



ANNO TRICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1984

No. 34 of 1984

An Act to amend the Local Government Act, 1934.

[Assented to 17 May 1984]

BE 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 (No. 2), 1984". Short title.

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

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

3. Section 3 of the principal Act is amended by striking out the following items: Amendment of s. 3—
Arrangement of Act.

PART XXVIII—NOISY TRADES

PART XLVA—CITY OF WHYALLA.

4. Section 5 of the principal Act is amended—

(a) by striking out subparagraph (h) of paragraph (1) of the definition of "ratable property" and substituting the following subparagraphs: Amendment of s. 5—
Interpretation.

(g1) any land that is exempt from rates and taxes by virtue of the provisions of the Recreation Grounds Rates and Taxes Exemption Act, 1981:

(h) any land or building that is under the care, control and management of the Royal Zoological Society of South Australia Incorporated and used as a zoo or as part of a zoo;

and

(b) by striking out subparagraph (f) of paragraph (2) of the definition of "ratable property" and substituting the following subparagraphs:

- (e1) any land that is exempt from rates and taxes by virtue of the provisions of the Recreation Grounds Rates and Taxes Exemption Act, 1981:
- (f) any land that is under the care, control and management of the Royal Zoological Society of South Australia Incorporated and used as a zoo or as part of a zoo.

Amendment of
s. 13—
Effect of union of
areas.
Insertion of new
s. 13a.

5. Section 13 of the principal Act is amended by striking out paragraph VII.
6. The following section is inserted immediately after section 13 of the principal Act:

Appointment or
election of first
members of a
council upon
union of areas.

13a. (1) Subject to this section, where the Governor makes a proclamation uniting two or more areas, the Governor may by the same proclamation or by a subsequent proclamation appoint, or make provision for the election of, the first members of the council to be formed by the union of the areas.

(2) Where the first members of a council are appointed by the Governor under subsection (1), those members shall retire at the conclusion of the next annual election.

(3) Where the Governor makes provision under subsection (1) for the election of the first members of a council, he shall also make provision for the retirement of those members.

(4) Where the proclamation uniting two or more areas is made upon the presentation of an address from both Houses of Parliament and that address makes provision for the appointment or election of the first members of the council to be formed by the union of the areas, the Governor shall act in accordance with the terms of that address.

(5) Where the Governor does not make a proclamation under subsection (1) before a union of areas comes into effect, the membership of the council of the area formed by the union shall, until the conclusion of the next annual election, consist of all of the persons who were, immediately before the union came into effect, members of the councils of the areas being united.

(6) A proclamation may be made under this section in relation to a council that is to be formed by the union of two or more areas notwithstanding that a proclamation for the union of those areas was made before the commencement of the Local Government Act Amendment Act (No. 2), 1984 (but a proclamation shall not be made if the union has come into effect).

Amendment of
s. 24—
Exercise without
petition or
address of certain
powers.

7. Section 24 of the principal Act is amended by inserting after paragraph (i) of subsection (1) the following paragraph:

(j) exercising the powers conferred by section 13a.

Repeal of s. 215.

8. Section 215 of the principal Act is repealed.

Repeal of ss. 229
to 233.

9. Sections 229, 230, 231, 232 and 233 of the principal Act are repealed.

10. Section 290c of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

Amendment of s. 290c—
Power of councils to establish reserve funds.

(2) Where moneys in a reserve fund established under subsection (1) are not immediately required for the purposes for which the fund was established, the council may, subject to conditions prescribed by regulation, advance moneys from the reserve fund to make good any temporary deficiency in the general funds of the council but—

(a) the moneys advanced must be repaid to the fund before the expiration of the financial year during which they are advanced;

and

(b) if an occasion arises for making a payment from the reserve fund and the fund is not sufficient for the purpose, the moneys advanced must be repaid to the fund to the extent necessary to cover the payment that is to be made from the fund.

11. Section 290d of the principal Act is amended—

Amendment of s. 290d—
Power to apply parking meter revenue for car parks.

(a) by striking out from paragraph (a) of subsection (1) the passage “any by-law made by the council under section 475a of this Act” and substituting the passage “Part XXIIA”;

(b) by striking out from paragraph (b) of subsection (1) the passage “such a by-law” and substituting the passage “a regulation made under that Part”;

(c) by striking out from paragraph (c) of subsection (1) the passage “section 64 of the Police Offences Act, 1953-1960, by any person alleged to have committed an offence against such a by-law” and substituting the passage “section 794a by any person alleged to have committed an offence against such a regulation”;

and

(d) by striking out from paragraph (a) of subsection (2) the passage “section 475g of this Act” and substituting the passage “section 475h”.

12. Sections 299 and 300 of the principal Act are repealed.

Repeal of ss. 299 and 300.

13. Section 300a of the principal Act is amended by striking out subsection (3).

Amendment of S. 300a—
Grant to council of City of Adelaide.

14. Section 313a of the principal Act is repealed.

Repeal of s. 313a.

15. Section 332 of the principal Act is amended by striking out from subsection (1) the passage “paragraph (35) of section 667” and substituting the passage “section 667 (1) 3. III”.

Amendment of s. 332—
Powers of councils to issue permits for petrol pumps.

16. Section 359 of the principal Act is repealed.

Repeal of s. 359.

17. Section 371 of the principal Act is amended by striking out from subsection (1) the passage “made in pursuance of paragraph (13) of section 669”.

Amendment of s. 371—
Prohibition of hawking in streets in which stands are appointed for street hawkers.

Amendment of
s. 477—
Power to regulate
hawking on
foreshore.

18. Section 477 of the principal Act is amended by striking out from subsection (1) the passage “, under the powers conferred by paragraph (18) of section 677,”.

Amendment of
s. 478—
Reserve may be
adjacent to
foreshore
although
separated
therefrom by a
street.

19. Section 478 of the principal Act is amended by striking out the passage “and paragraph (18) of section 667,”.

Repeal of ss. 485
to 488.

20. Sections 485, 486, 487 and 488 of the principal Act are repealed.

Repeal of s. 541.

21. Section 541 of the principal Act is repealed.

Repeal of ss. 550
to 550c.

22. Sections 550, 550a, 550b and 550c of the principal Act are repealed.

Repeal of Part
XXVIII.

23. Part XXVIII of the principal Act is repealed.

Amendment of
s. 667—
By-law.

24. Section 667 of the principal Act is amended—

(a) by striking out from subparagraph XX of paragraph 3 of subsection (1) the passage “State Transport Authority Act, 1974-1977” and substituting the passage “provisions of any other Act”;

(b) by striking out from subparagraph XLIII of paragraph 3 of subsection (1) the passage “Subject to section 671, for” and substituting the word “For”;

(c) by striking out subparagraphs II, III, IV and V of paragraph 4 of subsection (1);

and

(d) by striking out from subparagraph XXIII of paragraph 4 of subsection (1) the passage “hay or other”.

Amendment of
s. 668—
Passing of by-law.

25. Section 668 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) No by-law shall have any force or effect unless—

(a) it has been signed by the mayor or chairman and the clerk;

and

(b) in the case of a by-law made with respect to public health—it has been approved in writing by the Central Board of Health.

Repeal of ss. 669
to 672 and
substitution of
new section.

26. Sections 669, 670, 671 and 672 of the principal Act are repealed and the following section is substituted:

Confirmation of
by-law.

669. (1) Subject to subsection (2), every by-law made under this Act shall be forwarded to the Minister for confirmation by the Governor.

(2) A by-law forwarded to the Minister under subsection (1) must be accompanied by a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner—

(a) the council has power to make the by-law by virtue of a statutory provision specified in the certificate;

and

(b) the by-law is not inconsistent with this Act or the general law of the State.

(3) Every by-law that is confirmed by the Governor—

(a) shall be published in the *Gazette* and laid before each House of Parliament within fourteen days after that publication if Parliament is in session or, if Parliament is not then in session, within fourteen days after the commencement of the next session of Parliament;

and

(b) shall have effect as from the date fixed in the by-law or, if no date is so fixed, as from the date of publication in the *Gazette*.

(4) If either House of Parliament, pursuant to a notice of motion given within fourteen sitting days after a by-law is laid before that House (notwithstanding that those fourteen days, or some of them, do not occur in the same session of Parliament as that in which the by-law is laid before that House), passes a resolution disallowing the by-law, it shall cease to have effect.

(5) Notice of a resolution under subsection (4) shall be published in the *Gazette*.

27. Section 712 of the principal Act is amended by striking out from subsection (1) the word “ratepayer” and substituting the word “elector”.

Amendment of s. 712—
Punishment on non-compliance with order.

28. Section 726 of the principal Act is repealed.

Repeal of s. 726.

29. Section 779 of the principal Act is amended by striking out the passage “two hundred dollars” and substituting the passage “one thousand dollars”.

Amendment of s. 779—
Penalty for damaging property of council.

30. Section 780 of the principal Act is amended by striking out the passage “two hundred dollars” and substituting the passage “one thousand dollars”.

Amendment of s. 780—
Persons removing timber, etc., without licence.

31. Section 858 of the principal Act is amended by striking out paragraph III and substituting the following paragraph:

Amendment of s. 858—
Regulation of borrowing.

III. The council shall not resolve to borrow money unless the council has given, not less than fourteen days previously, public notice of the proposal that the council borrow the money and of the proposed expenditure of the money.

Repeal of Part
XLVA.

32. Part XLVA of the principal Act is repealed.

Repeal of s. 889.

33. Section 889 of the principal Act is repealed.

Repeal of twenty-
fourth schedule.

34. The twenty-fourth schedule to the principal Act is repealed.

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

D. B. DUNSTAN, Governor