

# LOCAL GOVERNMENT (No. 4).

No. 30 of 1976.

AN ACT to amend the Local Government Act,  
1960-1975.

[Assented to 9th June, 1976.]

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. 4), 1976.*

Short title  
and  
citation.

(2) In this Act the Local Government Act, 1960-1975 is referred to as the principal Act.

Approved  
for reprint  
9th  
August,  
1973 and  
amended  
by Acts  
Nos. 12, 74,  
83 and 105  
of 1973, 27  
and 65 of  
1974 and  
36, 65 and  
78 of 1975.

(3) The principal Act as amended by this Act may be cited as the Local Government Act, 1960-1976.

Section 331B  
added.

2. The principal Act is amended by adding after section 331A a section as follows—

Power to  
place or  
construct  
obstructions  
in streets.

331B. (1) Notwithstanding section three hundred and thirty-one, but subject to this section, a council may, with the approval of the Minister, construct or place any obstruction in a street or way for the purpose of prohibiting the movement of vehicular traffic.

(2) Where a council resolves to exercise the power conferred by subsection (1) of this section it shall cause to be published notice of the proposal specifying the situation of the obstruction and the manner in which it is proposed to prohibit the movement of vehicular traffic in the street or way.

(3) The notice referred to in subsection (2) of this section shall be published in a newspaper circulating in the district and shall state that a person who desires to object to the proposal may deliver written grounds of his objection to the council within thirty-five days from the date of publication.

(4) The council shall consider all objections duly made and shall, if, after considering the objections, it is still of the opinion that the street or way should be obstructed in the manner set out in the notice, forward particulars of the proposal, together with the objections received by it and its report thereon, to the Minister.

(5) The Minister shall not approve of a proposal submitted to him under subsection (4) of this section unless he has obtained the written consent of the Minister to whom the administration of the Road Traffic Act, 1974, is for the time being committed by the Governor.

(6) If the Minister approves of the proposal he shall by notice in writing notify the council of his approval.

(7) Where before the coming into operation of the Local Government Act Amendment Act (No. 4), 1976—

- (a) a council and the Minister have, pursuant to section three hundred and thirty-one of this Act, decided that a street or way is not required for public traffic; and
- (b) the Minister has caused notice to be published in the *Government Gazette* of a decision so made; and
- (c) the council has placed or constructed an obstruction in that street or way,

that obstruction shall be deemed to be, and to have always been, validly placed or constructed in that street or way. .

3. Section 435 of the principal Act is amended— Section 435 amended.

- (a) as to subsection (2), by deleting the words “not exceeding seven in number” in lines three and four and substituting the words “or with safety in buildings”; and
  - (b) as to subsection (5a), by adding after the word “trade” in line three the words “or with safety in buildings”.
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