

LOCAL GOVERNMENT.

10° Elizabeth II., No. LXXII.

No. 72 of 1961.

AN ACT to amend the Local Government Act, 1960.

[Assented to 28th November, 1961.]

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, 1961.*

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

(3) The principal Act as amended by this Act may be cited as the Local Government Act, 1960-1961.

2. Section four of the principal Act is amended by adding after subsection (2) a subsection as follows—

S. 4
amended.

(3) Without prejudice to the operation of subsection (2) of this section, on the coming into operation of this Act, a reference in a law of the State in force immediately before the coming into operation of this Act to—

- (a) a Road Board shall be read as a reference to a Council of a Shire;
- (b) a Chairman of a Road Board shall be read as a reference to a President of a Council of a Shire;
- (c) a Secretary of or to a Road Board shall be read as a reference to a Shire Clerk; and
- (d) a reference to an Assistant Secretary to or of a Road Board shall be read as a reference to an Assistant Shire Clerk.

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

S. 6
amended.

"building line" means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act; .

4. Subsection (1) of section twelve of the principal Act is amended by substituting for the word, "section" in line seven, the word, "subsection".

S. 12
amended.

5. Paragraph (d) of subsection (7) of section forty-one of the principal Act is amended—

S. 41
amended.

- (a) by substituting for the words, "not less than" in line two of subparagraph (i), the words, "as near as practicable to"; and
- (b) by substituting for the words, "not less than" in line nine of subparagraph (iv), the words, "as near as practicable to".

S. 45
amended.

6. Subsection (6) of section forty-five of the principal Act is amended by substituting for the word, "surnames" in line eight, the word, "names".

S. 73
amended.

7. Section seventy-three of the principal Act is amended—

(a) by substituting for the full stop after the word, "member", being the last word in paragraph (h), a semi-colon; and

(b) by adding after paragraph (h) the following paragraphs—

(i) a person elected to the office of mayor or president in accordance with this section ceases to hold the office if, by virtue of section thirty-nine, his office as a member of the council becomes vacant or if, by notice in writing under his hand addressed to the clerk, he resigns the office of mayor or president;

(j) a mayor or president who, at the annual election of councillors in any year, ceases to hold the office of member of the council, shall continue to hold the office of mayor or president until the commencement of the first meeting of the council, of which he is the mayor or president, that is held after the fourth Saturday in May in that year;

(k) subject to the provisions of section seventy-six, where a vacancy in the office of mayor or president occurs other than through effluxion of time, the vacancy shall be filled by the council concerned electing another councillor to the office.

8. Section seventy-five of the principal Act is amended by adding after subsection (4) a subsection as follows—

S. 75
amended.

(4a) A deputy mayor or deputy president may resign his office by writing under his hand addressed to and delivered to the clerk and upon receipt of the resignation by the clerk, the term of office of the deputy mayor or deputy president, as the case may be, ceases.

9. Section eighty-four of the principal Act is amended by substituting for the passage commencing with the word, "to", being the last word in line four, and ending with the word, "councillor", being the last word in the section, the following—

S. 84
amended.

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- (a) to be enrolled or to vote both as owner and occupier in respect of the one piece of rateable land; or
 - (b) to cast when voting—
 - (i) solely in a personal capacity, more than four votes at an election of a person to the office of mayor or president, or more than two votes in the election of a person to the office of councillor;
 - (ii) solely as a person registered on behalf of a body corporate under subsection (9) of section forty-five, more than four votes at an election of a person to the office of mayor or president, or more than two votes in an election of a person to the office of councillor;
 - (iii) in both a personal capacity and as a person so registered on behalf of one or more bodies corporate, or as a person so registered on behalf of two or more bodies corporate, more than eight votes at an election of a person to the office of mayor or president, or more than four votes in an election of a person to the office of councillor.

S. 101
amended.

10. Subsection (2) of section one hundred and one of the principal Act is amended by deleting the words, "more than" in line one and adding after the word, "two" in that line, the words, "or more".

S. 159
amended.

11. Paragraph (a) of section one hundred and fifty-nine of the principal Act is amended by substituting the word, "municipality" for "municipality" in line eight.

S. 178
amended.

12. Subsection (1) of section one hundred and seventy-eight of the principal Act is amended by substituting the word, "adjourned" for "adjoined" in line three.

S. 188
amended.

13. Subsection (1) of section one hundred and eighty-eight of the principal Act is amended—

- (a) by deleting the passage, ", and resolutions" in lines two and three of paragraph (c); and
- (b) by adding before the word, "orders", being the first word in paragraph (d), the passage, "resolutions,".

S. 190
amended.

14. Subsection (6) of section one hundred and ninety of the principal Act is amended by deleting the passage, ", on payment by the council of the cost of publication," in lines two and three.

S. 204
amended.

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

- (a) by substituting for the full stop after the word, "kind", being the last word in paragraph (b), a semi-colon; and
- (b) by adding a paragraph as follows—
 - (c) for prohibiting a person from placing in on or about any rubbish depot, tip or dump, sanitary depot, public reserve, public place, or unfenced vacant land, any refrigerator, ice chest, ice box, furniture, trunk or other prescribed thing, whether of

the same kind as, or a different kind from, those here specified, that has in it a compartment of a capacity of one and a half cubic feet or more, unless before so placing it he removes from such compartment every door, lid, lock and hinge thereof or otherwise renders every such door and lid incapable of being fastened. .

16. Paragraph (a) of subsection (5) of section two hundred and seventy-five of the principal Act is amended by substituting the word, "accordingly" for "acordingly" in the last line. S. 275
amended.

17. Subsection (4) of section two hundred and eighty-eight of the principal Act is amended by deleting the word, "and" between paragraph (b) and paragraph (c). S. 288
amended.

18. Section three hundred and sixty-four of the principal Act is amended— S. 364
amended.

(a) by adding after subsection (3) the following subsections—

(3a) A council may, at any time after it has prescribed a new building line under the provisions of subsection (1) of this section, give written notice to an owner of land affected by the building line, requiring him to clear the land between that building line and the frontage of the allotment, of buildings and other obstructions, and the council shall in the notice specify the date by which the land is to be so cleared.

(3b) An owner to whom a notice is given pursuant to subsection (3a) of this section shall comply with the notice and, if he fails to do so within the time specified in the notice, the council may—

(a) without affecting any penalty to which the owner may be liable by reason of his failure to

comply with the notice, clear the land of buildings and other obstructions; and

- (b) recover the cost of so doing from the owner of the land in any court of competent jurisdiction as a debt due by the owner to the council. ;
- (b) by substituting for the words, "old and the new building lines", in line two of paragraph (a) of subsection (4), the words, "frontage of the allotment and the new building line";
- (c) by adding after the word, "obstructions" in line three of paragraph (a) of subsection (4), the passage, "for the purpose of re-erecting or erecting an existing or a new building behind the new building line, or, if the land is within an area specified in an Order, the land is so cleared in pursuance of a notice given by a council under subsection (3a) of this section"; and
- (d) by adding after subsection (7) a subsection as follows—
 - (8) in this section the term "building" does not include a fence. .

S. 371
amended.

19. Subsection (3) of section three hundred and seventy-one of the principal Act is amended by inserting before the word, "bar" in line three, the word, "a".

S. 403
amended.

20. Subsection (5) of section four hundred and three of the principal Act is repealed and re-enacted as follows—

(5) If the owner or occupier, on whom the council has caused written notice to be served pursuant to subsection (4) of this section, does

not comply with the requisitions in the notice, the council shall cause a copy of the notice to be published once in the *Gazette* and once in a newspaper circulating in the district.

21. Subsection (2) of section four hundred and eight of the principal Act is repealed and re-enacted as follows—

S. 408
amended.

(2) If the owner or occupier, on whom the council has caused written notice to be served pursuant to subsection (1) of this section, does not comply with the requisitions in the notice within fourteen days after the service of the notice on him, the council shall cause a copy of the notice to be published once in the *Gazette* and once in a newspaper circulating in the district.

22. Subsection (2) of section four hundred and nine of the principal Act is repealed and re-enacted as follows—

S. 409
amended.

(2) If the owner or occupier, on whom the council has caused written notice to be served pursuant to subsection (1) of this section, does not comply with the requisitions in the notice within fourteen days after the service of the notice on him, the council shall cause a copy of the notice to be published once in the *Gazette* and once in a newspaper circulating in the district.

23. Subsection (2) of section four hundred and eleven of the principal Act is repealed and re-enacted as follows—

S. 411
amended.

(2) If the owner or occupier, on whom the council has caused written notice to be served pursuant to subsection (1) of this section, does not comply with the requisitions in the notice within fourteen days after the service of the notice on him, the council shall cause a copy of the notice to be published once in the *Gazette* and once in a newspaper circulating in the district.

S. 417
amended.

24. Subsection (2) of section four hundred and seventeen of the principal Act is repealed and re-enacted as follows—

(2) If the owner or occupier, on whom the council has caused written notice to be served pursuant to subsection (1) of this section, does not comply with the requisitions in the notice within fourteen days after the service of the notice on him, the council shall cause a copy of the notice to be published once in the *Gazette* and once in a newspaper circulating in the district.

S. 433
amended.

25. Section four hundred and thirty-three of the principal Act is amended by adding after paragraph (26) a paragraph as follows—

(26a) for requiring that buildings generally or a building of any specified class shall not be built nearer to a building line than is prescribed in a by-law; .

S. 505
amended.

26. Paragraph (c) of subsection (2) of section five hundred and five of the principal Act is amended by substituting the word, "principal" for "pincipal" in the second last line.

S. 523
amended.

27. Paragraph (c) of subsection (1) of section five hundred and twenty-three of the principal Act is amended by substituting the word, "building" for "buildng" in the second line.

S. 533
amended.

28. Subparagraph (i) of paragraph (f) of subsection (4) of section five hundred and thirty-three of the principal Act is amended by deleting the words, "if the portion" in line five and inserting those words after the word, "grant" in line six.

29. Paragraph (b) of subsection (2) of section five hundred and forty-eight of the principal Act is amended—

S. 548
amended.

- (a) by adding after the word, “shilling” in line one, the words, “and three pence”; and
- (b) by adding after the word, “available”, being the last word in the paragraph, the passage, “but, in such districts or specified areas as the Minister may in writing approve, the rate for each pound of the unimproved value may be increased to one shilling and sixpence in the pound”.

30. Paragraph (b) of subsection (1) of section five hundred and fifty-six of the principal Act is amended by adding after the word, “persons” in line one, the words, “or the holder for the time being of any office specified in the order”.

S. 556
amended.

31. Section six hundred and four of the principal Act is amended by adding after subsection (2) a subsection as follows—

S. 604
amended.

(3) A municipality may, instead of issuing debentures in the form of the Twenty-third or Twenty-fourth Schedule, at the written request of a person from whom the council borrows money, issue a single debenture in a form commonly used for debentures and showing therein the total amount borrowed, the rate of interest payable thereon and the time and place at which the interest and principal sum shall be repaid and whether by instalments or otherwise.

32. Form B of the Seventh Schedule to the principal Act is amended by substituting for the word, “FORTY-FOUR” in line three, the word, “FORTY-SEVEN”.

Seventh
Schedule
amended.

Eighth
Schedule
amended.

33. The Eighth Schedule to the principal Act is amended by substituting for the word, "as" in the last line of the heading to the eighth column, the word, "or".

Seventeenth
Schedule
amended.

34. The Seventeenth Schedule to the principal Act is amended—

- (a) by substituting for the word, "AND" where first appearing in line three, the word, "OF";
 - (b) by substituting for the words, "one month" in line two of the fourth paragraph of the form headed "NOTICE AND VALUATION AND RATE", the words, "thirty-five days".
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