

LOCAL GOVERNMENT (No. 2).

No. 31 of 1978.

AN ACT to amend the Local Government Act,
1960-1977.

[Assented to 22nd May, 1978.]

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), 1978.*

Short title
and citation.

(2) In this Act the Local Government Act, 1960-1977 is referred to as the principal Act.

Approved for
Reprint 21st
November,
1977 and
amended by
Acts Nos. 5, 7
and 56
of 1977.

(3) The principal Act as amended by this Act may be cited as the Local Government Act, 1960-1978.

Section 178
amended.

2. Section 178 of the principal Act is amended by adding after subsection (2) the following subsection—

(3) Special meetings are open to the public except on such occasions as the council, by resolution, which may be moved without notice, directs otherwise.

Section 297A
amended.

3. Section 297A of the principal Act is amended—

(a) by deleting the word “Electricity” in the first and last lines of paragraph (b) of subsection (3) and substituting the word “Energy” in each case;

(b) by inserting before the word “street” in the penultimate line of paragraph (c) of subsection (5) the word “private”;

(c) by deleting the passage “(c) and” in the penultimate line of subsection (7) and substituting the passage “(c), (ca) and”; and

(d) by adding after subsection (11) the following subsections—

(12) The preceding provisions of this section apply to the closure of part of a private street as well as to the closure of the whole of a private street and for the purposes of their application to the closure of part of a private street those provisions shall be read and construed as if—

(a) the words “part of a private street” were substituted for the words “private street” whenever they occur; and

(b) subsection (3) were amended by adding after paragraph (d) a paragraph as follows—

(da) the owner of, and the occupier of each building on, each lot of land which abuts on another part of the private street and which will, in the opinion of the council, be affected by the closure;

(13) Where before the date of the coming into operation of the Local Government Act Amendment Act (No. 2), 1978—

(a) a part of a private street has been closed under the provisions of this section; and

(b) the land comprised in the part of a private street so closed, or a portion thereof, has been vested in any person pursuant to this section,

the closure and the vesting of the land and any act or thing made or done in relation to the closure and vesting of the land are hereby declared to be, and to have always been, valid.

4. Subsection (3) of section 360 of the principal Act is repealed and re-enacted as follows—

Section 360
amended.

(3) A person who is entitled to claim under the Pensioners (Rates Rebates and Deferrals) Act, 1966 any deferment of the payment of rates and charges under this Act in respect of land of which he is in actual occupation as owner may claim to be entitled to a deferment of a charge otherwise payable under this section in relation to that land and thereupon the provisions of the Pensioners (Rates Rebates and Deferrals)

Act, 1966 relating to the deferment of the payment of rates shall apply to the payment of that charge. .

Section 516A
amended.

5. Subsection (5) of section 516A of the principal Act is repealed and re-enacted as follows—

(5) A person who is entitled to claim under the Pensioners (Rates Rebates and Deferments) Act, 1966 any deferment of the payment of rates and charges under this Act in respect of land of which he is in actual occupation as owner may claim to be entitled to a deferment of a charge otherwise payable under this section in relation to that land and thereupon the provisions of the Pensioners (Rates Rebates and Deferments) Act, 1966 relating to the deferment of the payment of rates shall apply to the payment of that charge. .

Section 528
amended.

6. Subsection (9) of section 528 of the principal Act is amended by deleting the words “this subsection” in line two and substituting the passage “subsection (8) of this section”.

Section 533
amended.

7. Subsection (3c) of section 533 of the principal Act is amended by adding after the word “immediately” in line two of subparagraph (i) of paragraph (b) the word “before”.

Section 548
amended.

8. Section 548 of the principal Act is amended—

(a) by repealing subsection (2); and

(b) as to subsection (4), by deleting the passage commencing with the word “district” in line sixteen of paragraph (c) and ending with the passage “section.” in the last line and substituting the passage “district.”.

9. Section 549 of the principal Act is amended by repealing subsection (3) and substituting the following subsection—

Section 549
amended.

(3) This section does not authorise a council to impose under another Act rates beyond the limits enacted by that other Act. .

10. Subsection (2) of section 551 of the principal Act is repealed and the following subsection substituted—

Section 551
amended.

(2) For the purpose of this section the council of a newly constituted municipality may prepare budgets in respect of so much of the then current financial year as from the date of the constitution of the municipality remains unexpired and after so preparing the budgets may impose rates under section five hundred and forty-eight. .

11. Subsection (1) of section 552 of the principal Act is amended by deleting the words "twenty dollars" in line six and substituting the words "forty dollars".

Section 552
amended.

12. Section 580 of the principal Act is amended by deleting the passage "section forty-six of the Trustees Act, 1900" at the end of that section and substituting the passage "section ninety-nine of the Trustees Act, 1962".

Section 580
amended.

13. Section 589 of the principal Act is amended by deleting the passage "section forty-six of the Trustees Act, 1900" in lines sixteen and seventeen of the paragraph commencing with the word "Seventhly" and substituting the passage "section ninety-nine of the Trustees Act, 1962".

Section 589
amended.
