



ANNO DECIMO TERTIO

## ELIZABETHAE II REGINAE

A.D. 1964

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## No. 54 of 1964

An Act to amend the Local Government Act,  
1934-1963.

[Assented to 5th November, 1964.]

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, 1964."

(2) The Local Government Act, 1934-1963, as amended by this Act, may be cited as the "Local Government Act, 1934-1964."

(3) The Local Government Act, 1934-1963, is hereinafter referred to as "the principal Act."

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of  
principal Act,  
s. 42—

3. The following subsection is inserted in section 42 of the principal Act after subsection (2) thereof:—

Power of  
Minister to  
direct inquiry.

(2a) The special magistrate may, if it appears to him to be just so to do, order the payment of such amount of the costs incurred in connection with the investigation as he shall fix to be paid by or to the petitioner to or by the counter-petitioner. Any amount so ordered to be paid shall be recoverable by the party to whom it is payable as a debt due from the party ordered to pay the same in any court of competent jurisdiction.

4. Subsection (1) of section 100 of the principal Act is amended by striking out the word "March" therein and inserting in lieu thereof the word "May."

Amendment of principal Act, s. 100—  
Exercise of vote by companies.

5. Paragraph 1 of subsection (2) of section 115 of the principal Act is amended by striking out the word "March" therein and inserting in lieu thereof the word "May."

Amendment of principal Act, s. 115—  
Rights of voting.

6. Section 267b of the principal Act is amended by striking out the word "interest" (twice occurring) therein and inserting in lieu thereof in each case the word "fine".

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

7. Paragraph (j4) of subsection (1) of section 287 of the principal Act is amended—

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

(a) by striking out the word "an" therein and inserting in lieu thereof the words "its principal"; and

(b) by inserting after the word "government" therein the words "in the State".

8. The following section is inserted in the principal Act after section 287 thereof:—

Enactment of s. 287a of principal Act—

287a. (1) In addition to the powers conferred by section 287, but subject to any provision of this Act relating to any particular revenue, a metropolitan council may expend its revenue in paying to the South Australian Housing Trust such portion (not exceeding £35,000 in any financial year) as the Minister shall approve of the purchase price of any land within the area of the council purchased or to be purchased by the said Trust for the purpose of development or redevelopment as a residential area in accordance with conditions approved by the Minister: Provided that no payment shall be made under this section unless the Minister is of the opinion that the land purchased or to be purchased is underdeveloped or insufficiently developed and that the development or redevelopment thereof by the said Trust will substantially increase the assessed value of the land and the revenue from rates in respect thereof.

Power to contribute to purchase of land by Housing Trust for residential development.

(2) Any such council may, in addition to its other borrowing powers and without further or other authority or consent than this section, borrow money for the purpose of making any payment pursuant to subsection (1) of this section.

9. Subsection (1) of section 288 of the principal Act is amended by inserting therein after paragraph (f) thereof the following paragraph:—

Amendment of principal Act, s. 288—  
Additional power for expenditure of revenue by municipal councils.

(g) payment of or towards expenses necessarily incurred by councillors for mid-day or evening meals when a meeting of the council has been adjourned before and resumed after the normal meal hour.

Amendment of principal Act, s. 289—  
Additional powers for expenditure of revenue by district councils.

**10.** Subsection (1) of section 289 of the principal Act is amended by inserting therein after paragraph (b) thereof the following paragraph :—

(b1) payment of or towards expenses necessarily incurred by councillors for mid-day or evening meals when a meeting of the council has been adjourned before and resumed after the normal meal hour.

Amendment of principal Act, s. 300a—  
Grant to council of City of Adelaide.

**11.** Subsection (1) of section 300a of the principal Act is amended by striking out the word “fifteen” therein and inserting in lieu thereof the word “twenty”.

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

**12.** (1) Section 384 of the principal Act is amended by inserting therein after subsection (1) thereof the following subsection :—

(2) For the purposes of this Part any function or duty of a council under this or any other Act shall be deemed to be a permanent work or undertaking.

(2) The amendment made by subsection (1) of this section shall be deemed to have come into operation on the first day of January, one thousand nine hundred and fifty-nine.

Enactment of s. 399a of principal Act—

**13.** The following section is inserted in the principal Act immediately after section 399 thereof :—

Non-liability of members of controlling authority for bona fide acts.

**399a.** No member of a controlling authority shall be personally liable in respect of any transaction, act or omission of the controlling authority entered into, done or made in good faith for the purpose of the care control or management of the works or undertakings carried out for the purpose of the authorized scheme.

Amendment of principal Act, s. 424.

**14.** Section 424 of the principal Act is amended—

(a) by striking out the passage “four times the amount which would result from a rate, in the case of a municipality, of fourpence one halfpenny, and in the case of a district, of threepence” in paragraph IV of subsection (1) thereof and inserting in lieu thereof the words “the amount which would result from a rate, in the case of a municipality, of three shillings, and in the case of a district, of two shillings” ;

(b) by striking out the passage “four times the amount which would result from a rate, in the case of a

municipality, of one penny in the pound, and in the case of a district, three-eighths of a penny” in paragraph v of the said subsection (1) thereof and inserting in lieu thereof the words “the amount which would result from a rate, in the case of a municipality, of eightpence, and in the case of a district, threepence,” ;

(c) by striking out the word “general” in paragraph vi thereof.

**15.** Subsection (1) of section 425 of the principal Act is amended by striking out the figures “423” therein.

Amendment of principal Act, s. 425.

**16.** Subsection (2) of section 426 of the principal Act is amended by inserting before the word “rates” (twice occurring) therein the word “general” in each case.

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

**17.** Sections 432 and 433 of the principal Act are repealed.

Repeal of ss. 432 and 433 of principal Act.

**18.** The following section is inserted in the principal Act immediately before section 434 thereof :—

Enactment of s. 433a of principal Act—

**433a.** Any money borrowed by the council on the security of a special or separate rate in accordance with the provisions of this Act as the same was in force prior to the commencement of the Local Government Act Amendment Act (No. 2), 1963, shall, as from such commencement, be deemed for all purposes to be secured on the general rates and every debenture issued in respect thereof shall be deemed to charge the general rates with the repayment of the amount thereof with interest thereon and shall be construed and given effect to accordingly.

Special separate rates raised prior to 1963.

**19.** Subsection (1) of section 434 of the principal Act is amended by inserting before the word “rates” therein the word “general”.

Amendment of principal Act, s. 434—  
Power to borrow for purpose of repaying previous loan.

**20.** Subsection (6) of section 435 of the principal Act is amended by inserting before the word “rates” therein the word “general.”

Amendment of principal Act, s. 435—  
Power of council to submit to the Minister a scheme for a work or undertaking.

Repeal of  
s. 441 of  
principal Act—  
Duty of council  
to keep  
separate  
accounts of  
rate open to  
inspection  
of debenture  
holders.

**21.** Section 441 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 442—  
Power to  
redeem  
debentures.

**22.** Section 442 of the principal Act is amended by striking out subsections (5) and (6) thereof and inserting in lieu thereof the following subsection :—

(5) Any loan raised on the security of a special or separate rate before the commencement of the Local Government Act Amendment Act (No. 2), 1963, shall, as from such commencement, be deemed for all purposes to be secured on the general rates and every debenture issued in respect thereof shall be deemed to charge the general rates with the repayment of the amount thereof with interest thereon and shall be construed and given effect to accordingly.

Repeal of  
s. 448 of  
principal Act—  
Provision  
where loan  
has been  
contracted on  
special or  
separate rate  
and method of  
assessment  
subsequently  
changed.

**23.** Section 448 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 449c.

**24.** Section 449c of the principal Act is amended by inserting at the end thereof the following new subsection (the preceding part of the section being designated as subsection (1) thereof :—

(2) In addition to the powers conferred by this Part the council may borrow money repayable by instalments for the purpose of purchasing or constructing dwelling houses for occupation by persons employed by the council. The provisions of this Part (other than this section) shall not apply to or in respect of any such borrowing.

Amendment of  
principal Act,  
ss. 526 and  
527.

**25.** Subsection (1) of section 526 and section 527 of the principal Act are amended by striking out the words "a area" and inserting in lieu thereof in each case the word "an area".

Amendment of  
principal Act,  
s. 667.

**26.** Paragraph (47) of section 667 of the principal Act is amended by inserting therein after subdivision x thereof the following subdivision :—

xa. 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.

**27.** Paragraph 1 of subsection (1) of section 817 of the principal Act is amended by striking out the word "March" therein and inserting in lieu thereof the word "May".

Amendment of principal Act, s. 817—  
Votes of joint tenants and tenants in common.

**28.** Subsection (1) of section 832a of the principal Act is amended—

Amendment of principal Act, s. 832a—  
General provision as to requests for poll.

(a) by inserting after the word "person" in paragraph (a) thereof the words "or persons";

(b) by inserting at the end thereof the passage "Every such declaration shall be in the form or to the effect of The Twenty-Third Schedule".

**29.** Subsection (2) of section 871j of the principal Act is repealed and the following subsection is inserted in the principal Act in lieu thereof :—

Amendment of principal Act, s. 871j—  
Power to borrow money.

(2) The total for the time being remaining unrepaid of the amounts borrowed pursuant to the powers conferred by this Division by the Council of the City of Adelaide or by a municipal council to which this Division has been applied pursuant to section 871t, shall not at any time exceed an amount which is equal to two-thirds of the assessed value for the time being of the ratable property in the case of an area in which Division III of Part X is not in operation, or an amount which is equal to one-sixth of the assessed value for the time being of the ratable property in which Division III of Part X is in operation.

**30.** Section 886b of the principal Act is amended—

Amendment of principal Act, s. 886b—  
Henley and Grange Regatta Fund.

(a) by striking out the passage "The trustees of the fund known as the Henley and Grange 1928 and 1929 Regatta Committee Trust Fund" and inserting in lieu thereof the passage :—

"(1) The trustees of the moneys standing to the credit of Henley and Grange 1928 and 1929 Regatta Committee at the Savings Bank of South Australia (Account No. M13799)";

(b) by inserting at the end thereof the following subsection :—

(2) Upon payment of the said moneys to the said Corporation the trustees of the said moneys shall be freed and discharged from all trusts and conditions in respect thereof.

Insertion of  
the Twenty-  
third  
Schedule into  
the principal  
Act.

**31.** The following Schedule is inserted in the principal Act after The Twenty-Second Schedule thereof :—

THE TWENTY-THIRD SCHEDULE.

*Declaration Verifying Notice or Writing Demanding Poll.*

I, \_\_\_\_\_, of \_\_\_\_\_ do solemnly and sincerely declare that all the signatures [or, *if the case so require, such and such signatures, describing them as initialled or marked by each declarant*] affixed to the above notice [or, *as the case may be, writing*] are the genuine signatures of the persons whose signatures they purport to be and that the residential addresses of such persons are the genuine residential addresses of such persons respectively and that the persons are 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 they are respectively entitled to vote.

Declared before me at \_\_\_\_\_ day of \_\_\_\_\_  
the \_\_\_\_\_, 19 \_\_\_\_\_ } [Signature]  
[Justice of the Peace]

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

EDRIC BASTYAN, Governor.