



ANNO VICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1980

No. 89 of 1980

An Act to amend the Local Government Act, 1934-1980.

[Assented to 4 December 1980]

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), 1980".

(2) The Local Government Act, 1934-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Local Government Act, 1934-1980".

Commencement.

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

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

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

(a) by striking out from paragraph (b) of subsection (2) the passage "*, by resolution,*";

(b) by inserting in paragraph (ca) of subsection (2) after the passage "*created by the council*" the passage "*, or of parking spaces generally*";

(c) by striking out paragraph (d) from subsection (2) and substituting the following paragraph:

(d) prescribing, or providing for the imposition by a council of, conditions, limitations or prohibitions upon the use of areas, zones or parking spaces created by the council;;

(d) by inserting in paragraph (e) of subsection (2) after the passage "*public places*" the passage "*, or any parts thereof*";

(e) by striking out from paragraph (g) of subsection (2) the passage "*any specified*";

(f) by striking out from paragraph (g) of subsection (2) the word "*specified*" twice occurring;

- (g) by inserting in paragraph (i) of subsection (2) after the passage “clerk of a council” the passage “, or other officer of the council authorized by the clerk,”;
- (h) by inserting in paragraph (j) of subsection (2) after the passage “public places” the passage “, or any parts thereof”;
- (i) by inserting in paragraph (jb) of subsection (2) after the word “providing” the passage “, or excluding,”;
- (j) by inserting in subsection (2) after paragraph (jb) the following paragraph:
 - (jc) imposing, modifying or excluding any evidentiary burden upon a party to proceedings for an offence against a regulation under this Part, or providing for any other matters in respect of evidence, or burden of proof, in such proceedings;;
- (k) by inserting in subsection (2) after paragraph (l) the following paragraph:
 - (la) providing for the supply by a council to members of the public, at a fee fixed by the council, of copies of resolutions of any specified class made under the regulations under this Part;;

and

- (l) by striking out paragraph (n) and substituting the following paragraphs:
 - (n) providing for the continued existence, operation or validity of any matter or thing, or any right or liability, in existence or in force immediately prior to any regulations under this Part coming into operation;
 - (o) providing for any matters ancillary or incidental to the matters referred to in the preceding paragraphs.

4. Section 475b of the principal Act is amended by inserting in subsection (1) after the word “from” the passage “compliance within its area with”.

Amendment of s. 475b—
Council may grant special exemptions.

5. Section 475c of the principal Act is amended by inserting after the word “sign” twice occurring, in each case, the passage “or device”.

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

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

- (a) by inserting in subsection (3) after the word “sign” the passage “or device”;

Amendment of s. 475e—
Evidentiary provisions.

and

(b) by inserting in subsection (4) after the word “signs” the passage “, devices”.

Amendment of
s. 475i—
Interpretation.

7. Section 475i of the principal Act is amended—

(a) by inserting before the definition of “public place” the following definition:

“owner”, in relation to a motor vehicle, means—

(a) the registered owner of the motor vehicle;

and

(b) any person who takes the motor vehicle under a contract for hire, a consumer lease, a leasing agreement or a hire-purchase agreement;

(b) by inserting in the definition of “public place” after the passage “the area of the Corporation” the passage “but, in relation to any council, does not include any private access road, private parking area or private pedestrian walkway within the meaning of the Private Parking Areas Act, 1965”;

and

(c) by inserting after the definition of “public place” the following definition:

“registered owner”, in relation to a motor vehicle—

(a) means the person registered as the owner of the motor vehicle pursuant to the Motor Vehicles Act, 1959-1980;

or

(b) where ownership of the motor vehicle has been transferred from the registered owner to another person and the Registrar of Motor Vehicles has been notified of that fact, but registration in the name of the transferee has not been effected—means the transferee.

Amendment of
s. 794b—
Proceedings
for parking
offences may
only be taken
by authorized
officers, etc.,
or with certain
approvals.

8. Section 794b of the principal Act is amended—

(a) by inserting after the passage “No person” the passage “, other than a member of the police force, or an officer or employee of a council who is authorized by the council generally to take such proceedings in relation to its area,”;

and

(b) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) Where, in any proceedings for an offence against a regulation under Part XXIIA, it appears from the complaint

that the complainant is a member of the police force, or is an officer or employee of a council, it shall be presumed, in the absence of proof to the contrary, that the proceedings were lawfully commenced.

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

K. D. SEAMAN, Governor