



ANNO DECIMO OCTAVO

**ELIZABETHAE II REGINAE**

A.D. 1969

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**No. 89 of 1969**

An Act to amend the Local Government Act, 1934-1969.

[Assented to 11th December, 1969.]

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), 1969".

(2) The Local Government Act, 1934-1969, as amended by this Act, may be cited as the "Local Government Act, 1934-1969".

(3) The Local Government Act, 1934-1969, is hereinafter referred to as "the principal Act".

**Commencement.**

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

**Amendment of  
principal Act,  
s. 5—  
Interpretation.**

3. Section 5 of the principal Act is amended by inserting after the definition of "ratable property" in subsection (1) the following definition :—

"the Land and Valuation Court" means the Land and Valuation Court constituted under the Supreme Court Act, 1935-1969 : .

## 4. Section 204 of the principal Act is amended—

Amendment of  
principal Act,  
s. 204—  
Hearing of  
appeals.

- (a) by striking out from subsection (1) the passage “local court of full jurisdiction nearest the office” and inserting in lieu thereof the passage “Land and Valuation Court” ;
- (b) by striking out from subsection (2) the passage “local court of full jurisdiction nearest to the office” and inserting in lieu thereof the passage “Land and Valuation Court” ;
- (c) by striking out from subsection (2a) the passage “local court of full jurisdiction nearest to the office” and inserting in lieu thereof the passage “Land and Valuation Court” ;

and

- (d) by striking out from subsection (3) the passage “said local court” and inserting in lieu thereof the passage “Land and Valuation Court”.

## 5. Section 205 of the principal Act is amended—

Amendment of  
principal Act,  
s. 205—  
Provisions as  
to appeals.

- (a) by striking out the passage “or to the local court pursuant to subsection (2) or (2a) of section 204” ;
  - (b) by striking out from paragraph I the passage “or, as the case may be, the local court” ;
  - (c) by striking out from paragraph III the passage “If the appeal is to the assessment revision committee the” and inserting in lieu thereof the word “The” ;
  - (d) by striking out paragraph IV ;
  - (e) by striking out paragraph VIII ;
- and

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

(2) An appeal to the Land and Valuation Court pursuant to subsection (2) or subsection (2a) of section 204 of this Act shall be instituted, heard and determined in accordance with the appropriate rules of the Supreme Court.

Amendment of  
principal Act,  
s. 206—  
Proceedings  
on appeal.

**6.** Section 206 of the principal Act is amended—

- (a) by striking out paragraph III ;  
(b) by striking out from paragraph IV the passage “local court” wherever it occurs and inserting in lieu thereof in each case the passage “Land and Valuation Court” ;

and

- (c) by striking out from paragraph V the passage “if the appeal is to the assessment revision committee, or by the clerk of the local court if the appeal is to the local court”.

Repeal of  
s. 207 of  
principal Act,  
and enactment  
of section in  
its place.  
Procedure.

**7.** Section 207 of the principal Act is repealed and the following section is enacted and inserted in its place :—

207. Where there is an appeal from the decision of an assessment revision committee to the Land and Valuation Court, the appeal shall be by way of re-hearing and the Court may, by order, increase, decrease or leave unchanged the assessed value of the property to which the appeal relates and make such further or other orders as it thinks just.

Repeal of ss.  
207a, 208, 209  
and 210  
of principal  
Act.

**8.** Sections 207a, 208, 209 and 210 of the principal Act are repealed.

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

**9.** Section 212 of the principal Act is amended by striking out from subsection (3) the figures “210” and inserting in lieu thereof the figures “207”.

Amendment of  
principal Act,  
s. 212a—  
Appeal against  
decision of  
council.

**10.** Section 212a of the principal Act is amended by striking out from subsection (2) the figures “210” and inserting in lieu thereof the figures “207”.

Amendment of  
principal Act,  
s. 303—  
Power to  
declare public  
streets and  
roads.

**11.** Section 303 of the principal Act is amended—

- (a) by striking out from subsection (3) the passage “local court of full jurisdiction nearest the office” and inserting in lieu thereof the passage “Land and Valuation Court” ;

and

- (b) by striking out from subsection (5) the passage “local court of full jurisdiction nearest the office” and inserting in lieu thereof the passage “Land and Valuation Court”.

**12.** Section 304 of the principal Act is repealed and the following section is enacted and inserted in its place :—

Repeal of  
s. 304 of  
principal Act  
and enactment  
of section in  
its place.

Procedure.

304. (1) A person who appeals to the Land and Valuation Court shall give to the clerk, and to every owner of any freehold interest in the street, road or land known to the appellant notice in a form prescribed under the rules of the Supreme Court for that purpose.

(2) The appeal shall be by way of re-hearing and the Court may declare whether or not the street, road or land is a public street or road and may make such orders as it thinks just.

**13.** Section 309 of the principal Act is amended—

Amendment of  
principal Act,  
s. 309—

Notice of plan.

(a) by striking out from subsection (4) the passage “local court of full jurisdiction nearest to the office of the council” and inserting in lieu thereof the passage “Land and Valuation Court” ;

and

(b) by striking out subsection (8).

**14.** Section 382b of the principal Act is amended—

Amendment of  
principal Act,  
s. 382b—

Land subject  
to trusts.

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

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

(3a) If the Minister is satisfied that an inquiry should be made, he may direct the Land and Valuation Court to make the inquiry. ;

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

(4) In making an inquiry under this section, the Land and Valuation Court shall not be bound by the rules of evidence. ;

(d) by striking out from subsection (5) the passage “special magistrate” wherever it occurs and inserting in lieu thereof in each case the passage “Land and Valuation Court” ;

(e) by striking out from subsection (6) the passage “his report, the special magistrate” and inserting in lieu thereof the passage “its report, the Land and Valuation Court” and by striking out the passage “to the special magistrate” and inserting in lieu thereof the passage “to the Land and Valuation Court” ;

(f) by striking out from subsection (7) the passage “special magistrate” and inserting in lieu thereof the passage “Land and Valuation Court” ;

and

(g) by striking out from subsection (10) the passage “special magistrate has in his” and inserting in lieu thereof the passage “Land and Valuation Court has in its”.

Amendment of  
principal Act,  
s. 419—  
Compensation  
for temporary  
occupation.

**15.** Section 419 of the principal Act is amended by striking out from subsection (2) the passage “local court of full jurisdiction nearest to the said land” and inserting in lieu thereof the passage “Land and Valuation Court”.

Amendment of  
seventh  
schedule of  
principal Act.

**16.** The seventh schedule to the principal Act is amended by striking out the passage “(or Local Court of Full Jurisdiction, *as the case may be*)” and the passage:  
“or to the Clerk of the Municipality (or District) of ;  
and to the Clerk of the Local Court of ;  
(*as the case may be*)”.

Repeal of  
eighth and  
twelfth  
schedules of  
principal Act.

**17.** The eighth and twelfth schedules to the principal Act are repealed.

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

J. W. HARRISON, Governor.