



ANNO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1959

No. 34 of 1959**An Act to amend the Local Government Act,
1934-1957.**

[Assented to 3rd December, 1959.]

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, 1959".

(2) The Local Government Act, 1934-1957, as amended by this Act, may be cited as the "Local Government Act, 1934-1959".

(3) The Local Government Act, 1934-1957, is hereinafter referred to as "the principal Act".

**Amendment of
principal Act,
s. 52—
Qualification
of councillors.**

2. Section 52 of the principal Act is amended by striking out the words "not exceeding the sum of one hundred pounds in respect of any financial year of the council" in paragraph (c) of subsection (3) thereof.

**Amendment of
principal Act,
ss. 65 and
147—**

3. (1) Section 65 of the principal Act is amended by inserting at the end thereof the following subsection :—

**Appointment
of deputy-
chairman.**

(5) A district council may at any meeting thereof choose one of the members to be the deputy-chairman. If more than one member is nominated for the office of deputy-chairman, a ballot of the members present shall thereupon be held for the election of deputy chairman.

(2) Paragraph iv of section 147 of the principal Act is amended—

- (a) by inserting at the beginning thereof the words “In the case of a municipal council” ;
- (b) by striking out the words “chairman, as the case may be, or,” in the first line thereof ;
- (c) by adding at the end thereof the words “and in the case of a district council the chairman or, in his absence and if the council has elected a deputy-chairman, the deputy-chairman or, in the absence of both, a member chosen by the members present, shall preside”.

4. (1) Section 228 of the principal Act is amended by striking out the passage “(but not exceeding ten shillings)” in the second and third lines thereof.

Amendment of
principal Act,
ss. 228 and
233a—
Minimum
rate.

(2) Section 233a of the principal Act is amended by striking out the passage “(but not exceeding five shillings)” in the second and third lines thereof.

5. Subsection (1) of section 287 of the principal Act is amended—

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

(a) by inserting therein after paragraph (f5) thereof the following paragraph :—

(f6) subscribing for the purpose of the maintenance of or the provision of equipment for any incorporated lifesaving club outside the area if the council is satisfied that the club provides directly or indirectly for the needs of the inhabitants of the area :

(b) by striking out the word “fifty” in paragraph (j4) thereof and by inserting in lieu thereof the words “one hundred”.

Amendment of
principal Act,
s. 289a—

Revenue
derived
from timber,
etc.

6. Section 289a of the principal Act is amended—

- (a) by striking out the words “pay into a separate fund to be called the ‘Tree Planting Fund’ ” in subsection (1) thereof and by inserting in lieu thereof the words “apply in manner provided by this section” ;
- (b) by striking out the words “moneys in the said fund” in subsection (2) thereof and by inserting in lieu thereof the words “said revenue” ;
- (c) by striking out the words “at any time the moneys in the said fund exceed” in subsection (3) thereof and by inserting in lieu thereof the words “during any financial year the said revenue exceeds”.

Amendment of
principal Act,
s. 319—

Contributions
to roads.

7. Section 319 of the principal Act is amended—

- (a) by inserting after subsection (8) thereof the following subsection :—

(9) If any roadway is formed, levelled or paved to a part of its width and is subsequently formed, levelled or paved to a greater width then, if the subsequent forming, levelling or paving, as the case may be, has not been previously carried out, the cost of so doing or of such part thereof as the council thinks fit may be recovered in manner provided by this section.

- (b) by adding at the end of subsection (10) thereof the words “If previous to the notice being given as aforesaid to the owner of any ratable property any other amount or amounts have been payable under this section towards the cost of any work by the owner of the ratable property or any predecessor in title of the owner, the notice shall specify the amount or amounts, as the case may be, which have been so payable in respect of the ratable property and the time or times when the amount or amounts became so payable and, if no such amount has been payable, the notice shall specify accordingly” ;
- (c) by inserting after the word “under” in the first line of subsection (11) thereof the words “any provision of” ;

(d) by inserting after the word "shall" in the second line of subsection (11) thereof the words ", irrespective of the purpose for which they are paid or the time at which they are paid".

8. Section 352 of the principal Act is repealed and the following section is enacted and inserted in the principal Act in lieu thereof:—

Re-enactment
of s. 352 of
principal Act—

352. (1) Any owner of land to which land the owner is of opinion that, by virtue of the operation of section 9 of the Municipal Corporations Act Amendment Act, 1903, or any provision substituted therefor, any right to use any street, road, lane, yard, or passage, roadway, byway, or footway or any part thereof has become appurtenant may, within twelve months after the passing of the Local Government Act Amendment Act, 1959, make application in writing to the Registrar-General for the registration of the right.

Registration
of accrued
rights of
access, etc.

(2) The Registrar-General shall give notice in writing of the application to every person whose interest is, in the opinion of the Registrar-General, after making such search of the register book and the records of the General Registry Office as the Registrar-General deems sufficient, affected by the application requiring that person, within the time specified in the notice, to make any representation to the Registrar-General upon the subject of the application.

(3) After considering all such representations the Registrar-General shall make a decision whether or not the application should be granted and shall give notice of his decision to the applicant and to every person to whom notice is given as aforesaid.

(4) Within one month after notice of his decision is given by the Registrar-General, any person affected by the decision may appeal to the Supreme Court which shall have power to hear and determine the matter. Rules of Court may be made pursuant to the Supreme Court Act, 1935-1958, regulating the making and conduct of such appeals.

(5) In order to give effect to his decision in favour of any application under this section or to give effect to any order of the Supreme Court pursuant to this section, the Registrar-General shall, if the land is land under the Real Property Act, 1886-1945, make all such entries as may be necessary or proper to evidence the right aforesaid or, if the land is not land under the said Act, register in the

General Registry Office such memorial as is necessary or proper to evidence the right aforesaid.

(6) No right shall be registered as provided by subsection (5) if the Registrar-General is satisfied that the street, road, lane, yard or passage, roadway, byway or footway or part thereof to which the right relates is a public highway.

(7) If application is not made as provided by subsection (1) in respect of any right as aforesaid, that right shall as from twelve months after the passing of the Local Government Act Amendment Act, 1959, be determined and cease to be of any effect whatsoever and if, after application being made as aforesaid, the right is not registered as provided by subsection (5) the right shall be determined and cease to be of any effect whatsoever.

Amendment of
principal Act,
s. 436—
Form of
debentures
and coupons.

9. Subsection (2) of section 436 of the principal Act is amended by striking out the word "printed" therein and inserting in lieu thereof the word "written".

Enactment of
s. 530b of
principal Act—

10. The following section is enacted and inserted in the principal Act after section 530a thereof:—

"All purpose"
bacteriolytic
tank.

530b. In any case where, pursuant to this Division, the council requires the installation of a bacteriolytic tank, the council may, with the approval of the Central Board of Health, require the installation of a bacteriolytic tank of the kind known as an "all purpose" tank, namely, a bacteriolytic tank which is suitable for the disposal of sullage and waste water in addition to sewerage.

Amendment of
principal Act,
s. 666—
Vehicles left
in street.

11. Section 666 of the principal Act is amended by adding at the end thereof the following subsection:—

(4) If at any public auction held in pursuance of subsection (3) of this section, no offer is received for the vehicle the council may dispose of the vehicle in any manner that it thinks fit and may in any court of competent jurisdiction recover from the owner of the vehicle all of the expenses and costs mentioned in subparagraph (a) and (b) of subsection (3) of this section and in addition any costs and expenses incurred by the council in and about such disposal.

Amendment of
principal Act,
s. 684—
By-laws with
minimum
penalty.

12. Section 684 of the principal Act is amended by striking out the word "ten" therein, and inserting in lieu thereof the word "twenty".

13. The following section is enacted and inserted in the principal Act after section 755a thereof :—

Enactment of
s. 755b of
principal Act—
Definition
of "interest".

755b. For the purposes of paragraph (d) of subsection (1) of section 52, paragraph VIII of section 147, and section 755, a mayor, chairman, alderman or councillor shall not be deemed to be interested in any matter by reason of the fact that he is a member of any non-profit making organization, with which the council makes a contract or to the funds of which the council contributes.

14. Section 779 of the principal Act is amended by striking out the word "twenty" in the thirteenth line thereof and by inserting in lieu thereof the word "fifty".

Amendment of
principal Act,
s. 779—
Damaging
property.

15. Section 783 of the principal Act is amended—

Amendment of
principal Act,
s. 783—
Depositing
rubbish in
streets, etc.

(a) by inserting after the word "ashes" wherever occurring in the said section in every case the words "debris, waste, refuse" ;

(b) by striking out the word "twenty" in subsection (1) thereof and by inserting in lieu thereof the word "forty".

(c) by striking out the word "five" in subsection (2) thereof and by inserting in lieu thereof the word "twenty".

16. Section 784 of the principal Act is amended by striking out the words "ten pounds" therein and by inserting in lieu thereof the words "fifty pounds".

Amendment of
principal Act,
s. 784—
Destroying
fences, etc

17. (1) Section 833 of the principal Act is amended by inserting after the word "area" in paragraph (c) of subsection (2) thereof the words "or an authorized witness".

Amendment of
principal Act,
ss. 833 and
834—
Application
for postal
vote.

(2) Section 834 of the principal Act is amended by striking out the words "in the case of an application by a person outside the State, by" in paragraph (aa) of subsection (1) thereof.

(3) The paragraph in the nineteenth schedule to the principal Act commencing "The signature of a ratepayer to an application" is amended by striking out the words "unless the person making the application is outside the State when his signature may be witnessed" and by inserting in lieu thereof the word "or".

Amendment of
s. 27 of
amending Act
of 1957.

18. (1) Section 27 of the Local Government Act Amendment Act, 1957, is amended by striking out the word "first" in the second line thereof and by inserting in lieu thereof the word "second".

(2) The amendment made by subsection (1) hereof shall be deemed to take effect as from the passing of the Local Government Act Amendment Act, 1957.

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

R. A. GEORGE, Governor.