LOCAL GOVERNMENT ACT AMENDMENT BILL (CONSOLIDATION) 1972

House of Assembly, 14 November 1972, page 2999

Second reading

**The Hon. G. T. VIRGO (Minister of Local Government)** obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934, as amended, and certain other Acts relating to local government. Read a first time.

The Hon. G. T. VIRGO: I move:

*That this Bill be now read a second time.*

It makes several amendments that are essential to enable the Local Government Act and its amendments to be consolidated and reprinted under the Acts Republication Act. When the principal Act and its amendments were examined and checked with a view to preparing them for consolidation and reprinting, several errors and obsolete provisions were detected in some of the Acts concerned, as well as several references to proportions expressed in the old currency which have no exact equivalents that can be expressed in decimal currency. These need amendment by Parliament before the Act can be consolidated with its amendments and reprinted, and that is the main purpose of this Bill.

Although there is authority in the Acts Republication Act for a reprint made under that Act to express in exact equivalents in decimal currency, where this is possible, any references to the old currency, it is preferable for this to be done by Parliament. The opportunity has therefore been taken at the same time to convert to decimal currency the other references to the old currency which are in the principal Act and which are directly convertible but have not been dealt with in the other Bill to amend the Local Government Act which is before Parliament.

Clause 1 is formal. Subclause (1) of clause 2 amends various provisions of the principal Act, and I shall explain those amendments when I deal with the first schedule to this Bill. Subclause (2) of clause 2 repeals section 895 of the principal Act. That section amended the Industrial Code, 1920, which was repealed by the Industrial Code, 1967, and is no longer required in the Act.

Subclause (3) of clause 2 repeals the present tenth schedule to the principal Act and re-enacts it with exact decimal currency conversions, except that the charge relating to sale and delivery of goods of 6d. in £1 has been converted to 3c in $1. Clause 3 strikes out an erroneous amendment from the Local Government Act Amendment Act, 1946, as the word “exceed” purporting to be struck out of paragraph VII of section 206 of the principal Act by that amendment was not included in that paragraph.

Clause 4 inserts into the principal Act, as section 319a, the whole of section 6 of the Local Government Act Amendment Act (No. 1), 1954, which had been enacted by the amending Act in 1954 as a substantive provision but without a “home” in the principal Act. Unless that section is included in the principal Act by Act of Parliament, it could not be incorporated in a reprint of the principal Act (of which it is not a part) and it would probably be forgotten. Clause 5 corrects an obvious error in the Local Government Act Amendment Act, 1968. Clause 6 also corrects an obvious error in the Local Government Act Amendment Act (No. 3), 1969.

I shall now deal with the first schedule to the Bill. The amendments that make direct and exact conversions to decimal currency need no explanation. I would, however, like to draw the attention of honourable members to the amendments to sections 234 (ii) (a), 234 (ii) (b), 240, 244, 245, 246 (1), 247, 248, 424 (1) II, 424 (1) V, 488 (a), 488 (b). In recommending the conversions made by these amendments, the Secretary for Local Government has had regard to the fact that exact equivalents are not practicable and he has therefore recommended the nearest equivalent proportions that would be practicable in the circumstances of each case.

The amendment to section 307 is consequential on the enactment of the Planning and Development Act, 1966-1967. The amendments to sections 425 (1) and 476 (3) correct old drafting errors. The amendment to the heading immediately preceding section 528 is consequential on the removal of the divisional heading to Division I of Part XXV. The amendment to section 883 (1) and (1a) merely updates the references to the District Council of Kapunda. The amendment to the thirteenth schedule merely substitutes for form 5 a new form setting out in decimal currency a specimen table to be incorporated with a debenture for the repayment of principal and interest by instalments. The new form is set out in the second schedule to the Bill. It is hoped that the Bill will be dealt with expeditiously to enable the principal Act and its amendments to be consolidated and reprinted at an early date.

I draw members’ attention to the title of the Bill, and I am sure that they will be interested to see that the measure was prepared by Mr. E. A. Ludovici. May I take this opportunity to compliment Mr. Ludovici on the work he has undertaken in preparing the Bill. I think he is well known to every member as a former Parliamentary Counsel. Since his retirement, Mr. Ludovici has continued his duties in connection with a consolidation of the Statutes, and this Bill represents part of those duties. I am certain that all members would agree that I should place on record and express my appreciation to Mr. Ludovici for the work he has done both as Parliamentary Counsel and in connection with his current duties involving a consolidation of the Statutes.

Dr. EASTICK (Leader of the Opposition): The Opposition is happy to support this Bill, and to do so right now, so that it may pass through all stages without further delay. This procedure has been facilitated by virtue of our having seen yesterday a copy of not only the Bill but also the Minister’s explanation. The facts outlined by the Minister have been checked and are totally acceptable to the Opposition. Indeed, the corrections made by this measure are obvious ones. It is interesting to note that many errors have existed in the present Act for a long time, and it is only when there is an exercise such as the one being undertaken by Mr. Ludovici for the benefit of the State that those errors are revealed. We on this side endorse the comments made by the Minister regarding the valuable work undertaken by Mr. Ludovici. I am a little perturbed that the present Act is so antiquated that it is causing considerable concern to those in the community who are bound by it and also those who work under it. I am aware of the difficulty in introducing a completely new measure; indeed, it was previously indicated to me that this might take 18 months to two years. We on this side hope that there will be no more delay than is absolutely necessary in introducing a Bill to implement an entirely new Act. I support the Bill.

Bill read a second time and taken through its remaining stages.