

LOCAL GOVERNMENT (No. 2).

No. 70 of 1965.

AN ACT to amend the Local Government Act, 1960-1964.

[Assented to 25th November, 1965.]

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:—

1. (1) This Act may be cited as the *Local Government Act Amendment Act (No. 2), 1965.* Short title and citation.

(2) In this Act the Local Government Act, 1960-1964, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Local Government Act, 1960-1965.

S. 10
amended.

2. Section ten of the principal Act is amended by inserting after the word, "If", being the first word in subsection (10), the passage, "the electors who vote at the poll number not less than fifteen per centum of those entitled to vote thereat, and".

S. 12
amended.

3. Section twelve of the principal Act is amended by adding after the word, "municipality" being the last word in paragraph (e) of subsection (2), the words, "or any ward of a municipality".

S. 19A
added.

4. The principal Act is amended by adding after section nineteen, the following section—

Annexation
to existing
ward.

19A. Where an order annexing a severed portion of a municipal district to another municipal district divided into wards adds that severed portion to an existing ward—

- (a) the rights of the electors within the severed portion shall be as the Governor determines under the provisions of section twenty of this Act; and
- (b) subsection (2) of section thirteen of this Act applies *mutatis mutandis* in respect of the district from which the portion was so severed and of the district to which the severed portion is annexed. .

S. 30
amended.

5. Section thirty of the principal Act is amended by inserting after the word, "if" in line two of paragraph (d) of subsection (1), the words, "the electors who vote at the poll number not less than fifteen per centum of those entitled to vote thereat and".

6. The principal Act is amended by adding after section forty-three, the following section—

S. 43A
added.

43A. (1) A member of a council may by written notice signed by him and delivered to the clerk of the council declare his intention of resigning from the office of mayor, president or councillor, as the case may require, as from a date specified in the notice, and his resignation from such office shall take effect upon the date specified and the office become vacant.

Councillor
may declare
intention
to resign and
specify date
thereof.

(2) The provisions of this Act in relation to the holding of an election to fill an extraordinary vacancy apply to an office becoming vacant under this section, and the pre-requisites to the holding of the election may be carried out prior to the date specified for resignation except that the date appointed for closure of nominations shall be later than the date upon which the resignation takes effect. .

7. Section one hundred and twenty-seven of the principal Act is amended by inserting after the word, "paper" in line four of paragraph (c) of subsection (5), the passage, ", counting in respect of each ballot paper on which the name of one candidate only appears with no figure written against it, as if there were written against that name a number which represents the number of candidates on the ballot paper".

S. 127
amended.

8. Section one hundred and seventy-four of the principal Act is amended—

S. 174
amended.

(a) by adding after paragraph (b) of subsection (3), the following paragraph—

(c) Notwithstanding the provisions of paragraph (a) of this subsection, where the interest that a member has in a matter is so remote or trivial that if he

were to take part in any consideration or discussion, or to vote, in respect of that matter, the member could not reasonably be regarded as likely to be influenced by that interest, the provisions of that paragraph so far as they prohibit the member from taking part and from voting, in respect of the matter do not apply to him, but he shall nevertheless be liable to give the notice required under that paragraph.; and

- (b) by adding after subsection (3), the following subsections—

(3a) Where under the provisions of subsection (3) of this section a member of the council is not permitted, in respect of a matter at a meeting of the council, to take part in the consideration or discussion, or to vote, the council may, notwithstanding those provisions, determine by an absolute majority on a motion, which motion may be moved without notice, that such member may speak on the matter, but nevertheless the member is not entitled to vote on that matter.

(3b) In the event of a motion being carried in accordance with the provisions of subsection (3a) of this section, there shall be recorded in the minutes of the meeting of the council particulars of that motion and the moving and carrying thereof and the fact that the member permitted to speak on the matter did not vote thereon. .

S. 182
amended.

9. Section one hundred and eighty-two of the principal Act is amended by substituting for the word, "authorised" in line five of subsection (6), the word, "authorise".

10. The principal Act is amended by adding after section one hundred and ninety-nine, the following section—

S. 199A
added.

199A. A council may so make by-laws—

Camps, etc.,
for holiday
purposes.

- (a) for regulating the use of land within its municipal district for the establishment and maintenance of camps, cabins, chalets or housing, for occupation for holiday purposes, of a standard differing from that required under building by-laws;
- (b) for regulating the erection, construction and maintenance of buildings on such land;
- (c) for prescribing the conditions on which the land may be so used, and the standards to be observed and maintained by persons establishing or conducting buildings for occupation for holiday purposes;
- (d) prohibiting any person from establishing or conducting any such building unless and until it has been approved by and registered with the council.

11. Section two hundred and forty-four of the principal Act is amended—

S. 244
amended.

- (a) by substituting for the word, “remove” in line five of paragraph (q), the passage, “take possession of and remove to a place appointed by the council, and without being liable in damages or otherwise to dispose of”; and
- (b) by substituting for the words, “the amount of the expense from him in a court of competent jurisdiction” in lines ten and eleven of paragraph (q), the passage, “from him or them in a court of competent jurisdiction the expense incurred in the

taking possession, removal or disposal of the thing deposited, or in such reinstatement”.

S. 400
amended.

12. Section four hundred of the principal Act is amended—

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

(1b) Where a council is of opinion that for the purpose of making more effective use of any land within its district that is a pedestrian way, of not more than thirty-three feet in width, or in the interests of attractive development of the area where that land is situated, it is desirable so to do, the council may, with the consent of the Minister, grant permission to a person to erect a building above or over that pedestrian way at such height as the council may specify and upon and subject to such conditions as the council may impose. ; and

(b) by deleting the words, “If posts are used for the support of the awning or verandah so that”, in lines four and five of paragraph (a) of subsection (2) and substituting the passage, “unless prohibited from so doing by by-laws of the council, may use posts for the support of the awning or verandah provided”.

S. 520
amended.

13. Section five hundred and twenty of the principal Act is amended by deleting the passage, “crossings,” in lines two and three of paragraph (a) of subsection (2).

S. 523
amended.

14. Section five hundred and twenty-three of the principal Act is amended by adding after paragraph (1) of subsection (1), the following paragraph—

(1a) grants received from, or sums reimbursed by, the Commissioner of Main Roads under the Main Roads Act, 1930, in respect of

works carried out, or to be carried out, under that Act by the council at the request of such Commissioner; .

15. Section five hundred and thirty-three of the principal Act is amended by inserting after the word, "poll" in line one of subparagraph (iv) of paragraph (b) of subsection (12), the words, "the number of ratepayers who vote thereat is not less than fifteen per centum of those entitled so to vote and".

S. 533
amended.

16. Section five hundred and forty of the principal Act is amended—

S. 540
amended.

(a) by deleting all words after the word, "council" in line two of subsection (5) down to the end of that subsection; and

(b) by adding after subsection (5), the following subsection—

(6) If the council maintains a valuation register showing particulars of the lands within its district, the names of the owners thereof, and the respective valuations, it shall permit any ratepayer of the municipality to inspect that register at any reasonable time free of charge, but if no valuation register is maintained the council shall permit any such ratepayer to inspect the rate book at any reasonable time free of charge. .

17. Section five hundred and ninety-nine of the principal Act is amended—

S. 599
amended.

(a) by substituting for the passage, "rates, or the receipt of money, if any, granted by Parliament to a municipality, the council thereof" in lines one, two and three of subsection (1), the passage, "its ordinary revenue in any year, or the receipt of moneys granted under the provisions of section five hundred and twenty-four of this Act, a council"; and

- (b) by deleting the passage, "grants, if any, from Parliament and" in lines eleven and twelve of subsection (1).

S. 611
amended.

18. Section six hundred and eleven of the principal Act is amended by repealing subsection (7) and re-enacting it with amendments as follows—

(7) If at the poll the number of ratepayers who vote thereat is less than fifteen per centum of those entitled to vote thereat the raising of the loan is approved, but if the ratepayers who vote at the poll number not less than fifteen per centum of those entitled to vote thereat, and if a majority of the valid votes cast are against the loan, or the valid votes cast against the loan are equal in number to those in favour of the loan, the raising of the loan is forbidden.

S. 624A
added.

19. The principal Act is amended by adding after section six hundred and twenty-four, the following section—

Advances
by owners
of rateable
land.

624A. (1) Subject to this section, with the approval of the Minister a council may, without complying with any other provision of this Part, accept an advance not exceeding five thousand pounds from an owner of any rateable land within its municipal district for the purpose of carrying out works requested by that owner.

(2) An advance made under this section may be either free of interest or bear interest at such rate as the Minister determines.

(3) The council shall repay any advance made under this section by annual instalments spread over a period not exceeding ten years.

(4) An advance under this section shall not be approved by the Minister unless he is satisfied that the rates that will be payable in respect of the land on or to which the works requested by the owner will be carried out, shall during the period for which the advance is made equal or exceed the total amount, including interest, required to be paid by the council in repaying the advance. .

20. The principal Act is amended by adding after section six hundred and ninety-one, the following section—

S. 691A
added.

691A. A council may, by a resolution passed by an absolute majority of the members voting thereon at a meeting of the council, and with the approval of the Minister, confer upon any person the title of "Honorary Freeman of the Municipality", but the conferring of that title upon a person does not grant to him any right or privilege other than that of permitting him to designate himself by the title so conferred. .

Honorary
Freeman.
