

LOCAL GOVERNMENT.

No. 32 of 1967.

AN ACT to amend the Local Government Act, 1960-1966.

[Assented to 17th November, 1967.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Local Government Act Amendment Act, 1967.*

(2) In this Act the Local Government Act, 1960-1966 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the *Local Government Act, 1960-1967.*

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on a date to be fixed by proclamation. Commencement.

(2) It shall not be necessary to proclaim that the whole Act shall come into operation on one date, but the several sections of this Act may be proclaimed to come into operation on such dates as are respectively fixed by proclamation.

3. Section three of the principal Act is amended by adding after the passage, "Division 9.—Notice of Required Alterations, s. 401." in the paragraph commencing, "PART XV.—BUILDINGS, ss. 373 to 434.", the passage, "Division 9A.—Unlawful Works, s. 401A." S. 3 amended.

4. Subsection (1) of section thirty-seven of the principal Act is amended by substituting for paragraph (a) the following paragraph— S. 37 amended.

(a) is an undischarged bankrupt or is under any composition with his creditors by any deed of assignment or arrangement made by virtue of the Bankruptcy Act, 1924-1965 of the Parliament of the Commonwealth, or any Act amending that Act or enacted in substitution for that Act; .

5. Section forty-five of the principal Act is amended by repealing and re-enacting subsection (9) as follows— S. 45 amended.

(9) Where rateable land is owned or occupied by a body corporate, two persons nominated by the body by instrument in writing delivered to the clerk shall each be entitled to be registered on behalf of the body corporate and to be enrolled in respect of one-half of the rateable value of the land, or, if no person is so nominated, the manager, secretary or attorney of the body is eligible to be so registered on its behalf and to be enrolled in respect of the rateable value of the land. .

S. 46
amended.

6. Section forty-six of the principal Act is amended—

(a) by adding immediately before the word, “cause” in line one of paragraph (b) of subsection (4) the passage, “subject to subsection (5) of this section,”; and

(b) by adding a subsection as follows—

(5) The Minister may, by instrument in writing under his hand, exempt any clerk of a council from including in the list of the municipality or the ward, as the case may be, such of the particulars referred to in paragraph (b) of subsection (4) of this section that relate to the unimproved value or annual value of land as the Minister specifies in the instrument. .

S. 114
amended.

7. Subsection (1) of section one hundred and fourteen of the principal Act is amended by deleting the words, “and the date on which he signs it” in line four of paragraph (c).

S. 117
amended.

8. Subsection (2) of section one hundred and seventeen of the principal Act is amended by substituting for the word, “outer” in the first line of subparagraph (iii) of paragraph (a), the word, “inner”.

S. 135
amended.

9. Section one hundred and thirty-five of the principal Act is amended by adding after the word, “Officers” appearing immediately after the Scale in subsection (2), the passage, “other than the Returning Officer,”.

S. 193
amended.

10. Section one hundred and ninety-three of the principal Act is amended by adding after paragraph (c), the following paragraphs—

(ca) providing for the seizure by a specified person or class or classes of persons of any device used for surf riding, including a surf ski, surf board, malibu board or boat, where the device is being used contrary to the provisions of a by-law made under this section;

- (cb) providing for the impounding for such period as may be prescribed, but not exceeding three months, of any device seized pursuant to a by-law made under paragraph (ca) of this section, and for the sale or other disposal of any device so seized but not claimed by the owner thereof within two months after the expiration of the period for which the device was impounded; .

11. Section two hundred and twenty-one of the principal Act is amended— S. 221
amended.

- (a) by deleting the word, “and” appearing immediately after paragraph (b);
- (b) by substituting for the words, “and driving of animals and vehicles over” in lines one and two of paragraph (c), the passage, “, driving and standing of vehicles and animals over or upon”;
- (c) by substituting for the passage, “permitted.” in the last line of paragraph (c), the passage, “permitted; and”;
- (d) by adding a paragraph as follows—
 - (d) providing—
 - (i) that the owner, as defined by the by-laws, of a vehicle shall, if required by a member of the Police Force or an officer of the council, inform the member or officer as to the identity and address of the driver or person in charge of the vehicle at the time when an offence is alleged to have been committed by the driver or person in charge of the vehicle against a by-law made under paragraph (c) of this section;

- (ii) that where the driver or person in charge of a vehicle is alleged to have committed an offence against a by-law made under paragraph (c) of this section, and the owner of the vehicle at the time the offence was alleged to have been committed, fails, when required so to do, within seven days of the commission of the alleged offence, to inform a member of the Police Force or an officer of the council as to the identity and address of the person who was the driver or person in charge of the vehicle at that time, the owner shall be deemed to be the person who committed that offence and shall then be liable to the penalty prescribed in respect thereof, unless the owner could not reasonably have been aware of the identity of the driver or person in charge, or that the vehicle was stolen or being unlawfully used at the time the offence was alleged to have been committed;
- (iii) that where the member of the Police Force or the clerk of the council is so satisfied, no proceedings shall be taken against the owner for the recovery of the penalty prescribed in respect of the offence;
- (iv) that the driver or person in charge of a vehicle shall, upon being required by a member of the Police Force or an officer of the council who alleges that

the driver or person has committed an offence against this Act, furnish the member or officer of the council, as the case may be, with his full name and address; and

- (v) for the appointment of officers of the council to carry out the powers and duties conferred by the by-laws. .

12. Subsection (1) of section two hundred and seventy-four of the principal Act is amended by substituting for the words, "one thousand dollars" in lines three and four, the words, "two thousand dollars".

S. 274
amended.

13. Subsection (1) of section two hundred and seventy-seven of the principal Act is amended by adding after the passage, "State," in line four the passage, "or with Committees appointed under subsection (1) of section twelve C of the Plant Diseases Act, 1914,".

S. 277
amended.

14. Subsection (4) of section two hundred and eighty-seven of the principal Act is amended by substituting for the words, "Minister for Lands" in line one of subparagraph (i) of paragraph (a), the words, "Minister for Town Planning".

S. 287
amended.

15. Subsection (4) of section two hundred and eighty-eight of the principal Act is amended by substituting for the words, "Minister for Lands" in line one of paragraph (c), the words, "Minister for Town Planning".

S. 288
amended.

16. Subsection (2) of section two hundred and ninety-five of the principal Act is amended by substituting for the words, "Minister for Lands" in line two, the words, "Minister for Town Planning".

S. 295
amended.

S. 329
amended.

17. Section three hundred and twenty-nine of the principal Act is amended by adding after subsection (2) a subsection as follows—

(2a) The Governor, on the application of a county council or regional council and the council of a municipality that desires to be added to, or removed from, the county district or regional district, as the case requires, may—

- (a) by Order vary the constitution of the county district or regional district by the addition thereto, or the removal therefrom, of the municipal district or part thereof in respect of which the application was made; and
- (b) by the same or later Order adjust the accounts of the county council or regional council in such manner as is necessary for the purpose. .

B. 340A
amended.

18. Section three hundred and forty A of the principal Act is amended—

- (a) by adding after subsection (1), the following subsection—

(1a) Where an order made by a council pursuant to subsection (1) of this section is served on the occupier of the land to which the order relates and that occupier is not the owner of the land, the council shall cause a copy of the order to be served upon the owner of that land. ; and

- (b) by substituting for the words, “service of the order” in line four of subsection (2), the passage, “service upon him of the order, or of a copy of the order, as the case may be”.

S. 373
amended.

19. Subsection (1) of section three hundred and seventy-three of the principal Act is amended by adding after the word, “apply”, in line six of paragraph (b), the words, “to the district or the portion of the district”.

20. The principal Act is amended by adding after section four hundred and one a heading and section as follows—

Heading
and s. 401A
added.

Division 9A—Unlawful Works.

401A. (1) Where, in contravention of this Act, a building is being constructed, erected, adapted, amended, enlarged, added to, repaired or taken down, the council or the building surveyor of the municipality may, with the approval of the Secretary, by notice in writing served on the builder, order the builder to stop all work specified in the notice as being done in contravention of this Act.

Stopping
unlawful
work.

Cf. No. 30 of
1918, s. 4.
"This Act"
includes
by-laws.

(2) For the purposes of this section, a notice is deemed to have been served on a builder if it is served upon a person apparently in control of men working on the site of the building referred to in the notice.

(3) Where the person on whom a notice is served pursuant to this section is not the owner of the building to which the notice relates, the council or the building surveyor shall, as soon as practicable after the service of the notice on the firstmentioned person, cause a copy of the notice to be served on the owner of the building.

(4) A notice under this section remains in force until—

(a) it is withdrawn by further notice in writing given by the council or the building surveyor of the municipality; or

(b) it is set aside by the Minister on appeal as provided in this section.

(5) A person who—

(a) has been served with a notice under this section or knows that a notice under this section is in force; and

(b) causes or suffers work to be done in contravention of the notice,
commits an offence.

Penalty: Four hundred dollars.

(6) A person aggrieved by a notice under this section may appeal in writing to the Minister against all or any of the matters set out in the notice, and the Minister may confirm, set aside, or vary the notice as he thinks fit.

(7) In this section—

“builder” means the person who is employed to build, or to execute work on, a building, or, where no person is so employed, the owner of the building;

“the Secretary” means the person for the time being performing the duties of the office of Secretary of the Local Government Department of the State. .

S. 411
amended.

21. Section four hundred and eleven of the principal Act is amended—

(a) by substituting for the words, “to be published once in the *Gazette* and once in a newspaper circulating in the district” in lines seven, eight and nine of subsection (2), the passage, “to be served on the owner and the occupier by sending it by registered post to his last known address and shall cause, as soon as practicable thereafter, a copy of the notice to be affixed in a conspicuous position on the outside of the building”; and

(b) by substituting for the words, “last published” in line three of subsection (3), the passage, “posted to him in accordance with subsection (2) of this section”.

S. 513
amended.

22. Section five hundred and thirteen of the principal Act is amended—

(a) by deleting the word, “and” appearing immediately after subparagraph (v) of paragraph (b); and

(b) by adding after subparagraph (v) of paragraph (b) the following passage—

(va) of any person who is a spouse of a member, or where a member is not married, a member of the family of a member, against death, injury or damage, to person or property, arising in the course of accompanying the member, at the request of the council, at any time during which the council is authorised under subparagraph (v) of this paragraph to enter into a contract of insurance of that member; and .

23. Section five hundred and thirty-three of the principal Act is amended by adding after subsection (13), the following subsections—

S. 533
amended.

(14) Where an order has been made under this section authorising—

(a) a council of a municipality that is a city or a town to adopt valuations assessed under paragraph (a) or (b) or (c) of subsection (2) of this section on unimproved capital value of any rateable property in the district of the municipality; or

(b) a council of a municipality that is a shire to adopt valuations assessed under paragraph (d) of subsection (2) of this section on annual value of any rateable property in the district of the municipality,

the Governor, at the request of the council, may by order revoke that firstmentioned order, and the provisions of subsections (11), (12) and (13) of this section do not apply in relation to a request made by a council under this subsection.

(15) Where—

(a) a council has, under subsection (14) of this section, requested the Governor to revoke an order; and

- (b) the order has been so revoked by an order made under subsection (14) of this section,

the council shall not pass a resolution under subsection (11) of this section requesting the Governor to make an order in terms similar to that firstmentioned order until after the expiration of five years from the revocation of that firstmentioned order. .

S. 637
amended.

24. Section six hundred and thirty-seven of the principal Act is amended—

- (a) by adding after the word, “town” in line one of subsection (3), the passage, “or, subject to subsection (4) of this section, of a shire specified in the Twenty-seventh Schedule”; and

- (b) by substituting for the passage, “(4) The council of a shire shall on demand pay” in line one of subsection (4), a passage as follows—

(4) The council of—

- (a) a shire other than a shire specified in the Twenty-seventh Schedule; or

- (b) a shire specified in the Twenty-seventh Schedule that satisfies the Minister that—

- (i) it has established and maintains a system of internal audit;
- (ii) the internal audit is carried out by a Government Inspector of Municipalities; and
- (iii) the whole of the cost of the carrying out of the internal audit is borne by the shire,

shall pay on demand

25. The principal Act is amended by adding after section six hundred and sixty-five a section as follows—

S. 665A
added.

665A. (1) Any person who—

(a) breaks, or causes to be broken, any glass, metal or earthenware; or

(b) discards, deposits or leaves, or causes to be discarded, deposited or left, other than in a receptacle provided for the purpose, any refuse or litter,

Breaking of
glass, etc.,
and disposal
of refuse
and litter.

in or upon any street or public place, in or upon any public reserve vested in or under the control of a council, or in or upon any property of a municipality, commits an offence.

Penalty: Two hundred dollars.

(2) A council may appoint persons to be honorary inspectors to assist in the administration of the provisions of this section and any person so appointed shall be an officer of the council for the purposes of the provisions of section six hundred and sixty-nine of this Act, other than subsection (3) of that section. .

26. The principal Act is amended by adding at the end thereof the following schedule—

Twenty-
seventh
Schedule
added.

TWENTY-SEVENTH SCHEDULE.

S. 637 (3).

Shires Specified for Purposes of Section 637 (3).

Armadale-Kelmscott.

Bassendean.

Bayswater.

Belmont.

Canning.

Cockburn.

Gosnells.

Kalamunda.

Kwinana.

Mundaring.

Peppermint Grove.

Perth.

Rockingham.

Swan-Guildford.

Wanneroo.