votes which could have been cast at the poll by all the persons included in the voters' roll and entitled to vote at the poll.

Requisites to defeat poll.

71. (1) Section 464 of the principal Act is amended by striking out subsection (3) thereof.

Amendment of principal Act—
Exchange of reserves.

(2) Section 465 of the principal Act is amended—

(a) by striking out the words “ Minister may, at any time after the exchange, on the application of the council, by memorandum or indorsement upon the instrument deposited in the General Registry Office ” and by inserting in lieu thereof the words “ Commissioner of Crown Lands may, by notice in writing ” ; and

(b) by striking out the words “ and thereupon the said land and the council shall, as from the date of the exchange, be discharged accordingly ”.

(3) Section 466 of the principal Act is amended—

(a) by inserting after paragraph III. thereof the following paragraph :—

IIIa. The council shall at the time of deposit as aforesaid in the Surveyor-General's Office, pay to the Surveyor-General a fee of five pounds five shillings :

(b) by striking out the word “ council ” in the first line of paragraph IV. thereof and by inserting in lieu thereof the words “ Surveyor-General ” ;

(c) by inserting after the word “ council ” in subparagraph (c) of paragraph IV. thereof the words “ and to the Surveyor-General ” ; and

(d) by striking out the words “ nor more than sixty ” in subparagraph (d) of paragraph IV. thereof ”.

(4) Section 468 of the principal Act is amended by striking out the word “ Minister ” wherever occurring therein and by inserting in lieu thereof in every case the words “ Commissioner of Crown Lands ”.

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(5) The principal Act is amended by inserting therein after section 469 the following section :—

Notice to
Registrar-
General.

469a. Upon the publication in the *Gazette* of the confirmation of the order for exchange, the Surveyor-General shall furnish to the Registrar-General particulars of and the plans of survey relating to the land given and taken in exchange and a statement that the land has vested as provided by section 470.

(6) Section 470 of the principal Act is amended—

(a) by inserting before the word “ confirmation ” in the second line thereof the words “ publication in the *Gazette* of notice of the ” ;

(b) by striking out the words “ and shall, if under the provisions of The Real Property Act, 1886, be transferred accordingly ” in subsections (1) and (2) thereof ;

(c) by striking out subsection (3) thereof and by inserting in lieu thereof the following subsections :—

(3) If any such land is under the provisions of The Real Property Act, 1886-1936, the Registrar-General shall make such entry or alteration in the register book as may be necessary to give effect to the order.

(4) For the purposes of this section the Registrar-General may by notice in writing require any land grant or certificate of title to be delivered up by any registered proprietor or mortgagee or encumbrancee who may hold the same, for the purpose of giving effect to the order.

Any such person who neglects or refuses to deliver up any such land grant or certificate of title for such purpose within one month after the Registrar-General demands the same, shall be guilty of an offence and liable to a penalty not exceeding ten pounds.

(7) Subsection (1) of section 472 of the principal Act is amended so as to read as follows :—

(1) The Commissioner of Crown Lands, on being satisfied that the proceedings for the exchange of land have been completed, shall—

(a) cause to be issued in the name of the council entitled thereto a certificate or certificates of title in duplicate to the land taken in exchange by the council :

(b) if the land given in exchange by the council is not under The Real Property Act, 1886-1936, cause to be issued in the name of the person entitled thereto a certificate or certificates of title in duplicate to such land.

(8) Section 473 of the principal Act is amended—

(a) by striking out the words “ after the expiration of three months from the date of the confirmation of the order of exchange ” ; and

(b) by striking out paragraphs (a) and (b) thereof.

(9) Section 474 of the principal Act is amended by striking out the word “ transferee ” in the last line thereof and by inserting in lieu thereof the word “ proprietor ”.

(10) Division II of Part XXII. of the principal Act is amended by adding at the end thereof the following section :—

474a. The provisions of sections 470, 472, 473 and 474 shall apply with respect to all proceedings under this Division for the exchange of any land which are pending at the passing of the Local Government Act Amendment Act, 1938.

Provision as to pending proceedings.

(11) Form No. 3 of the fourteenth schedule to the principal Act is amended by striking out the words “ Minister of Local Government shall ” therein and by inserting in lieu thereof the words “ Commissioner of Crown Lands may ”.

(12) Form No. 5 of the fourteenth schedule to the principal Act is amended—

(a) by striking out the words “ Minister of Local Government ” wherever occurring therein and by inserting in lieu thereof the words “ Commissioner of Crown Lands ” ; and

(b) by striking out the words “ in that ” in the last line thereof and by inserting in lieu thereof the passage “ subject nevertheless to such encumbrances, liens, and interests as are notified by memorial underwritten or indorsed hereon in that [*here describe the land*] upon trust [*here describe the trusts and conditions, if any, upon which the land is held*] ”.

72. (1) Section 528 of the principal Act is amended by inserting therein after subsection (1) thereof the following subsection :—

Amendment of principal Act, ss. 528 and 529—

(1a) The council may by resolution passed in the manner and under the circumstances provided for by subsection (1), declare that all the buildings within the municipality,

Bacteriolytic tanks.

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or any part thereof, or, as the case may be, all the buildings within any township, or any part thereof, in the district, which are erected after a day fixed by the resolution, shall be provided with bacteriolytic tanks for the disposal of sewage. The council may at any time subsequent to passing a resolution pursuant to this subsection, pass a resolution under subsection (1) relating to any part of the municipality or township, as the case may be, to which a resolution under this subsection applies.

(2) Section 529 of the principal Act is amended by inserting after the word "building" in the third line thereof the passage "(to which the resolution applies)".

Amendment of principal Act—

73. (1) The principal Act is amended by inserting therein after section 536 the following section :—

Waste or impure liquids.
Cf. M.C. Act, 1923, s. 263.
Cf. U.K. 26 Geo. 5 & 1 Edw. 8, c. 49, s. 92.

536a. (1) No person shall within any municipality or within any township within any district—

- (a) suffer waste or impure water, liquid, or matter to remain within any building of which he is the owner or occupier for twenty-four hours after notice is given to him by any inspector or authorised officer of the council to remove the same ; or
- (b) without the consent of the council deposit or suffer or allow to flow any water (other than storm or seepage waters) or liquid matter upon any street, road, or public place.

(2) Any person who offends against subsection (1) shall be guilty of an offence and liable to a penalty not exceeding five pounds, and to a further penalty not exceeding ten shillings for every day during which the offence is continued.

(2) Section 545 of the principal Act is repealed.

Amendment of principal Act, s. 548—
Refuse, &c.

74. Section 548 of the principal Act is amended by inserting after the word "from" in the fifth line thereof the words "tins, garden refuse,".

Amendment of principal Act, Part XXVI, Division II.—

75. Division II. of Part XXVI. of the principal Act is amended by inserting therein after section 550 the following section :—

Extensions to private hospitals and maternity homes.

550a. (1) Notwithstanding anything contained in section 146 of the Health Act, 1935, no person shall extend or add to a private hospital or maternity home (not being a "hospital" within the meaning of section

541 of this Act) at any place within a municipality until after the expiration of three months from his giving to the council of the municipality a notice in writing stating—

- (a) the intention to make the extension or addition to the private hospital or maternity home :
- (b) the proposed site thereof :
- (c) the purpose for which the said extension or addition is to be used :
- (d) the name and address for service of the person intending to make such extension or addition.

(2) The notice shall be accompanied by a plan which shall show the distance of the said extension or addition from the nearest building on every side thereof.

(3) The person intending to make the said extension or addition shall for six weeks immediately after giving the said notice, cause a copy of the notice to be affixed and kept affixed on a board or prominent position on the site of the said proposed extension or addition in such a position that it can be read by persons passing along the footway in front of the proposed extension or addition.

(4) Within six weeks after the receipt of the notice mentioned in subsection (1) hereof any owner or occupier of ratable property in the neighbourhood of the said proposed extensions or additions may present a petition to the council praying that the proposed extension or addition shall be prohibited.

(5) Within three months after the receipt of the notice mentioned in subsection (1) the council may (whether a petition has been presented under subsection (4) or not) if it is of opinion that the proposed extension or addition is unsuitable, or that, if made, would be likely to be injurious or detrimental to the health, welfare or comfort of the inhabitants in the neighbourhood thereof, by notice under the hand of the town clerk served on the person named in the notice under subsection (1), prohibit the extension or addition. The notice by the council shall be deemed to be duly served on the said person if served personally on the said person or left at the address for service stated in the notice under subsection (1) hereof.

(6) Any person who makes any extension or addition to a private hospital or home contrary to the provisions of subsection (1) hereof or without furnishing the plan mentioned in subsection (2) hereof, or without having affixed or kept affixed the copy of the notice in accordance

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with subsection (3) hereof, or after service upon him of a notice under subsection (5) hereof, shall be guilty of an offence and liable to a penalty not exceeding two pounds for every day during which the offence continues.

Amendment of principal Act, s. 555—
Powers of Central Board of Health.

76. Section 555 of the principal Act is amended by striking out the word “ or ” in the second line of subsection (2) thereof and by inserting in lieu thereof the word “ and ”.

Amendment of principal Act, s. 591—
Conveyance of cemetery.

77. Section 591 of the principal Act is amended :—

(a) by striking out the word “ public ” in the second line thereof; and

(b) by striking out the words “ original trusts ” in subsection (4) thereof and by inserting in lieu thereof the words “ trusts upon which the council will hold the cemetery ”.

Amendment of principal Act, Part XXX.—

78. Part XXX. of the principal Act is amended by inserting therein after section 591 the following section :—

Power to set apart portion of cemetery for religious denomination.

591a. The council may set apart any portion of any cemetery vested in or under the care, control, and management of the council for the burial of persons of any particular religious denomination.

Amendment of principal Act, s. 667—
By-laws.

79. Section 667 of the principal Act is amended by striking out the word “ undergrowth ” in the third line of paragraph (23) thereof and by inserting in lieu thereof the words “ grass, weeds, and other growth ”.

Amendment of principal Act, s. 667—
Rubbish tips.

80. Section 667 of the principal Act is amended by inserting therein after paragraph (39) the following paragraph :—

(39a) For preventing or regulating rubbish tips or the depositing of rubbish :

Amendment of principal Act, s. 667—
By-laws.

81. Section 667 of the principal Act is amended by inserting after the word “ paragraph ” in the fifth line of subdivision vi. of paragraph (47) thereof the passage “ (whether or not any route has been fixed pursuant to the said subdivision) ”.

Amendment of principal Act, s. 667—
By-laws.

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

via. For requiring persons driving vehicles laden as mentioned in subdivision v. or vi. of this paragraph which are proceeding in or along any street, road, or public place upon which persons are prohibited to

drive vehicles laden as mentioned in subdivision v. or VI. of this paragraph, to weigh such vehicles for the purpose of ascertaining the weight of the load thereof, when required so to do by any officer of the council :

83. Section 670 of the principal Act is amended by inserting therein after paragraph (12) thereof the following paragraph :—

Amendment of principal Act, s. 670—
Verandahs.

(12a) For compelling verandahs and balconies over streets and roads within any township within the district to be kept clean and watertight :

84. Section 695 of the principal Act is amended by adding at the end thereof the following words “ Every notice or other proceeding (not being a summons or writ) required to be served on a council under this Act or, subject to any provisions of any other Act, under such other Act, may also be served by post ”.

Amendment of principal Act, s. 695—
Service of notices upon council.

85. Section 696 of the principal Act is amended by striking out the word “ and ” in the last line thereof and by inserting in lieu thereof the word “ or ”.

Amendment of principal Act, s. 696—
Notice by council.

86. Section 710 of the principal Act is amended by adding at the end thereof the following subsection :—

Amendment of principal Act, s. 710—
Proceedings to test elections.

(4) If, in any proceedings before a court of summary jurisdiction to try the title of a mayor, alderman, or councillor, proof is given that in the election whereby the mayor, alderman, or councillor was elected—

(a) any person was supplied with a voting paper who under this Act was not entitled to vote at the election ; or

(b) any voting paper was counted which under this Act should have been rejected,

and if proof is given that the total number of such voting papers is equal to or exceeds the majority of the votes at the election by which the mayor, alderman, or councillor was elected, the court shall (without limitation of any other powers of the court) declare the mayor, alderman, or councillor, as the case may be, to be not entitled to that office and the said office to be vacant.

87. Section 739 of the principal Act is amended by striking out the word “ and ” in the second and the tenth lines thereof and by inserting in lieu thereof in each case the word “ or ”.

Amendment of principal Act, s. 739—
Evidence of by-laws.

88. Section 742 of the principal Act is amended by striking out the word “ and ” in the fifth line thereof and by inserting in lieu thereof the word “ or ”.

Amendment of principal Act, s. 742—
Evidence.

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Amendment of
principal Act,
Part XLII.—

89. Part XLII. of the principal Act is amended by inserting therein after section 769 the following section :—

Impersonating
officers.

769a. Any person who falsely represents himself to be an officer of the council shall be guilty of an offence and liable to a penalty not exceeding ten pounds.

Amendment of
principal Act,
Part XLII.—

90. Part XLII. of the principal Act is amended by inserting therein after section 780 the following section :—

Erecting
fences, etc., so
as to encroach
on roadway.

780a. (1) Any person who erects any fence, barrier, or similar structure on any street or road shall, unless the fence, barrier, or similar structure is erected under the authority of this or any other Act, be guilty of an offence and liable to a penalty not exceeding ten pounds.

(2) The council may remove any fence, barrier, or other structure erected contrary to this section and may recover the cost of removal from the person who erected the same.

(3) In any proceedings under subsection (1) or subsection (2), the onus of proof that any fence, barrier, or structure is erected under the authority of this or any other Act, shall be upon the defendant.

Amendment of
principal Act,
s. 796—
Demand for
poll.

91. Section 796 of the principal Act is amended—

(a) by striking out the words “Any twenty-one” in the fifth line of paragraph II. thereof and by inserting in lieu thereof the words “The requisite number of”; and

(b) by striking out all the words in the last four lines thereof and by inserting in lieu thereof the following passage :—

The requisite number of ratepayers for the purposes of this section shall, in the case of a municipality, be one hundred ratepayers or one-twentieth of the total number of ratepayers on the voters' roll, whichever is the less, and in the case of a district be twenty-one ratepayers.

The decision of the chairman of the meeting on the question whether or not any such demand has been duly made shall be final.

Amendment of
principal Act,
s. 797—
Polls.

92. Section 797 of the principal Act is amended—

(a) by inserting after paragraph I. thereof the following :—

ia. In the case of a poll in compliance with section 435, the council shall fix a day for the taking of the poll :

(b) by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

(2) The following provisions shall apply to any poll authorised to be taken under this Act, 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:—

- i. Where the poll is to be held in compliance with any demand authorised to be made by this Act, the clerk shall fix a day for the taking of the poll which shall not be less than twenty-one, nor more than twenty-five, clear days after the delivery of the demand for the poll: Provided that this paragraph shall not apply to any poll held under section 227 in which case the day for the poll shall be appointed as provided by that section:
- ii. Where the poll is not held in compliance with any such demand, the council shall fix a day for the taking of the poll:
- iii. Public notice that the poll will be taken on the day fixed as aforesaid shall be forthwith given:
- iv. On the said day the poll shall be taken.

93. Section 809 of the principal Act is amended by adding at the end of subsection (2) thereof the words "This subsection shall not apply to any area which is not subject to the provisions of Division I. of Part VI. "

Amendment of principal Act, s. 809—
Voting rights.

94. Section 810 of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

Amendment of principal Act, s. 810—
Voting rights.

(2) This section shall not apply to any area which is not subject to the provisions of Division I. of Part VI.

95. Section 817 of the principal Act is amended—

Amendments principal Act, s. 817—
Voting at polls.

(a) by striking out the words "If two or more joint tenants or tenants in common of any ratable property are enrolled on the voters' roll" in subsection (1) thereof and by inserting in lieu thereof the following words "If two or more persons are enrolled on the voters' roll as owners of the same ratable property";

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- (b) by striking out the word "tenants" wherever occurring in paragraphs I., II. and IV. of subsection (1) thereof and by inserting in lieu thereof in every case the word "owners";
- (c) by inserting after the word "any" in the last line of paragraph I. of subsection (1) thereof the word "financial";
- (d) by inserting therein after subsection (1) thereof the following subsection:—

(1a) At every poll at which the scale of voting is as provided by section 816, if two or more persons are enrolled on the voters' roll as occupiers of the same ratable property, such one of the occupiers may vote at the poll as is prescribed by subsection (1) with respect to owners of ratable property. The provisions of subsection (1) shall be deemed to apply to such occupiers and for that purpose subsection (1) shall be read as if the word "occupiers" were substituted for the word "owners" wherever occurring in subsection (1).

If two or more persons are enrolled on the voters' roll both as owners and as occupiers of the same ratable property and no nomination is made as provided by subsection (1), then for the purpose of ascertaining which of those persons shall be entitled to vote as occupier, regard shall not be had to that one of those persons who by virtue of this section is entitled to vote as owner.

- (e) by striking out the words "and (3)" in the second and third lines of subsection (2) thereof and by inserting in lieu thereof the words "(2a), (3) and (4)."
- (f) by striking out the words "joint tenants and tenant-in common" in the third and fourth lines of subsection (2) thereof and by inserting in lieu thereof the words "persons who are enrolled on the voters' roll as owners, or, as the case may be, occupiers, of the same ratable property"; and
- (g) by adding at the end thereof the following subsection:—

(3) If, pursuant to section 100, a company or body corporate has nominated more than one person to be enrolled on the voters' roll as provided by section 100, the following provisions shall apply to every poll at which the scale of voting is as provided by section 816:—

- I. That one of the said persons so nominated whose name, in alphabetical progression first according to surnames and then to

Christian names, is first in order on the voters' roll, only shall be entitled to vote in a representative capacity at the poll :

- ii. In the event of there being more persons than one entitled to vote according to this subsection, the person so entitled first claiming to vote shall be entitled to vote in a representative capacity, but in no case shall more than one such person vote :
- iii. The clerk shall cause the voters' roll and the copies thereof to be marked so as to show which of any such persons is entitled to vote.

At any poll at which the scale of voting is not as provided by section 816 the provisions of section 100 shall apply to the voting of persons nominated as aforesaid.

96. Section 824 of the principal Act is amended by adding thereto after paragraph iv. thereof the following paragraph:—

Amendment of principal Act, s. 824—
Scrutiny.

- v. The returning officer, the deputy returning officer, the poll clerks, and the scrutineers shall be the only persons who shall be permitted to be present at the place where the ballot-boxes are opened or the voting papers are examined or counted.

97. Section 825 of the principal Act is amended by adding thereto after paragraph ii. thereof the following paragraph :—

Amendment of principal Act, s. 825—
Scrutiny.

- iii. The returning officer, the deputy returning officer, the poll clerks, and the scrutineers shall be the only persons who shall be permitted to be present at the place where the ballot-boxes are opened or the voting papers are examined or counted.

98. Section 827 of the principal Act is amended by striking out the words " one month " in the second line thereof and by inserting in lieu thereof the words " three months ".

Amendment of principal Act, s. 827—
Destruction of voting papers.

99. Section 831 of the principal Act is amended by inserting after the word " Governor " in the second line of subsection (2) thereof the words " by proclamation ".

Amendment of principal Act, s. 831—
Provision where time for poll extended.

100. Paragraph (c) of subsection (2) of section 833 of the principal Act is amended by adding thereto after the word " witness " the words " or of a ratepayer ".

Amendment of principal Act, s. 833—
Application for postal vote.

101. Section 834 of the principal Act is amended—

Amendment of principal Act, s. 834—
Duty of witnesses.

- (a) by striking out the words " An authorised witness shall not " in the first line thereof and by inserting in lieu thereof the words " No person shall " ;

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- (b) by striking out the words "authorised witness" in the twelfth and fifteenth lines thereof and by inserting in lieu thereof in each case the word "person"; and
- (c) by striking out the words "authorised witness" in the first line of subsection (3) thereof and by inserting in lieu thereof the words "person witnessing an application".

Amendment of principal Act, s. 840—
Authorised witnesses.

102. Section 840 of the principal Act is amended by adding at the end of subsection (1) thereof the following paragraphs:—

- VI. The returning officer for the election or poll :
VII. The clerk.

Amendment of principal Act.

103. Section 858 of the principal Act is amended by inserting after the passage "Part XLIII." in the penultimate line of paragraph II. thereof the passage "and section 427a".

Amendment of principal Act, s. 874—
Copies of by-laws.

104. Section 874 of the principal Act is amended by striking out the word "and" in the fourth line thereof and by inserting in lieu thereof the word "or".

Repeal of principal Act, ss. 890, 892, 900-906.

105. Sections 890 and 892 and sections 900 to 906 (both inclusive) of the principal Act are repealed.

Amendment of principal Act—

106. (1) Form No. 4 of the fifth schedule to the principal Act is amended by adding at the end thereof the following paragraph:—

Forms of voting papers.

The name of the candidate (*or* of every candidate) for whom the voter intends to vote must be indicated by a cross having its point of intersection within the square opposite the name of the candidate (*or* of every such candidate).

(2) Form No. 1 of the eighteenth schedule to the principal Act is amended by adding at the end thereof the following paragraph:—

A vote must be indicated by a cross having its point of intersection within one of the above squares.

Amendment of principal Act, nineteenth schedule.

107. The nineteenth schedule to the principal Act is amended—

- (a) by striking out the word "*authorised*" in each of the lines "[*Signature of authorised witness*]" and "[*State qualifications of authorised witness*]" in form No. 1 therein ;
- (b) by striking out the words "An authorised witness shall not" in the last paragraph of form No. 1 therein and by inserting in lieu thereof the words "No person shall" ; and

(c) by inserting after the paragraph “ (e) Bank managers ” in form No. 3 therein the following paragraphs :—

- (f) The returning officer.
- (g) The town (or district) clerk.

108. The principal Act is amended by adding at the end thereof the following schedule :— Amendment of principal Act.

THE TWENTY-SECOND SCHEDULE.

FORM NO. 1.

Declaration by Valuator.

I,....., of....., in the State of South Australia, a valuator appointed by theCouncil of....., do solemnly and sincerely declare that I will impartially and truly, according to the best of my judgment, make a fair assessment of the several properties to be assessed by me under the provisions of the Local Government Act, 1934.

Declared at
this day of
19 , before me

A Justice of the Peace in and for the State of South Australia [or as the case may be].

Filed at the { Town District } Office on the.....day of19... , Clerk.

FORM NO. 2.

Certificate of Assessment.

I (or We),....., of....., a valuator (or the valuator) appointed by the..... Council of....., do hereby certify that I (or we) have made the assessment (*identify the assessment*).

[Signed] , Valuator (or Valuators).

109. The principal Act is amended in the manner shown in the schedule to this Act. Amendment of principal Act.

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

W. DUGAN, Governor.

Local Government Act Amendment Act, 1938.

THE SCHEDULE.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1934-1936.

Section amended.	How amended.
Section 5 (1). Definition of "Government assessment"	After "1927" the words "or the Land Tax Act, 1936" are inserted.
Section 5 (1). Definition of "land value"	The words "Land Tax Act, 1936" are substituted for the words "Taxation Act, 1927".
Section 5 (1). Definition of "ratable property"	The words "the Public Library, Museum, and Art Gallery, and Institutes Act, 1936" are substituted for the words "The Public Library, Museum, and Art Gallery, and Institutes Act, 1909" wherever occurring.
Section 180 (1)	After "1927" the words "or, as the case may require, the Land Tax Act, 1936" are inserted.
Section 181 (1)	The words "Land Tax Act, 1936" are substituted for the words "Taxation Act, 1927".
Section 184 (8)	After "1927" the words "or, as the case may be, the Land Tax Act, 1936" are inserted.
Section 188 (1)	The words "Land Tax Act, 1936" are substituted for the words "Taxation Act, 1927".
Section 235	The figure "X" is substituted for the figure "IX".
Section 262 (6)	All the words in the first three lines of subsection (6) of section 262 are struck out and in lieu thereof the following words are inserted "The provisions of sections 18 to 29 (both inclusive), 32, 34, 38, and 43 to 46 (both inclusive) of the Landlord and Tenant Act, 1936, shall"
Section 284 vi.	The word "or" is substituted for the word "of" in the first line.
Section 288 (1)	The word "the" first occurring in the first line of subsection (1) of section 288 is struck out.
Section 338 (4)	The words "the South Australian Railways Commissioner's Act, 1936" are substituted for the words "The South Australian Railways Commissioners Act, 1887".
Section 339 (5)	The words "the South Australian Railways Commissioner's Act, 1936" are substituted for the words "The South Australian Railways Commissioners Act, 1887".
Section 439 (2)	The word "anywise" is substituted for the word "any" in the first line of subsection (2) of section 439.
Section 562 (3)	The words "the Health Act, 1935" are substituted for the words "The Health Act, 1898".
Section 716	The word "proceedings" is substituted for the word "proceeding".
Section 731 (1)	After "1927" the words "or the Land Tax Act, 1936", are inserted.
Section 885	The words "the Public Library, Museum, and Art Gallery, and Institutes Act, 1936", are substituted for the words "The Public Library, Museum, and Art Gallery, and Institutes Act, 1909".
Section 886 (2)	The words "the Public Library, Museum, and Art Gallery, and Institutes Act, 1936", are substituted for the words "The Public Library, Museum, and Art Gallery, and Institutes Act, 1909".