



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 32 of 1978

An Act to amend the Local Government Act, 1934-1977.

[Assented to 6th April, 1978]

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

Short titles.

1. (1) This Act may be cited as the "Local Government Act Amendment Act, 1978".

(2) The Local Government Act, 1934-1977, 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, 1934-1978".

Commence-
ment.

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

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

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

3. Section 3 of the principal Act is amended—

(a) by inserting before the item:

PART III—Areas and Councils

the item:

PART IIA—Defaulting Councils;

and

(b) by inserting after the item:

PART VII—Elections

the item:

PART VIIA—Disputed Returns.

4. Section 5 of the principal Act is amended—

Amendment of
principal Act,
s. 5—
Interpretation.

- (a) by striking out from subsection (1) the definition of “elector” and inserting in lieu thereof the following definition:—

“elector” means—

(a) a person entitled to be enrolled on the voters' roll pursuant to paragraph (a) of subsection (1) of section 88 of this Act;

or

(b) the nominated agent of a body corporate or group of persons entitled to be enrolled on the voters' roll pursuant to paragraph (b) or (c) of that subsection;;

- (b) by striking out from subsection (1) the definition of “foreshore” and inserting in lieu thereof the following definition:—

“foreshore” means the area between the low water mark of the sea and the boundary of any road, section, public reserve or land that has been alienated from the Crown or that is subject to any agreement, lease or licence granted by or on behalf of the Crown, whichever boundary is nearest thereto.;

- (c) by inserting in subsection (1) after the definition of “municipality” the following definition:—

“nominated agent” means a person nominated under section 88 of this Act to act as an elector on behalf of a body corporate or group of persons: ;

- (d) by inserting in the definition of “public place” in subsection (1) after the word “not” the passage “and any foreshore”;

- (e) by inserting after paragraph (4) of the definition of “ratable property” in subsection (1) the following paragraph:—

(5) Notwithstanding any exception of land or buildings belonging to, dedicated to, or in any manner placed under the care, control and management of, and used for the purposes of, the University of Adelaide or any other University in the State or the South Australian Institute of Technology, includes any such land or building or part thereof—

(a) occupied;

or

(b) unoccupied but intended for occupation within a period of twelve months,

as a dwelling house.;

and

- (f) by inserting in subsection (1) after the definition of “repealed Act” the following definition:—

“returning officer” means the person holding office as the returning officer of the council under section 102 of this Act or any person acting in his stead under section 103 of this Act.

Repeal of
Division IA of
Part II of
principal Act.

5. Division IA of Part II of the principal Act is repealed.

Amendment of
principal Act,
s. 12—
Proclamation
uniting areas.

6. Section 12 of the principal Act is amended by inserting after the passage “and may” occurring before paragraph (f) the following paragraph:—

(e1) if the area is a district, without any request by the district council declare the district council to be a district council to which section 65a of this Act applies and that section shall apply and have effect in relation to any such declaration as if it were a proclamation made under that section: .

Amendment of
principal Act,
s. 22a—
The Local
Government
Advisory
Commission.

7. Section 22a of the principal Act is amended by striking out paragraph (b) of subsection (2) and inserting in lieu thereof the following paragraph:—

(b) the person holding or acting in an office of the Public Service of the State nominated by the Minister; .

Amendment of
principal Act,
s. 23—
Exercise on
petition or
address from
Parliament of
the powers
hereinbefore
conferred.

8. Section 23 of the principal Act is amended by striking out from subsection (2) the passage “from the publication of the petition” and inserting in lieu thereof the passage “from the last day on which the substance of the petition is published by the Minister pursuant to section 41 of this Act”.

Amendment of
principal Act,
s. 27a—
Petition for
severance and
annexation.

9. Section 27a of the principal Act is amended—

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

(a) must be signed by a number of electors equal to not less than one-half of the number of electors on the voters' roll for that portion;;

and

(b) by striking out subsections (2), (3) and (4).

Repeal of
s. 27b of
principal Act
and enactment
of section in
its place—
Poll on
severance and
annexation.

10. Section 27b of the principal Act is repealed and the following section is enacted and inserted in its place:—

27b. (1) Where a petition to sever a portion of an area and to annex the portion so severed to another area is presented to the Minister pursuant to section 27a of this Act and within one month from the last day on which the petition is published by the Minister pursuant to section 41 of this Act, not less than fifteen per centum of the electors for the portion by notice under their hands, delivered to the Minister, request that the question whether that portion be so severed and annexed be submitted to a poll of the electors for that portion, the Minister may hold such poll in such manner as he thinks fit.

(2) At any poll held pursuant to subsection (1) of this section the proposition that the portion be severed and annexed shall be deemed to have been carried unless a majority of the electors voting at the poll constituting not less than thirty per centum of the electors enrolled for the portion vote against the proposition.

(3) Where a petition is presented to the Minister pursuant to section 27a of this Act and the substance thereof published by him pursuant to section 41 of this Act and—

(a) no request is made pursuant to subsection (1) of this section for a poll;

or

(b) a request is made for such poll and the proposition that the portion be severed and annexed is carried at the poll,

the Governor may make a proclamation giving effect to the petition.

11. Section 35 of the principal Act is amended by striking out from subsection (1) the passage “the day of publication of a petition” and inserting in lieu thereof the passage “the last day on which the substance of the petition is published by the Minister pursuant to section 41 of this Act”.

Amendment of principal Act, s. 35—
Counter-petition.

12. Section 36 of the principal Act is repealed and the following section is enacted and inserted in its place:—

36. Any petition or counter-petition—

(a) shall be addressed to the Governor;

and

(b) shall be presented by sending it by post to the Minister or by delivering it to the Minister or his nominee.

Repeal of s. 36 of principal Act and enactment of section in its place—
Presentation of petitions and counter-petitions.

13. Section 41 of the principal Act is amended by striking out subsection (2).

Amendment of principal Act, s. 41—
Publication of petition.

14. Section 42 of the principal Act is amended by striking out the passage “counter-petition” and inserting in lieu thereof the passage “counter-petition or purported petition or counter-petition including (without limiting the generality thereof) the matter of any non-compliance with the procedures and requirements under this Act in relation to petitions and counter-petitions”.

Amendment of principal Act, s. 42—
Investigation by the Commission.

15. The following section is enacted and inserted in the principal Act after section 42 thereof:—

42a. (1) Where any matter connected with a petition or counter-petition or a purported petition or counter-petition is referred to the Commission and the Commission in its report puts forward an alternative proposal to that contained in the petition or purported petition (which alternative proposal may effect a council not affected by the petition or purported petition), the Minister may, if he approves the alternative proposal, publish the substance thereof once in the *Gazette*, in a newspaper circulating throughout the State and in some other newspaper, if any, circulating in the neighbourhood or neighbourhoods concerned, and, upon such publication, shall also send notice in writing of the substance thereof to every council concerned.

Enactment of s. 42a of principal Act—
Procedure for giving effect to alternative proposals of Commission.

(2) If within one month from the last day on which the proposal of the Commission is published by the Minister pursuant to subsection (1) of this section, not less than fifteen per centum of the electors for the area or portion of the area concerned, by notice under their hands, delivered to the Minister, request that the question whether the proposal be given effect to be submitted to a poll of the electors for that area or portion, the Minister shall hold such poll in such manner as he thinks fit

(3) At any poll held pursuant to subsection (2) of this section the proposition that the proposal be given effect to shall be deemed to have been carried unless a majority of the electors voting at the poll constituting not less than thirty per centum of the electors enrolled for the area or portion vote against the proposition.

(4) Where a proposal of the Commission is published pursuant to subsection (1) of this section and—

(a) no request is made pursuant to subsection (2) of this section for a poll;

or

(b) a request is made for such poll and the proposition that the proposal be given effect to is carried at the poll,

the Governor may, notwithstanding the provisions of this Act, make a proclamation giving effect to the proposal.

Amendment of
principal Act,
s. 45—
Non-compliance
with
preliminaries.

16. Section 45 of the principal Act is amended by inserting before the present contents (which are hereby designated subsection (2) thereof) the following subsection:—

(1) The Governor may make a proclamation under this Part notwithstanding any non-compliance with any of the matters required by this Act as preliminary to the proclamation, if in his opinion the non-compliance is of a minor nature only.

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

17. Section 45a of the principal Act is amended by striking out from subsection (4a) the passage "properties within the area for which separate assessments have been made" and inserting in lieu thereof the passage "electors on the voters' roll for the area".

Enactment of
Part IIA of
principal Act—

18. The following Part is enacted and inserted in the principal Act after section 45a thereof:—

PART IIA

DEFAULTING COUNCILS

Defaulting
councils.

45b. (1) Where, in the opinion of the Minister—

(a) a council has refused or failed to carry out the duties or functions imposed upon, or assigned to, the council under this Act;

or

- (b) a council is unable to deal properly with affairs requiring its attention by reason of refusal or failure of members of the council to attend meetings of the council,

the Minister may recommend to the Governor that the council be declared to be a defaulting council.

(2) Where the Minister makes a recommendation under subsection (1) of this section, the Governor may, by proclamation—

- (a) declare the council to be a defaulting council;
and

- (b) appoint a suitable person to be administrator of the affairs of the council.

(3) While a proclamation under subsection (2) of this section is in operation—

- (a) all the powers, rights, duties and liabilities of the defaulting council shall be exercised, discharged and met by the administrator in the name of and on behalf of the council;
and

and

- (b) the members, for the time being, of the defaulting council shall be suspended from office.

(4) The remuneration of the administrator (which shall be determined by the Governor) and any liability incurred by the administrator in the course of his administration of the defaulting council shall be satisfied out of the funds of the council.

(5) The Governor may, upon the recommendation of the Minister, by proclamation—

- (a) modify the effect of any provision of this or any other Act in so far as it relates to a defaulting council;
and

and

- (b) vary or revoke a proclamation made under this section.

(6) Where a proclamation is made under subsection (2) of this section, the Minister shall, within five sitting days of Parliament thereafter, cause a report to be given to both Houses of Parliament of the circumstances giving rise to the making of the proclamation.

(7) A proclamation under subsection (2) of this section shall remain in operation—

- (a) until revoked by subsequent proclamation;
or

or

- (b) until the expiration of the period of twelve months after the making of the proclamation,

whichever first occurs and the defaulting council shall thereupon cease to be a defaulting council.

19. The following section is enacted and inserted in the principal Act after section 50 thereof:—

Enactment of
s. 50a of
principal Act—

50a. (1) Subject to this section, a council may by resolution delegate to any officer any of its powers, duties or functions under this or any other Act.

Delegation of
powers of
council to its
officers.

(2) A council may not delegate—

- (a) the making or fixing of any rates, assessments, charges or fees of any kind;
- (b) the borrowing of any moneys;
- (c) the approval of expenditure of moneys on the works, services or operations of the council not set out in a budget approved by the council;
- (f) the payment of travelling expenses;
- (g) any application or notice to the Governor or the Minister;
- or
- (h) any prescribed matter.

(3) Any delegation by a council may, if the council so resolves, be unlimited as to the period during which it continues or may be limited to a period specified by resolution.

(4) Any delegation by a council shall be subject to such limitations and conditions as may be specified by the council by resolution or as may be prescribed.

(5) Any officer when acting pursuant to and within the scope of any delegation under this section shall be deemed to be the council.

(6) Any delegation by a council shall be revocable by resolution and shall not derogate from the power of the council to act itself in any matter.

(7) No act of any officer pursuant to and within the scope of any delegation under this section shall be invalidated by reason of subsequent revocation of the delegation.

Amendment of principal Act, s. 32—
Qualification of aldermen and councillors.

20. Section 52 of the principal Act is amended by striking out subsection (1a).

Amendment of principal Act, s. 65a—
Mayor and deputy mayor of district council.

21. Section 65a of the principal Act is amended—

(a) by inserting after subsection (3) the following subsections:—

(3a) A declared council may at any meeting choose one of the members of the council to be deputy mayor.

(3b) The deputy mayor shall hold office for such term and on such conditions as may be determined by resolution by the council;

and

(b) by inserting in subsection (4) after the word “chairman” the passage “or deputy chairman”.

Amendment of principal Act, s. 83—
Local government auditors' certificates.

22. Section 83 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “Highways Department” and inserting in lieu thereof the passage “Public Service of the State”;

and

(b) by inserting in subsection (1) after the passage “another person” the passage “(who may be an officer of the Public Service of the State)”.

23. Part VI of the principal Act (including the headings thereto) is repealed and the following Part is enacted and inserted in its place:—

Repeal of Part VI of principal Act and headings thereto and enactment of Part in its place—

PART VI
ENROLMENT

88. (1) Subject to this Act—

Enrolment of electors for area or ward.

(a) a natural person of or above the age of majority shall be entitled to be enrolled on the voters' roll for the area or ward, as the case may be, if—

- (i) he is enrolled as an elector for the House of Assembly in respect of a place of residence within the area or ward, as the case may be;
- (ii) his place of residence is situated within the area or ward, as the case may be;

or

(iii) he is a ratepayer in respect of ratable property within the area or ward, as the case may be, and the sole owner or sole occupier of the ratable property;

(b) a body corporate shall be entitled to be enrolled on the voters' roll for an area or ward, as the case may be, if it is a ratepayer in respect of ratable property within the area or ward, as the case may be, and the sole owner or sole occupier of the ratable property and if, in addition, in the case of a proprietary company within the meaning of the Companies Act, 1962-1974, one or more of the members of the proprietary company, being a body corporate or a natural person of or above the age of majority, is not enrolled on the roll for the area or ward, as the case may be, pursuant to paragraph (a) of this subsection or this paragraph;

(c) a group of persons, whether corporate or unincorporate, shall be entitled to be enrolled as a group on the voters' roll for an area or ward, as the case may be, if the persons in the group are ratepayers in respect of ratable property within the area or ward, as the case may be, and the joint owners, owners in common, or joint occupiers, of the ratable property and one or more of the persons, being a body corporate or a natural person of or above the age of majority, in the group is not enrolled on the roll for the area or ward, as the case may be, pursuant to paragraph (a) or (b) of this subsection.

(2) Notwithstanding subsection (1) of this section, a person shall not be entitled to be enrolled on the voters' roll for an area or ward pursuant to subparagraph (ii) of paragraph (a) of subsection (1) of this section except upon application, in writing, in the prescribed form and containing the prescribed declarations, served personally or by post upon the council.

(3) A body corporate that is entitled to be enrolled on a voters' roll pursuant to paragraph (b) of subsection (1) of this section may, by notice in writing, in the prescribed form and containing the prescribed declarations, served personally or by post upon the council, nominate a natural person of or above the age of majority to act as an elector on its behalf and may by such notice vary its nomination.

(4) A group of persons that is entitled to be enrolled together on a voters' roll pursuant to paragraph (c) of subsection (1) of this section may, by notice in writing, in the prescribed form and containing the prescribed declarations, served personally or by post upon the council, nominate a natural person of or above the age of majority to act as an elector on their behalf and may by such notice vary their nomination.

(5) No nomination or variation of the nomination of a nominated agent shall be effective for the purposes of an election, meeting or poll unless the notice of the nomination or variation is received by the council not less than one month before the closing date last occurring before the election, meeting or poll.

(6) Any nomination or variation of the nomination of a nominated agent made under this section shall be recorded on the voters' roll alongside the name or names of the body corporate or group of persons making the nomination.

(7) Any person whose name is recorded on the voters' roll as a nominated agent shall for the purposes of this Act be regarded as having been enrolled on the voters' roll as an elector.

(8) Where an elector who is a nominated agent—

(a) is also an elector in his own right, he may vote and otherwise act as an elector in his own right and in his capacity as nominated agent;

or

(b) holds a number of nominations as such, he may vote and otherwise act as an elector in respect of each of those nominations.

Compilation of
voters' roll.

89. (1) The Minister may in respect of each year by notice published in the *Gazette* fix two closing dates for that year for the preparation of the voters' rolls of any council and only those electors entitled to have been enrolled on the roll on the day being one month before any such closing date or those electors who on the day being one month before such closing date were the nominated agents of bodies corporate or groups of persons entitled to be enrolled on the roll shall be entitled to vote at any election, meeting or poll occurring in the period between that closing date and the next succeeding closing date.

(2) Before the first closing date in each year—

(a) the Electoral Commissioner shall supply the council with a voters' roll for the area or ward comprising the names of those persons who were on the day being one month before the closing date entitled to be enrolled for the area or ward pursuant to subparagraph (i) of paragraph (a) of subsection (1) of section 88 of this Act;

and

(b) the clerk shall prepare a further voters' roll for the area or ward comprising the names of those persons or groups of persons who were on the day being one month before the closing date entitled to be enrolled for the area or ward pursuant to any other provision of that subsection and including a record of each nomination of a nominated agent made by any body corporate or group of persons.

(3) The Electoral Commissioner shall supply to the council and the clerk shall prepare voters' rolls referred to in subsection (2) of this section that are as nearly as may be correct as at the day being one month before the second closing date in any year if an election, meeting or poll is to be held in the period between that second closing date and the first closing date of the next succeeding year.

(4) The voters' roll for an area or ward shall for the purposes of any election, meeting or poll comprise the voters' roll for the area or ward last supplied to the council by the Electoral Commissioner together with the voters' roll for the area or ward last prepared by the clerk before the closing date last occurring before that election, meeting or poll.

90. No officer shall enrol any person or group of persons on the voters' roll for an area or ward knowing that that person or group is not entitled to be so enrolled.

Officer not to enrol person knowing not entitled to be enrolled.

Penalty: One thousand dollars.

91. The Council shall make available for public inspection a copy of the voters' roll for the area and each ward, if any, and shall, on payment of a reasonable fee fixed by the council, furnish any person with a copy thereof.

Rolls to be available to public.

92. The voters' roll for an area or ward shall be conclusive evidence of the right to vote in any election, meeting or poll in respect of the area or ward of any persons enrolled thereon.

Conclusiveness of voters' rolls.

93. (1) No roll shall be invalidated because it does not comply with this Act or because of any error in copying or printing it.

Validity of rolls.

(2) A misnomer or inaccurate description of any person, place or thing in any roll shall be immaterial so long as the misnomer or inaccuracy does not prevent the roll from being understood.

94. (1) Where a person claims to vote in respect of an election or poll—

Vote of persons whose names do not appear on voters' roll.

(a) upon the basis that he was entitled to have been enrolled on the voters' roll but is not so enrolled;

or

- (b) upon the basis that he is the nominated agent of a body corporate or group of persons entitled to have been enrolled on the voters' roll but the body corporate or group of persons is not so enrolled or his nomination is not recorded in the voters' roll,

he shall be permitted to vote if he makes a declaration in the prescribed form before the returning officer or a deputy returning officer stating the grounds upon which he claims to vote and that to the best of his knowledge, opinion and belief his name ought to have been included on the voters' roll.

(2) Where a voter claims to vote under this section, he shall mark and fold his voting paper in the manner prescribed and return it so folded to the returning officer or deputy returning officer.

(3) The returning officer or deputy returning officer shall, in the presence of the voter and such scrutineers as are present, and without unfolding the voting paper, enclose it in an envelope bearing the declaration of the voter and shall forthwith securely fasten the envelope and deposit it in the ballot-box.

(4) The returning officer or deputy returning officer shall before opening any such envelope, or allowing any other person to do so, examine the declaration of the voter and, if he is satisfied that the voter—

(a) was entitled to have been enrolled on the voters' roll;

or

(b) is the nominated agent of a body corporate or group of persons enrolled or entitled to be enrolled on the voters' roll,

he shall admit the vote to the count accordingly.

References in Act to number of electors.

95. A reference in this Act to the number of electors for an area or ward or portion of an area or ward shall be construed as a reference to the number of electors enrolled on the voters' roll for that area or or ward or that portion.

Amendment of principal Act, s. 102—
Appointment of returning officer.

24. Section 102 of the principal Act is amended—

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

(1) The council shall, not less than ten clear days before the nomination day for each annual election, appoint a person to be the returning officer to preside at that election or any supplementary election within the area.

(1a) The council may at any time by resolution revoke the appointment of the returning officer.

(1b) The council shall upon revoking the appointment of the returning officer or upon the death or resignation of the returning officer appoint another person to be the returning officer in his place.

(1c) A person appointed to be the returning officer shall hold the office until the thirtieth day of April next ensuing after his appointment unless he earlier ceases to hold the office.

(1d) The clerk shall give public notice of the appointment of the returning officer as soon as practicable after the appointment is made.;

and

(b) by striking out from subsection (3) the passage “at the election at which he is appointed” and inserting in lieu thereof the passage “at any election at which he is”.

25. Section 104 of the principal Act is amended by striking out from subsection (1) the passage “, in the case of a municipality, at a place fixed by the council, and in the case of a district, at the district office,” and inserting in lieu thereof the passage “at the office of the council”.

Amendment of
principal Act,
s. 104—
Day of
Nomination.

26. Section 105 of the principal Act is amended—

(a) by striking out from paragraph v of subsection (1) the passage “with the clerk or lodged at the office with any officer of the council in each case before the hour of noon on the day fixed for the nominations” and inserting in lieu thereof the passage “at the office with the returning officer or deputy returning officer before the hour of nomination”;

Amendment of
principal Act,
s. 105—
Form of
nomination, etc.

(b) by striking out from paragraph va of subsection (1) the passage “The officer with whom the nomination paper is lodged” and inserting in lieu thereof the passage “The returning officer or deputy returning officer”;

(c) by inserting in paragraph ix of subsection (1) after the passage “returning officer” the passage “or deputy returning officer”;

(d) by striking out from subsection (2) the passage “the clerk, or with any officer of the council” and inserting in lieu thereof the passage “the returning officer or deputy returning officer”;

and

(e) by inserting after subsection (3) the following subsections:—

(4) There shall be no right of public inspection of nomination forms before the hour of nomination.

(5) The returning officer shall ensure that no information is disclosed before the nomination hour as to any nomination received other than advice to any candidate as to any defect in his nomination.

(6) Nomination forms shall be available for public inspection at the office after the hour of nomination and until the day fixed for the taking of votes.

27. Section 137 of the principal Act is amended by striking out from subsection (1) the word “clerk” and inserting in lieu thereof the passage “returning officer”.

Amendment of
principal Act,
s. 137—
Proceedings on
supplementary
election.

28. Section 138 of the principal Act is amended by striking out the word “clerk” and inserting in lieu thereof the passage “returning officer”.

Amendment of
principal Act,
s. 138—
Notice of
adjournment.

Enactment of
Part VIIA of
principal Act—

29. The following Part is enacted and inserted in the principal Act after Part VII thereof:—

PART VIIA

DISPUTED RETURNS

Interpretation.

142aa. In this Part, unless the contrary intention appears—

“the Court” means the Court of Local Government Disputed Returns established under this Part.

The Court.

142b. (1) There shall be a Court of Local Government Disputed Returns.

(2) The Governor may appoint a person holding office as a Judge, within the meaning of the Local and District Criminal Courts Act, 1926-1976, to be President of the Court and a number of persons holding such office to be Deputy Presidents of the Court.

(3) The Governor may appoint one of the Deputy Presidents to act in the absence of the President and such person while acting in the absence of the President shall have all his powers, authorities, duties and obligations.

(4) The Court—

(a) shall be constituted of the President or, as directed by the President, any one of the Deputy Presidents;

(b) shall sit to hear proceedings at times and places determined by the President;

and

(c) may hear different proceedings contemporaneously at different places.

(5) The Court shall—

(a) subject to this Part, have the same powers, jurisdiction and authority that a Local Court Judge, within the meaning of the Local and District Criminal Courts Act, 1926-1976, has when acting as such;

and

(b) be a court of record.

Jurisdiction of
Court.

142c. The Court shall have jurisdiction to hear and determine any petition addressed to it disputing the validity of any election or return for the office of mayor, alderman or councillor.

Clerk of the
Court.

142d. (1) The Governor may, subject to and in accordance with the Public Service Act, 1967-1977, appoint a person to be clerk of the Court.

(2) The office of clerk of the Court may be held in conjunction with any other office in the Public Service of the State.

Procedure
upon petition.

142e. (1) A petition shall not be proceeded with by the Court unless—

(a) it sets out the facts relied upon to invalidate the election or return;

- (b) it asks for the relief to which the petitioner claims to be entitled;
- (c) it is signed by a candidate at the election in dispute or by an elector for that election;
- (d) it is attested by two witnesses whose occupations and addresses are stated;
- (e) it is lodged with the clerk of the Court within twenty-eight days after the day on which results of the election are declared;
- (f) at the time of lodging the petition the petitioner deposits with the clerk of the Court the prescribed amount as security for costs;

and

- (g) a copy of the petition when so lodged is forthwith served on the person, if any, whose election as mayor, alderman or councillor is disputed.

(2) A person served in accordance with paragraph (g) of subsection (1) of this section, if he proposes to contest the petition, shall, within seven days after that service, or such further time as may be allowed by the Court (whether application therefor is made before or after the expiration of that period of seven days), lodge with the clerk of the Court, and serve on the petitioner, a reply.

(3) A reply shall—

- (a) set out the facts upon which the replicant proposes to rely;
 - (b) ask for the relief to which the replicant claims to be entitled;
 - (c) be signed by the replicant;
- and
- (d) be attested by two witnesses whose occupations and addresses are stated.

142f. (1) The Court shall sit as an open court, and its powers shall include the following:— Powers of Court.

- (a) to adjourn;
- (b) to compel the attendance of witnesses and the production of documents;
- (c) to examine witnesses upon oath, affirmation, or declaration;
- (d) with the consent of the parties to the proceedings, to receive evidence on affidavit or by statutory declaration;
- (e) subject to any rules made under this Part, to regulate the form and mode of its proceedings in each case;
- (f) to declare that any person who was returned as elected was not duly elected;
- (g) to declare any candidate duly elected who was not returned as elected;
- (h) to declare any election void;
- (i) to dismiss or uphold any petition, in whole or in part;

(j) to amend or allow the amendment of any petition or reply;

(k) to award any costs;

(l) to punish any contempt of its authority by fine or imprisonment.

(2) The Court may exercise all or any of its powers under this section on such grounds as the Court in its discretion thinks just and sufficient.

Inquiries by Court.

142g. The Court shall inquire whether or not the petition is duly signed, but the Court shall not inquire into the correctness of any voters' roll, or into the qualification of any nominator, or into the sufficiency of any nomination, or into the qualifications of persons whose votes have been either admitted or rejected, but so far as rolls and voting are concerned, only into the identity of the persons, and whether their votes were improperly admitted or rejected, assuming the rolls to be correct.

Voiding election for illegal practices.

142h. (1) Without limiting the powers conferred by this Part, the power of the Court to declare that any person who was returned as elected was not duly elected or to declare any election void, may be exercised on the ground that illegal practices were committed in connection with the election.

(2) No finding by the Court shall bar or prejudice any prosecution for any illegal practice.

(3) The Court shall not declare that any person returned as elected was not duly elected, or declare any election void—

(a) on the ground of an illegal practice committed by any person other than the candidate;

or

(b) on the ground of any illegal practice other than a practice referred to in section 130 or 131 of this Act,

unless the Court is satisfied that the result of the election was likely to be affected thereby, and that it is just that the candidate should be declared not to be duly elected or that the election should be declared void.

Duty of clerk in relation to a finding of illegal practice.

142i. When the Court finds that any person has committed an illegal practice the clerk of the Court shall forthwith report the finding to the Minister.

Duty of Court to be guided by substantial merits.

142j. The Court shall be guided by the substantial merits and good conscience of each case without regard to legal forms or technicalities, or whether the evidence before it is in accordance with the law of evidence or not.

Decisions to be final.

142k. Every decision of the Court shall be final and conclusive and without appeal, and shall not be questioned in any way.

Appearance by counsel or solicitor.

142l. Any party to any proceedings arising from the petition may be represented by counsel or solicitor.

Special case.

142m. The Court may, on the application of any of the parties to the proceedings, or of its own motion state a question of law, arising in or in relation to those proceedings, for the opinion of the Full Court of the Supreme Court.

142n. The Court may award costs against an unsuccessful party to the petition and may in its discretion recommend that all or portion of the costs be paid by the Crown. Costs.

142o. If costs are awarded to any party against the petitioner, the deposit, on the order of the Court, shall be applicable in payment of the sum ordered, but otherwise the deposit shall be repaid to the petitioner. Deposit applicable for costs.

142p. All other costs awarded by the Court, including any balance above the deposit payable by the petitioner, shall be recoverable as if the order of the Court were a judgment of such local court, constituted under the Local and District Criminal Courts Act, 1926-1976, as may be determined by the Court, and that order shall be entered as a judgment of that local court, and shall be enforced accordingly. Other costs.

142q. Effect shall be given to any decision of the Court, as follows:— Effect of decision.

- (a) if any person returned is declared not to have been duly elected, he shall cease to be a member of the council;
- (b) if any person not returned is declared to have been duly elected, he shall take his place accordingly;
- (c) if any election is declared void, a supplementary election shall be held.

142r. The President and the Deputy Presidents of the Court or any two of them may make such rules, not being inconsistent with this Act, as may be necessary or convenient for carrying this Part into effect and in particular and without limiting the generality of the foregoing for regulating the practice and procedure of the Court, the forms to be used, and the fees to be paid by the parties. Rules of Court.

30. Section 157 of the principal Act is amended—

(a) by inserting after subsection (9a) the following subsection:—

(9b) For the purposes of subsections (9) and (9a) of this section any period of employment with one council shall be deemed not to be discontinuous with a period of employment with another council, where the period between the termination of the earlier employment and the commencement of the later employment does not exceed thirteen weeks or such longer period as is agreed between the employee and that other council.;

(b) by inserting after subsection (12) the following subsections:—

(12a) An employee of a council shall—

(a) upon the termination of that employment, be supplied by the council with two copies of a certificate in the prescribed form setting out such information as is prescribed in relation to his employment with that council and any previous council;

and

(b) upon his employment by another council, deliver a copy of the certificate to that other council.

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

(12b) The Governor may by regulation provide that the provisions or any specified provisions of this section relating to superannuation, long service leave and other rights in respect of employment shall apply to employees of any body or authority specified in the regulations with such modifications, if any, as are specified in the regulations.;

and

(c) by striking out subsection (13) and inserting in lieu thereof the following subsections:—

(13) The amendments effected to this section by the Local Government Act Amendment Act, 1972, and the Local Government Act Amendment Act, 1974, apply and shall be deemed always to have applied to any employee of a council in that employment after the commencement of the Local Government Act Amendment Act, 1972, in relation to his employment with that council or any other council whether occurring before or after that commencement.

(14) The amendments effected to this section by the Local Government Act Amendment Act, 1978, apply to any employee of a council in that employment after the commencement of that Act, in relation to his employment with that council or any other council whether occurring before or after that commencement.

Amendment of principal Act, s. 170—
Right of persons appearing as owners or occupiers to have their names removed on change of ownership or occupation.

31. Section 170 of the principal Act is amended by striking out subsection (3).

Amendment of principal Act, s. 172—
Alteration of assessment book.

32. Section 172 of the principal Act is amended by striking out from subsection (1) the passage “, except during the period of ten days immediately preceding the day appointed for voting at any annual election or any poll”.

Amendment of principal Act, s. 190—
Poll of electors.

33. Section 190 of the principal Act is amended by striking out from subsection (2) the passage “one hundred” and inserting in lieu thereof the passage “ten per centum”.

Amendment of principal Act, s. 197—
Poll of electors.

34. Section 197 of the principal Act is amended by striking out from subsection (2) the passage “one hundred” and inserting in lieu thereof the passage “ten per centum”.

Amendment of principal Act, s. 227—
Right to demand poll.

35. Section 227 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “the day subsequent thereto” and inserting in lieu thereof the passage “the period of ten days commencing on that day”;

(b) by striking out subsection (2a) and inserting in lieu thereof the following subsection:—

(2a) For the purposes of subsection (2) of this section, the requisite number of electors is ten per centum or more of the number of electors for the area.;

and

(c) by striking out from subsection (3) the passage "the clerk shall appoint a day, not later than twenty-one days after" and inserting in lieu thereof the passage "the returning officer shall appoint a day, being not less than twenty-eight and not more than forty-two clear days from".

36. Section 251 of the principal Act is amended by inserting after subsection (1) the following subsection:—

Amendment of principal Act, s. 251—
Liability for rates.

(2) Notwithstanding the provisions of subsection (1) of this section, any person who is the occupier of ratable property, not being the owner of the property, and who uses the property as his place of residence shall not be liable to the payment of rates in respect of the property.

37. Section 259 of the principal Act is amended by inserting after subsection (3) the following subsections:—

Amendment of principal Act, s. 259—
Fine in default of payment.

(3a) The council may, by resolution, determine that for any financial year specified in the resolution fines shall not be payable on arrears of general rates, special rates or separate rates, for that financial year that are less than the amount specified in the resolution in relation to rates of that kind.

(3b) In any case in which the council is of the opinion that there is a reasonable excuse for any rates having become in arrears, the council may, by resolution, remit the fine altogether or upon the condition that the rates are paid before a date specified in the resolution.

38. Sections 261, 262 and 263 of the principal Act are repealed.

Repeal of ss. 261, 262 and 263 of principal Act.

39. Section 265 of the principal Act is amended by striking out subsection (4).

Amendment of principal Act, s. 265—
Protection to tenants paying rates for which owners are liable.

40. Section 267b of the principal Act is amended by inserting after subsection (2) the following subsection:—

Amendment of principal Act, s. 267b—
Remission of rates.

(2a) The council may, upon the application of any person or body that uses ratable property for the purposes of providing facilities for children or young persons and not for the purpose of securing pecuniary profit, remit the payment of the rates in respect of that property or any part thereof, or a fine, or any part of a fine, imposed in respect of the rates.

41. Section 286 of the principal Act is amended—

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

(a) by striking out paragraphs (a) and (b) of subsection (3) and inserting in lieu thereof the passage "and written and signed in accordance with a procedure approved by the auditor in writing";

and

(b) by striking out subsection (6) and inserting in lieu thereof the following subsection:—

(6) Wages may be paid by cheque in accordance with subsection (3) of this section or by cash obtained by cashing a cheque drawn for that purpose in accordance with that subsection.

Amendment of
principal Act,
s. 293—
Auditing
accounts.

42. Section 293 of the principal Act is amended by striking out subsection (1a) and inserting in lieu thereof the following subsections:—

(1a) Where the clerk or any other officer of the council who is principally engaged in managing the accounts of the council for any reason ceases to be an officer of the council, the council shall give written notice thereof to the auditor and the Auditor-General.

(1b) The auditor may upon his receipt of a notice under subsection (1a) of this section audit the accounts.

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

43. Section 319 of the principal Act is amended—

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

(3) Any costs payable to the council by the owner under this section shall be in arrears if not paid in full within sixty days after the notice requiring their payment is given to the owner.

(3a) The council may, upon application by the owner made within thirty days after notice is given to the owner requiring payment of costs under this section, by resolution, permit the owner to pay the costs by instalments determined by the council over a period determined by the council not exceeding twelve months from the making of the resolution.

(3b) Any instalment of costs permitted to be paid by instalment under this section shall be in arrears if not paid in full on or before the day on which the council required by the resolution that it be paid.

(3c) Where any costs or instalment of costs are in arrears the following fine or fines shall be added to the amount in arrears:—

(a) on the day on which the amount is 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).

(3d) A fine added to costs payable by an owner under this section shall be recoverable from the owner as if it were part of the outstanding costs.

(3e) 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, the fine.

(3f) In any case in which the council is of the opinion that there is a reasonable excuse for any amount having become in arrears under this section, the council may, by resolution, remit the fine altogether or upon the condition that the amount in arrears is paid before a date specified in the resolution. ;

(b) by inserting in subsection (5) after the passage "which is within the area" the passage "and would be ratable property if it were within the area";

(c) by striking out from subsection (5) the passage "together with interest, as provided by subsection (3), and ascertained as provided in the said subsection from the owner of any such land which would be ratable property if the same were within the area" and inserting in lieu thereof the passage "from the owner thereof and subsections (3) to (3f) shall apply in relation thereto accordingly";

(d) by inserting after subsection (10) the following subsection:—

(10a) The notice referred to in subsection (10) of this section shall contain a statement in bold type advising the owner that within thirty days after the notice is given he may make application to pay the costs by instalments. ;

and

(e) by striking out from subsection (11) the passage "(other than that of payment of interest under subsection (3) of this section)" and inserting in lieu thereof the passage "(other than any amount payable as a fine under this section)".

44. Section 328 of the principal Act is amended—

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

(a) by striking out from subsection (2) the passage "(other than expenses incurred in payment of interest under subsection (3) of this section)" and inserting in lieu thereof the passage "(other than any amount payable as a fine under this section)";

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

(3) Any costs payable to the council by the owner under this section shall be in arrears if not paid in full within sixty days after the notice requiring their payment is given to the owner.

(3a) The Council may, upon application by the owner made within thirty days after notice is given to the owner requiring payment of costs under this section, by resolution, permit the owner to pay the costs by instalments determined by the council over a period determined by the council not exceeding twelve months from the making of the resolution.

(3b) Any instalment of costs permitted to be paid by instalment under this section shall be in arrears if not paid in full on or before the day on which the council required by the resolution that it be paid.

(3c) Where any costs or instalment of costs are in arrears the following fine or fines shall be added to the amount in arrears:—

(a) on the day on which the amount is 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).

(3d) A fine added to costs payable by an owner under this section shall be recoverable from the owner as if it were part of the outstanding costs.

(3e) 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, the fine.

(3f) In any case in which the council is of the opinion that there is a reasonable excuse for any amount having become in arrears under this section, the council may, by resolution, remit the fine altogether or upon the condition that the amount in arrears is paid before a date specified in the resolution.

(3g) Except in the case provided for by subsection (4), any amounts due by any owner under this section shall, until fully paid or recovered, be a charge upon the land by virtue of the ownership whereof the same became payable. ;

(c) by striking out from subsection (4) the passage “together with interest as provided by subsection (3)” and inserting in lieu thereof the passage “and the provisions of subsections (3) to (3f) shall apply accordingly”;

and

(d) by inserting after subsection (8) the following subsection:—

(9) The notice referred to in subsection (8) of this section shall contain a statement in bold type advising the owner that within thirty days after the notice is given he may make application to pay the costs by instalments.

Amendment of
principal Act,
s. 330—
Power to pave
footways at
request of
owner or
occupier.

45. Section 330 of the principal Act is amended—

(a) by striking out the second sentence of subsection (3);

and

(b) by inserting after subsection (3) the following subsections:—

(4) The council shall give to each of the applicants a notice requiring payment of the share of the costs determined by the council to be payable by that applicant.

(5) Any costs payable to the council by an owner under this section shall be in arrears if not paid in full within sixty days after the notice requiring their payment is given to the owner.

(6) Where any costs are in arrears, the following fine or fines shall be added to the amount in arrears:—

(a) on the day on which the amount is first in arrears a fine of five per centum of that 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).

(7) A fine added to costs payable by an owner under this section shall be recoverable from the owner as if it were part of the outstanding costs.

(8) Any amounts due by any owner under this section shall, until fully paid or recovered, be a charge upon the land by virtue of the ownership whereof the same became payable.

46. Section 342 of the principal Act is amended by striking out subsection (10) and inserting in lieu thereof the following subsections:—

Amendment of principal Act, s. 342—
Construction and repair of private streets in City of Adelaide.

(10) The respective portions of the expenses as apportioned between the properties under this section shall be recoverable by the council from any owner thereof and shall be in arrears if not paid in full within sixty days after notice of the final apportionment is given.

(10a) Where any expenses are in arrears, the following fine or fines shall be added to the amount in arrears:—

(a) on the day on which the amount is 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).

(10b) A fine added to any expenses payable by an owner under this section shall be recoverable from the owner as if it were part of the outstanding expenses.

(10c) Any amounts due by any owner under this section shall, until fully paid or recovered, be a charge upon the land by virtue of the ownership whereof the same became payable.

47. Section 343 of the principal Act is amended by striking out subsection (5) and inserting in lieu thereof the following subsections:—

Amendment of principal Act, s. 343—
Powers of other councils to make private streets and roads.

(5) The council shall give notice to the owners of the respective properties of the respective proportions of the expenses incurred by the council which they are liable to pay and any expenses payable by such owner shall be in arrears if not paid in full within sixty days after such notice is given.

(5a) Where any expenses are in arrears, the following fine or fines shall be added to the amount in arrears:—

(a) on the day on which the amount is 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).

(5b) A fine added to any expenses payable by an owner under this section shall be recoverable from the owner as if it were part of the outstanding expenses.

(5c) Any amounts due by any owner under this section shall, until fully paid or recovered, be a charge upon the land by virtue of the ownership whereof the same became payable.

Amendment of principal Act, s. 344a—
Construction and repair of private streets and roads.

48. Section 344a of the principal Act is amended by striking out subsection (3) and inserting in lieu thereof the following subsections:—

(3) The council shall give notice to the owners of the respective properties of the respective proportions of the expenses incurred by the council which they are liable to pay and any expenses payable by such owner shall be in arrears if not paid in full within sixty days after such notice is given.

(3a) Where any expenses are in arrears, the following fine or fines shall be added to the amount in arrears:—

(a) on the day on which the amount is 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).

(3b) A fine added to any expenses payable by an owner under this section shall be recoverable from the owner as if it were part of the outstanding expenses.

(3c) Any amounts due by any owner under this section shall, until fully paid or recovered, be a charge upon the land by virtue of the ownership whereof the same became payable.

Repeal of heading to sections 353 to 370a (inclusive) of principal Act.

49. The heading “(a) Provisions Applicable Generally” to sections 353 to 370a (inclusive) of the principal Act is repealed.

Amendment of principal Act, s. 362—
Cycle tracks.

50. Section 362 of the principal Act is amended by inserting after the word “road” the passage “or across any park lands, square, reserve or other land under the care, control or management of the council”.

Repeal of heading to s. 371 of principal Act.

51. The heading “(b) Provisions Applicable to Municipalities only” to section 371 of the principal Act is repealed.

Repeal of heading to s. 373 of principal Act.

52. The heading “(bb) Provisions applicable generally” to section 373 of the principal Act is repealed.

Repeal of heading to ss. 374 to 376 (inclusive) of principal Act.

53. The heading “(c) Provisions Applicable to Districts only” to sections 374 to 376 (inclusive) of the principal Act is repealed.

54. Section 375 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “within the district”;
and
- (b) by striking out from subsection (1) the passage “circulating in the district” and inserting in lieu thereof the passage “circulating in the area”.

Amendment of principal Act, s. 375—
Power of council to allow persons to fence in and use roads on certain conditions.

55. The following section is enacted and inserted in the principal Act after section 392 thereof:—

Enactment of s. 392a of principal Act—

392a. (1) The Minister may, at any time after granting his consent to the scheme, propose such amendments thereto as, having regard to the various interests of all the councils concerned, he thinks proper.

Amendment of authorized scheme.

(2) The Minister shall give to any council concerned such notice of any amendments proposed to be made by him as in the circumstances he thinks proper.

(3) If the Minister proceeds to make any amendments to an authorized scheme, he shall cause notice thereof to be published in the *Gazette* and to be served on the constituent councils.

(4) Upon publication pursuant to subsection (3) of this section of any amendments to an authorized scheme, the authorized scheme shall continue as such but amended accordingly and the scheme as amended shall continue to have force and effect as if it were an agreement made between and executed by the constituent councils.

56. Section 422 of the principal Act is amended by striking out from subsection (1) the passage “, subject to the consent of the Minister”.

Amendment of principal Act, s. 422—
Power to lease and sell surplus land and property.

57. Section 424 of the principal Act is amended—

- (a) by striking out paragraphs I and II of subsection (1) and inserting in lieu thereof the following paragraph:—

Amendment of principal Act, s. 424—
Additional borrowing powers.

I. The total amount of money so borrowed shall not, except subject to and in accordance with the consent of the Minister, at any time exceed—

- (i) in the case of any area in which Division III of Part X is not in operation, the amount which would result from a rate of ninety-five cents in the dollar on the assessed value of the ratable property in the municipality or district;

or

- (ii) in the case of any area in which Division III of Part X is in operation, the amount which would result from a rate of twenty-three cents in the dollar on the assessed value of

ratable property in the municipality or district:.

and

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

(2a) The provisions of paragraph 1 of subsection (1) shall not apply to any borrowing for carrying out an approved scheme within the meaning of section 382d of this Act and any amount borrowed for such purpose shall not be taken into account for the purpose of determining the maximum amount that may be borrowed under this section.;

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

58. Section 426 of the principal Act is amended—

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

(1) The council shall, before proceeding to borrow money under section 424, give notice of the proposal for borrowing.;

(b) by striking out from subsection (2) the passage “, not less than one month nor more than three months before the adoption of the proposal,”;

and

(c) by striking out paragraph (b) of subsection (2) and the word “and” occurring at the end of that paragraph.

Amendment of principal Act, s. 427—
Power to demand poll.

59. Section 427 of the principal Act is amended—

(a) by striking out subsection (4) and inserting in lieu thereof the following subsection:—

(4) For the purposes of subsection (1) of this section the requisite number of electors is ten per centum of the electors enrolled on the voters' roll.;

and

(b) by striking out from subsection (5) the word “ten” and inserting in lieu thereof the word “thirty”.

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

60. Section 430 of the principal Act is amended by inserting in subsection (1) before the word “publication” the word “last”.

Amendment of principal Act, s. 435—
Power to submit scheme relating to work or undertaking.

61. Section 435 of the principal Act is amended—

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

(1) In addition to the powers conferred by the foregoing provisions of this Part, the council may submit for the Ministers' authorization a scheme proposing—

(a) the execution of a specified work or undertaking by the council;

or

(b) the provision of assistance by the council by way of a payment, loan (which may be free of interest) or guarantee of a loan to any other person or authority towards the cost of executing or continuing a specified work or undertaking or continuing or maintaining specified services or facilities,

whether or not the work, undertaking, services or facilities is or are such as might be executed or assisted under any other provision of this Act, and whether or not the work or undertaking is or is to be, or the services or facilities are provided, upon land under the care, control and management of the council.;

(b) by striking out subsection (4) and inserting in lieu thereof the following subsection:—

(4) The Minister may authorize the scheme if he is of the opinion that the scheme as proposed or as amended, as the case may be, will benefit the area or portion of the area. ;

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

(5a) The Minister may, with the approval of the council, by notice published in the *Gazette*, make an amendment to the authorized scheme, which shall thereupon continue as an authorized scheme but amended accordingly.;

and

(d) by striking out from subsection (6) the passage “After such publication as aforesaid, the council may execute the work or undertaking stated in the authorized scheme or make contributions towards the cost of the authorized scheme in accordance with the terms of the scheme” and inserting in lieu thereof the passage “After publication of the authorized scheme the council may give effect to it in accordance with the terms of the scheme”.

62. Section 437 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) The interest payable on any such debentures shall be at the rate fixed by the Australian Loan Council for local government borrowing at the time the loan is entered into.

Amendment of principal Act, s. 437—
Repayment of money borrowed.

63. Section 449c of the principal Act is amended by inserting after subsection (2) the following subsection:—

(2a) The repayment of any loan contracted under paragraph (a) of subsection (2) of this section may be secured by debentures issued on the security of the general rates.

Amendment of principal Act, s. 449c—
Certain borrowings and non-application of this Part thereto.

64. Section 454 of the principal Act is amended by striking out from subsection (2) the passage “as park lands” and inserting in lieu thereof the passage “or reserved for park lands or any other purpose”.

Amendment of principal Act, s. 454—
Powers of council to improve park lands and reserves.

Amendment of principal Act, s. 457—
Powers to let grounds vested in the council.

65. Section 457 of the principal Act is amended—

- (a) by inserting in subsection (1) after the passage “ornamental grounds” the passage “or reserve”;
 - (b) by inserting in subsection (1) after the passage “public recreations” the passage “or any community facilities”;
- and
- (c) by inserting in subsection (4) after the passage “if a poll is demanded,” the passage “or if the council resolves that a poll be held,”.

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

66. Section 530c of the principal Act is amended—

- (a) by inserting after subsection (9) the following subsections:—

(9a) The Minister may at any time after authorizing the scheme authorize amendments thereto proposed by him and accepted by the council or proposed by the council.

(9b) If the Minister authorizes any amendment of an authorized scheme he shall cause notice of his authorization together with a statement of the amendment of the scheme to be published in the *Gazette*; and upon the publication the authorized scheme shall continue as such, but amended accordingly.;

- (b) by inserting in subsection (11) after the passage “connecting with the scheme” the passage “, being drains that conform to specifications approved by the Central Board of Health, and, shall at his own expense from time to time if required by the council, remove any sludge in any septic tank connected to the building”;

and

- (c) by inserting in subsection (11) after the passage “provide such effluent drains” the passage “or de-sludge any septic tank”.

Amendment of principal Act, s. 536a—
Waste or impure liquids.

67. Section 536a of the principal Act is amended—

- (a) by inserting in subsection (1) after paragraph (b) the following word and paragraph:—

or

(c) cause or suffer to be discharged from any land or building of which he is the owner or occupier into any stormwater surface or underground drain any waste, impure water, liquid or matter.;

and

- (b) by striking out from subsection (2) the passage “one hundred dollars, and to a further penalty not exceeding twenty dollars” and inserting in lieu thereof the passage “one thousand dollars, and to a further penalty not exceeding two hundred dollars”.

Amendment of principal Act, s. 602—
Duties of persons erecting or pulling down buildings, etc.

68. Section 602 of the principal Act is amended by striking out paragraph (b) and inserting in lieu thereof the following paragraph:—

- (b) caused to be erected or set up and maintained such hoardings, fences, platforms and handrails as the council or surveyor may from time to time direct.

69. Section 603 of the principal Act is amended—

(a) by inserting after subsection (3) the following subsection:—

(3a) The council, at its discretion, may revoke any such licence by notice in writing to the licensee.;

and

(b) by inserting after subsection (4) the following subsection:—

(5) The fee fixed by the council for any such licence may be a monthly or other periodic fee and may be fixed to increase in amount after the expiration of any period specified by the council.

Amendment of principal Act, s. 603—
Licences for hoardings, etc.

70. Section 666b of the principal Act is amended by striking out from subsection (1) the passage “within a municipality or township” and inserting in lieu thereof the passage “within the area”.

Amendment of principal Act, s. 666b—
Unightly condition of and.

71. Divisions I and II of Part XXXIX of the principal Act (including the headings thereto) are repealed and the following Divisions are enacted and inserted in their place:—

Repeal of Divisions I and II of Part XXXIX of principal Act and enactment of Divisions in their place—

DIVISION I—BY-LAWS

667. (1) Subject to the provisions of this Act, any council may make by-laws for all or any of the following purposes:—

By-laws.

1. I. For regulating the manner of calling and holding and the voting and proceedings at meetings of the council and committees thereof:

Procedure at meetings.

II. For regulating the calling and holding of meetings of electors and the voting and proceedings thereat:

2. I. For regulating, controlling, or prohibiting the erection of advertising hoardings or other similar erections abutting on or within 3·7 metres of any street, road or footway; for providing that advertising hoardings and other similar erections situated elsewhere than as is previously provided in this paragraph shall not be erected, or as the case may be, permitted to remain except with the permission of the council; for requiring or authorizing the pulling down or removal of any such advertising hoardings or erections (whether erected before or after the commencement of this Act) which do not conform to any such by-law; and for charging and collecting fees for permission to erect such advertising hoardings and erections:

Structures.

II. For prohibiting, regulating, and licensing the erection, putting up, and situation of lamps, signs, devices, signboards, and advertisements over or distant within 3·6 metres of any footway, street, or road and the painting, stencilling, or making of signs and advertisements on buildings, verandahs, balconies, walls, fences, and structures of any description whatsoever over or distant within 3·6 metres of any footway, street, or road; for providing that lamps, signs, devices, sign-

boards, and advertisements shall not be put up or painted, stencilled or made as aforesaid elsewhere than as is previously provided in this paragraph except with the permission of the council; for fixing the periods and conditions for or upon which any such licences may be issued; and for compelling the removal of any lamps, signs, devices, signboards, and advertisements or the obliteration of any painted, stencilled, or marked signs or advertisements whenever erected or painted, stencilled, or marked, and wherever situated which do not comply with or are in contravention of any by-law of the council for the time being in force: Provided that this paragraph shall not apply to any lamp, sign, or device which is a permanent portion of the structure of any building unless the lamp, sign, or device is over a footway, street, or road:

III. For regulating or prohibiting the flying of flags and the erection of flagpoles in, over, or near any public place, or from or on any verandah, structure, or balcony in any public place:

IV. For appointing suitable magazines or buildings for the storage of gunpowder and other explosive substances; for regulating the quantity of such explosive substances which may be kept by any person; and for prohibiting or regulating the use of such explosive substances within the municipality: Provided that no by-law made under this paragraph shall apply to the use of any explosive substance in any mine within the meaning of the Mines and Works Inspection Act, 1920-1970, and to which that Act applies:

Uses and
Licences.

3. I. For licensing, regulating, and inspecting public restaurants and fish shops, and for prohibiting fish shops:

II. Subject to the Trade Measurements Act, 1971-1976, for the placing, fixing, and maintaining of petrol pumps in or on footways and of any apparatus, pipes, and appliances in, on, or under footways for the supply of motor spirit to any such petrol pumps; and the removal of any such petrol pumps, apparatus, pipes, and appliances:

III. Subject as aforesaid, for the granting, renewal, transfer, and duration of permits for petrol pumps, and applications therefor:

IV. Subject as aforesaid, for prescribing forms of permits and conditions to be contained in permits for petrol pumps:

V. Subject as aforesaid, for prescribing fees—

(a) for the granting or renewal of a permit:

(b) for the transfer of a permit:

- vi. Subject as aforesaid, for providing for a proportionate reduction of fees payable in respect of permits granted for any number of months less than twelve months:
- vii. Subject as aforesaid, for requiring the insurance by holders of permits for petrol pumps against liabilities which may be incurred by them in respect of petrol pumps:
- viii. For prohibiting or regulating the use of streets, roads, and public places by street hawkers and street traders, both generally and with power to prohibit any such persons during particular hours from using any streets, roads, or public places:
- ix. For appointing stands in streets, roads, and public places for street hawkers and street traders, with power from time to time to abolish, enlarge, or diminish any such stands, to limit the space to be occupied by each person on any such stand, and the number of persons who may occupy any particular stand:
- x. For fixing the charges to be paid for the right to use such stands, with power to vary the charges according to the stand used, and from time to time to increase or decrease such charges; and for fixing the conditions upon which such stands shall be occupied and the times during which they may be occupied:
- xi. For fixing by priority of application, or by lot, tender, or otherwise, the positions on any such stand which persons are to occupy:
- xii. For the regulation of the conduct of persons occupying such stands:
- xiii. For limiting the nature and size of handtrucks, barrows, or other vehicles to be used on such stands; and for prohibiting any animal, whether attached to any truck, barrow, or vehicle, or not, from standing on any such stand during the time fixed for occupation thereof by street hawkers and street traders:
- xiv. For providing the form of authority to be issued for occupying such stands, the conditions upon which such authorities are issued and under which they will be permitted to be transferred; for fixing the fee to be paid for a transfer of any such authority; and for prohibiting any person who is neither named in such an authority nor a permitted transferee of such an authority from occupying any such stand:
- xv. For controlling and licensing ice cream carts and stalls and produce carts and stalls:
- xvi. For controlling, licensing, inspecting, and regulating common lodging-houses and other lodging-houses:

- xvii. For regulating or controlling the sale of newspapers, books, pamphlets, magazines, race-cards, or other printed matter, or matches, flowers, or merchandise of any kind whatsoever, in the streets, roads, or public places, and, subject to the next following subdivision of this paragraph, the age of persons selling newspapers, books, pamphlets, magazines, race-cards, or other printed matter, or matches, flowers, or merchandise in the said streets, roads, or public places:
- xviii. For the periodical licensing of persons of not less than twelve years of age to sell newspapers, books, pamphlets, magazines, race-cards, or other printed matter, or matches, flowers, or merchandise of any kind whatsoever in the streets, roads, or public places; and for preventing sales by unlicensed persons:
- xix. For controlling and licensing newsvendors:
- xx. Subject to the State Transport Authority Act, 1974-1977, for the licensing for use of any vehicles (including motor and all other vehicles) plying for hire, or kept or let for hire, either for the conveyance of passengers or goods of any kind and for prohibiting the use thereof unless so licensed; and for licensing the drivers and conductors of such vehicles, and for prohibiting the driving thereof, except by a person so licensed:
- xxi. Subject as aforesaid, for appointing the stands for vehicles plying for hire, and the regulations to be observed thereat:
- xxii. Subject as aforesaid, for regulating the conduct of the drivers, conductors, and other persons attendant on licensed vehicles or in charge thereof:
- xxiii. Subject as aforesaid, for regulating and licensing any such vehicles used in hawking firewood and water therein respectively:
- xxiv. Subject as aforesaid, for fixing the rates and fares to be taken, and the mode of computation of distances, with power to distinguish between different types of vehicles:
- xxv. Subject as aforesaid, for enforcing the obligation of owners and drivers to convey passengers and goods on demand:
- xxvi. Subject as aforesaid, for limiting the number of such passengers (inside and outside), their baggage and goods, and regulating fares for children, and as to taking up and setting down passengers:
- xxvii. Subject as aforesaid, for the maintenance of vehicles in proper condition and order, and regulating how the same shall be furnished, provided, and kept:

- xxviii. Subject as aforesaid, for enforcing the painting of the names of the owners and the numbers thereon, and keeping affixed within the vehicles authorized tables of fares and distances:
- xxix. Subject as aforesaid, for providing for the delivery over and disposal of articles left in licensed vehicles:
- xxx. Subject as aforesaid, for compelling the approved owner or driver to be in charge of such vehicles, and preventing the same from being driven by others, and for preventing persons not hiring the same from riding with the owner or driver:
- xxxi. Subject as aforesaid, for the prevention of smoking in any such vehicles, or by the driver thereof:
- xxxii. Subject as aforesaid, for prohibiting coffins, containing the corpses of deceased persons above the age of two years, from being conveyed in any vehicle licensed for the conveyance of passengers:
- xxxiii. Subject as aforesaid, for punishing the misconduct of the drivers and conductors of, and persons attending any of the aforesaid passenger or other vehicles, in carelessly or furiously driving or racing, or in demanding or receiving more than the legal fare, or in using any threatening, abusive, indecent or insulting language; and also for punishing persons hiring such vehicles and evading or attempting to evade the payment of fares:
- xxxiv. Subject as aforesaid, for regulating the routes, to be observed by licensed omnibuses or passenger vehicles plying as omnibuses:
- xxxv. Subject as aforesaid, for requiring all licensed vehicles, of whatever sort, to have the number of their licence conspicuously painted on and in the vehicle:
- xxxvi. Subject as aforesaid, for requiring and regulating the carrying of a lighted lamp inside licensed passenger vehicles whilst plying for hire after sunset:
- xxxvii. Subject as aforesaid, for preventing licensed drivers or others loitering with licensed vehicles in the streets, or plying for hire in the streets except on a stand:
- xxxviii. Subject as aforesaid, for preventing any person, not being of the full age of seventeen years, acting as driver:
- xxxix. Subject as aforesaid, for preventing licensed drivers from being or standing away from the vehicle in their charge whilst on the stand, or for regulating the distance at and the time during which such drivers may be allowed to be away from their vehicles whilst on the stand:
- xl. Subject as aforesaid, for limiting the number of vehicles from time to time to be licensed by the council:

- XLII. Subject as aforesaid, for enforcing the painting, inside and outside, of all licensed passenger vehicles, the number of passengers the vehicle is licensed to carry outside and inside, also the rate of fares for time or distance:
- XLIII. For the licensing and regulation of porters and their charges, and for appointing any badge or number to be borne by them:
- XLIV. Subject to section 671, for the licensing and government of nightmen and their labourers, and for the regulating numbering, and licensing of the night-carts used or to be used by them:
- XLV. Subject as aforesaid, for regulating, numbering, and licensing the description of vehicle or vessel to be used for the removal of nightsoil, or ammoniacal liquor, or other offensive liquors or substances:
- XLVI. Subject as aforesaid, for prohibiting any but nightmen and their labourers licensed or appointed by the council from removing nightsoil from or disposing of nightsoil upon any property: and for requiring nightsoil to be removed from any property by nightmen or their labourers licensed or appointed by the council:
- XLVII. For regulating the licensing, supervision and control of any premises as bazaars or general sale yards for the sale of horses, cattle, and other animals or any of them, and the maintenance of cleanliness in the licensed premises:
- XLVIII. For the general regulation of horse bazaars, sheep markets, and cattle markets; for the maintenance of good order therein; for the licensing of the said bazaars or markets; and for fixing fees to be paid to the council in respect of sales at the said bazaars and markets:
- XLIX. For the licensing, regulation, supervision, government, and control of premises for the sale of raw or green hides or skins which are situated within the municipality or any township within the district:
- L. For licensing premises for keeping, storing, or selling, and for preventing the keeping, storing, or selling of hides and skins of any description within the municipality or any township within the district:
- L. For preventing the burning of rags, clippings, or parings of leather, or other offensive substances within the municipality or any township within the district:
- LI. For regulating and licensing chimney-sweeps; for prohibiting the sweeping for hire or reward of chimneys by unlicensed persons; and for fixing a tariff of the rates to be paid to licensed chimney-sweeps:
- LII. For controlling and licensing bootblacks:

LIII. For regulating the use of aviation stations and landing grounds constructed, purchased, or maintained by the council; and for fixing and making charges for the use of the same:

LIV. For regulating the form and conditions of any licence or permit granted by the council, the form of application therefor, and the transfer, renewal, suspension, or revocation thereof, the fees to be paid on any licence or permit, or any transfer or renewal thereof, and how any such fees may be recovered:

4. I. For the prevention and suppression of nuisances:

Nuisances and
Health.

II. For the prevention of noisy trades being carried on except by licensed persons:

III. For the regulation of noisy trades with a view to the prevention of annoyance to neighbouring occupiers:

IV. For the inspection of premises wherein noisy trades are carried on:

V. For fixing the distances from dwelling-houses outside which noisy trades may be carried on:

VI. For requiring occupiers of premises to provide garbage bins for household rubbish; for regulating the kinds of garbage bins to be so supplied; and for requiring garbage bins to be properly maintained by such occupiers, and fixing the places in which such bins shall be placed for the collection of garbage:

VII. For preventing or regulating rubbish tips or the depositing of rubbish:

VIII. For regulating the use of dipping places or tanks for the dipping of sheep constructed or provided by the council, and for fixing charges for the use of the same and enforcing payment of any such charges:

IX. Subject to section 671 and except as regards any area or part of an area within the metropolitan abattoirs area, under the South Australian Meat Corporation Act, 1936-1977, or within any abattoirs area proclaimed under the Abattoirs Act, 1911-1973, for regulating the control, management, and supervision of slaughter-houses and the receiving, inspection, and slaughtering therein of animals:

X. Subject and except as aforesaid, for regulating, licensing, and controlling slaughter-houses and for regulating and controlling the cattle, sheep, and swine to be slaughtered thereat:

XI. Subject and except as aforesaid, for the regulation of the keeping of cattle, sheep, or swine at any slaughter-house on behalf of the owners of the cattle, sheep, or swine prior to their being slaughtered, or without being slaughtered:

- xii. Subject and except as aforesaid, for establishing slaughter-houses by the council and for regulating and controlling the same and the kind of cattle, sheep, and swine to be slaughtered thereat; for licensing suitable persons to slaughter thereat:
- xiii. Subject and except as aforesaid, for preventing the slaughtering for trade purposes of cattle, sheep, and swine of all or any kinds except at slaughter-houses established by the council:
- xiv. Subject and except as aforesaid, for prohibiting the sale within the area of any fresh meat of any animal slaughtered in any slaughter-house outside the area unless such slaughter-house has been licensed by the council, or some other council, or approved by the Central Board of Health:
- xv. Except as aforesaid, for prescribing and regulating the fees payable to the council for slaughter-house licences, or as slaughtering fees at slaughter-houses established by the council; and prescribing and regulating generally the slaughtering and all other fees to be taken at slaughter-houses established or licensed by the council:
- xvi. Within any area to which Part xxxvii applies, for the suppression and destruction of sparrows, and for preventing them breeding and increasing:
- xvii. Subject as aforesaid, for regulating the quality, condition, and dressing of butchers' meat offered for sale, and for preventing the sale of objectionable butchers' meat or butchers' meat unfit for human food:
- xviii. Subject as aforesaid, for the prevention of the storage or keeping of bonedust or artificial or other manure, so as to be a nuisance or injurious to health:
- xix. For preventing the pollution of the water supply to fountains:
- xx. For preventing the contamination of any river, stream, or place for water, well, or fountain, within the municipality, by gas, or anything used in the manufacture thereof:
- xxi. For regulating, controlling or prohibiting the use within the municipality or any township within the district of any caravan or other vehicle as a place of habitation:
- xxii. For the management of cemeteries, crematoria and mortuaries under the care, control or management of, or vested in the council, and for fixing fees for interments and rents for burial rights in any such cemetery or for the use of any such crematorium or mortuary:
- xxiii. For preventing the keeping or storage within the area or any part thereof or within a specified distance of any habitation, of any animal or thing injurious to

health, dangerous, or offensive, and for preventing the storage of hay or other inflammable material within a specified distance of any building:

- xxiv. For regulating, controlling or prohibiting the erection on any land abutting or within view of any public street or road or of any reserve or foreshore, of tents or of buildings or other structures constructed of other than brick, stone, concrete or similar material, and which are used for the purpose of habitation or are adapted for that purpose: Provided that this paragraph shall not apply within any area or part of an area to which the Building Act, 1971-1976, applies:
- xxv. For the compulsory wrapping of bread by sellers thereof and for prescribing any matters incidental to such wrapping:
- xxvi. For regulating the construction and erection of party-walls, external walls, parapets, and of flues and fireplaces, and the situation thereof in any buildings taken down and rebuilt, after the twenty-third day of December, 1890, or built or erected within the municipality after the said date, and for removing any party-wall, external wall, parapet, flue, or fireplace constructed or erected contrary to any such by-law: Provided that this subdivision shall not apply to any municipality to which the Building Act, 1971-1976, applies:
- xxvii. For regulating the deposit and removal of building material on and from streets and footways:
- xxviii. For prohibiting the use of cellars for dwellings and general habitation:
- xxix. For requiring wells to be sunk in all cellars where the surveyor deems the same to be essential for preventing the rising and accumulation of water therein:
- xxx. Subject to compliance with section 347, for regulating, controlling or prohibiting within the municipality or within any township within the district, the digging or excavating in any land of holes or pits for the purpose of using or removing to any other place the soil, clay, stone, sand, gravel, or other such like material:
- xxxi. Subject as aforesaid, for compelling the owners or occupiers of tallow-chandlers' shops, soap factories, tanneries, and of houses, buildings, privies, urinals, sewers, or places which are in an unwholesome or offensive state, or likely to become so, to cleanse the same as the council thinks necessary for the health and comfort of the inhabitants of the area:
- xxxii. Subject as aforesaid, for regulating the situation, construction, removing, emptying, cleansing, and filling up of privies, earth-closets, cesspools and urinals:

- xxxiii. Subject as aforesaid, for regulating the removal and disposal of nightsoil, filth, offal, and refuse, and for the appointment of proper places for the deposit thereof:
- xxxiv. Subject as aforesaid, for the check and prevention of infectious or contagious diseases:
- xxxv. Subject as aforesaid, for the purification of any house, building, or place, from the state of which there is cause to apprehend the engendering of disease and injury to the public health:
- xxxvi. For fixing the fees payable to medical advisers consulted in such cases:
- xxxvii. For the prevention of the use of steam whistles at factories or other establishments so as to be a nuisance to any person:
- xxxviii. For compelling the consumption in factories of the smoke caused by factories, or by the operations carried on therein or incidental thereto:
- xxxix. For the preservation of cleanliness in public markets, baths, and swimming pools:
- xl. For compelling the removal of waste water and impurities from cellars and any other places:
- xli. Subject to section 527, for regulating the construction of branch or private sewers, and the communicating thereof with the main common sewers; for preventing the use of private drains and sewers except by any persons entitled; and for fixing annual or other rents to be paid for such branch or private sewers:
- xlII. Subject as aforesaid, for the repairing and cleansing of branch or private sewers, under the direction of the surveyor or other officer appointed for the purpose:
- xlIII. Subject as aforesaid, for removing by drainage to be discharged into the common sewers, any nuisance from any lands, buildings, or premises at the expense of the owners or occupiers:
5. i. For the prevention of the keeping of animals or birds of any kind within the municipality or any township within the district so as to be a nuisance or injurious to health:
- ii. For prohibiting the keeping of bees in any part or parts of the area where the keeping of bees is or may be a nuisance or danger to persons within that part or parts:
- iii. For the destruction of goats at large, or trespassing within enclosures, and for regulating the burial or other disposal of the carcass of any goat destroyed under the authority of any by-law:

Animals.

- iv. For preventing unyoked cattle or unbroken horses being driven through any streets, roads, or public places within certain hours:
- v. For prohibiting the driving of cattle, sheep, or unbroken horses in or along any streets, roads, or public places:
- vi. To restrict the breaking-in of horses in the streets or roads within the municipality or within any township within the district, either by leading, riding or driving:
- vii. For the punishment of any driver or rider of horses or other animals who, in any street, road, or public place within the municipality or any township within the district leaves them unattended, or insecurely fastened to bridle-posts, whereby the horses or animals may break away and bolt, to the danger or injury of any person:

6. i. For the prevention, suppression, and speedy extinguishment of fires: Fires and Fire Prevention.
 - ii. Subject to the Fires Brigade Act, 1936-1976, for the regulation of the use of fire-plugs, alarm-bells, and fire engines:
 - iii. For securing a prompt supply of water:
 - iv. For preventing smoking in any warehouse, store, stable or out-buildings, or places liable to ignition, or wherein goods so liable are kept:
 - v. For regulating, controlling or prohibiting the lighting of fires in the open air:
 - vi. For prohibiting the throwing down in any building or premises, where ignition might ensue therefrom, any lucifer or tow match, whether lighted or not, or any lighted cigar, cigarette, or ashes from any pipe:
 - vii. For preventing the stacking, and for regulating the storage and keeping of any hay, straw, bark, thatch, reeds, coal, or firewood; and for licensing fit buildings for the storage thereof:
 - viii. For the proper construction of buildings and premises wherein hay, straw, or thatch is sold or stored:
 - ix. For regulating the kind and quantity of any inflammable or combustible materials or substances to be kept at any one time in one place:
 - x. For prohibiting the use of ashpits of improper construction and the throwing out of unquenched embers liable to rekindle in the open air:
 - xi. For preventing the placing, stacking, or storing of empty cases, paper shavings, crates packed with straw, or any dangerous or inflammable substances in the open air:

- xii. For prohibiting the erection within the municipality or any township within the district (except by the council on the public lands of the municipality or district, or by or for the Government on any Government reserve) of any tent, pavilion, or other structure of calico, canvas or other inflammable material without the consent of the council which may be given for such time and on such terms as the council decides; and for requiring owners of any land to remove any such tent, pavilion, or other structure erected or remaining erected without or contrary to such consent:
- xiii. For requiring owners and occupiers of property within the municipality or any township within the district to destroy inflammable grass, weeds, and other growth upon their property and for requiring any such owners and occupiers to destroy grass, weeds and other growth upon their property which, whilst not then inflammable, will, if not destroyed, become inflammable in the ordinary course of the season; for requiring effective firebreaks to be made on such property; and for empowering the council to carry out any requirements of any such by-law on default by the owner or occupier and to recover the expenses of so doing from the owner or occupier:

**Streets, Roads
and Footways.**

7. i. For regulating the speed of vehicles (other than motor vehicles) and horses along streets, roads, and public places:
- ii. For regulating the standing of vehicles and horses and other animals in streets, roads, and public places; and for prescribing where and under what conditions vehicles, horses, and other animals may be allowed to stand in streets, roads, and public places:
- iii. For regulating, controlling, or prohibiting the passing or travelling in or along the streets, roads, and public places of all vehicles, or vehicles of any particular class, kind, or description:
- iv. For regulating or controlling horse, cycle, and vehicular traffic in streets, roads, and public places, and intersections of streets and roads; and for regulating or controlling pedestrian traffic on streets, roads, public places, and footways:
- v. For fixing the route to be taken by persons riding, driving, or conducting any animal or vehicle, or animals or vehicles of particular kinds, or vehicles laden with particular classes, kinds, or descriptions of materials, or laden in any particular manner, or vehicles the weight of which and the load (if any) thereof exceeds a particular weight, in or along any street, road, or public place:
- vi. For prohibiting persons from riding, driving, or conducting any animal or vehicle, or animals or vehicles of particular kinds, or vehicles laden or exceeding the

weight as mentioned in the next preceding subdivision of this paragraph (whether or not any route has been fixed pursuant to the said subdivision), in or along any street, road, or public place, or in or along any street, road, or public place except on such route as is fixed as aforesaid:

- VII. For requiring persons driving vehicles laden as mentioned in subdivision v or vi of this paragraph or which may reasonably be suspected of exceeding the weight 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 as mentioned in subdivision v or vi of this paragraph, to weigh such vehicles for the purpose of ascertaining the weight thereof, when required so to do by any officer of the council:
- VIII. For regulating, controlling, or prohibiting the loading and unloading of any goods, materials, substances or things of any kind on or across any footway, or path, or in any street, road, or public place:
- IX. For authorizing the erection and maintenance in any street or road of such barriers, posts, rails, notice boards, and other structures as the council may think proper for the purpose of securing and enforcing the observance of any by-law made under subdivisions I to VI (both inclusive) of this paragraph, and for preventing the destruction, removal, or interference with any such barrier, post, rail, notice board, or other structure:
- X. For prohibiting or regulating processions in any streets, roads, or public places:
- XI. For licensing, prohibiting, and regulating persons acting as parking attendants to vehicles left standing on streets or roads; for setting aside any part of any streets or roads wherein such persons may act as aforesaid; for regulating any appliances which may be used by such persons to safeguard vehicles, and for prohibiting the use of any specified appliances; and for fixing fees and charges which may be made by any such persons:
- XII. For appointing any portion of any public street, road, or place, or park lands, reserve, or public square, to be used as a stand for vehicles:
- XIII. For fixing charges to be paid for the use of any such stand:
- XIV. For regulating the use, supervision, and letting of any such stand, and fixing the number and class of vehicles by which the same may be used: Provided the council shall not under any liability by reason of the use of any such stand in pursuance of any such by-law

in respect of any vehicle upon any stand as aforesaid unless the said liability is specifically imposed under the by-law:

- xv. For preventing obstructions of any streets, footways, water-channels, and water-courses therein:
- xvi. For constructing, controlling, and regulating the traffic on special tracks which may be made for such purposes as bicycle and motor traffic:
- xvii. For regulating and securing the entrances of courts and alleys:
- xviii. For regulating the paving and repairing of the streets and footways:
- xix. For cleansing the same:
- xx. For compelling the securing, removing, or filling up of any cellar, ways, or openings, in or under any footway:
- xxi. For prohibiting the erection of dangerous fences or fences with barbed wire abutting on public streets, roads, and places:
- xxii. For suspending traffic upon streets and roads:
- xxiii. For regulating and prohibiting the haulage of logs, stones, slates, or other heavy materials over any street or road, and to prevent the use of such wheels as are calculated to damage metalled roads:
- xxiv. For requiring drivers of vehicles upon which logs or sawn timber are or is carried or to be carried to secure and fasten such logs or sawn timber to such vehicles and for regulating and specifying the manner in which and the materials or types of materials with which such logs or sawn timber shall be so secured and fastened and for prohibiting the driving along streets and roads of vehicles upon which logs or sawn timber are or is carried unless such logs or sawn timber are or is secured and fastened in the manner and with the materials prescribed:
- xxv. For determining by measurement or number the weights of loads carried on streets and roads:
- xxvi. Subject to the Bus and Tramways Act, 1935-1975, for prohibiting vehicles used as motor omnibuses from remaining stationary in any street or road for the purpose of picking up or setting down passengers:
- xxvii. For the punishment of any contractor, or other person, who deposits or causes to be deposited, any rubbish or materials on the surface of any street or roadway, or who excavates or leaves open any excavation without having a sufficient and continuous light burning thereon from sunset to sunrise:

- xxviii. For prohibiting or regulating singing and the playing of music in the streets and roads:
- xxix. For regulating displays in public streets and roads of dissolving views, magic lanterns exhibitions, and cinematograph pictures:
- xxx. For the punishment of persons throwing orange peel or other vegetable substances, or any offensive or noxious substance, on any footway:
- xxxi. For prohibiting or regulating the throwing or discharging of handbills or other printed matter in the streets, roads, and public places:
- xxxii. For regulating the erection, construction and height of fences abutting on or within 6 metres of any street, road or public place and the materials of which such fences are made:
- xxxiv. For regulating the height of fences, hedges and hoardings erected within 6 metres of the intersection or junction of any streets or roads; for authorizing the council to give notice in writing to any occupier of land upon which any such fence, hedge or hoarding is situated requiring the occupier to reduce the height thereof in conformity with any by-law made under this paragraph; and for authorizing the council to carry out any work necessary on default of any such occupier and for recovering the cost thereof from such occupier:
- xxxv. For removing or causing to be removed any verandahs or balconies which obstruct the footway or roadway, or are dangerous, or which are erected over any street or footway without a licence from the council under this Act or the Building Act, 1971-1976, or which, if erected with such a licence, have been erected for a period of at least five years, and all other obstructions to the footways or roadways:
- xxxvi. For compelling verandahs and balconies over streets and roads to be kept clean and watertight:
- xxxvii. For regulating the mode in which, and the materials whereof, crossing-places for vehicles and animals from any public street or road to private residences over any footway or watertable shall be constructed, and the width thereof:
- xxxviii. For regulating, restricting or prohibiting the effluxion of water onto, into or under any public street or road:
- xxxix. For regulating the construction of drains across footways and drains for the drainage of water from roofs:
- xl. For the planting, preserving, and protection of trees, shrubs, lawns and gardens, on any street, road, or public place:

- XL I. For the erection of fences, treeguards, and other shelter and supports for the protection of trees, shrubs, lawns and gardens, growing in any place under the control of the council:
- XLII. For preventing touting in any street, road, or public place:
- XLIII. For regulating, controlling, or prohibiting horse and vehicular traffic on any property, street, road, public place, or foreshore under the control of the council:
- XLIV. For permitting and regulating the use of gates across roads, and the construction, hangings, and fastenings of any such gates:
- XLV. For prohibiting, regulating, and licensing the use of ladders in public streets, roads, and places within the municipality or within any township within the district, and for requiring measures to be taken for the prevention of damage by reason of the carrying out of painting and similar works in any such public streets, roads, and places:
- XLVI. For regulating the hours during which ladders, scaffolding, and similar appliances may be used upon footways and generally for controlling and regulating the use of ladders, scaffolding, and similar appliances upon footways:
- XLVII. For regulating the hours during which the cleaning of footways in front of buildings may be carried out, and to prohibit the shaking of carpets, rugs, or door-mats in any street after a prescribed hour:
- XLVIII. For preventing trees and shrubs overreaching or overhanging streets, roads, or footways:
8. I. For regulating the management of any lands, or other property, real or personal, vested in, or held in trust for, or under the control of the council for any purpose whatever:
- II. For regulating the depasturing of horses and cattle upon, or the cutting or removing of timber, trees, wood, stumps or bark and the removing of gravel and sand or quarrying of stone from or upon, lands let to the council, or public roads; for regulating the issue of certificates to licence any such depasturing, cutting, removing or quarrying; for providing and regulating the transfers of any such licences, and for fixing the amount and manner of payment of fees for the same; for regulating the kind of horses or cattle allowed on any such lands or roads, and for preventing any particular kind of horses or cattle from depasturing on the said lands or roads or any part thereof; for preventing any unlicensed person from depasturing horses or cattle

upon the said lands or roads, or any licensed person from exceeding the number of horses or cattle which he may be entitled to depasture thereon:

- III. For regulating and controlling the driving and depasturing, feeding, and watering of horses, cattle and sheep over streets and roads:
- IV. For regulating, controlling or prohibiting the use or occupation by any person of any reserve or land or property which is under the control of the council and the removal of stone, gravel, sand or timber therefrom; for fixing and regulating the collection of fees to be paid for licences to use or occupy the same, or to remove sand or timber therefrom:
- V. For regulating and maintaining, protecting, and improving any water or other reserves for public purposes:
- VI. For the regulation and conservation of the park lands, public squares, plantations, ornamental grounds, and reserves:
- VII. For licensing persons to depasture horses, sheep, and cattle thereon:
- VIII. For preventing the driving and the depasturing of cattle upon the park lands, public squares, plantations, ornamental grounds, and reserves by persons not having licences for so doing:
- IX. For the recovery of any such licence fees, either by distraint of horses or cattle depasturing, or by impounding and sale thereof:
- X. For appointing and regulating keepers or servants employed therein:
- XI. For regulating the time at which any such public squares, plantations, ornamental grounds, park lands, and reserves shall be opened and closed:
- XII. For preventing or regulating, and for fixing the route to be taken in the case of, the riding, driving, or conducting of animals, or vehicles, or animals or vehicles of particular kinds, on any park lands, public squares, plantations, ornamental grounds, or reserves under the care, control, or management of the council:
- XIII. For regulating the conduct of persons frequenting any such public squares, plantations, ornamental grounds, park lands, and reserves:
- XIV. For regulating the days on and the bounds or limits within which games and gymnastics shall be permitted on any park lands, public squares, plantations, ornamental grounds, and reserves, and for otherwise regulating or prohibiting any such games and gymnastics:
- XV. For preventing or regulating the admission of vehicles, horses, asses, mules, and cattle:

-
- xvi. For regulating shooting over, on, or in the park lands, public squares, plantations, ornamental grounds, and reserves:
- xvii. For regulating matches, or training for racing, with horses, dogs, or otherwise thereon:
- xviii. For enabling council servants, police constables, or other constables to remove persons who are guilty of any breach of any by-law made by the council:
- xix. For regulating or preventing the selling, or exposing for sale, of goods, wares, or merchandise on the park lands, public squares, plantations, ornamental grounds, or reserves:
- xx. For prohibiting damage or injury to and destruction of trees, shrubs, plants, flowers, and lawns in the park lands, public squares, plantations, ornamental grounds, and reserves:
- xxi. For the proper management, control and preservation of all walks, roads, and reserves, and all plantations, trees, shrubs, plants, flowers, and lawns therein:
- xxii. For regulating, restricting or prohibiting the parking of vehicles in any parklands, public squares, plantations, ornamental grounds or reserves:
- xxiii. Except within harbors within the meaning of Part III of the Harbors Act, 1936-1974, for conserving the banks and bed of any river or water-course, and for preserving from pollution the waters thereof:
- xxiv. Except as aforesaid, for setting apart any portion thereof as a water reserve for the public use:
- xxv. Except as aforesaid, for regulating the granting of licences or privileges for boating and other purposes, over or in respect of any lake, dam, river, water-course, or pond, and for determining the rents or fees to be paid therefor:
- xxvi. Except as aforesaid, for regulating and defining the manner in which any lake, dam, river, water-course, or pond may be used by the holder of any privilege or licence:
- xxvii. Except as aforesaid, for authorizing and regulating the construction or erection of boathouses, sheds, landing-stages, stands, or other buildings, and determining the rents or fees payable in respect thereof; for regulating the rights of admission thereto by the public; and for fixing the charges to be charged therefor:
- xxviii. Except as aforesaid, for regulating the tolls, fares, and charges payable by the public in respect of the use of the waters of any such lake, dam, river, water-course or pond:
- xxix. Except as aforesaid, for regulating fishing and angling in any such lake, dam, river, water-course, or pond:

- xxx. For regulating or prohibiting fishing from any bridge, jetty, pier, wharf, ferry, or other structure vested in or under the care, control, or management of the council:
- xxxI. Subject to section 671, for regulating, controlling, or prohibiting the use or occupation of any portion of the foreshore under the care, control, or management of the council and any reserve adjacent to any such foreshore:
- xxxII. Subject as aforesaid, for regulating the speed of motor vehicles along or on any such foreshore or any part thereof:
- xxxIII. Subject as aforesaid, for regulating, controlling, or prohibiting the removal of sand, shells, seaweed, or other material from any such foreshore:
- xxxIV. Subject as aforesaid, for fixing and regulating the collection of fees to be paid for licences to use or occupy any such foreshore or reserve or portion thereof, or to remove sand, shells, seaweed, or other materials from any such foreshore:
- xxxV. Subject to the Harbors Act, 1936-1974, for the management of any ferry to which Part XXIX applies and the approaches thereto:
- xxxVI. Subject as aforesaid, for fixing the tolls to be levied and the fares to be charged for the conveyance of passengers, horses, cattle, sheep, and other goods and chattels of any kind by any such ferry; and for the collection of tolls and fares:
- xxxVII. Subject as aforesaid, for fixing the times for using any such ferry; and for otherwise giving effect to the provisions of Part XXIX:
- xxxVIII. For regulating or prohibiting bathing in any or any part of any river, creek, stream, sea, or other open public water, situated within the limits of or abutting on the boundary of the area; for setting apart any place, or any portion of any such water, for the sole use of either sex; for fixing the hours within which persons may bathe; for requiring persons bathing to wear some convenient clothing; for authorizing the erection and use of bathing-houses, or machines, and charging licence fees for the same; and for providing for such other matters as appear expedient for preserving decency, or promoting the convenience of the public:
- xxxIX. For the general management of public baths; the conduct of visitors thereat, and for fixing the sums to be paid for the use thereof:
- XL. For the division of any such baths, so as to afford sufficient separate accommodation for the sexes, and private baths for either:
- XLI. For the regulation in public bathing-houses of hot and cold baths and shower baths, vapor and medical baths, the requisites to be supplied, and the sums to be paid therefor:

- XLII. For regulating and controlling the use of terminal depots and other facilities established by the council pursuant to section 382c: for fixing and regulating the number and class of motor vehicles which may use any such terminal depot or facilities:
- XLIII. For providing for the charges to be made for the use of any such terminal depot of facilities and providing that such charges may be from time to time fixed by resolution of the council:
- XLIV. For regulating and controlling the general management of any such terminal depot or facilities:
- XLV. For regulating and controlling the conduct of persons in any such terminal depot or facilities:
- XLVI. For the general regulation of markets and the maintenance of good order therein:
- XLVII. For fixing the hours for holding and otherwise regulating evening sales by auction:
- Miscellaneous.
9. I. For prohibiting every kind of fraudulent device and practice in relation to the sale of marketable commodities:
- II. For regulating and controlling quarrying and blasting operations: Provided that no by-law made under this paragraph shall apply to any blasting operations in any mine within the meaning of the Mines and Works Inspection Act, 1920-1974, and to which that Act applies:
- III. For regulating and controlling the breaking of metal by the dropping of heavy weights thereon within 100 metres of any public place or property occupied within the area of the council:
- IV. For prohibiting the sale by weight, within the area, of coals, wood, hay, bark, straw, and other articles and marketable commodities usually sold by the load, unless the weight is first ascertained at a weighbridge licensed pursuant to the Trade Measurements Act, 1971-1976:
- V. For compelling such weight to be ascertained at a weighbridge within the area which is licensed pursuant to the Trade Measurements Act, 1971-1976, and for requiring the vendor of any articles or commodities weighed as aforesaid to supply to the purchaser thereof a weight ticket in the form prescribed by regulations made under the said Act and showing the weight of the articles or commodities:
- VI. Subject to any regulations made by the Governor, for fixing charges for gas or electricity supplied by the council; and fixing rent to be paid for the hire of meters or other apparatus supplied by the council:

- vii. For cutting off the supply of gas or electricity from premises in respect of which any breach of Division II of Part XXIV, or any by-law occurs:
- viii. For preventing damage or injury to any pipes, mains, cables, wires, or other apparatus of the council used for the purpose of any gas or electric supply undertaking of the council:
- ix. For regulating the types of lamps, burners, or other apparatus which shall be used in connection with any such supply and prohibiting the use of any types of lamps, burners, or apparatus:
- x. For preventing waste of any gas or electricity supplied by the council and for regulating the use of meters supplied by the council:
- xi. For providing that the register of any meter shall be proof of the quantity of gas or electricity supplied by the council and for settling differences in case of dispute:
- xii. For securing the safety of the public from danger or injury from the construction or carrying out of any electric supply undertaking by any other council or person:
- xiii. Subject to the Bus and Tramways Act, 1935-1975, to prevent the overcrowding of tram cars and omnibuses:
- xiv. For prohibiting the escape of gas:
- xv. Subject to the Gas Act, 1924-1974, for regulating and enforcing the inspection and test of gas-meters by officers of the council appointed for that purpose:
- xvi. Generally for the good rule and government of the area, and for the convenience, comfort, and safety of the inhabitants thereof:
- xvii. For any other purpose in respect of which the council is authorized by this or any other Act to make a by-law:
- xviii. For fixing penalties not exceeding two hundred dollars for any offence against or breach of any such by-laws, and in the case of a continuing offence for fixing further penalties not exceeding fifty dollars for every day on which the offence or breach is continued.

(2) Any by-laws in force immediately before the commencement of the Local Government Act Amendment Act, 1978, shall, to the extent that they are consistent with the provisions of this Act, as amended by that Act, have the same effect as if they had been made under this Act, as amended by that Act.

668. (1) No by-law shall be made, except at a meeting of the council, at which at least two-thirds of the members then in office are present.

Passing of
by-laws.

(2) No by-law shall have any force or effect unless signed by the mayor or chairman and clerk.

669. (1) Every by-law shall, after being made as aforesaid, be submitted to the Crown Solicitor for his opinion thereon.

Submission of
by-laws to
Crown
Solicitor.

(2) If the Crown Solicitor is of opinion that the by-law is within the competence of the council to make and that the by-law is not contrary to or inconsistent with this Act or the general law of South Australia, he shall give a certificate accordingly, and unless a certificate is given as aforesaid, the by-law shall not be forwarded to the Governor for confirmation.

(3) With every by-law submitted as aforesaid, there shall be paid the fee prescribed by regulation made by the Governor.

(4) If the Crown Solicitor refuses to give a certificate as aforesaid the council may by notice in writing to the Crown Solicitor require the by-law to be submitted to a Judge.

The Crown Solicitor shall thereupon forward the by-law to the Chief Justice and the by-law shall be considered by a Judge, who if he is satisfied that the by-law is within the competence of the council to make and is not contrary to or inconsistent with this Act or the general law of South Australia, shall give a certificate accordingly.

Procedure on
by-laws.

670. (1) Every by-law made under, or by virtue of this Act:

- (a) shall be forwarded for confirmation by the Governor after a certificate of validity has been obtained;
- (b) shall be published in the *Gazette*;
- (c) shall, subject to subsection (2) hereof, take effect from the date of such publication;
- (d) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session of Parliament.

(2) If either House of Parliament passes a resolution disallowing any by-law, of which resolution notice has been given at any time within fourteen sitting days of such House after such by-law has been laid before it, such by-law shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session or Parliament as that in which the by-law is laid before such House.

(3) When a resolution has been passed as mentioned in subsection (2) hereof, notice of such resolution shall forthwith be published in the *Gazette*.

Any by-law may be altered or repealed by any subsequent by-law inconsistent therewith, or expressly altering or repealing the same.

Approval of
by-laws
affecting
certain matters.

671. (1) No by-law made with respect to any part of the foreshore which is within the specific or general description contained in the sixteenth schedule shall have any effect unless the by-law has been approved in writing by the Minister of Marine.

(2) No by-law made with respect to Public Health shall have any effect unless the by-law has been approved in writing by the Central Board of Health.

(3) Approval as aforesaid shall be obtained to any such by-law before the same is submitted to the Crown Solicitor, and the said approval shall be submitted to the Crown Solicitor by the council with the by-law.

672. Notwithstanding the repeal or alteration of a by-law every offence committed against the by-law before the repeal or alteration thereof shall be adjudicated upon and punished, and every act or proceeding done or commenced, and every liability or penalty incurred or imposed, or liable to be imposed, shall continue, be prosecuted, and be of the same force and effect as if the by-law had not been altered or repealed.

Saving of past operation of repealed or altered by-law.

673. All by-laws made under this Act or any other Act under which the council may make by-laws, shall be intituled as of the area of which they are by-laws, and according to the purport thereof, and shall be numbered consecutively, and so that no by-law shall bear the number borne by any other by-law of the area: Provided that any by-law altering or substituted for any other by-law may bear the same number as such other by-law.

Title and numbering of by-laws.

674. Nothing contained in any by-law shall be construed to exempt any person guilty of a nuisance at common law from prosecution or action in respect thereof, nor from the consequences of conviction thereof.

By-law not to exempt from proceedings for nuisance.

675. (1) No by-law under this Act or any repealed Act shall have any force or effect if inconsistent with this or any other Act in force in the State or with any regulations made by the Governor under any Act and for the time being in force.

No by-law to be inconsistent with laws in force in the State or any regulations made by the Governor.

(2) If any by-law is inconsistent with the trusts upon or for the purpose for which any land or property is held by the council, the by-law or such of the provisions thereof as are inconsistent as aforesaid, shall not apply to the said land or other property.

676. (1) Any by-law under this Act may provide that any form or requisition required for the purposes of that by-law may be prescribed from time to time by resolution of the council.

Power to prescribe forms, etc., for by-laws.

(2) The council may pass any such resolution, and may by resolution revoke or vary any such resolution.

(3) Notice of any such resolution shall be published in the *Gazette*.

677. Any by-law may fix a minimum as well as a maximum penalty for any offence against or any breach of the by-law, or a maximum penalty only, or a general maximum penalty applicable to several by-laws, provided in all cases that the maximum penalty so fixed does not exceed two hundred dollars.

By-laws with minimum penalty.

678. Any by-law under this Act providing for the granting or issue of any licence, permit, or authority of any kind may provide that the licence, permit, or authority may be granted or issued subject to compliance with any examination of the council, any committee of the council, or any officer appointed for the purpose by the council, or

Declaration of powers under by-law.

may be granted or issued in the discretion of and subject to any requirements fixed by the council, any committee of the council, or any officer appointed for the purpose by the council. Any such by-law need not specify any such requirements as aforesaid.

Application of
by-laws.

679. (1) Any by-law to which this section applies may provide that the by-law or any provision thereof shall apply only within such portion or portions of the area as the council may by resolution direct.

(2) The council may pass any such resolution, and may by resolution revoke or vary any such resolution, but no such resolution shall be passed except at a meeting of the council at which at least two-thirds of the members then in office are present.

(3) Every such resolution shall be published in the *Gazette*.

Variation of
taxi fares, etc.,
fixed by
by-law.

680. (1) If under any by-law rates, fares or fees are fixed, the council may, subject to this section, by resolution from time to time vary those rates, fares, or fees, or any of them.

(2) The council may pass any such resolution and may by resolution revoke or vary any such resolution, but no such resolution shall be passed except at a meeting of the council at which at least two-thirds of the members then in office are present.

Adoption of
by-laws on
union of areas.

681. (1) On the union of two or more areas, the council of the united area may, by a majority at any meeting at which two-thirds of the members then in office are present, adopt any by-law previously in force in the former areas provided the making of such by-law is within the competence of the council.

(2) The resolution adopting such by-law may provide for the repeal of any other by-law of the council dealing with any of the matters provided for by the adopted by-law.

(3) The resolution adopting such by-law shall be published in the *Gazette*.

(4) On publication in the *Gazette* of the resolution aforesaid the adopted by-law shall, until altered or repealed by the council, for all purposes have the same force and effect within the united area as if it had been enacted in and formed part of this Act, and any by-law repealed by any such resolution shall be deemed to be repealed.

DIVISION II—MODEL BY-LAWS

Power to make
model by-laws.

682 (1) The Governor may by proclamation make, alter, and repeal model by-laws dealing with all or any of the subjects on which any council has power under this or any other Act to make by-laws, and whether as a council or as a local board of health or otherwise.

(2) Every model by-law made under subsection (1) of this section shall be—

(a) published in the *Gazette*;

and

(b) laid before both Houses of Parliament within fourteen days after such publication, if Parliament is then in session, and if not, then within fourteen days after the commencement of the next session of Parliament.

(3) If either House of Parliament passes a resolution disallowing any such model by-law, of which resolution notice has been given at any time within fourteen sitting days of such House after such model by-law has been laid before it, such model by-law shall thereupon cease to have effect but without affecting the validity, or curing the invalidity, of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same session of Parliament as that in which the model by-law is laid before such House.

(4) When a resolution has been passed as mentioned in subsection (2) hereof, notice of such resolution shall forthwith be published in the *Gazette*.

(5) After publication as aforesaid any such model by-law or alteration thereof may be adopted as hereinafter provided by any council.

683. No alteration or repeal by the Governor of any model by-law shall affect any prior adoption thereof by any council.

Effect of alteration or repeal of model by-law by Governor.

684 (1) The council shall be at liberty, by a majority at any meeting at which two-thirds of the members then in office are present, to adopt any model by-law made by the Governor or any alteration of any model by-law by the Governor. The council shall adopt the whole of the model by-law or alteration thereof.

Power of council to adopt any model by-law.

The resolution adopting the model by-law may provide for the repeal of any other by-law of the council dealing with any of the matters provided for by the model by-law.

(2) The resolution adopting any such model by-law or alteration thereof shall be published in the *Gazette*.

(3) On publication in the *Gazette* of the resolution aforesaid, the model by-law or alteration thereof so adopted shall, until altered or repealed by the council, for all purposes have the same force and effect within the area as if it had been enacted in and formed part of this Act, and any by-law repealed by any such resolution shall be deemed to be repealed.

(4) The council may by by-law alter or repeal any model by-laws adopted by the council pursuant to this Part, or under any repealed Act. Any such by-law so altering or repealing any such model by-laws shall be made in manner provided by Division I of this Part.

72. Section 709 of the principal Act is amended by striking out paragraph (a) and inserting in lieu thereof the following paragraph:—

Amendment of principal Act, s. 709—
Jurisdiction to try title to certain offices, to compel election, poll, appointment, etc.

(a) for trying the title of any officer to his office or place;

Amendment of principal Act, s. 710—
Proceedings to try title to office, etc.

73. Section 710 of the principal Act is amended by striking out subsection (4).

Amendment of principal Act, s. 713—
Time within which the proceedings may be taken to try title to office.

74. Section 713 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) No proceedings to try the title of any officer to his office shall be had or taken except upon complaint.

Amendment of principal Act, s. 743—
Facilitation of proof.

75. Section 743 of the principal Act is amended by inserting in paragraph (a) after the word “reserve,” the word “foreshore”.

Enactment of s. 748ba of principal Act—

76. The following section is enacted and inserted in the principal Act after section 748b thereof:—

Removal of litter, waste, etc., resulting from motor vehicle accident.

748ba. Where as a result of any accident involving a vehicle or vehicles any—

(a) litter, refuse or waste matter;

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

or

(c) any parts of the vehicle or vehicles,

are left upon any part of any street, road or public place, or on any land owned by, or under the care, control and management of the council, the council may clear the area by removing the same and may recover the cost of so doing from the driver of the vehicle or, if more than one vehicle was involved in the accident, the driver of any one of the vehicles.

Amendment of principal Act, s. 782a—
Penalty for walking, driving vehicle, etc., on cycle track or way.

77. Section 782a of the principal Act is amended—

(a) by striking out from subsection (1) the passage “part of any street or road” and inserting in lieu thereof the passage “track or way on any public street or road or across any park lands, square, reserve or other land under the care, control or management of the council”;

and

(b) by inserting in subsection (2) before the passage “shall be guilty” the passage “or who walks along such track”.

Amendment of principal Act, s. 796—
Procedure at meeting.

78. Section 796 of the principal Act is amended by striking out from paragraph (d) of subsection (1) the passage “the clerk shall appoint a day not later than sixty days after” and inserting in lieu thereof the passage “the returning officer shall appoint a day, being not less than twenty-eight and not more than forty-two clear days from”.

Amendment of principal Act, s. 797—
Provisions applicable to poll on question of loan.

79. Section 797 of the principal Act is amended—

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

- I. The returning officer shall fix a day for the taking of the poll, being not less than twenty-eight and not more than forty-two clear days from the day of the delivery of the demand for the poll;

and

- (b) by striking out paragraph I of subsection (2) and inserting in lieu thereof the following paragraph:—

- I. Where the poll is to be held in compliance with any demand authorized to be made by this Act, the returning officer shall fix a day for the taking of the poll, being not less than twenty-eight and not more than forty-two clear days from the date of the delivery of the demand for the poll.

80. Section 799 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

Amendment of principal Act, s. 799—
Returning officer to preside.

- (1) The returning officer shall preside at any poll within the area.

81. Section 800 of the principal Act is repealed.

Repeal of s. 800 of principal Act.

82. Section 833 of the principal Act is amended—

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

- (a) by striking out paragraph (d) of subsection (2);

and

- (b) by striking out from the proviso to subsection (2) the passage “the day before”.

83. Section 835 of the principal Act is amended—

Amendment of principal Act, s. 835—
Issue of certificate and voting papers.

- (a) by striking out the proviso to subsection (1);

and

- (b) by inserting after subsection (3) the following subsection:—

(4) Notwithstanding the provisions of this section, where the returning officer receives an application that he is satisfied is properly signed by the applicant and is properly witnessed but finds that the applicant's name does not appear on the relevant voters' roll for the area or ward, the returning officer shall issue to the applicant a postal voting paper for the election or poll at which the elector claims to vote and, instead of an envelope addressed to the returning officer on which there is printed a postal vote certificate, an envelope so addressed, but on which there is printed a postal vote certificate and, in addition, a declaration in the prescribed form.

84. Section 841 of the principal Act is amended—

Amendment of principal Act, s. 841—
Directions for postal voting.

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

IIIa. If the envelope referred to in section 835 of this Act bearing the postal vote certificate also bears a declaration—

(i) the elector shall then and there in the presence of the authorized witness complete the declaration stating the grounds upon which he claims to vote and sign his name in his own handwriting on the declaration in the place provided for the signature of the elector;

and

(ii) the authorized witness shall then and there sign his name in his own handwriting on the declaration in the place provided for the signature of the authorized witness, and shall add the date;

and

(b) by inserting in paragraph VI after the passage "a person appointed by the elector shall" the passage "assist the elector to complete any declaration and shall".

Amendment of principal Act, s. 846—
Preliminary scrutiny of postal voting papers.

85. Section 846 of the principal Act is amended by striking out paragraph (b) of subsection (1) and inserting in lieu thereof the following paragraph:—

(b) if satisfied that the signature on the certificate is that of the elector who signed the application for the certificate, and that the signature purports to be witnessed by an authorized witness and if satisfied—

(i) that the elector is enrolled on the voters' roll;

or

(ii) where the envelope bearing the certificate also bears a declaration—

A. that the signatures on the declaration that purport to be those of the elector and the authorized witness match the corresponding signatures on the certificate;

and

B. after making such inquiry as may be necessary, that the name of the voter should have been included on the voters' roll for the area or ward in question,

accept the voting paper for further scrutiny, but, if not so satisfied, disallow the voting paper without opening the envelope in which it is contained.

Amendment of principal Act, s. 858—
Regulation of borrowing.

86. Section 858 of the principal Act is amended by striking out from paragraph II the passage "section 427a" and inserting in lieu thereof the passage "subsection (5) of section 427".

Amendment of principal Act, s. 871e—
Re-alignment of street or road.

87. Section 871e of the principal Act is amended—

(a) by inserting after subsection (3) the following subsection:—

(3a) Where a notice is served under subsection (3) of this section upon the owners of land affected by the re-alignment, the council shall not, for the purposes of the Land Acquisition

Act, 1969-1972, be required to serve a notice of intention to acquire the land upon each person having an interest in the land and the notice under that subsection shall have effect for the purposes of that Act as if it were a notice of intention to acquire land.;

and

(b) by inserting after subsection (12) the following subsection:—

(13) The council may at any time, notwithstanding anything contained in this Act, abandon the re-alignment proposal and, may where land has been acquired by the re-alignment method, offer the land for sale to the owner from whom it was acquired or his successor in title.

88. Section 875 of the principal Act is amended by inserting in subsection (1) after the passage “the council, the council” the passage “or any officer (including the clerk) authorized by the council”.

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

89. The ninth and tenth schedules to the principal Act are repealed.

Repeal of ninth and tenth schedules of principal Act.

90. The twenty-third schedule to the principal Act is amended by striking out the passage “ratepayers [*or, as the case may be*] of [*municipality, district, ward or place*] and that the addresses of the properties in respect of which the said persons claim to vote are the addresses of properties in respect of which any are respectively entitled to vote” and inserting in lieu thereof the passage “electors [*or, as the case may be*] of [*municipality, district, ward or place*]”.

Amendment of twenty-third schedule of principal Act.

91. The various provisions of the principal Act set out in the first column of the schedule to this Act are amended in the manner indicated in that schedule.

Amendment of principal Act.

SCHEDULE

AMENDMENTS TO THE PRINCIPAL ACT (LOCAL GOVERNMENT ACT, 1934-1977)

Provision Amended	How Amended
Section 83 (2)	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 126 n	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 163 (2)	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 166 (2)	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 264 (5)	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 324	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 325 (4)	By striking out "forty dollars" and inserting in lieu thereof two hundred dollars".
Section 331	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 333 (2) (b)	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 334	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 338 (2)	By striking out "one hundred dollars" and inserting in lieu thereof "two hundred dollars".
Section 339 (2)	By striking out "forty dollars" and inserting in lieu thereof "eighty dollars".
Section 355b (3)	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 358 (2)	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 367 (4)	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 368 (2)	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 369	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 371 (2)	By striking out "four dollars" and inserting in lieu thereof "twenty dollars".
Section 373 (3)	By striking out "ten dollars" and inserting in lieu thereof "fifty dollars".
Section 375 (5)	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 376 (3)	By striking out "four dollars" and inserting in lieu thereof "two hundred dollars".
Section 399 (2)	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 456 (2)	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 458 (3)	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 470 (4)	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 475a v	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 475g (3)	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 477 (2)	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 503	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 512	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 517 (3)	By striking out "one hundred dollars" and inserting in lieu thereof "two hundred dollars".
Section 523 (4)	By striking out "four dollars" and inserting in lieu thereof "twenty dollars".
Section 524 (2)	By striking out "twenty dollars" and inserting in lieu thereof "one hundred dollars".
Section 524 (2)	By striking out "four dollars" and inserting in lieu thereof "twenty dollars".
Section 524 (2)	By striking out "twenty dollars" and inserting in lieu thereof "one hundred dollars".

SCHEDULE—continued

Provision Amended	How Amended
Section 536 (1)	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 536 (2)	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 540a (1)	By striking out "ten dollars" and inserting in lieu thereof "fifty dollars".
Section 541 (4)	By striking out "twenty dollars" and inserting in lieu thereof "one hundred dollars".
Section 541 (4)	By striking out "forty dollars" and inserting in lieu thereof "one hundred dollars".
Section 543 (2)	By striking out "four dollars" and inserting in lieu thereof "twenty dollars".
Section 543 (2)	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 546 (2)	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 546 (3)	By striking out "two dollars" and inserting in lieu thereof "ten dollars".
Section 548 (2)	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 550 (6)	By striking out "forty dollars" and inserting in lieu thereof "one hundred dollars".
Section 550a (6)	By striking out "four dollars" and inserting in lieu thereof "twenty dollars".
Section 550b (6)	By striking out "four dollars" and inserting in lieu thereof "twenty dollars".
Section 552 (2)	By striking out "forty dollars" and inserting in lieu thereof "one hundred dollars".
Section 580	By striking out "one hundred dollars" and inserting in lieu thereof "two hundred dollars".
Section 581	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 581	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 586 (4)	By striking out "forty dollars" wherever occurring therein and inserting in lieu thereof in each case "one hundred dollars".
Section 586 (4)	By striking out "one hundred dollars" wherever occurring therein and inserting in lieu thereof in each case "two hundred dollars".
Section 593	By striking out "forty dollars" wherever occurring therein and inserting in lieu thereof in each case "one hundred dollars".
Section 593	By striking out "one hundred dollars" wherever occurring therein and inserting in lieu thereof in each case "two hundred dollars".
Section 595 (1) (j)	By striking out "one hundred dollars" and inserting in lieu thereof "two hundred dollars".
Section 598 (4)	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 598 (5)	By striking out "forty dollars" and inserting in lieu thereof "one hundred dollars".
Section 600 (2)	By striking out "twenty dollars" and inserting in lieu thereof "forty dollars".
Section 600 (2)	By striking out "ten dollars" and inserting in lieu thereof "fifty dollars".
Section 602 (1)	By striking out "two dollars" and inserting in lieu thereof "ten dollars".
Section 602 (1)	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 603 (1)	By striking out "one hundred dollars" and inserting in lieu thereof "one hundred dollars".
Section 603 (3)	By striking out "ten dollars" and inserting in lieu thereof "fifty dollars".
Section 603 (3)	By striking out "twenty dollars" and inserting in lieu thereof "one hundred dollars".
Section 604 (4)	By striking out "ten dollars" and inserting in lieu thereof "fifty dollars".
Section 604 (4)	By striking out "twenty dollars" and inserting in lieu thereof "one hundred dollars".
Section 604 (5)	By striking out "ten dollars" and inserting in lieu thereof "fifty dollars".
Section 604 (5)	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".

SCHEDULE—continued

Provision Amended	How Amended
Section 607 (2)	By striking out "twenty dollars" and inserting in lieu thereof "one hundred dollars". By striking out "ten dollars" and inserting in lieu thereof "fifty dollars".
Section 608 (2)	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 609 (3)	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 610 (3)	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 611 (1)	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 615	By striking out "ten dollars", first occurring, and inserting in lieu thereof "fifty dollars".
Section 621	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 622 (2)	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 624 (1)	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 627	By striking out "forty dollars" and inserting in lieu thereof "one hundred dollars". By striking out "ten dollars" and inserting in lieu thereof "fifty dollars".
Section 629 (2)	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 632	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 637 (2)	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 638	By striking out "twenty dollars" and inserting in lieu thereof "one hundred dollars". By striking out "two dollars" and inserting in lieu thereof "ten dollars".
Section 659	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 749	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 750	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 751	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 752	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 753	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 755	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 755a	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 759	By striking out "one hundred dollars" and inserting in lieu thereof "two hundred dollars".
Section 760	By striking out "one hundred dollars" and inserting in lieu thereof "two hundred dollars".
Section 761	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 762	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 763	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 768	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 769	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 769a	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 770 (1)	By striking out "one hundred dollars" and inserting in lieu thereof "two hundred dollars".
Section 770 (3)	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 773	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 774	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 775	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".

SCHEDULE—continued

Provision Amended	How Amended
Section 778	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 779	By striking out "one hundred dollars" and inserting in lieu thereof "two hundred dollars".
Section 779a (2)	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 779b (4)	By striking out "one hundred dollars" and inserting in lieu thereof "two hundred dollars".
Section 780	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 780a (1)	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 781 (2)	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 781a	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 782 (1)	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 782a (2)	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 784 (1)	By striking out "one hundred dollars" and inserting in lieu thereof "two hundred dollars".
Section 785 (1)	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 786 (2)	By striking out "ten dollars" and inserting in lieu thereof "fifty dollars".
Section 787	By striking out "twenty dollars" wherever occurring therein and inserting in lieu thereof in each case "one hundred dollars".
Section 788	By striking out "one hundred dollars" and inserting in lieu thereof "two hundred dollars".
Section 789 (1)	By striking out "ten dollars" and inserting in lieu thereof "fifty dollars".
Section 789a (2)	By striking out "twenty dollars" and inserting in lieu thereof "two hundred dollars".
Section 789a (2)	By striking out "one hundred dollars" and inserting in lieu thereof "two hundred dollars".
Section 791	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 791	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 824 ii	By striking out "forty dollars" and inserting in lieu thereof "two hundred dollars".
Section 844	By striking out "one hundred dollars" and inserting in lieu thereof "two hundred dollars".
Section 866 (1)	By striking out "ten dollars" and inserting in lieu thereof "two hundred dollars".
Section 868	By striking out "four dollars" and inserting in lieu thereof "two hundred dollars".

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

K. SEAMAN, Governor