

LOCAL GOVERNMENT (No. 2).

13° Elizabeth II., No. XC.

No. 90 of 1964.

AN ACT to amend the Local Government Act,
1960-1963.

[Assented to 14th December, 1964.]

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), 1964.* Short title and citation.

(2) In this Act the Local Government Act, 1960-1963, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Local Government Act, 1960-1964.

Commence-
ment.

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

S. 3
amended.

3. Section three of the principal Act is amended by substituting for the passage, "Division 9.—New Building Lines, ss. 361 to 364" in the last line under the heading, PART XII.—STREETS, WAYS, BRIDGES, FERRIES, CULVERTS, WATER-COURSES, JETTIES, WORKS, SERVICES AND CONJOINT FUNCTIONS, ss. 285 to 297, the passage, "Division 9.—New Street Alignments, ss. 361-364".

S. 6
amended.

4. Section six of the principal Act is amended by adding after the interpretation, "street" the following interpretation—

"street alignment" means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under section three hundred and sixty-four means the new street alignment so prescribed; .

S. 12
amended.

5. Subsection (4) of section twelve of the principal Act is amended by adding after the word, "section" being the last word in paragraph (e), the following passage, ";

(f) where the Minister certifies in writing that in the circumstances of the case it is desirable so to do, annex to a district any area of outlying land adjoining the district".

S. 36
amended.

6. Subsection (1) of section thirty-six of the principal Act is repealed and re-enacted as follows—

(1) (a) Subject to paragraph (b) of this subsection, a person is disqualified from being elected as a mayor, president or councillor of

a municipality if at the date of his nomination for election to the office, he owes to the municipality, in respect of rateable land—

- (i) owned by him; or
- (ii) owned by him in the capacity of a trustee for any person or a liquidator of a company,

the amount of any rates or portion thereof imposed by the municipality on the land more than six months prior to that date.

(b) Where a person owns rateable land and also owns other rateable land in the capacity of a trustee for any person or a liquidator of a company, he shall not be so disqualified by reason only of the fact that he so owes in that capacity any such rates or portion if no such rates or portion are so owed in respect of land owned by him.

(c) A person is disqualified from being elected as a mayor, president or councillor of a municipality if, at the date of his nomination for election to the office—

- (i) he is exempt from liability for payment to the municipality of rates and charges under this Act pursuant to section five hundred and sixty-one; and
- (ii) any of those rates and charges remain unpaid,

and if so elected is disqualified from acting as such if, while holding the office he is so exempt but a person who, after he is elected as a mayor, president or councillor of a municipality becomes exempt as referred to in subparagraph (i) of this paragraph, is not disqualified as provided in this paragraph.

7. Subsection (3) of section thirty-eight of the principal Act is amended by substituting for the word, "of" in line six, the word, "or".

S. 38
amended.

S. 59
amended.

8. Section fifty-nine of the principal Act is amended by adding after subsection (2) a subsection as follows—

(2a) Notwithstanding subsection (1) of this section, the council may, at any time, alter the roll by including therein the name of any person which has been omitted therefrom in error or the name of a person which appeared in an electoral list prepared and completed in accordance with section forty-six of this Act and which has been omitted from the roll by mistake. .

S. 75
amended.

9. Section seventy-five of the principal Act is amended—

(a) by adding after the word, “elect” in line five of subsection (2) the words, “by secret ballot”; and

(b) by adding after the word, “elect” in line four of subsection (3) the words, “by secret ballot”.

S. 93
amended.

10. Section ninety-three of the principal Act is amended by adding after subsection (5) the following subsection—

“; or

(5a) Where a nomination paper is delivered to the returning officer, he shall inspect the rate book of the council to ascertain whether the person referred to as the candidate in the nomination paper is disqualified under section thirty-six from being elected to the office of member for which he has nominated, and if the returning officer is satisfied that the person is so disqualified he shall, notwithstanding subsection (6) of this section reject the nomination as invalid.”.

11. Section ninety-seven of the principal Act is amended by substituting for the word, “fifteen” in line two the word, “thirty”.

12. The principal Act is amended by adding after section one hundred and nine a section as follows—

S. 109A
added.

109A. (1) Notwithstanding anything contained in this Act, when any person who is entitled to be enrolled on a roll and whose name—

Vote
of person
whose name
appears on
electoral list
but not on
roll.

- (a) appears in any electoral list duly settled and certified under section fifty-six of this Act; or
- (b) appeared on the roll for the year then immediately preceding,

claims to vote at an election held under this Act at a duly appointed polling place and his name does not appear on the roll being used for that election, he may be permitted to vote if he—

- (c) makes a declaration on the prescribed form before the returning officer or presiding officer at the polling place; and
- (d) answers to the satisfaction of the returning officer any prescribed questions that are put to him by the returning officer.

(2) Subject to this section, when a person is permitted to vote under this section, the provisions of this Act relating to elections apply with such modifications as circumstances require, as if he were a person who was entitled to vote at an election held under this Act and whose name appeared on the roll.

(3) Where a person is permitted to vote under this section, he shall mark and fold his ballot paper or ballot papers in the manner prescribed by this Act and return it or them so folded to the returning officer, or presiding officer, at the polling place.

(4) The officer to whom the ballot paper or ballot papers are returned shall thereupon in the presence of the voter and of such scrutineers as are present—

- (a) without unfolding the ballot paper or ballot papers, enclose it or them in an envelope bearing on the outside of the envelope the declaration of the voter and addressed to the returning officer for the election at which the voter claims to be entitled to vote; and
- (b) forthwith securely fasten the envelope and deposit it in the ballot box.

(5) Where a person who is permitted to vote under this section, satisfies the returning officer or presiding officer at the polling place that he is blind or that his sight is so impaired or that he is otherwise physically incapacitated to such a degree as to be incapable of making the prescribed declaration or as the case may be, to vote without assistance or that he is unable to read or write, the returning officer or presiding officer shall—

- (a) at the request of that person and on his behalf and in the presence of a witness, if the person so desires, complete the form of the prescribed declaration by inserting therein the required particulars, according to the instructions of the person;
- (b) read over to the person the prescribed declaration when so completed;
- (c) require the person to sign the prescribed declaration in his own hand writing or if he is unable to do so sign it by marking his distinguishing mark on the declaration and shall cause that mark to be witnessed;
- (d) complete and attest the declaration;

(e) where the person is permitted to vote—

(i) at the request of that person and on his behalf and in the presence of a witness, if the person so desires, mark his ballot paper or ballot papers according to the instruction of the person and fold it or them; or

(ii) at the request of that person permit a person selected by him to so mark fold and return the ballot paper or ballot papers to the returning officer,

and the returning officer shall deal with the ballot paper or ballot papers in the manner prescribed by subsection (4) of this section.

(6) Where the presiding officer is not the returning officer, he shall, immediately upon the close of the poll, transmit to the returning officer without opening it any envelope that contains a ballot paper or ballot papers in accordance with this section.

(7) The returning officer on receipt of any such envelope shall, without opening it or permitting any other person to do so—

(a) examine the declaration of the voter on the outside of the envelope; and

(b) after making any such inquiry as he thinks necessary to establish the number of votes to which the voter is entitled, endorse on the envelope the number of such votes.

(8) Where the returning officer is satisfied that the prescribed declaration is duly completed in accordance with this section and that the voter is a person to whom subsection (1) of

this section applies, he shall open the envelope, and if the ballot paper or ballot papers is or are marked as required by this Act, he shall allow the vote or votes contained in the envelope to the number of votes endorsed on the envelope but if the returning officer is satisfied that—

- (a) the voter is not a person to whom subsection (1) of this section applies;
- (b) the declaration endorsed on the envelope is not so duly completed; or
- (c) any ballot paper is not marked as required by this Act,

he shall disallow the vote or votes in respect thereof.

(9) A person who being required to make a declaration before voting under this section, wilfully makes a false declaration is guilty of an offence and is liable to imprisonment for six months.

(10) The returning officer or presiding officer before whom a declaration is made under this section shall warn the person making the declaration before he makes it, that if the person wilfully makes a false declaration, he commits an offence and is liable to imprisonment for six months.

(11) Where the claim of any person to vote under this section is refused, the returning officer or presiding officer shall make a note in writing of the fact of the claim and the reason for refusing it and shall sign the note in the presence of such scrutineers as are present, all or any of whom may sign the note.

(12) (a) Where the returning officer is satisfied that a voter is a person to whom subsection (1) of this section applies, the returning officer shall alter the roll by inserting therein with the appropriate particulars, the name of the voter.

(b) The returning officer shall initial such alteration and insert the date of making the alteration and the alteration shall be deemed and be taken to form part of the roll accordingly.

(13) The provisions of this section apply, with such modifications as circumstances require to all polls conducted pursuant to this Act.

13. Subsection (6) of section one hundred and twenty-seven of the principal Act is declared to have been amended as and from the seventeenth day of December nineteen hundred and sixty-three by substituting for the passage, "subsection (3), (4) or (5)" in line two, the passage, "subsection (3) or (4)". S. 127
amended.

14. Subparagraph (ii) of paragraph (a) of subsection (3) of section one hundred and thirty-four of the principal Act is repealed and re-enacted as follows— S. 134
amended.

(ii) there are more vacancies than one to be filled, the council shall repay the amount so deposited to an unelected candidate if the number of votes counted in his favour as first preferences is not less than one-fifth of the number of votes counted as first preferences in favour of the elected candidate in whose favour the least number of such votes were counted. .

15. Subsection (2) of section one hundred and thirty-five of the principal Act is amended— S. 135
amended.

- (a) by substituting for the figures "5 5 0" in subparagraph (i) of paragraph (a) the figures "7 7 0" ;
- (b) by substituting for the figures "7 7 0" in subparagraph (ii) of paragraph (a) the figures "8 8 0";
- (c) by substituting for the figures "5 5 0" in paragraph (b) the figures "7 7 0";

- (d) by substituting for the figures "10 0" in paragraph (c) the figures "12 0";
- (e) by substituting for the figures "7 6" in paragraph (d) the figures "10 0"; and
- (f) by adding immediately under paragraph (d) the following passage—

"Officers required to attend the counting of ballot papers after the close of the poll, shall be paid at the rate of twelve shillings for each hour they so attend."

S. 173
amended.

16. Section one hundred and seventy-three of the principal Act is amended—

- (a) by substituting for the word, "may" in the last line of paragraph (a) of subsection (8) the word, "shall"; and
- (b) by adding after the word, "question" in line four of subsection (9) the passage, "and, except where this Act provides otherwise, shall vote".

S. 179
amended.

17. Section one hundred and seventy-nine of the principal Act is amended by adding after subsection (1b) the following subsection—

(1c) Where a mayor or president is unable to be present at a meeting of an occasional or standing committee, the deputy mayor or deputy president—

- (a) may attend that meeting in place of the mayor or president for whom he is the deputy and act for that mayor or president thereat; and
- (b) while so acting has all the powers and duties of that mayor or president. .

18. Subsection (7) of section one hundred and eighty-two of the principal Act is repealed and re-enacted as follows—

S. 182
amended.

(7) Where the chairman, who is the mayor or president is absent at the commencement of a meeting of a committee so appointed, the deputy mayor or deputy president as the case requires, shall preside as chairman of the meeting but if the deputy mayor or deputy president is so absent the members of the committee present at the meeting may elect one of their number so present to preside as chairman. .

19. Section two hundred and two of the principal Act is amended—

S. 202
amended.

(a) by substituting for the words, “or other material whatsoever” in lines five and six of paragraph (b) the passage, “or disused material whether of the same kind as, or a different kind from those here specified”; and

(b) by repealing and re-enacting paragraph (c) as follows—

(c) where the owner or occupier does not clear the land or remove the refuse, rubbish or disused material as required by the notice given by the Council, for authorising the council without payment of any compensation in respect thereof to clear or remove it and dispose of it at the expense of, and recover in a court of competent jurisdiction the amount of the expense from, the owner or occupier to whom the notice was given.

S. 202A
added.

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

Land used
for storage of
old motor
vehicles, etc.

202A. For the purpose of preventing the creation or securing the abatement of unsightly conditions, the council may so make by-laws regulating the use of land—

- (a) for the storage or disposal of disused motor vehicles or old motor vehicle bodies or old machinery; or
- (b) for the dismantling or breaking up of disused motor vehicles, old motor vehicles or old machinery. .

S. 244
amended.

21. Paragraph (y) of section two hundred and forty-four of the principal Act is amended—

- (a) by adding after the word, “traffic” in line two the passage, “generally, or to traffic of any particular class”; and
- (b) by adding after the word, “traffic” in the last line the passage, “and for authorising the mayor and the clerk jointly or the president and the clerk jointly, to open the street after the closure thereof, either to traffic generally, or to traffic of any particular class”.

S. 297A
added.

22. The principal Act is amended by adding a section as follows—

Closure of
Private
Streets.

297A. (1) Where a council proposes to have a private street that is within its district closed, the council shall—

- (a) pass a resolution that it be proposed that the private street be closed pursuant to this section;
- (b) prepare a plan showing—
 - (i) the private street;

- (ii) all lots of land that abut on the private street and the names of the owners thereof; and
 - (iii) proposals for the division among those owners of the land comprising the private street after it is so closed; and
- (c) cause a notice in writing to be served upon—
- (i) the owner of the private street;
 - (ii) the owner of each lot of land that abuts upon the private street;
 - (iii) each person, other than the owner, whose name appears on the title to the land comprising the private street or the land comprising any lot of land that abuts upon the private street, as holding an interest in either of those lands.

(2) The notice referred to in paragraph (c) of subsection (1) of this section shall—

- (a) contain a true description of the land comprising the private street, the proposal for its closure and for the division of the land under this section; and
- (b) call upon each person served with the notice to show cause, if he so desires, to the council within thirty days from the date of service of the notice on him—
 - (i) why the private street should not be closed in accordance with the proposal therefor;

(ii) why any portion of the land—

(I) that is marked on the plan referred to in paragraph (b) of subsection (1) of this section so as to clearly identify it; and

(II) that comprises the whole or portion of the private street upon which abuts the land or portion of the land comprising a lot,

should not be transferred to the owner of that lot.

(3) The council shall also cause written notice to be served upon—

(a) the Minister of Water Supply, Sewerage and Drainage and the Metropolitan Water Supply, Sewerage and Drainage Board established under the Metropolitan Water Supply, Sewerage and Drainage Act, 1902;

(b) the State Electricity Commission of Western Australia established under the State Electricity Commission Act, 1945;

(c) the officer in charge of the Department of the Postmaster General of the Commonwealth in this State;

(d) the Town Planning Board constituted under the Town Planning and Development Act, 1928; and

(e) the occupier of each building on any lot of land that abuts upon the private street,

advising them of the proposal of the council to close the private street and calling upon any one of them who objects thereto, to submit his

objections in writing to the council, within thirty days of the date of the service of the notice upon him or it.

(4) At any time after the expiration of thirty days from the latest date on which any notice is served pursuant to this section, the council shall consider its proposal to close the private street together with any objections thereto that it has received pursuant to subsection (2) or (3) of this section, if any, and may after due consideration thereof, pass a resolution either—

(a) to close the private street and to divide the land comprised therein—

(i) as specified in the proposals for division referred to in subsection (1) of this section; or

(ii) as so specified but with such amendments thereto as the council thinks fit to make after considering the objections; or

(b) not to close the private street.

(5) Where the council passes a resolution to close the private street and to divide the land comprised therein, the council shall as soon as practicable thereafter, cause to be sent to the Minister—

(a) a copy of the resolution;

(b) a copy of the plan referred to in paragraph (b) of subsection (1) of this section, or if the plan has been amended by the council after it has considered the objections, a copy of the plan as so amended; and

(c) any objections that it has received to the proposal to close the private street and to divide the land comprising the street, pursuant to this section,

and if the Minister concurs in the resolution he shall present it to the Governor for his approval.

(6) Where the Governor approves the resolution of the council, the Minister shall, as soon as practicable thereafter, cause—

- (a) a copy of the plan sent to him pursuant to subsection (5) of this section to be sent to the Town Planning Board constituted under the Town Planning and Development Act, 1928, for its approval of the plan;
- (b) a copy of the plan when approved by the Town Planning Board to be deposited, without fee with the Registrar of Titles or the Registrar of Deeds, as the case requires, who shall cause the plan to be forwarded to the Inspector of Plans in the Lands and Surveys Department of the State for his approval of the plan; and
- (c) a copy of the plan as approved by the Inspector of Plans showing the number allocated to the plan by the Office of Titles or Registry of Deeds as the case may be, together with a notice of the resolution of the council to be published in the *Gazette*,

and thereupon the private street shall be closed and the land comprised therein shall be—

- (d) freed and discharged from any rights of any person to the same as a private street;
- (e) divided in accordance with the resolution and each portion thereof by force of this subsection shall be vested in the owner of a lot in accordance with the plan so published in the *Gazette*; and

- (f) incorporated with and form part of the lot to which it is attached as the lot is denoted and identified in the records of the Office of Titles or the Deeds Office, as the case may be.

(7) The council shall cause a copy of the notice in the *Gazette* to be served, as soon as practicable after it is published therein, upon each of the persons and bodies referred to in subparagraphs (i) and (ii) of paragraph (c) of subsection (1) of this section and paragraphs (a), (b), (c) and (d) of subsection (3) of this section.

(8) (a) Where the whole or portion of a private street is attached to a lot of land pursuant to this section, if that land—

- (i) is under the Transfer of Land Act, 1893, the Registrar of Titles shall on the application of the owner, and without fee, amend the relevant Certificate of Title by including therein the whole or portion of the land comprising the private street that is so attached; or
- (ii) is not under that Act, the Registrar of Deeds shall on the application of the owner and without fee, note the vesting in the Registry Book, so as to include therein the portion of the land so attached,

and for the purpose the Registrar of Titles shall request the owner of the relevant Certificate of Title to produce it to him with the application, and the owner of a Certificate of Title of any lot that abuts on the private street that requires to be amended, to produce to the Registrar of Titles that certificate when required by him and the owner shall comply with the request.

(b) The Registrar of Titles shall not be required to register under the Transfer of Land Act, 1893, any transfer of land comprised in a

Certificate of Title that requires to be amended pursuant to this section, until such amendment to the Certificate of Title has been duly made.

(9) Where any land is attached to a lot of land pursuant to this section, if the land comprising the lot is subject to a mortgage or encumbrance as regards any estate or interest therein, then upon the amendment of the relevant Certificate of Title or noting of the vesting by the Registrar of Deeds, as the case may be, showing the vesting of the land so attached in the owner of the lot of land, the land so attached becomes subject to the mortgage or encumbrance, as if it had been originally included therein by the owner of the estate or interest.

(10) When a private street is closed and the land comprised therein is divided pursuant to this section, the owner of that land is not entitled to any compensation in respect thereof.

(11) For the purposes of this section, "owner" in relation to land that is under the Transfer of Land Act, 1893 means the registered proprietor of the land and in relation to land that is not under that Act means the person whose name appears as the owner in the Registry of Deeds or other appropriate register. .

S. 329
amended.

23. Section three hundred and twenty-nine of the principal Act is amended—

- (a) by adding after the word, "government" in line one of subsection (4) the words, "whether under this or under another Act and in particular the Traffic Act, 1919"; and
- (b) by repealing and re-enacting subsection (11) as follows—

(11) (a) A county or regional council shall exercise or perform only such functions, powers or duties as are delegated to it by the constituent councils.

(b) The constituent councils may delegate to a county or regional council the power to exercise or perform any function, power or duty that by law those councils or any one of them may exercise or perform; and the delegation may be either particular or general; and in describing any such general function, power or duty it shall be sufficient to quote the part or section number of the Act prescribing the function, power or duty.

(c) Any delegation made pursuant to this subsection may be amended or revoked and a new delegation may be made. .

24. The principal Act is amended by adding after section three hundred and thirty-one a section as follows—

S. 331A
added.

331A. (1) Notwithstanding section three hundred and thirty-one or any other section except this section, a council may close any street or portion thereof in its municipal district for the conducting of experiments and tests for the purpose of more efficiently regulating traffic and providing suitable places or facilities for the parking or standing of vehicles.

Power
of council
to close
streets for
certain
purposes.

(2) Except with the prior approval in writing of the Minister, no street or portion thereof shall be closed pursuant to this section for any continuous period exceeding fourteen days.

(3) Except with the prior approval in writing of the Minister to whom the administration of the Traffic Act, 1919, is for the time being committed by the Governor, no street or portion thereof shall be closed pursuant to this section for any period. .

S. 358
amended.

25. Section three hundred and fifty-eight of the principal Act is amended—

(a) by adding after the section number “358” the subsection designation “(1)”;

(b) by repealing paragraph (b) and re-enacting it as follows—

(b) construct the crossing; and

(c) by adding the following subsections—

(2) (a) Where a crossing is, in respect of any land, the first crossing constructed under this section, whether as originally enacted or otherwise, if the crossing is a standard crossing or is of a type that is superior to a standard crossing, the council shall bear one-half of the cost of a standard crossing as estimated by the council, but if the crossing is of a type that is inferior to a standard crossing or is not such a first crossing, the council shall bear no part of the cost thereof.

(b) In this subsection, “standard crossing” means a crossing that is constructed in accordance with the specifications fixed by the by-laws or resolution of a council.

(3) The council may recover such half of the cost of constructing a crossing as is due to it under this section, from the owner of the land referred to in subsection (1) of this section, or, where there are more owners of the land than one may recover in a court of competent jurisdiction half of the cost from those owners proportionately to the value of the interest of each in the land. .

26. The principal Act is amended by substituting for the heading, "Division 9.—New Building Lines." immediately following section three hundred and sixty, the heading, "Division 9.—New Street Alignments."

Heading amended.

27. Section three hundred and sixty-four of the principal Act is repealed and re-enacted as follows—

S. 364 repealed and re-enacted.

364. (1) A council may by by-law 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.

Power to prescribe new street alignments. Cf. No. 11 of 1925, s. 5.

(2) Where the council by by-law so prescribes a new street alignment, it shall immediately the by-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 by-law to be served on the Registrar of Titles and Registrar of Deeds.

Cf. No. 30 of 1918, s. 36 (2) as to disallowance.

(3) (a) In this subsection "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 council on any land acquired by that council under section three hundred and sixty-one or section three hundred and sixty-three.

(b) Except with the approval mentioned in paragraph (c) of this subsection, 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.

(c) The building surveyor, subject to directions which the council 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 municipal district to which the provisions of subsection (5) of this section apply.

(5) (a) This subsection applies to any street or part thereof specified in an order made pursuant to subsection (4) of this section.

(b) Land that is affected by the new street alignment and which lies between that alignment and the old street alignment is, subject to rights, if any, reserved under subsection (4) of section three hundred and sixty-three, by virtue of this subsection—

(i) dedicated to use as part of the street so specified; and

(ii) revested in the Crown under section two hundred and eighty-six,

if the land—

(iii) has no buildings thereon on the date the new street alignment is prescribed; or

(iv) is on or after that date cleared of buildings and other obstructions.

(c) The revesting referred to in subparagraph (ii) of paragraph (b) of this subsection takes effect notwithstanding that the new street alignment has been prescribed as a new building line under subsection (1) of section five of the City of Perth Act, 1925, or of the

Municipality of Fremantle Act, 1925, and notwithstanding subsection (4) of section five of either of those Acts.

(6) Notwithstanding land is dedicated and revested as provided in subsection (5) of this section, the council may, subject to rights, if any, reserved under subsection (4) of section three hundred and sixty-three, lease that land or a portion of it to the owner of the land upon which it abuts, pursuant to section three hundred and sixty-two, as if the land or the portion had been acquired by the council.

(7) The council shall pay compensation to the owner of the land, portion of which is dedicated and revested under subsection (5) of this section, but the compensation payable by the council 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.

*Cf. s. 684 post
as to
arbitration.*

(9) Immediately land has been revested under subsection (5) of this section, the council shall cause written notice of the revesting to be served

on the Registrar of Titles, if the land is subject to the provisions of the Transfer of Land Act, 1893; or

on the Registrar of Deeds if the land is not subject to the provisions of that Act;

and the Registrar of Titles or the Registrar of Deeds, 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) of this section 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 council purchases or otherwise acquires the land or the land is acquired under the Public Works Act, 1902, 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. .

S. 374
amended.

28. Section three hundred and seventy-four of the principal Act is amended by adding a subsection as follows—

(5) Without prejudice to the operation of section four hundred and eleven, if a person without the prior approval in writing of the building surveyor, does or causes to be done any work in connection with the construction, amendment, alteration, extension or enlargement of a building not in conformity with the specifications and plans relating thereto and which have been approved by the council under this section, the person commits an offence.

Penalty: One hundred pounds. .

S. 433
amended.

29. Section four hundred and thirty-three of the principal Act is amended—

- (a) by substituting for the words, “building line” in line three of paragraph (26a) the words, “street alignment”;

(b) by adding after paragraph (26a) a paragraph as follows—

(26b) for prescribing building lines in relation to any public place or public reserve; ; and

(c) by adding after paragraph (32) the following paragraph—

(32a) for requiring that a building of a specified class erected after the coming into operation of the Local Government Act Amendment Act, 1964, has on the land on which the building is built or on land adjacent thereto, such number of parking spaces, as is prescribed in the by-law or as is in such proportion to the number of persons likely to reside or work in the building as so prescribed; .

30. Paragraph (b) of subsection (1) of section four hundred and thirty-three A of the principal Act is amended by adding after the word, “order” in line three the passage, “together with any amendments thereof whether by way of addition, substitution or cancellation”.

S. 433A
amended.

31. Section five hundred and thirty-three of the principal Act is amended—

S. 533
amended.

(a) by substituting for the word, “one-third” being the first word in item (I) of subparagraph (ii) of paragraph (f) of subsection (4), the word, “one-half”; and

(b) by repealing and re-enacting paragraph (g) of subsection (4) as follows—

(g) No lot or separate portion of rateable land shall be valued at an annual value of less than three pounds.

- (i) Subject to subparagraph (ii) of this paragraph, where the same person is the owner of two or more lots or portions of rateable land, whether improved or unimproved that adjoin one another, each of those lots or portions shall be valued separately; and
- (ii) where a building equal in value to one-half of the unimproved value of those lots or portions referred to in subparagraph (i) of this paragraph is so built, that it is built partly on two or more of those lots or portions, then the lots or portions on which the building is built shall be valued as one.

s. 552
amended.

32. Subsection (1) of section five hundred and fifty-two of the principal Act is amended by adding after the word, "of", in line three the passage, "any location, lot or other piece of".

s. 561
amended.

33. Section five hundred and sixty-one of the principal Act is amended—

- (a) by adding after subsection (2) the following subsection—

(2a) Where the payment of any rates or charges are postponed pursuant to subsection (2) of this section, nothing contained in the Limitation Act, 1935 prevents the council of the municipality from recovering the amount of any of those rates or charges which but for this subsection it would have been prevented from so doing by that Act. ;

- (b) by adding after the word, "rates" in line two of subsection (4) the words, "or charges" and by substituting for the words, "becomes effective" in the last line of that subsection, the passage, "may be granted by the council, but any amount due to the Director of War Service Homes in respect of the land has priority over any amount due for the rates or charges and the provisions of subsection (3) of this section apply to the rates or charges"; and
- (c) by repealing and re-enacting paragraphs (a) and (b) of subsection (5) as follows—
 - (a) the land is occupied by that person and another person who is—
 - (i) not such a person as is referred to in subparagraphs (i), (ii) or (iii) of paragraph (a) of subsection (1) of this section; and
 - (ii) not a dependant of the first mentioned person; or
 - (b) the land is partly owned by another person who is not such a person as is referred to in subparagraph (i) and (ii) of paragraph (a) of this subsection; .

34. Section five hundred and eighty-three of the principal Act is amended—

S. 583
amended.

- (a) by substituting for the passage, "form No. 1", in line one of paragraph (e) of subsection (2) the passage, "form No. 2"; and
- (b) by substituting for the passage, "form No. 2" in line five of subsection (3) the passage, "form No. 1".

S. 626
amended.

35. Paragraph (c) of subsection (5) of section six hundred and twenty-six of the principal Act is amended by adding after the word, "alone" being the last word in the paragraph, the passage, "to be used as an advance on the imprest system and applied to such uses as the council, by resolution, may direct".

S. 686
amended.

36. Section six hundred and eighty-six of the principal Act is amended by adding after the word, "name" being the last word in the section the passage, "vary the boundaries of the townsite, or declare the land to be no longer a townsite".
