



ANNO VICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1979

No. 50 of 1979

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

[Assented to 22nd March, 1979]

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, 1979".

(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, 1934-1979".

**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. 475a—
Governor may
make
regulations
under this
Part.**

3. Section 475a of the principal Act is amended—

(a) by inserting in paragraph (b) of subsection (2) after the passage "a council may" the passage ", by resolution,";

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

(ca) providing for the creation by a council of parking spaces within any specified class of area or zone created by the council; ;

(c) by striking out from paragraph (d) the passage "or zones" and inserting in lieu thereof the passage ", zones or parking spaces";

(d) by striking out from paragraph (f) of subsection (2) the word "mechanical";

(e) by inserting in paragraph (f) of subsection (2) after the passage "parking fees" the passage ", regulating the manner in which those devices must be operated, and prohibiting the misuse of those devices";

(f) by striking out paragraph (g) of subsection (2) and inserting in lieu thereof the following paragraphs:—

(g) providing for the signs, road markings or other devices that shall denote or apply to, or providing for the publication of, any specified areas, zones, and parking spaces, specified conditions and limitations upon the use of areas, zones or parking spaces, and any other specified restrictions or prohibitions relating to the parking or standing of vehicles;

(ga) providing for the establishment by the Road Traffic Board of South Australia of a code of signs, road markings and other devices that shall denote or apply to areas, zones, parking spaces, conditions, limitations, restrictions and prohibitions relating to the parking or standing of vehicles; ;

(g) by inserting in paragraph (i) of subsection (2) after the passage "in public places" the passage ", and providing for the manner in which any temporary control measures must be denoted or indicated";

(h) by striking out from paragraph (j) of subsection (2) the passage "owners or drivers" and inserting in lieu thereof the passage "owners and drivers";

(i) by inserting after paragraph (j) of subsection (2) the following paragraphs:—

(ja) providing that the owner and the driver of a vehicle that was parked or was standing in contravention of the regulations under this Part shall each be guilty of an offence and liable to the prescribed penalty;

(jb) providing defences for persons charged with offences against the regulations under this Part; ;

and

(j) by inserting after paragraph (m) of subsection (2) the following paragraph:—

(n) providing for the continued operation of any specified areas, zones or parking spaces created by councils, and any conditions or limitations placed on their use, that are in force immediately prior to the regulations under this Part coming into operation.

4. Section 475c of the principal Act is amended by striking out paragraphs (a) and (b) and inserting in lieu thereof the passage "the requirements of those regulations".

Amendment of principal Act, s. 475c—
Parking signs, etc., need only substantially conform with regulations.

Amendment of
principal Act,
s. 475e—
Evidentiary
provisions.

5. Section 475e of the principal Act is amended—

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

(d) that, on any specified day, there were signs, devices or roadmarkings that denoted or applied to any specified area, zone or parking space, and that those signs, devices or roadmarkings had been erected or placed in accordance with the regulations under this Part; ;

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

(2) In any proceedings for an offence against the regulations under this Part, an allegation in the complaint—

(a) that a vehicle was parked or was standing in any area, zone or parking space, or contrary to any condition or limitation upon the use of an area, zone or parking space, created by a council, or declared by an officer of a council;

(b) that a person failed to pay a fee fixed by a council;

or

(c) that a resolution had been passed by a council,

shall be conclusive proof that the area, zone, parking space, condition or limitation had been validly created or declared, that the fee and its manner of collection had been validly fixed, or that the resolution had been validly passed, as the case may require. ;

(c) by striking out from subsection (4) the passage “any person to tender evidence as to the” and inserting in lieu thereof the passage “the defence to tender evidence as to the existence or”;
and

(d) by inserting in subsection (4) after the passage “had been erected or placed pursuant to” the passage “, or in accordance with,”.

Enactment of
s. 475i of
principal Act.

6. The following section is enacted and inserted in Part XXIIIA of the principal Act after section 475h thereof:—

Interpretation.

475i. For the purposes of this Part—

“public place” has the meaning ascribed to it by section 5 of this Act, and includes park lands, plantations, ornamental grounds and reserves, and, in relation to the Corporation of the City of Adelaide, includes any of the lands vested in the Adelaide Festival Centre Trust, or vested in, or under the control of, the Board of the Botanic Gardens, that lie within the area of the Corporation:

“vehicle” has the meaning ascribed to it by section 5 of this Act, but does not include any vehicle operated on a railway or a tramway.

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

7. Section 667 of the principal Act is amended by striking out subparagraph XXII of paragraph 8 of subsection (1).

8. The following section is enacted and inserted in the principal Act after section 672 thereof:—

Enactment of s. 672a of principal Act.

672a. Where a by-law, whether made before or after the commencement of the Local Government Act Amendment Act, 1979, repeals a by-law, or a part of a by-law, that provides that a council may pass a resolution for any particular purpose, and the repealing by-law contains provisions substantially corresponding to those of the repealed by-law—

Repeal of a by-law does not affect certain resolutions.

(a) the repeal shall not affect the operation of any resolution in force immediately prior to the repeal to the extent that the resolution is not inconsistent with the provisions of the repealing by-law;

and

(b) the resolution shall have effect as if it had been passed under the repealing by-law.

9. Section 679 of the principal Act is amended by inserting after subsection (3) the following subsection:—

Amendment of principal Act, s. 679—
Application of by-laws.

(4) This section, as amended by the Local Government Act Amendment Act (No. 2), 1978, shall be deemed to have come into operation on the twenty-seventh day of April, 1978.

10. Section 794a of the principal Act is amended—

Amendment of principal Act, s. 794a—
Expiation of offences.

(a) by inserting in subsection (1) after the passage “against this Act,” the passage “any other Act, or the regulations under any other Act,”;

(b) by striking out from subsection (4) the passage “the person alleged to have committed the offence shall not” and inserting in lieu thereof the passage “no person shall”;

and

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

(4a) Notwithstanding that the time for payment specified in a notice under subsection (1) of this section has expired, a council may, upon payment of the costs and expenses incurred by the council in relation to the commencement of any proceedings in respect of the alleged offence, accept late payment of the expiation fee.

(4b) Where a council has accepted late payment of an expiation fee under subsection (4a) of this section—

(a) no person shall be prosecuted in any court for the alleged offence;

and

(b) any proceedings that have been commenced against any person for the alleged offence shall be discontinued.

Enactment of
s. 794c of
principal Act.

11. The following section is enacted and inserted in the principal Act after section 794b thereof:—

Certain
prosecutions
must be
commenced
within one
year.

794c. Proceedings against a person for an offence against a regulation under Part XXIIA of this Act shall be commenced within one year of the day on which the offence was alleged to have been committed.

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

K. D. SEAMAN, Governor