



ANNO VICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1975

No. 30 of 1975

An Act to amend the Local Government Act, 1934-1974.

[Assented to 3rd April, 1975]

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, 1975".

(2) The Local Government Act, 1934-1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Local Government Act, 1934-1975".

Commence-
ment.

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

Amendment of
principal Act,
s. 3—
Arrangement
of Act.

3. Section 3 of the principal Act is amended by inserting after the item:

DIVISION VIII—Procedure

the item:

DIVISION IX—Alteration of Areas by Agreement of Councils.

Amendment of
principal Act,
s. 5—
Interpretation.

4. Section 5 of the principal Act is amended—

(a) by striking out from the definition of "metropolitan municipal council" the passage "by or";

and

(b) by inserting after subsection (8) the following subsection:—

(9) Where this Act vests any right, power, liability or duty in any council identified by name, the reference to that council shall, where the right, power, liability or duty is, pursuant to the provisions of Part II of this Act, transferred to and vested in some other council, be read and construed as a reference to that other council.

5. Section 6 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 6 of principal Act and enactment of section in its place—
Metropolitan councils.

6. The Governor may, by proclamation, declare—

(a) that any municipal council or district council shall be a metropolitan municipal council or a metropolitan district council, as the case may be;

and

(b) that any municipal council or district council shall cease to be a metropolitan municipal council, or a metropolitan district council, as the case may be.

6. Section 9a of the principal Act is amended by striking out from subsection (1) the passage “the District Council of Salisbury or any other district council to which this section applies praying for the constitution of the District Council District of Salisbury or of the district of such other district council as the case may be” and inserting in lieu thereof the passage “a district council to which this section applies praying for the constitution of the district of the council”.

Amendment of principal Act, s. 9a—
Special provision for certain district councils.

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

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

(i) exercising any of the powers conferred by section 7 of this Act for the purpose of giving effect to a proposal submitted to the Governor by the Minister pursuant to Division IX of this Part.

8. The following Division is enacted and inserted in the principal Act immediately after section 45 thereof:—

Enactment of Division IX of principal Act.

DIVISION IX—Alteration of Areas by Agreement of Councils

45a. (1) Where—

Approved proposals.

(a) two or more councils agree to a proposal for the exercise by the Governor of any of the powers conferred by section 7 of this Act in a manner that affects the boundaries of the areas of the councils;

(b) that proposal has been approved by the Royal Commission;
and

(c) the proposal does not affect the area of a council that is not party to the agreement,

the councils may submit the proposal to the Minister.

(2) For the purposes of this section, a council shall not be regarded as having agreed to a proposal to which subsection (1) relates unless its agreement is expressed in a resolution supported by the votes of an absolute majority of the total number of the members of the council.

(3) Where a proposal has been submitted to the Minister under subsection (1) of this section, the Minister shall cause notice of the proposal to be published in the *Gazette* and in a newspaper or newspapers circulating in the areas affected by the proposal.

(4) If, within one month after notice of the proposal is given under this section, fifteen per centum of the ratepayers of any area affected by the proposal, or fifty such ratepayers whichever is the greater number of ratepayers, by instrument in writing, addressed to the Minister, demand a poll, a poll shall be held of all the ratepayers of the areas affected by the proposal.

(5) In any such poll the question shall be whether the ratepayers approve of the proposal submitted to the Minister under this section and the question shall be deemed to have been carried in the affirmative unless—

(a) a majority of the ratepayers of any one area affected by the proposal and voting, vote against the proposal;

and

(b) the number of ratepayers voting against the proposal in that area comprise at least forty per centum of the total number of the ratepayers on the voters roll for that area.

(6) The Governor may make regulations affecting the conduct of a poll under this section and those regulations may—

(a) provide that specified provisions of this Act shall not apply in respect of a poll under this section;

(b) provide that specified provisions of this Act shall apply in respect of a poll under this section with modifications specified in the regulations;

(c) make any other provision in relation to a poll under this section;

and

(d) prescribe penalties (not exceeding five hundred dollars) for breach of, or non-compliance with, a regulation.

(7) Where a proposal is submitted to the Minister under this section and—

(a) no poll is demanded in accordance with this section;

or

(b) a poll is demanded and the question submitted to ratepayers at the poll is carried in the affirmative,

the Minister shall submit the proposal to the Governor.

(8) In this section—

“The Royal Commission” means the Royal Commission into Local Government Areas.

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

M. L. OLIPHANT, Governor