



ANNO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1959

No. 50 of 1959**An Act to amend the Local Government Act,
1934-1957.**

[Assented to 17th December, 1959.]

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. 2), 1959".

(2) The Local Government Act, 1934-1957, as amended by this Act, may be cited as the "Local Government Act, 1934-1959".

(3) The Local Government Act, 1934-1957, 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. 7.**

3. Section 24 of the principal Act is amended by adding the following subsection at the end thereof (the preceding portion being designated as subsection (1) thereof) :—

**Status of
Municipality
of Renmark.**

(2) Notwithstanding anything contained in this Act the Municipality of Renmark shall not cease to be or to retain the status of a municipality by reason of the annexation to the area thereof of any outlying district or districts.

4. Subsection (1) of section 88 of the principal Act is amended by striking out the words "or a poll under section 435" therein.

Amendment of principal Act, s. 88—
Qualification of voter.

5. The following section is enacted and inserted in the principal Act after section 267 thereof:—

Enactment of s. 267a of principal Act—

267a. Where the council is satisfied upon application by an owner (being the occupier) of ratable property that payment of the rates in respect of any financial year by that owner would cause hardship, the council may, by resolution, postpone payment of the said rates or any portion thereof for such period or periods as the council thinks fit. The council may, if it is of the opinion that the circumstances of the owner have changed and that payment of any rates so postponed would not in the changed circumstances result in hardship to the owner, or if the owner has ceased to occupy the ratable property concerned, require the owner forthwith to pay such rates or portion thereof. Notwithstanding anything contained in this section, any rates or portion of rates, payment of which has been postponed by the council, shall be and remain a charge upon the ratable property concerned and shall be recoverable forthwith by the council upon any change of ownership of the ratable property, or, in the event of the death of the owner, from his personal representatives. No penalty for late payment shall be added to any rates payment of which has been postponed in pursuance of this section in respect of any period of postponement.

Postponement of payment of rates.

6. Section 373 of the principal Act is amended—

(a) by inserting after the word "sign" in subsection (2) thereof the words "or signs" and by adding at the end of the said subsection the following sentence:—

Amendment of principal Act, s. 373—
Prohibited area.

A sign which is in conformity with any specifications prescribed by regulation shall for all purposes be deemed to comply with the requirements of this section.

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

(8) In any proceedings against the owner of any vehicle for an offence against this section, proof that any vehicle, horse, or other animal,

or any cycle or motor cycle was standing upon or over any prohibited area, shall be *prima facie* evidence that the owner left the said vehicle, horse, or other animal, or cycle or motor cycle, as the case may be, upon or over the said prohibited area.

Amendment of principal Act, s. 383—
Works and undertakings.

7. Subsection (1) of section 383 of the principal Act is amended by adding at the end thereof the following new subparagraph :—

XXIV. Construct and establish areas for the parking of vehicles.

Amendment of principal Act, s. 427—
Proposal to borrow, poll.

8. Section 427 of the principal Act is amended by adding at the end thereof the following subsection :—

(5) A poll with respect to a loan shall be deemed to be carried unless a majority of the votes cast at the poll are against the question and unless the number of votes cast against the question is ten per centum or more of the total number of votes which could have been cast at the poll by all the persons included in the voters' roll and entitled to vote at the poll.

Repeal of s. 427a of principal Act.

9. Section 427a of the principal Act is repealed.

Amendment of principal Act, s. 428—
Scale of voting.

10. Section 428 of the principal Act is amended by striking out the words "or held pursuant to section 435" in subsections (1) and (2) thereof.

Amendment of principal Act, s. 430—
Order for loan.

11. Section 430 of the principal Act is amended by adding at the end thereof the following subsection :—

(4) The provisions of this section shall not apply in respect of a borrowing for the purposes of section 435.

Amendment of principal Act, s. 435—
Scheme for work or undertaking.

12. Subsection (6) of section 435 of the principal Act is amended by striking out the words "without observing the provisions of sections 425 and 426, and" therein.

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

13. Section 667 of the principal Act is amended by adding after paragraph (29) thereof the following new paragraph :—

(29a) Subject to the approval of the South Australian Harbors Board for regulating controlling or prohibiting the use of motor boats, water skis and other like equipment in any or any part of any river, creek, stream, sea or other open public water situated within the limits of or abutting on the boundary of the area, and for making provision for such other matters and things concerning the use of motor boats, water skis and other like equipment as are necessary for the safety of the public.

and by adding after subparagraph IV of paragraph (37a) thereof the following new paragraph :—

(37b) for the licensing, regulation, supervision and control of child minding centres kept for gain or reward within the municipality or any township within the district or of persons in charge of such centres, or of both :

14. The following section is enacted and inserted in the principal Act after section 743 thereof :—

Enactment of principal Act, s. 743a—

743a. In any proceedings for an offence against any by-law made under subdivision II of paragraph (47) of section 667 or under subdivision I or II of paragraph (27) of section 669, proof that any vehicle, horse, or other animal, or any cycle or motor cycle, was standing or was stationary in any street, or place, shall be *prima facie* evidence that the owner of such vehicle, horse, or other animal, cycle or motor cycle, as the case may be, was the driver or rider of the vehicle, horse, or other animal, cycle or motor cycle, as the case may be at the time of the alleged offence.

Evidence.

15. Section 797 of the principal Act is amended—

Amendment of principal Act, s. 797—
Poll on loan.

(a) by striking out the words “except in the case of a poll in compliance with section 435” in paragraph I of subsection (1) thereof ; and

(b) by striking out paragraph ia of the said subsection (1) thereof.

16. Subsection (1) of section 806 of the principal Act is amended by striking out the proviso therein.

Amendment principal Act, s. 806—
Scrutineers.

Amendment of
principal Act,
s. 847—
Application of
Part XLIV.

17. Subsection (2) of section 847 of the principal Act is amended by striking out the words "or a poll under section 435" therein.

Enactment of
s. 855a of
principal Act—

18. The following section is enacted and inserted in the principal Act after section 855 thereof:—

Powers
respecting part
of west park
lands.

855a. (1) The said council may from time to time lease to any club, organization or association for any term of years not exceeding twenty-five years to take effect in possession or within six months from the making of the lease the whole or any part or parts of that portion of the west park lands not exceeding in the whole 65 acres in area bounded on the west by the Adelaide to Nairne railway, on the south by Hilton Road, on the east by West Terrace and on the north by the southern boundary of the Adelaide Boy's High School Reserve Section 543 Hundred of Adelaide and the prolongation thereof (which portion of the said west park lands is, in this section, referred to as "the said land"), subject to such rents as may be fixed by the said council and on such covenants, conditions, clauses, provisos, limitations and agreements and with such powers authorized by this section as may be determined by the said council and reserved and contained by and in any such lease.

(2) Any such lease may contain powers authorizing the lessees—

(a) to erect, according to drawings and specifications to be approved of in writing by the said council, in addition to the buildings and erections being upon the said lands at the time of granting any such lease, such grand stands, booth, fences, and other erections convenient and necessary for the purposes of public recreation, amusement, health and enjoyment, or any of them, upon such part of the said lands as the said council may approve; and, with the consent in writing of the said council, to remove the whole or any of the buildings and erections for the time being thereon, and to rebuild or re-erect the whole or any portion of the buildings and erections so removed as aforesaid:

(b) to exclude or remove any animals or vehicles, or animals and vehicles from the said land or any portion thereof:

(c) to prohibit the admission of any person to the said land or any portion thereof during any period or periods while any organized sport is in progress therein, to remove any person therefrom and to charge for the admission of any person thereto and to the enclosures and the grand stand and other buildings on the said land and for the admission of horses and vehicles to the said land, any fees not exceeding the maximum amount determined by the said council and inserted in the lease :

(d) and the lease may also contain such other clauses, powers, provisos, or limitations as the said council may consider advisable or necessary for ensuring the proper management, maintenance, and use of the said land for the purposes aforesaid or any of them, and the repair and preservation of the grand stands, buildings, and erections thereon or otherwise in relation thereto.

(3) The said council may at any time accept the surrender of the said land or any portion thereof demised by any lease made in pursuance of the provisions of this section.

(4) Every lease proposed to be granted pursuant to this section shall before being executed be laid before both Houses of Parliament and shall not be executed if either House of Parliament by resolution within fourteen sitting days of such House after such lease has been laid before it disapproves of any term or condition thereof.

(5) The said council may from time to time in addition to the powers contained in sections 454 and 458—

(a) exclude or remove any animals or vehicles, or animals and vehicles from the said land or any portion thereof :

(b) prohibit the admission of any person to the said land or any portion thereof during any period or periods while any organized sport is in progress therein, or remove any person therefrom, and charge for the admission of any person thereto and to any enclosures grand stands or other buildings on the said land and for the admission of horses and vehicles to the said land.

1959. **Local Government Act Amendment** No. 50.
 Act (No. 2), 1959.

(6) The said council may from time to time grant permits or licences to any club, organization, or association for any period or periods not exceeding six months in any one case for the use of any part or parts of the said land for the purposes of public recreation, amusement, health or enjoyment, upon such terms and conditions including conditions as to the prohibition of the admission during any period or periods while any organized sport is in progress therein of persons, animals, or vehicles to, and as to the making of charges for admission to, such part or parts as the council thinks fit.

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

R. A. GEORGE, Governor.