

## LOCAL GOVERNMENT (No. 5).

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No. 80 of 1970.

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**AN ACT to amend the Local Government Act,  
1960-1970.**

*[Assented to 30th November, 1970.]*

**B**E 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. 5), 1970.* Short title and citation.

Reprinted  
as approved  
for reprint  
3rd May,  
1968, and  
amended by  
Acts Nos. 21  
of 1968; 35,  
83 and 107  
of 1969; 16,  
21 and 49  
of 1970.

(2) In this Act the Local Government Act, 1960-1970, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Local Government Act, 1960-1970.

Commence-  
ment.

2. This Act or any provision thereof shall come into operation on such date or such dates as is or are, respectively, fixed by proclamation.

S. 12  
amended.

3. Subsection (6) of section 12 of the principal Act is amended by adding after paragraph (c) the following paragraphs—

(ca) The Governor may appoint—

(i) a person eligible to be appointed chairman of the Commission to be the deputy of the chairman; and

(ii) two persons eligible under paragraph (b) or (c) of this subsection to be, respectively, the deputies of the other two members of the Commission,

and any deputy so appointed has, at any meeting of the Commission at which the member for whom he is the deputy is not present, all the powers and duties of that member.

(cb) The provisions of paragraphs (d), (e), (f) and (h) of, and subparagraphs (ii), (iii) and (iv) of paragraph (1) of, this subsection apply, with such modifications and adaptations as are necessary, to any deputy of a member of the Commission.

S. 35  
amended.

4. Subsection (1) of section 35 of the principal Act is amended by substituting for the word, "or" in line two of paragraph (c), the passage, "irrespective of whether his name appears on the electoral roll thereof, or an".

5. Section 111 of the principal Act is amended— S. 111 amended.

(a) by adding after paragraph (c) of subsection (2) a paragraph as follows—

(ca) at a district election or a ward election and has reason to believe that, throughout the hours of polling on that day, he will be more than five miles from the nearest polling place appointed for the election; ; and

(b) by deleting the words, “before the close of the poll on” in line three of subparagraph (ii) of paragraph (d) of subsection (3) and substituting the words “not later than four o'clock in the afternoon of the day immediately preceding”.

6. Subsection (1) of section 112 of the principal Act is amended by substituting for the words, “the time limited by that subsection” in line four, the words, “such of the times limited by that subsection as is applicable to the particular case”. S. 112 amended.

7. Section 113 of the principal Act is repealed and re-enacted as follows— S. 113 repealed and re-enacted.

113. An authorised witness for the purposes of witnessing absent voting applications and absent vote certificates is— Authorised witnesses of absent votes.

(a) within the State—any person who is enrolled as an elector on a roll for an Electoral District under and for the purposes of the Electoral Act, 1907;

(b) outside the State and within the Commonwealth of Australia—any person who is enrolled as an elector on a roll for an Electoral District under and for the purposes of the Electoral Act, 1907; any Justice of the Peace for any State of the Commonwealth; any member of the Police Force of the

Commonwealth or of any State; any officer of the Public Service of any State or of the Commonwealth employed in any State or Commonwealth Electoral Office; any legally qualified medical practitioner; any minister of religion; any postmaster or postmistress and any commissioned officer of the Naval, Military or Air Forces of the Commonwealth;

- (c) outside the Commonwealth—any person who is enrolled as an elector on a roll for an Electoral District under and for the purposes of the Electoral Act, 1907; any officer of the Naval, Military or Air Forces of the Commonwealth or some other part of Her Majesty's Dominions; any person employed in the Public Service of the Commonwealth or the State; any High Commissioner, Trade Commissioner or Agent General for the Commonwealth or any State of the Commonwealth,

except where he is a candidate for election in respect of a district or ward in respect of which the applicant is proposing to make the application. .

S. 114  
amended.

8. Subsection (1) of section 114 of the principal Act is amended—

- (a) by deleting paragraph (c) and substituting the following paragraph—

(c) the authorised witness shall then, in the place provided for the signature of the witness, sign his name and add his address and his qualification to act as an authorised witness; ;  
and

- (b) by adding after subsection (1) the following subsection—

(1a) Notwithstanding anything contained in subsection (1) of this section, a

person who is a candidate for election in respect of a district or ward shall not—

- (a) for or on behalf of an elector, post or deliver to the returning officer for the purposes of paragraph (e) of that subsection an envelope addressed to the returning officer which contains, *inter alia*, an absent voting paper which relates to that election; or
- (b) do as, or in the capacity of, a person appointed by an elector under paragraph (f) of that subsection, any act or thing referred to in that paragraph which is done for the purposes of, or relates to, that election.

9. Section 174 of the principal Act is amended— S. 174  
amended.

- (a) by adding after the words, “meeting of the council” where they occur—
  - (i) in the last line of paragraph (a) of subsection (3);
  - (ii) in the penultimate line of paragraph (b) of subsection (3); and
  - (iii) in lines three and four of subsection (3a),  
the words, “or a committee of the council”,  
in each case;
- (b) by adding after the words, “the council” in line five of subsection (3a), the passage, “or the committee, as the case requires,”;
- (c) by adding after the words, “meeting of the council” in line four of subsection (3b), the passage, “or the committee, as the case requires,”;

- (d) by adding after the words, "meeting of the council" in lines four and five of paragraph (a) of subsection (4), the words, "or the committee";
- (e) by adding after the word, "Where" in line one of paragraph (a) of subsection (6), the passage, ", in relation to a meeting or meetings of the council or a committee of the council,";
- (f) by adding after the word, "council" in line five of paragraph (a) of subsection (6), the passage, "or the committee, as the case requires,";
- (g) by adding after the word, "council" in line one of paragraph (a) of subsection (7), the words, "or a committee of a council";
- (h) by adding after the word, "council" in line two of paragraph (a) of subsection (7), the passage, "or the committee, as the case requires,";
- (i) by adding after the word, "council" in line four of paragraph (b) of subsection (7), the passage, "or the committee, as the case requires,"; and
- (j) by adding after subsection (7) the following subsection—

(8) The provisions of this section apply to a person who is not a member of the council but is, pursuant to section one hundred and eighty or one hundred and eighty-one, a member of a committee of a council as if that person were a member of the council. .

10. Subsection (1) of section 181 of the principal Act is amended by adding after the word, "a" in line five, the passage, "cemetery,".

11. Section 182 of the principal Act is amended by adding after subsection (3) the following subsections—

S. 182  
amended.

(3a) If at an election conducted for the purposes of subsection (3) of this section, the members of a committee fail, by reason of equality of votes or for any other reason, to elect one of their number to preside, the clerk shall report the fact to the Mayor or President and upon receiving the report the Mayor or President shall cause a notice to be given to each member of the committee requiring him to attend a special meeting of the committee at the time and place specified in the notice in order to elect one of the members to preside.

(3b) If the members of the committee at the special meeting fail to elect one of their number to preside, the clerk shall report the fact to the Mayor or President who may thereupon by notice in writing appoint one of the members of the committee to preside and the member so appointed shall be deemed to have been elected to preside pursuant to subsection (3) of this section. .

12. Subsection (2) of section 231 of the principal Act is amended by adding after paragraph (k) the following paragraph—

S. 231  
amended.

(ka) 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, of which the parking or standing of a vehicle is an element, is alleged to have been committed by the driver or person in charge of the vehicle against a by-law made under this section;

- (ii) that where the driver or person in charge of a vehicle is alleged to have committed such an offence against a by-law made under 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 member of the Police Force or the clerk of the council is satisfied from information furnished by the owner or otherwise, that 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; and
- (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; .

S. 297A  
amended.

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

- (a) by adding after the word “resolution” in paragraph (a) of subsection (5) the words “including the reasons therefor”; and
- (b) by repealing and re-enacting subsection (11) as follows—



(11) For the purposes of this section—

- (a) “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;
- (b) a reference, however expressed, to a proposal for the division of, or the division of, land comprising a private street among certain owners of other land shall be construed as including a proposal for the transfer of, or the transfer of, the land comprising a private street to any one such owner. .

14. Section 610 of the principal Act is amended by deleting the words, “and the maximum rate of interest proposed to be paid on the debentures” in lines two, three and four of subparagraph (i) of paragraph (a).

S. 610  
amended.

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