



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 70 of 1978

An Act to amend the Local Government Act, 1934-1978.

[Assented to 16th November, 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 (No. 3), 1978".

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

Amendment of principal Act, s. 126—
Count of voting papers by deputy returning officer.

2. Section 126 of the principal Act is amended by striking out from subparagraph (c) of paragraph I the passage "other than the said names and crosses, or such other descriptive matter relating to the election as set forth in the form No. 4 in the fifth schedule" and inserting in lieu thereof the passage "that may identify the voter".

Amendment of principal Act, s. 127—
Counting of votes by returning officer.

3. Section 127 of the principal Act is amended by striking out from subparagraph (c) of paragraph II the passage "other than the said names and crosses, or such other descriptive matter relating to the election as set forth in the form No. 4 in the fifth schedule" and inserting in lieu thereof the passage "that may identify the voter".

Enactment of s. 127a of principal Act.

4. The following section is enacted and inserted in the principal Act after section 127 thereof:—

Voting papers must be given effect to.

127a. Notwithstanding any other provision of this Act, a voting paper shall not be rejected on the grounds that a cross marked thereon does not comply with the requirements of this Act, if the intention of the voter in so marking the voting paper is clear.

5. Section 228 of the principal Act is amended by striking out subsection (1b) and inserting in lieu thereof the following subsection:—

Amendment of principal Act, s. 228—
Minimum rates.

(1b) A council shall not, in fixing a minimum amount under this section, have regard to any special or separate rates that may be payable in respect of any ratable properties within the area.

6. Section 233a of the principal Act is amended by striking out subsection (1b) and inserting in lieu thereof the following subsection:—

Amendment of principal Act, s. 233a—
Minimum rates.

(1b) A council shall not, in fixing a minimum amount under this section, have regard to any special or separate rates that may be payable in respect of any ratable properties within the area.

7. Section 384 of the principal Act is amended—

Amendment of principal Act, s. 384—
Submission of scheme.

(a) by inserting in subsection (1a) after the passage “under this or any other Act” the passage “, and any other function carried out by a council in, or incidental to, the administration of its affairs,”;

(b) by striking out paragraphs (d), (e) and (f) of subsection (2);

(c) by striking out from subsection (2) the passage “and shall be accompanied by a plan and specifications of the works and undertaking included in the scheme”;

and

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

(3) The scheme shall be accompanied—

(a) by a copy of the proposed rules of the controlling authority;

and

(b) where the proposed works or undertakings consist of the construction or alteration of any structure, by a copy of the plans and specifications therefor.

8. Section 387 of the principal Act is amended by inserting in subsection (1) after the passage “propose such amendments to the scheme” the passage “, or to the proposed rules of the controlling authority,”.

Amendment of principal Act, s. 387—
Power of Minister to amend the scheme and proposed rules.

9. Section 392a of the principal Act is amended—

Amendment of principal Act, s. 392a—
Amendment of authorized scheme and rules.

(a) by inserting in subsection (1) after the passage “propose such amendments thereto” the passage “, or to the rules of the controlling authority,”;

(b) by inserting in subsection (3) after the passage “an authorized scheme” the passage “, or to the rules of the controlling authority”;

and

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

(5) Any amendments made under this section to the rules of a controlling authority shall come into effect upon the day notice thereof is published pursuant to subsection (3) of this section.

Amendment of principal Act, s. 394—
Powers of controlling authority to exercise powers, etc., of constituent councils.

10. Section 394 of the principal Act is amended by inserting in subsection (1) after the passage “on behalf of the constituent councils” the passage “, in accordance with the rules of the controlling authority”.

Amendment of principal Act, s. 396—
Powers of incorporated controlling authority.

11. Section 396 of the principal Act is amended by inserting after the passage “Every controlling authority incorporated pursuant to this Part may” the passage “, subject to its rules”.

Enactment of s. 406a of principal Act.

12. The following section is enacted and inserted in Part XIX of the principal Act after section 406 thereof:—

Validating provision.

406a. (1) The following bodies shall be deemed to be controlling authorities duly constituted and incorporated under this Part:—

Metropolitan Regional Organisation (No. 2) Western

Southern Metropolitan Regional Organisation (S.A. No. 4)

Northern Metropolitan Regional Organisation (No. 1 South Australia).

(2) The works and undertakings carried out prior to the commencement of the Local Government Act Amendment Act (No. 3), 1978, by a controlling authority referred to in subsection (1) of this section shall be deemed to have been carried out pursuant to a scheme duly authorized under this Part.

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

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

(a) by striking out from subsection (12) the passage “which shall be payable by all the ratepayers in the said portion” and inserting in lieu thereof the passage “payable by the ratepayers benefited by the scheme in that portion of the area”;

and

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

(13) A separate rate, or separate rates, declared under this section shall be based upon criteria approved by the Minister.

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

K. D. SEAMAN, Governor