



ANNO DECIMO NONO

# GEORGI V REGIS.

## A.D. 1928.

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### No. 1872.

An Act to amend The Local Government Act, 1910.

*[Assented to, November 1st, 1928.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Local Government Act Amendment Act, 1928". Short titles.

(2) The Local Government Act, 1910 (hereinafter called the "principal Act") and this Act may be cited together as the Local Government Acts, 1910 to 1928".

2. This Act is incorporated with the principal Act and all Acts with which that Act is incorporated, and those Acts and this Act shall be read as one Act. Incorporation.

3. Part II. of the principal Act is amended by inserting after section 6 the following new section:— New section 6A—

6A. Any scheme may provide for the remuneration of any members of the controlling authority, and any such provisions of a scheme to which the Minister has given his consent, whether before or after the enactment of this section, shall be valid and effectual. Remuneration of members of controlling body.

4. Section 16 of the principal Act is amended—

(a) by striking out the words "in the name and" in the fifth line thereof:

Amendment of principal Act, s. 16.

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(b) by inserting at the end of the said section the following subsection (the first part of the said section being read as subsection (1)) :—

(2) If the assets of any controlling authority are insufficient at any time to meet the liabilities thereof the constituent councils shall be liable to make good the deficiency in the ratio of their contributions towards the capital cost of the authorised scheme.

New sections  
16A-16E—

Power to incor-  
porate controlling  
authority.

5. Part II. of the principal Act is amended by inserting after section 16 therein the following sections :—

16A. (1) Not less than four-fifths of the members of any controlling authority may present a petition to the Minister, praying that the controlling authority shall be constituted a body corporate.

(2) Upon receipt of any such petition the Minister shall cause the substance thereof to be published in the *Government Gazette*.

(3) If no objection in writing to the proposed incorporation is received by the Minister within one month after the publication in the *Gazette* of the substance of the petition, or if although one or more such objections have been received within that period, the Minister is of opinion that there is no adequate reason why the controlling authority should not be incorporated, the Governor may, by proclamation, declare that the controlling authority shall be a body corporate, and upon the making of the proclamation the said controlling authority shall become a body corporate accordingly.

(4) The name under which it is proposed that the controlling authority shall be incorporated shall be stated in the petition, and when the controlling authority is incorporated the name of the incorporated body shall be that so stated. The last word of every such name shall be "Incorporated".

(5) A majority of the members of any controlling authority incorporated under this section may, by resolution carried at a meeting of such members of which not less than fourteen days' prior notice has been given to each member, change the name of the controlling authority: Provided that no change of name shall have any effect until approved by the Minister, and that the word "Incorporated" shall appear at the end of the name as so changed.

Powers of incor-  
porated controlling  
authority.

16B. Every controlling authority incorporated pursuant to this Act may—

(a) have and use a common seal on which shall be inscribed the name of the controlling authority, and break, alter, and change the same from time to time:

(b) sue and be sued under its corporate name:

(c) purchase

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- (c) purchase and hold lands, tenements, and hereditaments in its corporate name, and let, sell, mortgage, or dispose of the same and execute conveyances, mortgages, and assurances thereof, and otherwise deal with the same as fully and effectually as an individual owner could do.

16c. (1) Upon the incorporation of any controlling authority pursuant to this Act there shall be transferred to and vested in the incorporated body all the property, rights, and liabilities which immediately prior to the incorporation were vested in or enforceable against the controlling authority. Transfer of property.

(2) Any incorporated controlling authority may file in the office of the Registrar-General of Deeds, at Adelaide, a memorial verified by the declaration of any two or more members of that authority stating—

- (a) that the said authority has been incorporated pursuant to this Act :
- (b) the names of the persons in whom any land was vested immediately prior to the incorporation for the purpose of the authorised scheme managed by the said authority ;
- (c) a description of the land sufficient to enable the Registrar-General to identify the same :
- (d) the name of the incorporated controlling authority,

and upon the receipt of such a memorial, the said Registrar-General shall make all entries in the Register Book kept pursuant to the Real Property Act, 1886, or on any deed, instrument, or other document registered, lodged, or filed in the General Registry Office or the Lands Titles Office, and do any other thing necessary or convenient to evidence the title of the incorporated controlling authority to the said land.

16d. Any controlling authority may be wound up under Part VI. of the Companies Act, 1892, although the number of members thereof does not exceed five. Winding-up controlling authority.

16e. (1) A controlling authority may make by-laws for securing the proper protection of all works constructed for the purpose of the authorised scheme and for enabling the authorised scheme to be carried into effect. Town to make by-laws.

(2) Any by-law may impose a penalty not exceeding Ten Pounds for the breach of any by-law.

(3) Every by-law, or alteration, modification, amendment, or repeal thereof—

(a) shall be submitted to the Governor for confirmation :

(b) after

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- (b) after confirmation, shall be published in the *Gazette* :
- (c) shall, subject to subsection (4) hereof, take effect from the date of such publication, or from a later date fixed therein :
- (d) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and, if not, then within fourteen days after the commencement of the next Session of Parliament.

(4) If either House of Parliament passes a resolution disallowing any such by-law or alteration, modification, amendment, or repeal thereof, of which resolution notice has been given at any time within fourteen sitting days of such House after such by-law or alteration, modification, amendment, or repeal thereof, has been laid before it, such by-law or alteration, modification, amendment, or repeal thereof shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or of the omission of anything in the meantime. This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session of Parliament as that in which the by-law or alteration, modification, amendment, or repeal thereof is laid before such House.

(5) When a resolution has been passed as mentioned in subsection (4) hereof, notice of such resolution shall forthwith be published in the *Gazette*.

New section 20A—  
Admission of new  
councils.

6. Part II. of the principal Act is amended by inserting after section 20 therein the following section :—

20A. The constituent councils bound by any authorised scheme may agree with any other council or councils that such other council or councils shall become a constituent council or constituent councils bound by such authorised scheme. No such agreement shall have any force until approved by the Minister. In order to obtain the approval of the Minister the councils affected shall submit to him a copy of the agreement and supply him with such information as he requires as to the terms upon which the said other council or councils will be admitted.

The Minister shall approve the agreement if he is satisfied that, having regard to the interests of all the councils concerned, the agreement is fair and reasonable.

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

A. HORE-RUTHVEN, Governor.