



Western Australia

**Local Government (Miscellaneous Provisions)
Act 1960**

Compare between:

[02 Apr 2012, 08-i0-03] and [08 Jun 2012, 09-a0-01]



Reprinted under the
Reprints Act 1984 as
at 8 June 2012

Western Australia

Local Government (Miscellaneous Provisions) Act 1960

An Act to deal with certain matters concerning local government.

[Long title inserted by No. 74 of 1995 s. 9.70.]

Part I — Preliminary

1. Short title

This Act may be cited as the *Local Government (Miscellaneous Provisions) Act 1960*¹.

[Section 1 amended by No. 74 of 1995 s. 9.70.]

~~2. Construction and administration of this Act~~

2. Act to be read as part of *Local Government Act 1995*

The *Local Government Act 1995* applies as if the provisions of this Act were in that Act but in construing the provisions of this Act account is to be taken of the meanings they had before the *Local Government Act 1995* commenced.

[Section 2 inserted by No. 74 of 1995 s. 9.70.]

[3. Deleted by No. 60 of 1981 s. 4.]

[4-6. Deleted by No. 74 of 1995 s. 9.70.]

[7. Deleted by No. 27 of 1981 s. 5.]

[8. Deleted by No. 74 of 1995 s. 9.70.]

[Part II (s. 9-11) deleted by No. 74 of 1995 s. 9.70.]

[Part III: s. 12-22, 23-34 deleted by No. 74 of 1995 s. 9.70;
s. 22A deleted by No. 68 of 1980 s. 10.]

[Part IV: s. 35-55, 65, 67-154N deleted by No. 74 of 1995 s. 9.70;
s. 56-64 deleted by No. 42 of 1984 s. 8;
s. 66 deleted by No. 99 of 1985 s. 5.]

[Part V (s. 155, 156) deleted by No. 74 of 1995 s. 9.70.]

[Part VI: s. 157-168, 170 deleted by No. 74 of 1995 s. 9.70;
s. 169, 169AA, 169A deleted by No. 60 of 1994 s. 4.]

[Part VIA (s. 170A-170E) deleted by No. 74 of 1995 s. 9.70.]

[Part VIB (s. 170F-170J) deleted by No. 74 of 1995 s. 9.70.]

[Part VII (s. 171-189) deleted by No. 74 of 1995 s. 9.70.]

[Parts VIII and IX deleted by No. 24 of 2011 s. 152.]

[Part X (s. 272-277) deleted by No. 74 of 1995 s. 9.70.]

[Part XI (s. 277A, 278-284) deleted by No. 74 of 1995 s. 9.70.]

Part XII — Streets

[Heading inserted by No. 74 of 1995 s. 9.70.]

[Heading deleted by No. 19 of 2010 s. 49(2).]

[285-294, 294A. Deleted by No. 31 of 1997 s. 66(1).]

[295. Deleted by No. 38 of 2005 s. 14(2).]

[Heading deleted by No. 19 of 2010 s. 49(3).]

[296, 297. Deleted by No. 74 of 1995 s. 9.70.]

[297A. Deleted by No. 31 of 1997 s. 67(1).]

[297B. Deleted by No. 74 of 1995 s. 9.70.]

[Division 3 (s. 298, 299) deleted by No. 74 of 1995 s. 9.70.]

[Division 4 (s. 300-315) deleted by No. 74 of 1995 s. 9.70.]

*[Division 5: s. 316-328 deleted by No. 74 of 1995 s. 9.70;
s. 329 deleted by No. 60 of 1981 s. 18(1).]*

[Division 6 (s. 330-345) deleted by No. 74 of 1995 s. 9.70.]

[Division 7 (s. 346-353) deleted by No. 74 of 1995 s. 9.70.]

[Division 8 (s. 354-360) deleted by No. 74 of 1995 s. 9.70.]

[Heading deleted by No. 19 of 2010 s. 49(4).]

[361-363. Deleted by No. 74 of 1995 s. 9.70.]

364. ~~Power to prescribe new~~New street alignments, prescribing and effect of etc.

- (1) A local law made under the *Local Government Act 1995* may prescribe a new street alignment for a street or part of a street

for the purpose of extending the width of the street or part of the street to the new street alignment.

- (2) Where the local government by local law so prescribes a new street alignment, it shall immediately the local law is no longer liable to be disallowed by Parliament, cause written notice of the new street alignment to be served on the owners of land affected thereby and cause notice of the local law to be served on the Registrar of Titles and Registrar of Deeds and Transfers.
- (3A) In subsection (3B) —
building operation means constructing, building, placing, reconstructing, rebuilding, replacing, extending, enlarging, adding to or otherwise altering or repairing, a building or work or portion of a building or work, but does not include any such building operation that is carried out with the permission of a local government on any land acquired by that local government for or in relation to the provision of, or widening of, a street.
- (3B) Except with the approval mentioned in subsection (3C), a person shall not in relation to any land, building or work affected by the new street alignment, commence to carry out a building operation upon the land, except for the purpose of completing a building operation already commenced at the time of the prescribing of the new street alignment.
- (3C) The local government, subject to directions which the local government may give, may approve the execution of minor but not substantial repairs, in order to permit of the reasonable preservation of an existing building or work.
- (4) The Governor may, by order specify any street or part thereof in any district to which the provisions of subsection (5) apply.
- (4A) Subsection (5) applies to any street or part thereof specified in an order made pursuant to subsection (4).
- (5) Land that is affected by the new street alignment and which lies between that alignment and the old street alignment is, subject

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to rights, if any, reserved to the previous owners of the land at the time it was acquired by the local government, by virtue of this subsection —

- (a) dedicated to use as part of the street so specified; and
- (b) revested in the Crown under section 55 of the *Land Administration Act 1997*,

if the land —

- (c) has no buildings thereon on the date the new street alignment is prescribed; or
 - (d) is on or after that date cleared of buildings and other obstructions.
- (6) Notwithstanding land is dedicated and revested as provided in subsection (5), the local government may, subject to rights, if any, reserved to the previous owners of the land at the time it was acquired by the local government, lease that land or a portion of it to the owner of the land upon which it abuts as if the land or the portion had been acquired by the local government.
- (7) The local government shall pay compensation to the owner of the land, portion of which is dedicated and revested under subsection (5), but the compensation payable by the local government is limited to the amount by which the remainder of the land is depreciated in value by the portion being so dedicated and revested.
- (8) If a question arises as to the amount of the compensation or the day on which the buildings, works, and other obstructions, have been cleared from the land, the question is determinable only on a reference to arbitration.
- (9) Immediately land has been revested under subsection (5), the local government shall cause written notice of the revesting to be served —

- (a) on the Registrar of Titles, if the land is subject to the provisions of the *Transfer of Land Act 1893*; or
- (b) on the Registrar of Deeds and Transfers if the land is not subject to the provisions of that Act,

and the Registrar of Titles or the Registrar of Deeds and Transfers, as the case may be, shall record the revesting in appropriate manner.

- (10) In this section the term ***building*** does not include a fence.
- (11) When the provisions of subsection (5) do not apply to a street or portion thereof, with respect to land that is affected by the new street alignment and which lies between that alignment and the old street alignment the following provisions apply —
 - (a) the land remains under the control of the owner thereof unless and until the local government purchases or otherwise acquires the land or the land is acquired under Part 9 of the *Land Administration Act 1997*, for the purpose of widening the street;
 - (b) no compensation or purchase money may be claimed or is payable in respect of the land until the land is so acquired or purchased.

[Section 364 inserted by No. 90 of 1964 s. 27; amended by No. 74 of 1995 s. 9.70; No. 14 of 1996 s. 4; No. 31 of 1997 s. 142; No. 24 of 2000 s. 23; No. 11 of 2007 s. 12; No. 19 of 2010 s. 62(3); No. 19 of 2011 s. 156(2); No. 47 of 2011 s. 16.]

[Part XIII (s. 365-370) deleted by No. 74 of 1995 s. 9.70.]

[Part XIV (s. 371, 372) deleted by No. 74 of 1995 s. 9.70.]

Part XV — Buildings

[Division 1 (s. 373) deleted by No. 24 of 2011 s. 153(1).]

[Division 1A (s. 373A and 373B) deleted by No. 19 of 2011 s. 156(3).]

[Divisions 2-4 (s. 374-380) deleted by No. 24 of 2011 s. 153(2).]

[Division 5 heading deleted by No. 17 of 1984 s. 14.]

[381, 382.] Deleted by No. 74 of 1973 s. 7.]

[Divisions 6-18 (s. 383-421) deleted by No. 24 of 2011 s. 153(2).]

[Divisions 18A and 19 (s. 421A-432) deleted by No. 55 of 2004 s. 683.]

[Division 20 (s. 433-435) deleted by No. 24 of 2011 s. 153(2).]

[Part XVI (s. 436) deleted by No. 74 of 1995 s. 9.70.]

[Part XVII (s. 437-440, 440A) deleted by No. 74 of 1995 s. 9.70.]

[Part XVIII (s. 441-444) deleted by No. 74 of 1995 s. 9.70.]

[Part XIX (s. 445, 446, 446A) deleted by No. 74 of 1995 s. 9.70.]

Part XX — Cattle trespass, pounds, poundkeepers and rangers

447. Local government regarded as owner of streets etc. and unfenced land abutting

For the purpose of this Part, a local government is to be regarded as the owner and occupier of streets, ways, reserves, bridges, ferries, foreshores, jetties, wharves, other public places, and unenclosed land abutting them within its district.

[Section 447 amended by No. 14 of 1996 s. 4.]

448. ~~Power to impound cattle~~ Cattle grazing on streets etc. without local government's consent, status of and may be impounded

Cattle driven along or on to a street, or way, or place mentioned in section 447, for the purpose of grazing, without the consent of the local government, are to be regarded as trespassing on the street, way, or other place, and may be impounded by the local government.

[Section 448 amended by No. 14 of 1996 s. 4.]

449. ~~Local government may establish pounds, appoint~~ Pounds, establishing; poundkeepers and rangers, appointing

A local government may establish and maintain one or more public pounds, and may appoint fit and proper persons to be keepers of those pounds and may appoint a ranger or rangers.

[Section 449 amended by No. 14 of 1996 s. 4.]

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~~450. — Gazettal of establishment of pounds or appointment or removal of poundkeeper to be evidence~~

450. Pounds, poundkeepers and rangers, notice and proof of etc.

The local government having the care, control, and management of a public pound shall cause public notice to be given of the establishment of the public pound, and the appointment or removal of poundkeepers and rangers, and a notice so given is *prima facie* evidence that the pound has been lawfully established, or that a poundkeeper or ranger has been lawfully appointed or removed, as the case may be.

[Section 450 amended by No. 14 of 1996 s. 4.]

451. ~~Local government may close pound~~ Closing pounds and dismissing poundkeepers or ~~dismiss poundkeeper~~ rangers

- (1) The local government having the care, control and management of a public pound may close the pound and dismiss the poundkeeper and rangers.
- (2) The local government shall cause public notice of the intended closing of a pound to be given.

[Section 451 amended by No. 14 of 1996 s. 4.]

~~452. — Pound to be properly fenced, kept clean and in repair~~

452. Pounds, construction of; poundkeepers, duties of

- (1) The local government having the care, control, and management of a public pound shall cause it to be properly enclosed, and so adapted that provision is made for keeping cattle with contagious or infectious diseases segregated from cattle free from those diseases while impounded.
- (2) The keeper of a public pound commits an offence if he —
 - (a) does not keep the pound clean and in good repair; or

- (b) knowingly keeps or permits to be kept in the pound cattle infected with a contagious or infectious disease in the same enclosure with cattle not so infected; or
- (c) does not supply the cattle for the time being impounded with a sufficiency of wholesome food at least twice a day, once before 9 a.m., and once after 4 p.m.; or
- (d) accepts cattle into the pound when the holding capacity of the pound is exhausted.

Penalty: \$40.

[Section 452 amended by No. 113 of 1965 s. 4(1); No. 81 of 1972 s. 20; No. 14 of 1996 s. 4.]

453. ~~Provision of shelter~~ Shelter and water for cattle in pounds to be provided

The local government having the care, control, and management, of a public pound shall —

- (a) cause adequate shelter for cattle impounded in it to be provided and maintained;
- (b) cause a constant supply of wholesome water to be provided and maintained in the pound by means of troughs or by other means so as to afford cattle while impounded in it free and constant access to the water.

[Section 453 amended by No. 14 of 1996 s. 4.]

454. ~~Persons using or milking~~ Impounded cattle not to be milked etc. without owner's consent etc.

A person commits an offence, if —

- (a) without the authority and consent of the owner of the cattle he works or uses cattle impounded in a public pound; or
- (b) not being the keeper of the public pound or the owner of the animal, or a person authorised to do so by the

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poundkeeper or owner, he milks a cow or goat impounded in a public pound,

and is liable to a minimum penalty of \$4, and a maximum penalty of \$80 for the offence and shall in addition pay to the owner of the animal such sum as a court of summary jurisdiction, at the hearing of the charge, decides is just and reasonable for the owner's compensation and cost, and orders him to pay to the owner.

[Section 454 amended by No. 113 of 1965 s. 4(1); No. 81 of 1972 s. 20; No. 59 of 2004 s. 141; No. 84 of 2004 s. 80.]

455. Pound book, information in and ~~Act~~access to ~~be kept by~~ poundkeeper~~etc.~~

- (1) The local government having the care, control, and management, of a public pound shall supply the keeper of it with a copy of this Act and with a pound book having pages in the form in Schedule 1.
- (2A) The poundkeeper shall make entries, in a legible handwriting, in the pound book, stating with respect to cattle impounded in the pound, the particulars indicated in Schedule 1.
- (2B) A person to whom cattle impounded in the pound are delivered shall sign the pound book in the appropriate place.
- (2C) On the last day of each month, the poundkeeper shall transmit to the chief executive officer of the local government, a true copy of the entries made in the pound book during the month.
- (3) The pound book is the property of the local government.
- (4) The poundkeeper shall deliver the book to the chief executive officer of the local government whenever required by the local government to do so, and whether so required or not, immediately prior to ceasing to hold office as poundkeeper.
- (5A) The poundkeeper shall keep the pound book and a copy of so much of this Act as relates to cattle trespass, pounds and

poundkeepers, at or near the pound, and shall make them available for inspection at reasonable times by persons requesting him to do so.

- (5B) The chief executive officer, if required, shall provide extracts from the pound book and a certificate signed by him that the extracts are from the pound book, upon payment of 20 cents or such other sum as is prescribed by the regulations, for every 100 words or part of 100 words of the extract.
- (6) A poundkeeper commits an offence if he —
- (a) wilfully delays making an entry in the pound book as required by this Act; or
 - (b) knowingly makes a false entry in the pound book; or
 - (c) erases or destroys an entry previously made in the pound book.

[Section 455 amended by No. 113 of 1965 s. 4(1); No. 14 of 1996 s. 4; No. 19 of 2010 s. 21(2) and 62(3).]

456. ~~Notice of fees to be exhibited at~~ Fees etc. for pound, notice of

The local government having the care, control, and management, of the pound shall cause to be erected and maintained in proper repair, in a conspicuous part of the pound, a board having painted on it, in legible black characters on a white ground, a table of the fees and charges authorised by this Act to be charged, and a table of the rates at which damages may be claimed under this Act for trespass of cattle, and the holding capacity of the pound.

[Section 456 amended by No. 14 of 1996 s. 4.]

457. Unclaimed money, how poundkeeper and local government to deal with

- (1) In this section,
unclaimed money means money which has been received by the keeper of a public pound in respect of the sale of cattle or the

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carcasses of cattle and which has not been claimed by the person entitled to it.

- (2) Where the keeper of a public pound has held unclaimed money for a period of 35 days, he shall on the last day of the month in which that period of 35 days expires, pay the unclaimed money, and render a true account of it, to the chief executive officer of the local government having the care, control, and management, of the pound.
- (3) The local government shall pay the money into the trust fund.
- (4) If at the expiration of 2 years from the day on which the local government receives unclaimed money from the poundkeeper, it has not been claimed by the person entitled to it, the local government may pay the money into its municipal fund, and when so paid into the municipal fund, the money becomes the property of the local government.

[Section 457 amended by No. 27 of 1994 s. 9; No. 14 of 1996 s. 4.]

458. ~~Powers of impounding~~ Trespassing cattle, powers to impound etc.

- (1) Cattle found trespassing upon land may be impounded in the nearest suitable public pound by the owner or occupier of the land or by a ranger.
- (2A) A person who is a ranger appointed to do so by the local government, or an employee of, or other person authorised by, the local government, may impound cattle —
 - (a) found wandering, straying, or lying upon a street, way, or place mentioned in section 447; or
 - (b) found wandering, straying, or lying, upon vacant Crown land.
- (2B) The ranger, employee, or authorised person so impounding cattle may claim ranger's fees at the rate set out in Schedule 2 in

respect of each animal which belongs to the same owner and which is impounded by him, notwithstanding that more animals than one of the same owner are impounded at the one time, and the sum may be recovered in the same manner as the poundkeeper's fees and charges.

- (2C) Cattle found on a street which comprises a boundary of the district or which abuts the district may be so impounded by the ranger, employee or authorised person, notwithstanding that the place on which the cattle are so found is outside the district.
- (3) The occupier of enclosed land may seize and impound in the nearest suitable pound —
- (a) cattle found wandering, straying, or lying, upon a street, abutting the enclosed land of the occupier; or
 - (b) cattle found feeding off the enclosed land whether through or over a fence or otherwise notwithstanding that the cattle are upon the street.
- (4) A person may seize and impound in the nearest suitable pound cattle found straying or at large or unlawfully tethered or depastured in a street, or other public place within a city, town or township.

[Section 458 amended by No. 14 of 1996 s. 4; No. 19 of 2010 s. 21(2) and 62(3).]

459. ~~Destruction of trespassing~~ Trespassing cattle, destruction of in certain cases

Where cattle trespassing are not impounded, and it is proved to the satisfaction of a justice that it is not possible to impound the cattle except at an undue expense, and that the owner of the cattle is unknown or cannot be found, the justice may order the destruction of the cattle in such manner as he thinks fit, and may, if the animal is a horse, mare, filly, foal, gelding, colt, camel, bull, bullock, cow, heifer, steer, calf, ass, or mule, order the production and delivery to a police constable of the hide of

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the animal and by the order give such direction as to the disposal of the hide as he thinks fit, and an order so made has effect according to its tenor and is not subject to appeal.

**460. ~~Impounding of Trespassing cattle found trespassing on land,~~
impounding of in other than public pound etc.**

- (1) Where there is not a public pound situated within 5 ~~kilometres~~ km of the land, or where the holding capacity of any such pound is exhausted, the owner or occupier of land on which cattle are found trespassing or in respect of which the provisions of section 458(3) apply may impound the cattle in a convenient and suitable place —
 - (a) upon his land; or
 - (b) by arrangement with the owner of any adjacent land, upon that land.
- (2) A person impounding cattle under the provisions of subsection (1) shall, within 24 hours of that impounding —
 - (a) if the owner of the cattle is known to him, give to the owner of the cattle, or leave at his usual or last known place of abode in the State, notice of the impounding, specifying, with respect to the cattle, the same particulars as are, by section 466 required to be specified in the notice given to the keeper by a person impounding cattle in the public pound;
 - (b) if the owner of the cattle is unknown to him, give to the keeper of the nearest public pound the same notice specifying the same particulars with respect to the cattle as is, by that section required to be given to the keeper by a person impounding cattle in the public pound.
- (3) A person impounding cattle under the provisions of subsection (1) shall cause the cattle to be fed and maintained while they are impounded.

- (3AA) If the owner of the cattle has not at the expiration of the period of 72 hours paid to the owner or occupier causing the cattle to be impounded the amount of damages which he is entitled to claim under this Act in respect of the trespass of the cattle, together with charges for the sustenance of the cattle whilst so impounded, at the same rates as are chargeable by the keeper of the nearest public pound, the person who caused the cattle to be impounded may —
- (a) impound the cattle in the nearest suitable public pound; or
 - (b) arrange with the local government for a sale of the cattle to be carried out by a person appointed by the local government at the place where the cattle are impounded or at such other place as the local government directs and in the same manner as if the cattle had been impounded under paragraph (a) in a public pound established and maintained by that local government.
- (3a) Where a local government is requested by the owner or occupier of land within its district who has caused cattle to be impounded under this section to arrange for a sale of the cattle to be carried out by a person appointed by the local government, the local government shall make the requisite arrangements accordingly and shall cause a sale to be held and the money received in respect of the sale to be dealt with as though the cattle had been impounded in a public pound which was established and maintained by that local government.
- (4) The owner or occupier so impounding cattle or causing cattle to be impounded may claim and recover in respect of the cattle so impounded sustenance charges in respect of the sustenance of the cattle whilst impounded by him or at his request at the rates chargeable by the keeper of the nearest public pound, in addition to damages recoverable for the trespass of the cattle on his land.
- (5) If any entire horse, ass, or bull above the age of one year shall be found trespassing without a keeper on any land, the owner of

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such land may castrate such cattle if unbranded, and if the owner thereof be unknown.

- (6) In every case where any cattle shall have been castrated in accordance with the foregoing provisions, no compensation shall be given to the owner of such cattle for such castration.
- (7) The above enactments shall be cumulative, and not be a bar to any claim for any compensation for damage or to any penalty which may have accrued by reason of such trespass, unless such compensation shall have been claimed or determined on the hearing of a charge of trespass.

[Section 460 amended by No. 94 of 1972 s. 4; No. 105 of 1973 s. 14; No. 14 of 1996 s. 4; No. 84 of 2004 s. 80; No. 19 of 2010 s. 62(3).]

461. ~~Unlawfully~~Unlawful impounding, offence

A person who impounds cattle unlawfully or in a place other than one authorised by this Act as place in which cattle may be impounded commits an offence.

462. Fees ~~to be paid to poundkeeper~~etc. for impounded cattle (Sch. 3)

- (1) A poundkeeper may charge, as poundage fees for cattle impounded under the provisions of this Act, the fees specified in Schedule 3, and for the sustenance of the cattle while impounded, sustenance charges at the rates specified in that Schedule, according to the description in that Schedule of the cattle impounded.
- (2) Those fees and charges are chargeable for each day during which the cattle remain impounded, and where they are impounded for part of a day but not for the whole of the day, the part is to be regarded as a whole day.

[Section 462 amended by No. 19 of 2010 s. 21(2).]

463. ~~Rates~~ Damage by trespassing cattle, rates for damage by trespass (Sch. 4)

- (1) If cattle are found trespassing on land, the owner or occupier of the land may claim damages in respect of the trespass at the rates for damage by trespass specified in Schedule 4, according to the description of the cattle, and the description contained in that Schedule of the land or crop on which the trespass is committed.
- (2) If cattle are found trespassing upon unenclosed land —
 - (a) after 3 days' notice in writing requiring the owner of the cattle to prevent them from continuing to trespass upon the land has been given to the owner of the cattle by the owner or occupier of the land, either by being delivered personally or by being left for him at his usual or last known place of abode in the State; or
 - (b) after 14 days' notice requiring the owner of the cattle to prevent them from continuing to trespass on the land, describing the land by the names and numbers of the locations or lots or other precise and accurate description has been published in the *Gazette*, or in a newspaper circulating in the locality;

the owner or occupier of the land may lawfully claim damages in respect of the trespass at the same rate which he could lawfully claim if the land upon which the cattle were found trespassing was enclosed.

[Section 463 amended by No. 19 of 2010 s. 21(2).]

464. ~~Local~~ Fees etc. in Sch. 2, 3 and 4, local government may vary fees

A local government having the care, control, and management of a pound may, from time to time, increase, decrease or otherwise vary the poundage fees, trespass fees, ranger's fees, and sustenance charges specified in Schedules 2, 3 and 4 in

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respect of the public pound but only on and after the day on which the local government has caused notice of the increase or variation to be published in the *Gazette*.

[Section 464 amended by No. 42 of 1984 s. 56; No. 14 of 1996 s. 4; No. 19 of 2010 s. 21(2).]

465. Cattle to be restored to owner on payment or tender of amount claimed

- (1) If cattle found trespassing upon land have been seized for the purpose of being impounded, the owner of the cattle, or a person authorised by him to do so, may pay or tender to the person having charge of the cattle before the cattle have been actually impounded sums claimed and payable under this Act in respect of the cattle, whether for damage by trespass, sustenance, or ranger's fees, or in respect of the impounding, and upon the payment or tender being made to the person having charge of the cattle he shall deliver them up to the owner or the authorised person paying or tendering the sums so claimed.
- (2) If the person who has charge of the cattle is a person mentioned in section 458(2A), and the sums claimed are paid to him, he shall pay the money to the keeper of the public pound in which he intended to impound the cattle when he delivered them to the person paying the sums, and shall give to the poundkeeper such information relating to the cattle and the payment as is necessary to enable the poundkeeper to record in the pound book entries relating to the cattle and the payment, and the poundkeeper shall make those entries and issue his receipt acknowledging receipt of the payment and stating the particulars in respect of which it is made.

[Section 465 amended by No. 19 of 2010 s. 62(3).]

466. Person impounding ~~to give notice to~~ cattle in public pound to notify poundkeeper

A person impounding cattle in a public pound shall give notice to the keeper of the pound specifying —

- (a) the number and kinds of the cattle impounded; and
- (b) the name of the owner, if known, or of the supposed owner of the cattle, or stating the fact that he is unknown; and
- (c) the place where the cattle were found trespassing; and
- (d) the sum, if any, claimed for damage by trespass of the cattle and for their sustenance, if any, while impounded on the land of the person by whom the cattle were impounded; and
- (e) the sum, if any, paid as ranger's fees in respect of the cattle.

~~**467. Duty and responsibility of poundkeeper**~~

467. Poundkeeper's functions as to impounded cattle

- (1) The keeper of a public pound shall receive into his custody cattle impounded in the pound and shall detain them in his custody, whether in the pound or elsewhere, until they are released, sold, or otherwise disposed of, in accordance with the provisions of this Act.
- (2) The poundkeeper is responsible to the owner of cattle impounded for loss or damage sustained by the poundkeeper's wilful act or neglect, or the wilful act or neglect of any of his servants, but not otherwise, until the cattle are released, sold, or otherwise disposed of, in accordance with the provisions of this Act.

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468. ~~Notice of Impounded~~ ~~cattle impounded,~~ notice of to be posted-up displayed at pound

- (1) The keeper of a public pound, when and as soon as cattle are impounded in the pound, shall post a written notice on a board in a conspicuous part of the pound, setting forth a description of the cattle.
- (2) The poundkeeper shall keep the notice so posted until the cattle have been released, sold, or otherwise disposed of, according to the provisions of this Act.

469. ~~Notice~~ Unclaimed impounded cattle, notice of impounding to be given

- (1) If cattle impounded in a public pound are not claimed by the owner or by a person on his behalf within 24 hours after they were impounded, the poundkeeper shall give notice in accordance with the requirements of this section of the impounding.
- (2) If the owner of cattle so impounded is known to the poundkeeper, he shall give written notice of the impounding to the owner by causing it to be delivered to the owner personally, or by causing it to be left for or posted to him at his usual or last known place of residence in the State.
- (3) Where the poundkeeper gives the notice of impounding by causing it to be delivered to the owner personally, or by causing it to be left at the owner's usual or last known place of residence, the poundkeeper shall cause notice to be so delivered or left within 48 hours of the time when the cattle were impounded, and where the poundkeeper causes the notice to be given by posting it, the poundkeeper shall cause the notice to be sent not later than by the earliest post after the expiration of 24 hours from the time of the impounding.
- (4) In the notice the poundkeeper shall state —

- (a) the same particulars as are by section 466 required to be given to the poundkeeper by the person impounding cattle; and
 - (b) the sums claimed in respect of the cattle as trespass fees, ranger's fees, poundage fees, sustenance charges, and other expenses incurred up to the time of giving the notice; and
 - (c) that if the cattle are not claimed by the person entitled to them, they will be sold or otherwise disposed of in accordance with this Act.
- (5) If the owner of cattle impounded is unknown to the poundkeeper, the poundkeeper shall, as soon as possible after the expiration of 24 hours from the time of impounding the cattle cause a notice of the impounding in the form in Schedule 5 to be published in the *Gazette* or in a newspaper circulating in the locality in which the public pound is situated.
- (6) If a poundkeeper knowingly and wilfully incorrectly, or in an insufficient manner, describes impounded cattle in a notice or advertisement required or permitted by this Part to be given or published, or in the notice or advertisement knowingly and wilfully fixes a time for the sale of cattle earlier than provided by this Act, the poundkeeper commits an offence.

Penalty: \$40.

[Section 469 amended by No. 113 of 1965 s. 4(1); No. 81 of 1972 s. 20; No. 19 of 2010 s. 21(2).]

470. ~~Poundkeeper may charge for service~~ Service of s. 469 notice, charges for

- (1) A poundkeeper may charge —
- (a) the sum of 10 cents or such other sum as is prescribed by the regulations for delivering or sending by post the notice of impounding; and

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- (b) the sum of 75 cents or such other sum as is prescribed by the regulations for publishing the notice of impounding in the *Gazette*, or the newspaper; and
 - (c) expenses paid by him in respect of the publication of the notice.
- (2) A poundkeeper may also charge for the delivery of the notice, by himself or by a person employed or engaged by him for that purpose, the sum of 20 cents or such sum as is prescribed by the regulations for every kilometre of the distance to the place at which the notice is delivered or left from the pound in which the cattle to which the notice relates are impounded, but where notice of impounding is, by section 469, permitted to be sent by post, and is sent by post, the poundkeeper may charge for the delivery to the place of posting of the notice 20 cents or such other sum as is prescribed by the regulations for every kilometre or part thereof of the distance from the pound to the nearest place available for posting it.

[Section 470 amended by No. 113 of 1965 s. 4(1); No. 94 of 1972 s. 4; No. 65 of 1974 s. 18.]

471. Cattle to be released on payment of damages and poundkeeper's fees and charges

The keeper of a public pound —

- (a) upon payment being made to him in respect of cattle impounded, of his lawful fees and charges, and the sums, if any, claimed for damage by trespass, or payable as ranger's fees; or
- (b) upon receipt of a statutory declaration sworn by a person entitled to claim a sum mentioned in section 466(d) that he has been paid or withdraws his claim for that sum, and on payment being made to the poundkeeper of the lawful fees and charges payable to the poundkeeper, and on payment of ranger's fees, if any, in respect of cattle impounded;

shall release the cattle from, and deliver them at, the pound to the owner of them or to a person authorised by the owner to receive them; but no poundkeeper is required so to release and deliver cattle except between the hours of sunrise and sunset, nor until payment is so made or waived.

472. Payment under protest where amount claimed deemed excessive

- (1) If the owner of cattle impounded is of opinion that the sum claimed by the person impounding them is excessive, the owner may under protest in writing pay to the poundkeeper the sum so claimed, and also the fees and charges due to the poundkeeper in respect of the cattle and immediately upon the payment being so made the poundkeeper shall release from, and deliver at the pound, the cattle to the owner or person authorised by him to receive them.
- (2) If the owner brings an action against the poundkeeper or the person impounding the cattle for the recovery of so much of the amount so paid as is claimed to be excessive, the Court before which the action is brought may, if of opinion that the action has been brought as soon after the release of the cattle as reasonably practicable, order the poundkeeper or the person impounding the cattle to return to the owner so much of money paid by him as exceeds the damages or fees and charges lawfully due in respect of the cattle, and an order so made is not subject to appeal.

473. ~~Poundkeeper~~Ranger's or trespass fees received by poundkeeper to ~~pay, upon receipt, money due~~be paid to ~~person impounding~~ranger etc.

Where the keeper of a public pound has received on account of a person ranger's fees or trespass fees, he shall on demand made by the person pay the fees to him, but to the extent only that they are lawfully chargeable.

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474. ~~Sale of unclaimed~~ Unclaimed impounded cattle, sale or disposal of etc.

- (1) If impounded cattle are not released from the pound —
- (a) where notice of the impounding has been given to or left for the owner, within 3 days of the notice being so given or left; or
 - (b) where the notice has been given by post, within 7 days of the time when the notice was posted; or
 - (c) where the notice has been given by being published in the *Gazette* or a newspaper circulating in the locality in which the pound is situated, within 7 days of the publication;

the poundkeeper may sell the cattle by public auction, but not until he has given 3 days' notice specifying the time and place of the sale and the cattle to be sold by posting the notice in a conspicuous place at the pound and by publishing it once in a newspaper circulating in that locality.

- (2A) Where it appears to a justice that giving notice and advertising the sale of cattle impounded under the provisions of this Act would involve greater expense than the value of the cattle impounded, or that by reason of the condition or health of the cattle, they should be sold as quickly as possible, he may make an order directing that the giving of notice, other than that required by section 468, and that the advertising be dispensed with, and directing that the cattle be sold at such time and in such manner and under such conditions as he thinks fit.
- (2B) Subsection (2A) does not prejudice enforcement of liability against the owner of the cattle in respect of a penalty or payment of lawful fees, charges, and damages under this Part, and they may be recovered in a court of competent jurisdiction.

- (3A) Where it appears to a justice, after inspection of impounded cattle that —
- (a) if the cattle were held for the period and notice of sale advertised in manner prescribed by this Part the cattle would not be likely to realise on sale sufficient to pay the poundage fees, expenses of sale, and other lawful charges payable under this Act in connection with the impounding of the cattle; and
 - (b) that an immediate sale under subsection (2A) would not be likely to realise those fees and charges,

and the owner of the cattle does not appear and pay those fees and charges or give security to the satisfaction of the justice for the payment of such further fees, charges, and expenses as may be awarded in subsequent proceedings under this Act, the justice may make an order dispensing with the giving of notice, other than that required by section 468, and authorising the immediate destruction or disposal of the cattle and the disposal of the carcasses in such manner as the justice thinks fit.

- (3B) Destruction or disposal of the cattle or carcasses pursuant to an order so made does not prejudice enforcement of liability against the owner of the cattle in respect of a penalty or payment of lawful fees, charges, and damages under this Part and they may be recovered in a court of competent jurisdiction.
- (4) Where a sale is authorised by or under this section, unless an order made by a justice directs otherwise —
- (a) only the poundkeeper or a person appointed for that purpose by the local government may conduct the sale; [and](#)
 - (b) the poundkeeper or other person so appointed shall conduct the sale only at the public pound where the cattle are impounded or at another place nominated by the mayor or president; [and](#)

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- (c) the poundkeeper or other person so appointed shall sell the cattle to the highest bidder at auction unless where a reserve price is fixed, his bid is less than the reserve price; and
 - (d) the poundkeeper or other person so appointed shall commence the sale at the time fixed by the poundkeeper in the notice so published and posted.
- (5) If the poundkeeper or person so appointed is of opinion that the cattle to be offered for sale are of a value greater in amount than that of the total of the fees, charges, costs, and expenses, chargeable under the Act in respect of the cattle, he may fix a reserve price on the cattle not exceeding that total.
- (6) The person who impounded the cattle, the keeper of the pound, or a member of the council of the local government or the chief executive officer of the local government shall not either personally or by another person purchase cattle impounded in the pound.
- (7) The keeper of a public pound shall, on the sale of an animal which has been impounded in the pound, brand it with the brands, on the portions, and in the order, prescribed by the *Brands Act 1904*³², in such manner as to show that the brand is the last brand at the time imprinted on the beast.
- Penalty: \$200.
- (8) In selling or offering cattle or carcasses for sale under this Part a poundkeeper or person appointed by the local government to sell them does not require a licence under the *Auctioneers Act 1921*⁴³, and the provisions of that Act do not apply to him in so selling or offering for sale.
- (9) An order made under this section by a justice has effect according to its tenor, and is not subject to appeal.

[Section 474 amended by No. 113 of 1965 s. 4(1); No. 81 of 1972 s. 20; No. 14 of 1996 s. 4; No. 57 of 1997 s. 83(5); No. 50 of 2003 s. 77(2); No. 84 of 2004 s. 80; No. 19 of 2010 s. 62(3).]

475. ~~Justice~~ Unsold impounded cattle, JP may order ~~unsold cattle to be destroyed~~ destruction of etc.

- (1) If impounded cattle offered for sale are not sold, a justice may certify that he does not consider the cattle of sufficient value to pay the cost of further maintaining them, and may order that the cattle forthwith be killed and the carcasses sold or otherwise disposed of in such manner as he thinks fit and specified in the order.
- (2) The justice shall issue the order in writing, and the person obtaining the order shall deliver it to the poundkeeper of the pound in which the cattle are impounded.
- (3) An order made under this section by a justice has effect according to its tenor, and is not subject to appeal.

476. Purchaser not bound to prove regularity of sale

A purchaser of cattle or of a carcass sold under the provisions of this Part is not bound to prove that the sale was regular or that the provisions of this Part were complied with, and is not affected by default or irregularity in respect of the sale.

477. ~~Poundkeeper may recover fees~~ Fees etc. not recovered from ~~ownersale of cattle or from the local government~~ etc., recovery of by poundkeeper

- (1) If impounded cattle offered for sale are not sold, or if the sale of the cattle or of the carcasses of the cattle does not realise a sufficient sum to pay his lawful fees and charges, the poundkeeper may recover the fees and charges or such portion of them as remains unpaid, from the owner of the cattle by action in a court of competent jurisdiction, and if the owner cannot be found or the poundkeeper cannot recover the fees and charges or the portion remaining unpaid from the owner, he may in the same manner recover the fees and charges or the portion remaining unpaid from the local government having the care, control, and management of the pound.

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- (2) It is defence to an action so brought to show that a notice required by this Part to be given by the poundkeeper with respect to the cattle has not been given.

[Section 477 amended by No. 14 of 1996 s. 4.]

478. ~~Authority for~~ Dying etc. impounded cattle, destruction of injured, diseased, or dying cattle impounded etc.

- (1) If the mayor, president, or chief executive officer, of the local government having the care, control, and management of the pound or a justice, after inspecting cattle impounded in a pound, or found on a street, way, or place mentioned in section 447, is of opinion that the cattle are in a dying state, or are injured, diseased, or so weak as not to be likely to recover, he may order the cattle, if not claimed within 24 hours of the time of issuing the order, which time he shall specify in the order, to be killed, and the carcasses sold or otherwise disposed of in such manner as he thinks fit and specifies in the order.
- (2) The person issuing the order shall issue the order in writing, and the person obtaining the order shall deliver it
- (a) if the cattle are impounded, to the poundkeeper of the pound in which the cattle are impounded; or
 - (b) if the cattle are found on a street, way, or place mentioned in section 447, to the chief executive officer of the local government.
- (3) An order made under this section has effect according to its tenor, and is not subject to appeal.

[Section 478 amended by No. 14 of 1996 s. 4.]

479. ~~Application of~~ Sale proceeds arising from sale of cattle, application of

The price of cattle, or the carcass of cattle, sold under the provisions of this Part shall be paid by the person purchasing them to the poundkeeper and shall be applied by the poundkeeper —

- (a) firstly, in payment to the auctioneer at the sale, if he is not the poundkeeper, of a commission of 5% or such other per centum as is prescribed by the regulations of the gross amount realised; and
- (b) secondly, in payment to himself of the lawful fees and charges payable to him under this Part in respect of the cattle or carcass; and
- (c) thirdly, in payment of the sum due to the ranger or other person by whom the cattle were impounded; and
- (d) fourthly, as to the balance then remaining —
 - (i) in payment to the owner of the cattle where he is known and demands payment of it to him; or
 - (ii) where the owner is not known in payment as directed by section 457.

[Section 479 amended by No. 19 of 2010 s. 62(3).]

480. Goats ~~Trespassing goats, pigs, and poultry may be destroyed if found on enclosed land, destruction of~~

[(1) deleted]

- (2) Where the owner or a person in charge of enclosed land —
 - (a) has given notice in writing to the owner of goats, pigs, birds, or poultry, of his intention to destroy goats, pigs, birds or poultry found trespassing on the land, he may kill by any means, except by the use of poison, goats, pigs, birds or poultry, which are the property of the owner to whom he has given the notice and which he finds trespassing on the land; or
 - (b) has advertised twice in 2 or more newspapers published in the State and circulating in the locality his intention to destroy goats, pigs, birds or poultry found trespassing on the land, he may kill by any means except by the use of poison, goats, pigs, birds or poultry found trespassing on the land;

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and, if not sooner claimed by the owner of the animal or bird, may 6 hours after killing it remove, bury, or destroy its carcass.

[Section 480 amended by No. 99 of 1985 s. 26.]

481. ~~Stray cattle~~Cattle not to be ~~taken away~~driven from land etc. without notice to owner

- (1) No person shall drive cattle from the land, or out of the herds, of another person without first giving notice to him or his agent, overseer, or bailiff, of the time he intends to drive the cattle away.
- (2) A person —
 - (a) who has not so given notice of his intention to drive away cattle and who —
 - (i) drives cattle from the land, or out of the herds, of another person; or
 - (ii) enters upon the land of another person for the purpose of driving cattle from the land;
 - or
 - (b) who having so given the notice drives from the land, or out of the herds of another person without that other person's authority, cattle other than his own,

commits an offence.

Penalty: \$800.

[Section 481 amended by No. 113 of 1965 s. 4(1); No. 81 of 1972 s. 20.]

~~482. — Pound rescues or breaches~~

482. Offences as to impounded etc. cattle and pounds

- (1) A person who —
- (a) unlawfully rescues or releases or attempts to rescue or release cattle lawfully impounded or seized for the purpose of being impounded; or
 - (b) damages a pound lawfully established, whether cattle are or are not impounded in it; or
 - (c) commits pound-breach by reason of which cattle may escape from a pound;

commits an offence and is liable to a penalty not exceeding \$400, together with charges and expenses incurred in respect of the impounding.

- (2) In proceedings in respect of an offence mentioned in this section, proof that cattle so rescued, released, or escaping, were within 48 hours of the time of the rescue, release, or escape, found in the possession or on the lands, or with a herd of a person, is *prima facie* evidence that the rescue, release, or pound-breach, was made or committed by that person.
- (3) A person who does or threatens to do an injury, or causes or threatens to cause a detriment, to a poundkeeper or ranger with the intention of preventing him from, or hindering him in, doing an act which, as such, he is lawfully entitled to do, or because he has, as such, done an act which he is lawfully entitled to do, or with the intention of compelling him to do an act which, as such, he is lawfully entitled to abstain from doing, or because, as such, he has abstained from doing an act which, as such, he is lawfully entitled to abstain from doing, commits an offence.

Penalty: \$400.

[Section 482 amended by No. 113 of 1965 s. 4(1); No. 81 of 1972 s. 20; No. 50 of 2003 s. 77(3).]

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483. ~~Penalty for removing fences, gates~~ Removing fence etc. to allow cattle trespass etc., offence

A person who unlawfully removes or takes down a fence, rail, or slip-panel, or opens a gate, for the purpose of allowing cattle to trespass upon or escape from enclosed land, commits an offence.

Penalty: \$400.

[Section 483 amended by No. 113 of 1965 s. 4(1); No. 81 of 1972 s. 20.]

484. ~~Liability of owner of~~ Cattle straying cattle etc. in public place, offence by owner

(1) If the owner of cattle —

- (a) permits the cattle to stray; or
- (b) permits the cattle to be at large; or
- (c) tethers the cattle; or
- (d) depastures the cattle;

in a street or other public place, he commits an offence.

Penalty: \$200.

- (2) If cattle are found straying, or at large, or tethered, or depastured, in a street, or other public place, the owner of the cattle is to be regarded for the purposes of this section as having permitted the cattle to so stray or be at large or to have so tethered or depastured the cattle.
- (3) If the owner of the cattle cannot be found, the person in charge or apparently in charge of the cattle is regarded for the purposes of this section as the owner.
- (4) In proceedings relating to an offence mentioned in this section, an averment in the charge that a person is the owner, or person in charge or apparently in charge, of the cattle concerned, is regarded as proved in the absence of proof to the contrary.

- (5) For the purposes of this section cattle in the charge of a person are to be regarded as being at large if the cattle —
- (a) are on a street, or other public place, which street or public place is in a city, town or townsite; and
 - (b) do not travel at the rate of at least 8 kilometres~~km~~ a day in a direct line,
- unless —
- (c) the day is that on which a market is held for the sale of cattle or the preceding day; and
 - (d) the cattle are travelling to the market at a less rate.
- (6) Subsection (5) does not affect the decision of the question as to whether cattle are at large in a street or other public place elsewhere than in a city, town or townsite, or in circumstances other than those mentioned in that subsection.

[Section 484 amended by No. 113 of 1965 s. 4(1); No. 81 of 1972 s. 20; No. 94 of 1972 s. 4; No. 84 of 2004 s. 80; No. 19 of 2010 s. 62(2).]

485. Actions for full compensation for trespass not prevented

The provisions of this Part do not affect the right of the owner of land from suing in a court of competent jurisdiction for damages, at the rates specified in Schedule 4, or at the rates in force for the time being at the public pound nearest to the land, or for any other damages, in respect of trespass by cattle on the land.

[Section 485 amended by No. 19 of 2010 s. 21(2).]

[Part XXI (s. 486-501) deleted by No. 74 of 1995 s. 9.70.]

[Part XXII: s. 502-505, 508-511 deleted by No. 74 of 1995 s. 9.70; s. 506, 507 deleted by No. 27 of 1994 s. 11.]

[Part XXIII (s. 512-521A) deleted by No. 74 of 1995 s. 9.70.]

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Part XX Cattle trespass, pounds, poundkeepers and rangers

s. 485

*[Part XXIV: s. 522-525, 526-531AA deleted by No. 74 of 1995 s. 9.70;
s. 525A deleted by No. 42 of 1987 s. 25.]*

*[Part XXV: s. 531A-534, 535, 537-544, 545A, 546-560, 562-597
deleted by No. 74 of 1995 s. 9.70;
s. 534A, 536 deleted by No. 76 of 1978 s. 91;
s. 545 deleted by No. 76 of 1978 s. 96;
s. 561 deleted by No. 5 of 1977 s. 5.]*

[Part XXVI (s. 598-624A) deleted by No. 74 of 1995 s. 9.70.]

*[Part XXVII: s. 625-637, 639-641 deleted by No. 74 of 1995 s. 9.70;
s. 638 deleted by No. 103 of 1982 s. 11.]*

Part XXVIII — Miscellaneous

[Division 1 (s. 642-660) deleted by No. 74 of 1995 s. 9.70.]

*[Division 2: s. 661, 663-665B deleted by No. 74 of 1995 s. 9.70;
s. 662 deleted by No. 126 of 1987 s. 118.]*

[666, 667. Deleted by No. 24 of 2011 s. 154.]

[668-669F. Deleted by No. 74 of 1995 s. 9.70.]

670. Offence of failing to comply with Act

A person who does not do a thing, which by or under this Act, he is required or directed to do, and a person who does a thing which by or under this Act he is prohibited from doing, commits an offence.

[671-677. Deleted by No. 74 of 1995 s. 9.70.]

[Divisions 3 and 3A (s. 677A-678B) deleted by No. 74 of 1995 s. 9.70.]

[Division 4 (s. 679-681) deleted by No. 74 of 1995 s. 9.70.]

682. Act not to affect right of Crown

Anything which, if this Act were not in operation, might be done in the exercise of a right reserved to the Crown or a person representing the Crown and relating to or affecting land alienated from the Crown, may still be done in the exercise of the right, notwithstanding that authority to do it is conferred by this Act upon a local government or other authority.

[Section 682 amended by No. 14 of 1996 s. 4.]

[683. Deleted by No. 74 of 1995 s. 9.70.]

s. 684

684. Arbitration [for s. 364\(8\), provisions for](#)

Where under section 364(8) provision is made for determination of a question or matter only on a reference to arbitration —

- (a) the provisions of the *Commercial Arbitration Act 1985*, apply in respect of the reference and the arbitration; [and](#)
- (b) the determination shall be made by 2 arbitrators, one to be appointed by each party, or under that Act in default of appointment, by a party; and
- (c) if the parties have not signed or otherwise assented to an agreement to refer the question or matter to arbitration, the question or matter shall nevertheless be deemed the subject of a reference under that Act.

[Section 684 amended by No. 21 of 1968 s. 9; No. 109 of 1985 s. 3(1); No. 14 of 1996 s. 4; No. 24 of 2011 s. 155.]

[685, 686. Deleted by No. 74 of 1995 s. 9.70.]

[687. Deleted by No. 24 of 2011 s. 156.]

[688-694. Deleted by No. 74 of 1995 s. 9.70.]

[Part XXIX (s. 695-729) deleted by No. 74 of 1995 s. 9.70.]

[Part XXX (s. 730-737) deleted by No. 74 of 1995 s. 9.70.]

Schedule 1 — Poundkeeper's book

[s. 455(1)]

[Heading inserted by No. 19 of 2010 s. 21(3).]

RELEASED, SOLD OR DESTROYED	Signature and address of person receiving cattle released		
	Loss on Sale		
	Profit on Sale		
	Amount received for —	Total	
		Other charges	
		Trespass	
		Sales	
	To whom delivered or proceeds paid		
	If destroyed, by whose order		
	Whether Released or Sold		
	Date and Time		
IMPOUNDED	Charges Payable	Total	
		Selling charges	
		Advertising, etc.	
		Trespass	
		Sustenance	
		Impounding	
		Ranger	
	Time and mode of giving notice		
	Owner or supposed Owner		
	For what cause		
	By whom impounded		
Description of Cattle colours and brands			
Date and Time			

[Schedule 1, formerly Fifteenth Schedule Part 1, renumbered as Schedule 1 and amended by No. 19 of 2010 s. 21(3).]

Schedule 2 — Ranger's fees

[s. 458(2)(b2B)]

[Heading inserted by No. 19 of 2010 s. 21(4).]

	If impounded after 6 a.m. and before 6 p.m. \$	If impounded after 6 p.m. and before 6 a.m. \$
(1) Entire horses, mules, asses, camels, bulls or boars, per head	4.00	8.00
(2) Mares, geldings, colts, fillies, foals, oxen, cows, steers, heifers, calves, rams or pigs, per head	2.00	4.00
(3) Wethers, ewes, lambs, goats, per head	0.40	0.60

No charge is payable in respect of a suckling animal under the age of 6 months running with its mother.

The above fees include driving, leading or otherwise transporting the animal or animals no more than a distance of 3 kilometres~~km~~. Where the distance is more than 3 kilometres~~km~~, an additional charge of 10 cents for each 1.5 kilometres~~km~~ or part thereof in excess of 3 kilometres ~~km~~ shall be paid to the ranger in respect of each animal impounded other than a suckling animal as provided.

If the amounts are increased, decreased, or otherwise varied under s. 464, the amounts as so increased, decreased, or varied are chargeable.

[Schedule 2, formerly Fifteenth Schedule Part 2, amended by No. 113 of 1965 s. 8(1); No. 94 of 1972 s. 4; renumbered as Schedule 2 and amended by No. 19 of 2010 s. 21(4).]

Schedule 3 — Poundage fees and sustenance charges

[s. 462(1)]

[Heading inserted by No. 19 of 2010 s. 21(5).]

Table of poundage fees for cattle impounded

	First 24 hours or part \$	Subsequently each 24 hours or part \$
(1) Entire horses, mules, asses, camels, bulls or boars above or apparently above the age of 2 years, per head	2.00	0.50
(2) Entire horses, mules, asses, camels, bull or boars under the age of 2 years	1.00	0.25
(3) Mares, geldings, colts, fillies, foals, oxen, cows, steers, heifers, calves, rams or pigs, per head	0.50	0.10
(4) Wethers, ewes, lambs, goats, per head	0.20	0.10

No charge is payable in respect of a suckling animal under the age of 6 months running with its mother.

If the amounts are increased, decreased, or otherwise varied under s. 464, the amounts as so increased, decreased, or varied are chargeable.

Table of charges for sustenance of cattle impounded

	For each 24 hours or part
(1) Entire horses, mules, asses, camels, bulls, mares, geldings, colts, fillies, foals, oxen, cows, steers, heifers, or calves, per head	0.75
(2) Pigs of any description, per head	0.50
(3) Rams, wethers, ewes, lambs or goats, per head	0.20

No charge is payable in respect of a suckling animal under the age of 6 months running with its mother.

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Schedule 3 Poundage fees and sustenance charges

If the amounts are increased, decreased, or otherwise varied under s. 464, the amounts as so increased, decreased, or varied are chargeable.

[Schedule 3, formerly Fifteenth Schedule Part 3, amended by No. 113 of 1965 s. 8(1); renumbered as Schedule 3 and amended by No. 19 of 2010 s. 21(5).]

Schedule 4 — Rates for damage by trespass by cattle

[s. 463(1)]

[Heading inserted by No. 19 of 2010 s. 21(6).]

	Trespass in Enclosed Growing-Crop <u>enclosed</u> <u>growing</u> <u>crop</u> of any kind, or Garden <u>garden</u> or Enclosure <u>encl</u> <u>osure</u> from which the crop has not been removed or in an enclosed public cemetery or sanitary site	Trespass in an Unenclosed Paddock <u>unen</u> <u>closed</u> <u>paddock</u> or Meadow <u>mea</u> <u>dow</u> of Grass <u>grass</u> or of Stubble <u>stubb</u> <u>le</u>	Trespass in Other Enclosed Land <u>other</u> <u>enclosed</u> <u>land</u>	Trespass in Other Unenclosed Land <u>other</u> <u>unenclosed</u> <u>land</u>
Description of Cattle <u>cattle</u>	\$	\$	\$	\$
1. Entire horses, mares, geldings, fillies, colts, foals, bulls, oxen, steers, heifers, calves, asses, mules, or camels — per head	2.00	0.40	1.00	0.03
2. Pigs of any description — per head	2.00	0.40	1.00	0.03
3. Sheep of any description — per head	0.20	0.10	0.10	0.01
4. Goats — per head	0.20	0.10	0.10	0.01

No damage is payable in respect of a suckling animal under the age of 6 months running with its mother.

If the amounts are increased, decreased, or otherwise varied under s. 464, the amounts as so increased, decreased, or varied are chargeable.

[Schedule 4, formerly Fifteenth Schedule Part 4, amended by No. 38 of 1962 s. 29; No. 113 of 1965 s. 4(1); renumbered as Schedule 4 and amended by No. 19 of 2010 s. 21(6).]

Notes

¹ This [reprint](#) is a compilation [as at 8 June 2012](#) of the *Local Government (Miscellaneous Provisions) Act 1960* and includes the amendments made by the other written laws referred to in the following table ^{la. 6-74-5}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Local Government Act 1960</i> ⁸⁶	84 of 1960 (9 Eliz. II No. 84)	20 Dec 1960	1 Jul 1961 (see s. 2 and <i>Gazette</i> 10 Feb 1961 p. 385)
<i>Local Government Act Amendment Act 1961</i>	72 of 1961 (10 Eliz. II No. 72)	28 Nov 1961	28 Nov 1961
<i>Local Government Act Amendment Act 1962</i>	38 of 1962 (11 Eliz. II No. 38)	29 Oct 1962	29 Oct 1962
<i>Local Government Act Amendment Act (No. 2) 1963</i>	68 of 1963 (12 Eliz. II No. 68)	17 Dec 1963	17 Dec 1963
<i>Local Government Act Amendment Act (No. 2) 1964</i> ²	90 of 1964 (13 Eliz. II No. 90)	14 Dec 1964	1 Feb 1965 (see s. 2 and <i>Gazette</i> 15 Jan 1965 p. 289)
<i>Local Government Act Amendment Act 1965</i>	32 of 1965	21 Oct 1965	21 Oct 1965
<i>Local Government Act Amendment Act (No. 3) 1965</i>	63 of 1965	19 Nov 1965	19 Nov 1965
<i>Local Government Act Amendment Act (No. 2) 1965</i>	70 of 1965	25 Nov 1965	25 Nov 1965
<i>Local Government Act Amendment Act (No. 4) 1965</i>	82 of 1965	7 Dec 1965	7 Dec 1965
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))

Local Government (Miscellaneous Provisions) Act 1960

Short title	Number and year	Assent	Commencement
<i>Local Government Act Amendment Act (No. 2) 1966</i>	83 of 1966	12 Dec 1966	12 Dec 1966
<i>Local Government Act Amendment Act 1966</i>	96 of 1966	12 Dec 1966	13 Jan 1967 (see s. 2 and <i>Gazette</i> 13 Jan 1967 p. 35)
<i>Local Government Act Amendment Act 1967</i>	32 of 1967	17 Nov 1967	Act other than s. 24 and 26: 22 Dec 1967 (see s. 2 and <i>Gazette</i> 22 Dec 1967 p. 3531); s. 24 and 26: 1 Jul 1968 (see s. 2 and <i>Gazette</i> 22 Dec 1967 p. 3531)
Reprint of the Local Government Act 1960 approved 3 May 1968 (not in a Volume) (includes amendments listed above)			
<i>Local Government Act Amendment Act 1968</i>	21 of 1968	16 Oct 1968	16 Oct 1968
<i>Local Government Act Amendment Act 1969</i>	35 of 1969	19 May 1969	19 May 1969
<i>Local Government Act Amendment Act (No. 4) 1969</i>	83 of 1969	17 Nov 1969	12 Dec 1969 (see s. 2 and <i>Gazette</i> 12 Dec 1969 p. 4001)
<i>Local Government Act Amendment Act (No. 5) 1969</i>	107 of 1969	25 Nov 1969	23 Jan 1970 (see s. 2 and <i>Gazette</i> 23 Jan 1970 p. 138)
<i>Local Government Act Amendment Act 1970</i>	16 of 1970	29 Apr 1970	29 Apr 1970
<i>Acts Amendment (Commissioner of State Taxation) Act 1970 Pt. V</i>	21 of 1970	8 May 1970	1 Jul 1970 (see s. 2 and <i>Gazette</i> 26 Jun 1970 p. 1831)
<i>Local Government Act Amendment Act (No. 2) 1970</i>	49 of 1970	8 Oct 1970	8 Oct 1970
<i>Local Government Act Amendment Act (No. 5) 1970</i>	80 of 1970	30 Nov 1970	12 Feb 1971 (see s. 2 and <i>Gazette</i> 12 Feb 1971 p. 379)
<i>Local Government Act Amendment Act (No. 6) 1970</i>	120 of 1970	10 Dec 1970	10 Dec 1970
<i>Local Government Act Amendment Act 1971</i>	66 of 1971	22 Dec 1971	22 Dec 1971

Local Government (Miscellaneous Provisions) Act 1960

Short title	Number and year	Assent	Commencement
<i>Age of Majority Act 1972</i> s. 6(2)	46 of 1972	18 Sep 1972	1 Nov 1972 (see s. 2 and <i>Gazette</i> 13 Oct 1972 p. 4069)
<i>Local Government Act Amendment Act (No. 3) 1972</i>	81 of 1972	20 Nov 1972	2 Mar 1973 (see s. 2 and <i>Gazette</i> 2 Mar 1973 p. 573)
<i>Metric Conversion Act 1972</i>	94 of 1972 (as amended by No. 19 and 83 of 1973)	4 Dec 1972	Relevant amendments (see First Sch. ⁹⁷) took effect on 1 Jul 1973 (see s. 4(2) and <i>Gazette</i> 4 May 1973 p. 1110). Relevant amendments (see Third Sch. ¹⁰⁷) took effect on 8 Feb 1974 (see s. 4(2) and <i>Gazette</i> 8 Feb 1974 p. 354)
<i>Acts Amendment (Road Safety and Traffic) Act 1973 Pt. II</i>	12 of 1973	25 May 1973	26 Oct 1973 (see s. 2 and <i>Gazette</i> 26 Oct 1973 p. 4049)
<i>Local Government Act Amendment Act (No. 2) 1973</i>	21 of 1973	6 Jun 1973	6 Jun 1973
Reprint of the Local Government Act 1960 approved 9 Aug 1973 (includes amendments listed above except those in the <i>Metric Conversion Act 1972</i> Third Sch.)			
<i>Local Government Act Amendment Act (No. 3) 1973</i>	74 of 1973	17 Dec 1973	1 Apr 1975 (see s. 2 and <i>Gazette</i> 20 Dec 1974 p. 5591)
<i>Local Government Act Amendment Act (No. 4) 1973</i>	105 of 1973	4 Jan 1974	5 Apr 1974 (see s. 2 and <i>Gazette</i> 5 Apr 1974 p. 1180)
<i>Ministers of the Crown (Statutory Designations) and Acts Amendment Act 1974 Pt. IV</i>	27 of 1974	29 Oct 1974	1 Dec 1974 (see s. 2 and <i>Gazette</i> 6 Dec 1974 p. 5204)
<i>Local Government Act Amendment Act 1974</i>	65 of 1974	9 Dec 1974	s. 1, 2 and 26: 9 Dec 1974 (see s. 2(2)); Act other than s. 1, 2 and 26: 14 Feb 1975 (see s. 2(1) and <i>Gazette</i> 14 Feb 1975 p. 506)
<i>Local Government Act Amendment Act 1975</i>	36 of 1975	16 May 1975	16 May 1975

Local Government (Miscellaneous Provisions) Act 1960

Short title	Number and year	Assent	Commencement
<i>Local Government Act Amendment Act (No. 2) 1975</i>	65 of 1975	24 Oct 1975	s. 1-8 and 10-17: 12 Dec 1975 (see s. 2 and <i>Gazette</i> 12 Dec 1975 p. 4483-4); s. 9: 19 Mar 1976 (see s. 2 and <i>Gazette</i> 19 Mar 1976 p. 779)
<i>Local Government Act Amendment Act (No. 3) 1975</i>	78 of 1975	14 Nov 1975	1 Jul 1976 (see s. 2 and <i>Gazette</i> 12 Dec 1975 p. 4484)
<i>Local Government Act Amendment Act (No. 4) 1976</i>	30 of 1976	9 Jun 1976	9 Jun 1976
<i>Local Government Act Amendment Act (No. 3) 1976</i>	46 of 1976	10 Sep 1976	24 Dec 1976 (see s. 2 and <i>Gazette</i> 24 Dec 1976 p. 5029)
<i>Local Government Act Amendment Act (No. 5) 1976</i>	97 of 1976	12 Nov 1976	Act other than s. 3, 6, 13-15, 22-25 and 29-32: 12 Nov 1976 (see s. 2(1)); s. 3, 6 and 22-25: 25 Mar 1977 (see s. 2(2) and <i>Gazette</i> 25 Mar 1977 p. 830); s. 13-15 and 29-32: 1 Aug 1977 (see s. 2(2) and <i>Gazette</i> 25 Mar 1977 p. 830)
<i>Local Government Act Amendment Act (No. 6) 1976</i>	124 of 1976	2 Dec 1976	4 Mar 1977 (see s. 2 and <i>Gazette</i> 4 Mar 1977 p. 652)
<i>Acts Amendment (Pensioners Rates Rebates and Deferments) Act 1977 Pt. 1</i>	5 of 1977	30 Sep 1977	1 Jul 1977 (see s. 2)
<i>Local Government Act Amendment Act 1977</i>	7 of 1977	30 Sep 1977	30 Sep 1977
Reprint of the <i>Local Government Act 1960</i> approved 21 Nov 1977 (includes amendments listed above)			
<i>Local Government Act Amendment Act (No. 2) 1977</i>	56 of 1977	23 Nov 1977	Act other than s. 11: 23 Nov 1977 (see s. 2(1)); s. 11: 16 Dec 1977 (see s. 2(2) and <i>Gazette</i> 16 Dec 1977 p. 4655)

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Short title	Number and year	Assent	Commencement
<i>Local Government Act Amendment Act (No. 2) 1978</i>	31 of 1978	22 May 1978	22 May 1978
<i>Acts Amendment and Repeal (Valuation of Land) Act 1978 Pt. X</i>	76 of 1978	20 Oct 1978	1 Jul 1979 (see s. 2 and <i>Gazette</i> 11 May 1979 p. 1211)
<i>Local Government Act Amendment Act (No. 3) 1978</i>	82 of 1978	27 Oct 1978	Act other than s. 12: 27 Oct 1978 (see s. 2(1)); s. 12: 1 Jul 1979 (see s. 2(2) and <i>Gazette</i> 22 Jun 1979 p. 1678)
<i>Mining Act 1978 s. 3</i>	107 of 1978	8 Dec 1978	1 Jan 1982 (see s. 2(2) and <i>Gazette</i> 11 Dec 1981 p. 5085)
<i>Local Government Act Amendment Act (No. 3) 1979</i>	57 of 1979	12 Nov 1979	12 Nov 1979
<i>Local Government Act Amendment Act 1979</i> ⁺¹⁸	61 of 1979	12 Nov 1979	3 Apr 1980 (see s. 2 and <i>Gazette</i> 3 Apr 1980 p. 1043)
<i>Local Government Act Amendment Act (No. 4) 1979</i>	100 of 1979	21 Dec 1979	21 Dec 1979
<i>Local Government Amendment Act 1980</i>	68 of 1980	26 Nov 1980	Act other than s. 3 and 14-26: 26 Nov 1980 (see s. 2(1)); s. 3 and 14-26: 1 Jan 1981 (see s. 2(2) and <i>Gazette</i> 24 Dec 1980 p. 4349)
<i>Local Government Amendment Act (No. 2) 1981</i>	24 of 1981	26 May 1981	26 May 1981
<i>Local Government Amendment Act 1981</i>	27 of 1981 (as amended by No. 60 of 1981 s. 31)	26 May 1981	13 Nov 1981 (see s. 2 and <i>Gazette</i> 13 Nov 1981 p. 4677)
<i>Local Government Amendment Act (No. 3) 1981</i> ⁺²⁹	60 of 1981	13 Oct 1981	s. 6: 26 May 1981 (see s. 2(2)); Act other than s. 5(b), 6, 7, 17, 18, 23, 25(c), 28 and 29: 13 Oct 1981 (see s. 2(1)); s. 5(b), 7, 17, 18, 23, 25(c), 28 and 29: 16 Apr 1982 (see s. 2(3) and <i>Gazette</i> 16 Apr 1982 p. 1277)

Local Government (Miscellaneous Provisions) Act 1960

Short title	Number and year	Assent	Commencement
<i>Companies (Consequential Amendments) Act 1982</i> s. 28	10 of 1982	14 May 1982	1 Jul 1982 (see s. 2(1) and <i>Gazette</i> 25 Jun 1982 p. 2079)
<i>Local Government Amendment Act 1982</i>	43 of 1982	27 May 1982	s. 4 and 5: 12 Nov 1979 (see s. 2(2)); Act other than s. 4-6: 27 May 1982 (see s. 2(1)); s. 6: 1 Jul 1983 (see s. 2(3) and <i>Gazette</i> 24 Jun 1983 p. 1977)
<i>Local Government Amendment Act (No. 3) 1982</i>	62 of 1982	28 Sep 1982	Act other than s. 6: 28 Sep 1982 (see s. 2(1)); s. 6: 7 Jan 1983 (see s. 2(2) and <i>Gazette</i> 7 Jan 1983 p. 3)
<i>Local Government Amendment Act (No. 4) 1982</i> ⁺³¹⁰	103 of 1982	24 Nov 1982	Act other than s. 4-13: 24 Nov 1982 (see s. 2(1)); s. 5 and 6: 17 Dec 1982 (see s. 2(2) and <i>Gazette</i> 17 Dec 1982 p. 4826); s. 4, 7-13: 6 May 1983 (see s. 2(3) and <i>Gazette</i> 6 May 1983 p. 1426)
Reprint of the <i>Local Government Act 1960</i> approved 24 Jun 1983 (includes amendments listed above except those in the <i>Local Government Amendment Act 1982</i> s. 6)			
<i>Local Government Amendment Act 1983</i>	6 of 1983	11 Aug 1983	11 Aug 1983
<i>Acts Amendment (Asbestos Related Diseases) Act 1983</i> Pt. VI	84 of 1983	22 Dec 1983	19 Jan 1984 (see s. 2)
<i>Local Government Amendment Act 1984</i>	17 of 1984	31 May 1984	1 Jul 1984 (see s. 2 and <i>Gazette</i> 29 Jun 1984 p. 1754)
<i>Acts Amendment (Mining Tenements) (Rating) Act 1984</i> Pt. II	25 of 1984	31 May 1984	s. 5(1): 1 Jan 1982 (see s. 2(2)); balance: <u>Pt. II other than s. 5(1):</u> 31 May 1984 (see s. 2(1))
<i>Local Government Amendment Act (No. 2) 1984</i> ⁺⁴¹¹	42 of 1984 (as amended by No. 79 of 1984 Pt. III)	20 Jun 1984	s. 1-2 and 31-62: 20 Jun 1984 (see s. 2(1)); s. 3, 8-10, 12-19 and 30: 15 Nov 1984 (see s. 2(2)); s. 4-7, 11, 20-29: 20 Mar 1985 (see s. 2(3))

Local Government (Miscellaneous Provisions) Act 1960

Short title	Number and year	Assent	Commencement
<i>Acts Amendment (Local Government Electoral Provisions) Act 1984</i> Pt. II	79 of 1984	14 Nov 1984	20 Mar 1985 (see s. 2(2))
<i>Local Government Amendment Act 1985</i> ¹⁵ ; ¹⁶ ₁₂	35 of 1985	6 May 1985	s. 1 and 2: 6 May 1985; Act other than s. 1, 2, 5, 6, 10-16, 20, 23 and 24: 24 May 1985 (see s. 2 and <i>Gazette</i> 24 May 1985 p. 1757); s. 5, 6, 10-16, 20, 23 and 24: 1 Jul 1985 (see s. 2 and <i>Gazette</i> 24 May 1985 p. 1757)
<i>Acts Amendment (Financial Administration and Audit) Act 1985</i> s. 3	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Local Government Amendment Act (No. 2) 1985</i> ¹³ ₁₃	99 of 1985	4 Dec 1985	s. 1 and 2: 4 Dec 1985; Act other than s. 1 and 2: 13 Dec 1985 (see s. 2 and <i>Gazette</i> 13 Dec 1985 p. 4758)
<i>Local Government Amendment Act (No. 3) 1985</i> ¹⁴ ₁₄	105 of 1985	7 Dec 1985	7 Dec 1985 (see s. 2)
<i>Commercial Arbitration Act 1985</i> s. 3(1)	109 of 1985	7 Dec 1985	1 Apr 1986 (see s. 2 and <i>Gazette</i> 28 Feb 1986 p. 605)
<i>Local Government Amendment Act 1986</i> ¹⁹ ; ²⁰ ₁₅	9 of 1986	15 Jul 1986	Act other than s. 5: 1 Jul 1986 (see s. 2(1)); s. 5: 15 Jul 1986 (see s. 2(2))
<i>Town Planning and Development Amendment Act 1986</i> s. 13 ¹⁶ ₁₆	26 of 1986	29 Jul 1986	29 Jul 1986 (see s. 2(1))
<i>Local Government Amendment Act 1987</i> ²² ; ²³ _{17, 18}	42 of 1987	3 Jul 1987	s. 23-25 and 36: 1 Jul 1987 (see s. 2(2)); s. 1-3 and 32: 3 Jul 1987 (see s. 2(1)); Act other than s. 1-3, 6-10, 23-25, 32, 33 and 36: 24 Jul 1987 (see s. 2(3) and <i>Gazette</i> 24 Jul 1987 p. 2813); s. 33: 31 Jul 1987 (see s. 20(2) of the Interpretation Act 1984); s. 6-10: 31 Dec 1987 (see

Local Government (Miscellaneous Provisions) Act 1960

Short title	Number and year	Assent	Commencement
			s. 2(3) and Gazette 31 Dec 1987 p. 4567) s. 33: 31 Jul 1987 (see s. 20(2) of the Interpretation Act 1984); s. 6-10: 31 Dec 1987 (see s. 2(3) and Gazette 31 Dec 1987 p. 4567)
<i>Acts Amendment (Land Administration) Act 1987 Pt. XIII</i>	126 of 1987	31 Dec 1987	16 Sep 1988 (see s. 2 and <i>Gazette</i> 16 Sep 1988 p. 3637)
<i>Local Government Amendment Act 1988</i> ²⁴¹⁹	10 of 1988	6 Jul 1988	Act other than s. 4-7, 9 and 10: 6 Jul 1988 (see s. 2(1)); s. 4-7, 9 and 10: 16 Sep 1988 (see s. 2(2) and <i>Gazette</i> 16 Sep 1988 p. 3637)
<i>Local Government Amendment Act (No. 2) 1988</i>	39 of 1988	30 Nov 1988	s. 1 and 2: 30 Nov 1988; Act other than s. 1, 2, 6, 7 and 11: 17 Feb 1989 (see s. 2 and <i>Gazette</i> 17 Feb 1989 p. 457); s. 6, 7 and 11: 28 Jul 1989 (see s. 2 and <i>Gazette</i> 28 Jul 1989 p. 2259)
<i>R & I Bank Act 1990 s. 45(1)</i>	73 of 1990	20 Dec 1990	1 Jan 1991 (see s. 2(2) and <i>Gazette</i> 28 Dec 1990 p. 6369)
<i>Building and Construction Industry Training Fund and Levy Collection Act 1990 s. 33</i>	76 of 1990	20 Dec 1990	1 Jul 1991 (see s. 2 and <i>Gazette</i> 28 Jun 1991 p. 3101)
<i>Acts Amendment (Heritage Council) Act 1990 Pt. 2 Div. 3</i>	97 of 1990	22 Dec 1990	25 Feb 1991 (see s. 2 and <i>Gazette</i> 22 Feb 1991 p. 868)

Local Government (Miscellaneous Provisions) Act 1960

Short title	Number and year	Assent	Commencement
<i>Local Government Amendment Act (No. 2) 1990</i> ²⁵²⁰	100 of 1990	22 Dec 1990	s. 1 and 2: 22 Dec 1990; s. 3, 12, 17 and 18: 22 Dec 1990 (see s. 2(2)); s. 11: 11 Jan 1991 (see s. 2(1) and <i>Gazette</i> 11 Jan 1991 p. 43); Act other than s. 1-4, 11-18: 19 Jan 1991 (see s. 2(3) and <i>Interpretation Act 1984</i> s. 20); s. 4: 8 Feb 1991 (see s. 2(1) and <i>Gazette</i> 8 Feb 1991 p. 575); s. 13-16: 20 Mar 1992 (see s. 2(1) and <i>Gazette</i> 20 Mar 1992 p. 1239)
<i>Reserves and Land Revestment Act 1991</i> s. 23	57 of 1991	17 Dec 1991	17 Dec 1991 (see s. 2)
<i>Rates and Charges (Rebates and Deferments) Act 1992</i> s. 52	31 of 1992	19 Jun 1992	1 Jul 1992 (see s. 2 and <i>Gazette</i> 26 Jun 1992 p. 2643)
<i>Local Government (Superannuation) Amendment and Repeal Act 1993</i> Pt. 2 ²⁶²¹	2 of 1993	18 Aug 1993	1 Jul 1993 (see s. 2)
<i>Financial Administration Legislation Amendment Act 1993</i> s. 11	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Acts Amendment (Annual Valuations and Land Tax) Act 1993</i> s. 13 ^{27, 2822}	17 of 1993	29 Nov 1993	29 Nov 1993 (see s. 2)
<i>Plant Diseases Amendment Act 1993</i> s. 20	40 of 1993	20 Dec 1993	24 Jun 1994 (see s. 2 and <i>Gazette</i> 24 Jun 1994 p. 2819)
<i>R & I Bank Amendment Act 1994</i> s. 13	6 of 1994	11 Apr 1994	26 Apr 1994 (see s. 2(2) and <i>Gazette</i> 26 Apr 1994 p. 1743)
<i>Local Government Amendment Act 1994</i> ²⁹²³	27 of 1994	23 Jun 1994	1 Jul 1994 (see s. 2)
<i>Local Government (Superannuation) Legislation Amendment Act 1994</i> Pt. 2 ³⁰²⁴	60 of 1994	7 Nov 1994	24 Dec 1994 (see s. 2 and <i>Gazette</i> 23 Dec 1994 p. 7070)

Local Government (Miscellaneous Provisions) Act 1960

Short title	Number and year	Assent	Commencement
<i>Acts Amendment (Local Government and Valuation of Land) Act 1994 Pt. 2</i> ³²²⁵	69 of 1994	9 Dec 1994	s. 3-6: 9 Dec 1994 (see s. 2(1)); s. 12: 1 May 1995 (see s. 2(2) and <i>Gazette</i> 21 Apr 1995 p. 1357); s. 7-11 and 13-15: 1 Jul 1995 (see s. 2(2) and <i>Gazette</i> 21 Apr 1995 p. 1357)
<i>Local Government Amendment (Elections) Act 1994 Pt. 2</i>	70 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Statutes (Repeals and Minor Amendments) Act 1994 s. 4</i>	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Energy Corporations (Transitional and Consequential Provisions) Act 1994 s. 109</i>	89 of 1994	15 Dec 1994	1 Jan 1995 (see s. 2(2) and <i>Gazette</i> 23 Dec 1994 p. 7069)
<i>Acts Amendment (Fines, Penalties and Infringement Notices) Act 1994 Pt. 13</i>	92 of 1994	23 Dec 1994	1 Jan 1995 (see s. 2(1) and <i>Gazette</i> 30 Dec 1994 p. 7211)
<i>Planning Legislation Amendment Act (No. 2) 1994 s. 46(1)-(4)</i>	84 of 1994	13 Jan 1995	1 Mar 1995 (see s. 2 and <i>Gazette</i> 21 Feb 1995 p. 567)
<i>Bank of Western Australia Act 1995 s. 44</i>	14 of 1995	4 Jul 1995	1 Dec 1995 (see s. 2(3) and <i>Gazette</i> 29 Nov 1995 p. 5529)
<i>Local Government Amendment Act 1995</i>	18 of 1995	4 Jul 1995	4 Jul 1995 (see s. 2)
<i>Caravan Parks and Camping Grounds Act 1995 s. 33</i>	34 of 1995	29 Sep 1995	1 Jul 1997 (see s. 2 and <i>Gazette</i> 20 Jun 1997 p. 2805)
<i>Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995 s. 188</i>	73 of 1995	27 Dec 1995	1 Jan 1996 (see s. 2(2) and <i>Gazette</i> 29 Dec 1995 p. 6291)
<i>Local Government Act 1995 s. 9.70</i> ³²²⁶	74 of 1995	9 Jan 1996	1 Jul 1996 (see s. 1.2)

Local Government (Miscellaneous Provisions) Act 1960

Short title	Number and year	Assent	Commencement
<i>Sentencing (Consequential Provisions) Act 1995</i> s. 68 (item relating to s. 399(3)) ³³²⁷	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Local Government (Consequential Amendments) Act 1996</i> s. 4 ^{34,3528}	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
Reprint of the Local Government (Miscellaneous Provisions) Act 1960 as at 18 Sep 1996 (includes amendments listed above except those in the <i>Caravan Parks and Camping Grounds Act 1995</i> and the <i>Sentencing (Consequential Provisions) Act 1995</i>)			
<i>Financial Legislation Amendment Act 1996</i> s. 64	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Home Building Contracts Amendment Act 1996</i> s. 7	72 of 1996	13 Nov 1996	1 Feb 1997 (see s. 2 and <i>Gazette</i> 24 Jan 1997 p. 543)
<i>Transfer of Land Amendment Act 1996</i> s. 153(1) and (2)	81 of 1996	14 Nov 1996	14 Nov 1996 (see s. 2(1))
<i>Acts Amendment (Land Administration) Act 1997</i> Pt. 40 and s. 142 ³⁶²⁹	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
<i>Statutes (Repeals and Minor Amendments) Act 1997</i> s. 83	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))
<i>Local Government Amendment Act 1998</i> s. 29	1 of 1998	26 Mar 1998	26 Mar 1998 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998</i> s. 46(1), (5) and (6) ³⁷³⁰	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
Reprint of the Local Government (Miscellaneous Provisions) Act 1960 as at 28 Jul 1999 (includes amendments listed above)			
<i>Statutes (Repeals and Minor Amendments) Act 2000</i> s. 23	24 of 2000	4 Jul 2000	4 Jul 2000 (see s. 2)

Local Government (Miscellaneous Provisions) Act 1960

Short title	Number and year	Assent	Commencement
<i>Home Building Contracts Amendment Act 2002</i> s. 21	37 of 2002	20 Nov 2002	20 Nov 2002 (see s. 2)
<i>Sentencing Legislation Amendment and Repeal Act 2003</i> s. 77	50 of 2003	9 Jul 2003	15 May 2004 (see s. 2 and <i>Gazette</i> 14 May 2004 p. 1445)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141 ³⁸³¹	59 of 2004 (as amended by No. 2 of 2008 s. 77(9))	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> Pt. 2 Div. 75 ^{39,4032,33}	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 80 ⁴⁴³⁴	84 of 2004 (as amended by No. 2 of 2008 s. 78(2)(d))	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
Reprint 7: The Local Government (Miscellaneous Provisions) Act 1960 as at 16 Sep 2005 (includes amendments listed above)			
<i>Limitation Legislation Amendment and Repeal Act 2005</i> s. 23	20 of 2005	15 Nov 2005	15 Nov 2005 (see s. 2(1))
<i>Planning and Development (Consequential and Transitional Provisions) Act 2005</i> Pt. 2 Div. 3 ⁴²³⁵	38 of 2005	12 Dec 2005	9 Apr 2006 (see s. 2 and <i>Gazette</i> 21 Mar 2006 p. 1078)
<i>Liquor and Gaming Legislation Amendment Act 2006</i> s. 114	73 of 2006	13 Dec 2006	7 May 2007 (see s. 2(2) and <i>Gazette</i> 1 May 2007 p. 1893)
<i>Financial Legislation Amendment and Repeal Act 2006</i> s. 4	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)

Local Government (Miscellaneous Provisions) Act 1960

Short title	Number and year	Assent	Commencement
<i>Local Government (Miscellaneous Provisions) Amendment Act 2007</i>	11 of 2007	29 Jun 2007	s. 1 and 2: 29 Jun 2007; s. 3 and 4: 25 Aug 2007 (see s. 2 and <i>Gazette</i> 24 Aug 2007 p. 4317); s. 5-14: 1 Jul 2008 (see s. 2 and <i>Gazette</i> 6 Jun 2008 p. 2179)
<i>Local Government (Miscellaneous Provisions) Amendment (Smoke Alarms) Act 2007</i>	34 of 2007	21 Dec 2007	18 Jan 2008
Reprint 8: The Local Government (Miscellaneous Provisions) Act 1960 as at 1 Aug 2008 (includes amendments listed above)			
<i>Standardisation of Formatting Act 2010</i> s. 21, 49 and 62	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
<i>Building Services (Registration) Act 2011</i> s. 156	19 of 2011	22 Jun 2011	s. 156(1) and (4): 29 Aug 2011 (see s. 2(b) and <i>Gazette</i> 26 Aug 2011 p. 3475-6); s. 156(2) and (3): 2 Apr 2012 (see s. 2(b) and <i>Gazette</i> 30 Mar 2012 p. 1549)
<i>Building Act 2011</i> s. 151-156	24 of 2011	11 Jul 2011	2 Apr 2012 (see s. 2(b) and <i>Gazette</i> 13 Mar 2012 p. 1033)
<i>Statutes (Repeals and Minor Amendments) Act 2011</i> s. 16	47 of 2011	25 Oct 2011	26 Oct 2011 (see s. 2(b))
<u>Reprint 9: The Local Government (Miscellaneous Provisions) Act 1960 as at 8 Jun 2012</u> (includes amendments listed above)			

^{1a} On the date as at which this reprint was prepared, provisions referred to in the following table had not come into operation and were therefore not included in compiling the reprint. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
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Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007 s. 91⁴³³⁶ 24 of 2007 12 Oct 2007 To be proclaimed (see s. 2(1))

~~² Act No. 90 of 1964 was passed as the *Local Government Act Amendment Act (No. 2) 1964*, but was proclaimed to come into operation as the *Local Government Act Amendment Act 1964*.~~

³² Repealed by the *Stock (Brands and Movement) Act 1970*, which is now known as the *Stock (Identification and Movement) Act 1970*.

⁴³ Repealed by the *Auction Sales Act 1973* s. 3(1).

~~⁵ Formerly referred to the *Local Government Act 1960* the short title of which was changed to the *Local Government (Miscellaneous Provisions) Act 1960* by the *Local Government Act 1995* s. 9.70. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).~~

⁶⁴ Marginal notes in the *Local Government (Miscellaneous Provisions) Act 1960* referring to legislation of this State and of other jurisdictions have been omitted from this reprint.

⁷⁵ The *Licensed Surveyors Amendment Act 1996* s. 28 does not have effect because the relevant provision was repealed by the *Local Government Act 1995* s. 9.70.

⁸⁶ Now known as the *Local Government (Miscellaneous Provisions) Act 1960*; short title changed (see note under s. 1).

⁹⁷ The Schedule to the *Metric Conversion Act 1972* was redesignated as the First Schedule by the *Metric Conversion Act Amendment Act 1973*. [The Third Schedule was inserted by the *Metric Conversion Act Amendment Act \(No. 2\) 1973*.](#)

~~¹⁰ The *Third Schedule* was inserted by the *Metric Conversion Act Amendment Act (No. 2) 1973*.~~

¹¹⁸ The *Local Government Act Amendment Act 1979* s. 3(2) is a transitional provision that is of no further effect.

¹²⁹ The *Local Government Amendment Act (No. 3) 1981* s. 18(2) is a savings provision that is of no further effect.

¹³¹⁰ The *Local Government Amendment Act (No. 4) 1982* s. 14 is a transitional provision that is of no further effect.

¹⁴¹¹ The *Local Government Amendment Act (No. 2) 1984* s. 40(2), (3), (4) and (5), 44(2) and 53(2) are transitional provisions that are of no further effect.

~~¹⁵¹² The *Local Government Amendment Act 1985* s. 9 ~~is~~ a validation provision ~~that is of no further effect~~.~~

~~¹⁶ The Local Government Amendment Act 1985, and s. 25 is, a transitional provision that is, are of no further effect.~~

¹⁷¹³ The Local Government Amendment Act (No. 2) 1985 s. 23(2) is a validation provision that is of no further effect.

~~¹⁸¹⁴ The Local Government Amendment Act (No. 3) 1985 s. 4 is a validation provision that is of no further effect.~~

~~¹⁹¹⁵ The Local Government Amendment Act 1986 s. 4 is, an application provision that is of no further effect.~~

~~²⁰ The Local Government Amendment Act 1986, and s. 21 is, a validation provision that is, are of no further effect.~~

²¹¹⁶ The Town Planning and Development Amendment Act 1986 s. 8(2) is a validation provision that is of no further effect.

~~²²¹⁷ The Local Government Amendment Act 1987 s. 32(2) reads as follows:~~

“

~~(2) No Order made before the coming into operation of subsection (1) for the purposes of the principal Act as in force before the coming into operation of this section and no act or omission done or made, or purporting to have been done or made, thereunder shall be, or ever have been, invalid or unlawful by reason only that is a land description contained therein was made by reference to a plan or diagram validation provision.~~

”

~~²³¹⁸ The Local Government Amendment Act 1987 s. 35 and 36 are transitional provisions that are of no further effect.~~

~~²⁴¹⁹ The Local Government Amendment Act 1988 s. 12(2) is a validation provision that is of no further effect.~~

~~²⁵²⁰ The Local Government Amendment Act (No. 2) 1990 s. 18 is a transitional provision that is of no further effect.~~

~~²⁶²¹ The Local Government (Superannuation) Amendment and Repeal Act 1993 Pt. 4 reads as follows: 4 contains transitional provisions.~~

“

Part 4 — Transitional

7. Interpretation

In this Part —

~~— former Board means the Board as defined in the repealed Act;~~

~~— former scheme means the scheme that was established under the repealed Act;~~

~~— repealed Act means the Act repealed by Part 3;~~

~~— *the scheme* means the scheme defined in section 169(1) of the Local Government Act 1960 (as enacted by section 4 of this Act) as “the scheme”;~~

~~— *variation Deed* means the Deed of Trust dated 17 June 1993 that amends the Deed of Trust referred to in the definition of “the scheme” in section 169(1) of the *Local Government Act 1960* (as enacted by section 4 of this Act).~~

~~8. **Transfer of assets and liabilities**~~

~~— With effect on and from the commencement of this Act —~~

~~— (a) — assets of the former scheme held by the former Board, by virtue of this clause and without the need for any conveyance, transfer, assignment or assurance, become assets of the scheme held by the trustees of the scheme;~~

~~— (b) — persons who immediately before the commencement of this Act were members of the former scheme, by virtue of this clause, become members of the scheme and the rights, entitlements and obligations of persons as members of the former scheme are taken to be replaced by rights, entitlements and obligations (from time to time) as members of the scheme;~~

~~— (c) — except as provided in paragraph (b), all rights and liabilities of the former Board under the former scheme, by virtue of this clause, become rights and liabilities of the Trustees of the scheme under the scheme;~~

~~— (d) — all proceedings commenced before the commencement of this Act by or against the former Board and pending immediately before the commencement of this Act are taken to be proceedings pending by or against the Trustees of the scheme;~~

~~— (e) — all proceedings that could have been taken by or against the former Board if this Act had not come into operation may be taken by or against the Trustees of the scheme.~~

~~9. **Transfer of books, etc.**~~

~~— The Trustees of the scheme shall take delivery of all books, documents and other records, however compiled or stored, relating to the operations of the former Board.~~

~~10. **Exemption from *Stamp Act 1921***~~

~~— Notwithstanding anything in the *Stamp Act 1921*, no duty is payable under that Act in respect of the passing of any assets under this Part.~~

11. ~~Other members may continue in the scheme~~

~~A member of the former scheme who on the commencement of this Act is employed by a department or other body, other than a municipality, that was a corporation under the repealed Act, may continue to be a member under the scheme and the department or other body shall make the contributions required of an employer under the scheme in respect of such a person.~~

12. ~~Report~~

~~Notwithstanding Part 3, the former Board shall report in respect of the former scheme under section 66 of the *Financial Administration and Audit Act 1985* in respect of the financial year ending 30 June 1993, and the former Board is continued in existence for that purpose.~~

13. ~~Condition precedent satisfied~~

~~The condition precedent specified in recital E to the variation Deed shall be taken to have been satisfied by the coming into operation of section 4 and the Deed shall be taken to have operated accordingly with effect on and from 1 July 1993.~~

14. ~~Savings~~

~~Anything done on or after 1 July 1993 but before the day on which this Act receives the Royal Assent that would have been in accordance with law if this Act had not come into operation but as a result of the coming into operation of this Act is contrary to law, is deemed to be in accordance with law.~~

²².

²⁷²² The *Acts Amendment (Annual Valuations and Land Tax) Act 1993* s. 3 ~~is~~ an application provision ~~that is of no further effect.~~

²⁸ ~~The *Acts Amendment (Annual Valuations and Land Tax) Act 1993*, and s. 7 is~~, a transitional and savings provision ~~that is~~, are of no further effect.

²⁹²³ The *Local Government Amendment Act 1994* s. 3, 39, 40 and 41 are transitional provisions that are of no further effect.

³⁰²⁴ The *Local Government (Superannuation) Legislation Amendment Act 1994* s. 7, 8, 9 and 10 ~~read as follows:~~

“

7. ~~Operation of the new scheme~~

~~On the commencement of this Division, the City of Perth superannuation scheme established under section 170C of the *Local Government Act 1960* (as amended by this Act) comes into operation.~~

~~Division 2 — Transitional [are transitional](#) provisions and consequential amendments.~~

~~8. — Interpretation~~

~~— In this Division —~~

- ~~— *commencement day* means the day on which Division 1 comes into operation;~~
- ~~— *former board* means the board or any other person appointed under section 3 of the repealed Act;~~
- ~~— *former fund* means the superannuation fund established under the repealed Act and governed by the former scheme;~~
- ~~— *former scheme* means the superannuation scheme established under the repealed Act;~~
- ~~— *new fund* means the fund governed by the new scheme;~~
- ~~— *new scheme* means the City of Perth superannuation scheme established under section 170C of the *Local Government Act 1960* (as amended by this Act) as the scheme is amended from time to time;~~
- ~~— *repealed Act* means the *City of Perth Superannuation Fund Act 1934*;~~
- ~~— *trustee* means the trustee appointed under the new scheme.~~

~~9. — Transfer of assets etc.~~

~~(1) — On commencement day, by virtue of this section —~~

- ~~(a) — assets of the former fund become assets of the new fund without the need for any conveyance, transfer, or other document;~~
- ~~(b) — the rights and liabilities of the former board under the former scheme, or of the City of Perth to the extent that under the repealed Act it controlled, managed or administered the former fund, become rights and liabilities of the trustee;~~
- ~~(c) — in any deed or other legal document relating to the control, management or administration of the former fund to which the former board or the City of Perth is a party, references to the former board or to the City of Perth are to be taken as references to the trustee;~~
- ~~(d) — a claim for any benefits from the former fund that had not been finally dealt with immediately before commencement day may be dealt with as if it were a claim for benefits under the new scheme;~~

- ~~— (e) — legal proceedings relating to the control, management or administration of the former fund by or against the former board or the City of Perth and pending immediately before commencement day are to be taken to be proceedings by or against the trustee;~~
- ~~— (f) — legal proceedings relating to the control, management or administration of the former fund that could have been taken by or against the former board or the City of Perth immediately before commencement day may be taken by or against the trustee.~~
- ~~— (2) — If the former board or the City of Perth is liable for any matter in respect of the former scheme and that liability is not one in respect of which the former board or the City of Perth could be indemnified from the former fund, then subsection (1) does not operate to transfer that liability to the trustee or to the new scheme or to allow any proceedings in respect of that liability to be taken to be, or to be taken, against the trustee.~~
- ~~— (3) — On commencement day the trustee is entitled to possession of all books, documents and other records, however compiled or stored, relating to the former scheme.~~
- ~~— (4) — The Registrar of Titles and any other person who under a written law is authorised to record or register documents or transactions relating to or affecting the ownership of or other interests in real or personal property, are to take notice of this section and are empowered to do such as is necessary to give effect to this section.~~

~~10. — Transfer of members etc.~~

- ~~— On commencement day, by virtue of this section —~~
- ~~— (a) — a person's rights, entitlements and obligations under the former scheme are replaced by the rights, entitlements and obligations under the new scheme;~~
- ~~— (b) — a person who immediately before commencement day was a member of or contributor to the former scheme becomes a member of and subject to the new scheme.~~

²².

³¹²⁵ The *Acts Amendment (Local Government and Valuation of Land) Act 1994* s. 5 is a validation provision that is of no further effect.

³²²⁶ The *Local Government Act 1995* Sch. 9.2 cl. 4 reads as follows:

“

- ~~4. — Parts II to VII repealed~~
- ~~— (1) — Parts II to VII are repealed.~~

~~(2) Despite the repeal⁴ is a savings provision of Part VI^{no further effect. It was affected by subclause (1)}~~

~~(a) the Local Government (Consequential Amendments) Act 1996 Sch. 1 (see under heading Local Government (Miscellaneous Provisions) Act 1960 the item relating to sections 157(2)(b), 159 and 160; and).~~

~~(b) regulations made under section 159, continue to have effect so far as they relate to building surveyors and Part XV.~~

”.

~~The repealed provisions, as in force immediately before being repealed, read as follows:~~

“

~~Section 157(2)(b)~~

~~**157. Duty and power to appoint officers**~~

~~(2) From time to time as occasion required, a council³⁵, having regard to the provisions of section 160~~

~~(a)~~

~~(b) shall, where Part XV which relates to buildings applies to the district or portion of the district, and may, where that Part does not so apply, appoint a person to the office of building surveyor;~~

~~(c)~~

~~Sections 159 and 160~~

~~**159. Regulations relating to qualifications of officers**~~

~~The Governor may make regulations~~

~~(a) prescribing the respective educational and professional qualifications necessary to be held by persons occupying the respective offices of clerk, engineer, town planner, building surveyor, and treasurer of councils³⁵ generally or by a class or classes of council³⁵, whether classification is determined by the amount of revenue of a municipality³⁵, the location of the district of a municipality³⁵, or otherwise;~~

~~(b) constituting committees for the purpose of examining those persons, or a class or classes of those persons, and granting certifications of qualification to persons who pass the examination, or who are otherwise qualified to receive certificates;~~

- ~~— (c) — prescribing the mode of determining and obtaining recognition for those qualifications in other States of the Commonwealth;~~
- ~~— (d) — providing for the cancellation of those certificates by the committees, and the grounds upon which, and the manner in which, the cancellation may be effected; and~~
- ~~— (e) — prescribing fees payable in respect of examinations and certificates.~~

~~160. — Appointments~~

- ~~— (1) — Where the occupant of the office of clerk, engineer, town planner, building surveyor or treasurer is not required to be qualified, a council³⁵ may appoint a person to the office notwithstanding that he is not qualified.~~
- ~~— (2) — Where regulations made under section 159 require the occupant of the office of clerk, engineer, town planner, building surveyor or treasurer to be qualified the council³⁵ shall not appoint a person to the office —~~
 - ~~— (a) — unless he holds the appropriate certificate of qualification issued under the regulations; and~~
 - ~~— (b) — if he does not hold that certificate, unless the Minister approves the appointment.~~
- ~~— (2aa) — Subsection (2) does not apply to a person acting temporarily, for a period not exceeding 3 months, in an office referred to in that subsection.~~
- ~~— (2a) — In giving his approval pursuant to subsection (2)(b) the Minister may, after consultation with the council³⁵, impose on the approval a condition that the person in respect of whom the approval is given shall obtain the appropriate certificate of qualification under the regulations with such period after his appointment as is fixed by the Minister when giving the approval.~~
- ~~— (2b) — The Minister may from time to time grant an extension of the period fixed pursuant to subsection (2a) if he considers that the circumstances justify such an extension.~~
- ~~— (2c) — Where approval is given by the Minister under subsection (2)(b) subject to a condition imposed under subsection (2a) and, at the completion of the period fixed pursuant to the latter subsection or of any extension of that period granted under subsection (2b), —~~
 - ~~— (a) — the officer appointed by the council³⁵ pursuant to that approval still does not hold the certificate of qualification required by the regulations to be held by the occupant of his office; and~~

- ~~(b) the Minister does not consider that the circumstances justify an extension or further extension of that period;~~
- ~~the Minister may after consultation with the council³⁵ direct the council³⁵ to remove the officer from the office and, notwithstanding section 158(2), the council³⁵ shall comply with that direction.~~
- ~~(2d) The provisions of section 158(5) to (12) both inclusive do not apply to or in relation to an officer who is removed from office pursuant to subsection (2c) of this section.~~
- ~~(3) A council³⁵ shall not remove from the office an officer holding an office when regulations so made come into operation, because he is not the holder of a certificate of qualification required by the regulations to be held by the occupant of the office.~~
- ~~(4) No such regulation shall have application to or affect the appointment to any such office of a person holding office as a clerk, engineer, town planner, building surveyor or treasurer at time of the making of the regulations.~~

”.

³³²⁷ The amendments in the *Sentencing (Consequential Provisions) Act 1995* s. 68 (items relating to s. 523(1) and 672) did not have effect because those provisions were repealed by the *Local Government Act 1995* s. 9.70.

³⁴²⁸ The *Local Government (Consequential Amendments) Act 1996* s. 7 and 8 are transitional provisions that are of no further effect.

³⁵ ~~The *Local Government (Consequential Amendments) Act 1996* Sch. 1 contains the following item:~~

“

~~Sections 157, 159 and 160 amended~~

~~To the extent that they continue to have effect under clause 4(2) of Schedule 9.2 of the *Local Government Act 1995*~~

~~(a) in each section “council” is deleted in each place where it occurs and the following is substituted~~

~~“ local government ”; and~~

~~(b) in section 159(a)~~

~~(i) “councils” is deleted and the following is substituted~~

~~“ local governments ”;~~

~~(ii) “municipality” is deleted in the first place where it occurs and the following is substituted~~

~~“ local government ”; and~~

~~(iii) “of a municipality” is deleted in the second place where it occurs.~~

”.

³⁶²⁹ The *Acts Amendment (Land Administration) Act 1997* s. 66(2), (3) and (4) and 67(2), (3) and (4) are transitional provisions that are of no further effect.

³⁷³⁰ Balance of section 46 of the *Statutes (Repeals and Minor Amendments) Act (No. 2) 1998* is inoperative because of previous amendments effected as follows: section 46(2) and (4) were repealed by the *Local Government Act 1995* s. 70; section 46(3) and (9) were amended by the *Local Government (Consequential Amendments) Act 1996* Sch. 1 (as amended by the *Statutes (Repeals and Minor Amendments) Act 1997*); section 46(7) and (8) were amended by the *Statutes (Repeals and Minor Amendments) Act 1997* s. 83(3) and (4).

³⁸³¹ The portion of the *Courts Legislation Amendment and Repeal Act 2004* Sch. 1 cl. 94 that would have amended s. 430(2)(a) was deleted by the *Criminal Law and Evidence Amendment Act 2008* s. 77(9).

³⁹³² The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administrative Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues, some of which may be relevant for this Act.

⁴⁰³³ The *State Administrative Tribunal Regulations 2004* r. 34 and 55 read as follows:

“

34. Local Government (Miscellaneous Provisions) Act 1960

- (1) In this regulation —
commencement day means the day on which the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Part 2 Division 75 comes into operation.
- (2) If a matter has been partly or fully heard, but not determined, under the *Local Government (Miscellaneous Provisions) Act 1960* Part XV Division 19 immediately before the commencement day —
 - (a) the Act section 167(4)(b) does not apply; and
 - (b) the matter is to continue to be dealt with as if the *Local Government (Miscellaneous Provisions) Act 1960* Part XV Division 19 as in force immediately before the commencement day continued to apply.

55. Local Government (Miscellaneous Provisions) Act 1960

- (1) In this regulation —

commencement day means the day on which the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* section 683 comes into operation;

- (2) If a local law made under the *Local Government (Miscellaneous Provisions) Act 1960* section 433 and the *Local Government Act 1995* is expressed as conferring on a person a right to appeal under the *Local Government (Miscellaneous Provisions) Act 1960* Part XV Division 19 against a decision, that local law is to be taken to give a right on or after the commencement day to apply to the State Administrative Tribunal for a review of that decision.

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³⁴ The portion of the *Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004* s. 82 that would have amended this Act was deleted by the *Criminal Law and Evidence Amendment Act 2008* s. 78(2)(d).

⁴²³⁵ The *Planning and Development (Consequential and Transitional Provisions) Act 2005* s. 14(3) and (4) read as follows:

- (3) Despite the repeal of section 295 of the *Local Government (Miscellaneous Provisions) Act 1960*, section 295(4) and (4a) of that Act continue to apply in relation to the disposal of land where the subdivision of the land was approved before the coming into operation of this section.
- (4) Until minimum standards of construction and drainage are fixed under section 169 of the *Planning and Development Act 2005*, the minimum standards fixed under section 295(3a) of the *Local Government (Miscellaneous Provisions) Act 1960* apply for the purposes of the *Planning and Development Act 2005* as if they had been fixed under that Act.

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³⁶ On the date as at which this reprint was prepared, the *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007* s. 91 had not come into operation. It reads as follows:

91. Local Government (Miscellaneous Provisions) Act 1960 amended

- (1) The amendments in this section are to the *Local Government (Miscellaneous Provisions) Act 1960*.
- (2) Section 474(7) is amended by deleting “, brand it with the brands, on the portions, and in the order, prescribed by the *Brands*

Act 1904, in such manner as to show that the brand is the last brand at the time imprinted on the beast.” and inserting instead —

“

label it with an identifier in accordance with the *Biosecurity and Agriculture Management Act 2007*.

”.

”.