

**LOCAL GOVERNMENT (AMENDMENT) ACT,
1978, No. 64**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 64, 1978.

An Act to amend the Local Government Act, 1919, with respect to rights to possession or occupation of land in certain public reserves and certain other matters.
[Assented to, 6th April, 1978.]

Local Government (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Local Government Short title.
(Amendment) Act, 1978".

2. (1) Except as provided in subsections (2), (3) and Commence-
(4), this Act shall commence on the date of assent to this ment.
Act.

(2) Section 5 (1) shall, in its application to Schedule 1, commence on the day on which that Schedule commences.

(3) Schedule 1 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Section 64 and Schedule 6 shall be deemed always to have commenced on 16th April, 1975.

3. The Local Government Act, 1919, is referred to in Principal
this Act as the Act. Principal Act.

4. This Act contains the following Schedules :— Schedules.

**SCHEDULE 1.—AMENDMENT TO THE PRINCIPAL ACT
RELATING TO POSSESSION OR OCCUPATION OF LAND
IN CERTAIN PUBLIC RESERVES.**

**SCHEDULE 2.—TRANSITIONAL PROVISIONS RELATING
TO EXISTING POSSESSION OR OCCUPATION OF LAND
IN CERTAIN PUBLIC RESERVES.**

Local Government (Amendment).

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PARKING OFFENCES.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO DAMAGE TO PUBLIC ROADS.

SCHEDULE 5.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 6.—AMENDMENTS TO THE LOCAL GOVERNMENT (APPEALS) AMENDMENT ACT, 1975.

Amendment of Act No. 41, 1919. **5.** (1) The Principal Act is amended in the manner set forth in Schedules 1, 3, 4 and 5.

(2) Schedule 2 has effect.

Amendment of Act No. 34, 1975. **6.** The Local Government (Appeals) Amendment Act, 1975, is amended in the manner set forth in Schedule 6.

Commencement of section 602 (5A) of the Principal Act. **7.** (1) Section 602 (5A) of the Principal Act shall be deemed always to have commenced on 1st January, 1953.

(2) Subsection (1) does not operate so as to affect any proceedings commenced before the date of assent to this Act in which the title of a council to land (being a title that purports to have been acquired by reason of the purchase of that land pursuant to a sale thereof for overdue rates) was or is in dispute.

Local Government (Amendment).

SCHEDULE 1.

Sec. 5 (1).

AMENDMENT TO THE PRINCIPAL ACT RELATING TO
POSSESSION OR OCCUPATION OF LAND IN CERTAIN
PUBLIC RESERVES.

Sections 519C-519F—

After section 519B, insert :—

- 519C. (1) This section applies to land which is or forms part of a public reserve, other than—
- (a) lands which are a reserve as defined in section 37M (1) of the Crown Lands Consolidation Act, 1913; or
- (b) land to which section 519A applies.
- Leases of or licences in respect of land in certain public reserves.

(2) The provisions of section 519 do not apply to or in respect of land to which this section applies.

(3) The council may apply in writing to the Minister for his consent to the granting of a lease of or a licence in respect of land to which this section applies to a person specified in the application, being the person specified, in accordance with subsection (4) (c), in the advertisement referred to in subsection (4) relating to the proposed lease of or licence in respect of that land.

(4) An application under subsection (3) may not be made unless, at least 1 month before making the application, the council has caused to be inserted in a newspaper circulating within its area an advertisement—

- (a) giving notice of its intention to grant, in accordance with the consent, if given, of the Minister, a lease of or a licence in respect of land to which this section applies;

Local Government (Amendment).

SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT RELATING TO
POSSESSION OR OCCUPATION OF LAND IN CERTAIN
PUBLIC RESERVES—*continued.*

- (b) specifying particulars of the area and location of the land;
- (c) specifying the name and address of the proposed lessee or licensee;
- (d) specifying the proposed term, and particulars of any proposed options for renewal, of the proposed lease or licence; and
- (e) stating that objections to the granting of the lease or licence may be lodged with the council within 1 month after the date of publication of the advertisement.

(5) The council shall consider any objections to the granting of a lease or licence received by it pursuant to the advertisement referred to in subsection (4) and if it then decides to apply to the Minister for his consent to the granting of the lease or licence shall forward to the Minister with its application—

- (a) copies of all such objections and a statement setting out, in respect of each such objection, the council's decision and its reasons therefor;
- (b) a statement setting out all of the facts relating to the proposal to grant the lease or licence;
- (c) a copy of the advertisement;

Local Government (Amendment).

SCHEDULE 1—*continued.*

AMENDMENT TO THE PRINCIPAL ACT RELATING TO
POSSESSION OR OCCUPATION OF LAND IN CERTAIN
PUBLIC RESERVES—*continued.*

- (d) a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease or licence; and
- (e) a statement setting out the manner in which and the extent to which the public interest would, in the opinion of the council, be affected by the granting of the proposed lease or licence, including the manner in which and the extent to which the needs of the area with respect to public reserves would, in the opinion of the council, be adversely affected by the granting of the proposed lease or licence.

(6) Where—

- (a) an application is made to the Minister under subsection (3); and
- (b) the Minister is satisfied that the provisions of subsections (4) and (5) have been complied with with respect to the proposed lease or licence to which the application relates,

the Minister, if he thinks fit, may, by instrument in writing, consent to the granting of a lease of or a licence in respect of the whole or of part of the land to which the application relates to the person specified

Local Government (Amendment).

SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT RELATING TO
POSSESSION OR OCCUPATION OF LAND IN CERTAIN
PUBLIC RESERVES—*continued.*

in the application as the proposed lessee or licensee and may give that consent subject to conditions requiring that the lease or licence—

- (c) be for such term and with such options (if any) for renewal as may be specified or referred to in that instrument; and
- (d) contain such terms, conditions, restrictions and covenants as may be specified or referred to in that instrument.

(7) The Minister shall—

- (a) before dealing with an application under subsection (3), request the New South Wales Planning and Environment Commission to furnish to him within such period as may be specified in the request a report relating to the application; and
- (b) take into consideration any report furnished in accordance with paragraph (a) when dealing with the application.

(8) The consent of the Minister to the granting by the council of a lease or licence under this section shall be conclusive evidence that the provisions of subsections (4) and (5) have been complied with by the council.

Local Government (Amendment).

SCHEDULE 1—*continued.*

AMENDMENT TO THE PRINCIPAL ACT RELATING TO
POSSESSION OR OCCUPATION OF LAND IN CERTAIN
PUBLIC RESERVES—*continued*

519D. After obtaining the consent of the Minister under section 519C, the council may grant a lease of or a licence in respect of the land to which the consent relates in accordance with the terms of the consent.

Grant of
lease by
council.

519E. (1) Sections 519C and 519D do not apply to or in respect of the granting by the council of a licence in respect of land to which section 519C applies if the granting of the licence is authorised by an ordinance made for the purposes of this subsection.

Licences for
periodic use
of land in
certain
public
reserves.

(2) An ordinance made for the purposes of subsection (1) shall not authorise the granting of a licence—

- (a) to use the land otherwise than on a periodic basis specified in the ordinance;
- (b) unless it prohibits the erection on that land of any building or structure of a permanent nature; or
- (c) to use the land otherwise than for the purpose of a lawful game or sport or other lawful purpose specified in the ordinance.

519F. A council shall not grant a lease of or a licence in respect of land to which section 519C applies otherwise than pursuant to section 519D or pursuant to the authority granted by an ordinance made for the purposes of section 519E (1).

Restriction
on councils'
powers to
grant
leases
of or
licences in
respect of
land in
certain
public
reserves.

Local Government (Amendment).

Sec. 5 (2).

SCHEDULE 2.

TRANSITIONAL PROVISIONS RELATING TO EXISTING POSSESSION OR OCCUPATION OF LAND IN CERTAIN PUBLIC RESERVES.

Application for approval of possession or occupation.

1. Where at the commencement of Schedule 1 a person is in possession or occupation of any land to which section 519C of the Principal Act applies and his possession or occupation of that land commenced pursuant to a right purporting to have been previously conferred on him, whether by an instrument in writing or otherwise, by the council in whose area the land is situated, he may make an application in accordance with clause 2 for the Minister's approval to his continued possession or occupation of the land.

Manner of making application.

2. The application—

- (a) shall be in or to the effect of the prescribed form;
- (b) shall be made by lodging it with the council in whose area the land to which it relates is situated for transmission to the Minister;
- (c) may not be so lodged after the expiration of 12 months after the date of assent to this Act; and
- (d) shall, within 28 days after its being so lodged, be forwarded by the council to the Minister, accompanied by—
 - (i) a copy of any instrument purporting to confer the right to possession or occupancy sought to be continued or, if there is no such instrument, full particulars of the right;

Local Government (Amendment).

 SCHEDULE 2—*continued.*

 TRANSITIONAL PROVISIONS RELATING TO EXISTING POSSESSION OR OCCUPATION OF LAND IN CERTAIN PUBLIC RESERVES—*continued.*

- (ii) a statement setting out all of the facts relating to the purported conferring of the right; and
 - (iii) a statement setting out the council's views on whether or not the application should be approved and, if so, on what terms.
3. Where a person is entitled to make, and makes, an application under clause 1 in respect of any land—
- Interim
rights of
applicant.
- (a) he shall, subject to paragraph (b), be deemed to have a lawful right to possession or occupation of that land corresponding to the right purporting to have been conferred on him by the council as referred to in clause 1 as if that lawful right had been conferred under a lease or licence, as the case may require, authorised by law to be granted by the council, being a lease or licence with the same options (if any) for renewal and containing the same terms, conditions, restrictions and covenants (if any) as purported to attach to the right purporting to have been so conferred; and
 - (b) he shall continue to have that lawful right under this clause until the Minister so approves or disapproves of the application.
4. (1) The Minister may, by instrument in writing—
- Approval or
disapproval
of applica-
tion and
effect
thereof.
- (a) approve of an application made under clause 1 as regards the whole of the land to which the application relates or as regards any part thereof; or
 - (b) disapprove of any such application.

Local Government (Amendment).

SCHEDULE 2—*continued.*TRANSITIONAL PROVISIONS RELATING TO EXISTING POSSESSION OR OCCUPATION OF LAND IN CERTAIN PUBLIC RESERVES—*continued.*

(2) Where the Minister so approves of any such application—

(a) the instrument of approval shall specify—

(i) the term;

(ii) the options (if any) for the renewal; and

(iii) the terms, conditions, restrictions and covenants,

of the lease or licence which under paragraph (b) the applicant is to be deemed to have been granted; and

(b) a lease or licence (as the case may require according to the terms of the approval) of or in respect of the land specified or described in the approval shall be deemed to have been lawfully granted by the council under provisions made by or under the Principal Act to the applicant—

(i) for the term, with the options (if any) for renewal and containing such terms, conditions, restrictions and covenants as are specified in accordance with paragraph (a) in the instrument of approval; and

(ii) as if those provisions had been complied with in respect of the granting of that lease or licence.

Local Government (Amendment).

SCHEDULE 2—*continued.*

TRANSITIONAL PROVISIONS RELATING TO EXISTING POSSESSION OR OCCUPATION OF LAND IN CERTAIN PUBLIC RESERVES—*continued.*

(3) Any of the matters required by subclause (2) of this clause to be specified in an instrument of approval may, if it seems convenient to the Minister to do so, be specified by reference to the copy of the instrument, if any, referred to in clause 2 (d) (i) that accompanied the application for the Minister's approval.

(4) The Minister shall, as soon as practicable after executing an instrument of approval, cause to be published in the Gazette—

- (a) such particulars as he thinks sufficient of the land to which the approval relates;
- (b) the name of the person whose application relating to that land was approved; and
- (c) such other particulars relating to any matters referred to in subclause (2) of this clause as he thinks it desirable to publish.

5. Where an application under clause 1 is expressed to be made by any person in his capacity as a trustee for any other person or for any body, corporate or unincorporate, the right conferred on that person by clause 3 is held by him as trustee for that other person or body and, if the application is approved as referred to in clause 4 (1) (a)—

- (a) the approval shall specify that the approval is given to the applicant in his capacity as trustee for that person or body; and

Local Government (Amendment).

SCHEDULE 2—*continued.*
TRANSITIONAL PROVISIONS RELATING TO EXISTING POSSESSION OR OCCUPATION OF LAND IN CERTAIN PUBLIC RESERVES—*continued.*

- (b) the lease or licence to be deemed by clause 4 (2) (b) to have been granted to him shall be deemed to have been granted to him as trustee for that person or body.

Effect of application where previous possession or occupation lawful.

6. Where—

- (a) an application in relation to any land is made under clause 1; and
- (b) the applicant's possession or occupation of that land was, immediately before the application was made, lawful,

the applicant's lawful right to possession or occupation of that land that existed immediately before the application was made ceases upon the application being made and he thereafter has, subject to any further lease or licence being granted to him under section 519C of the Principal Act, only such right to possession or occupation of that land as results from the operation of clause 3 and, if applicable, clauses 4 (2) (b) and 5.

Right to possession or occupation where no application made under clause 1.

7. Where—

- (a) on the date of assent to this Act, a person is in possession or occupation of any land to which section 519C of the Principal Act applies; and

Local Government (Amendment).

SCHEDULE 2—*continued.*

TRANSITIONAL PROVISIONS RELATING TO EXISTING POSSESSION OR OCCUPATION OF LAND IN CERTAIN PUBLIC RESERVES—*continued.*

- (b) he has not made an application in accordance with clause 2 for the Minister's approval to his continued possession or occupation of that land,

he has such right to possession or occupation, if any, of that land as he would have had if this Schedule had not been enacted.

SCHEDULE 3.

Sec. 5 (1).

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PARKING OFFENCES.

- (1) Section 270o (5), definition of "Owner"—

Omit "motor", insert instead "registered".

- (2) (a) Section 270R (1)—

Omit " , unless the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.", insert instead :—

unless—

- (a) in any case where the offence is dealt with under section 270s, he satisfies the proper servant specified in the notice served under that section that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used; or

Local Government (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PARKING OFFENCES—*continued.*

(b) in any other case, the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(b) Section 270R (2A), (2B), (2C)—

After section 270R (2), insert :—

(2A) Notwithstanding subsection (1), no owner of a vehicle shall, by virtue of that subsection, be guilty of an offence if—

- (a) in any case where the offence is dealt with under section 270s, he—
- (i) within 21 days after service on him of a notice under that section alleging that he has been guilty of the offence, supplies by statutory declaration to the proper servant specified in the notice the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence; or
 - (ii) satisfies that servant that he did not know and could not with reasonable diligence have ascertained that name and address; or

Local Government (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PARKING OFFENCES—*continued.*

(b) in any other case, he—

- (i) within 21 days after service on him of a summons in respect of the offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence; or
- (ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained that name and address.

(2B) A statutory declaration under subsection (2A) if produced in any proceedings against the person named therein and in respect of the offence in respect of which the statutory declaration was supplied shall be prima facie evidence that that person was in charge of the vehicle at all relevant times relating to that offence.

(2C) A statutory declaration which relates to more than one offence shall be deemed not to be a statutory declaration under, or for the purposes of, subsection (2A).

Local Government (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PARKING OFFENCES—*continued.*

(c) Section 270R (3), definition of "Owner"—

Omit "motor", insert instead "registered".

(3) (a) Section 351B (1)—

Omit "motor".

(b) Section 351B (1)—

Omit ", unless the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.", insert instead :—

unless—

- (a) in any case where the offence is dealt with under section 351C, he satisfies the proper servant specified in the notice served under that section that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used; or
- (b) in any other case, the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

Local Government (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PARKING OFFENCES—*continued.*

(c) Section 351B (2A), (2B), (2C)—

After section 351B (2), insert :—

(2A) Notwithstanding subsection (1), no owner of a vehicle shall, by virtue of that subsection, be guilty of an offence if—

(a) in any case where the offence is dealt with under section 351C, he—

(i) within 21 days after service on him of a notice under that section alleging that he has been guilty of the offence, supplies by statutory declaration to the proper servant specified in the notice the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence; or

(ii) satisfies that servant that he did not know and could not with reasonable diligence have ascertained that name and address; or

(b) in any other case, he—

(i) within 21 days after service on him of a summons in respect of the offence, supplies by statutory declaration to the

Local Government (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PARKING OFFENCES—*continued.*

informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence; or

- (ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained that name and address.

(2B) A statutory declaration under subsection (2A) if produced in any proceedings against the person named therein and in respect of the offence in respect of which the statutory declaration was supplied shall be prima facie evidence that that person was in charge of the vehicle at all relevant times relating to that offence.

(2C) A statutory declaration which relates to more than one offence shall be deemed not to be a statutory declaration under, or for the purposes of, subsection (2A).

- (d) Section 351B (3), definition of “owner”—

Omit “motor vehicle”, insert instead “vehicle, being a registered vehicle”.

Local Government (Amendment).

SCHEDULE 4.

Sec. 5 (1).

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
DAMAGE TO PUBLIC ROADS.

(1) Section 245 (5)—

After section 245 (4), insert :—

(5) This section does not apply to or in respect of any damage or injury which a developer referred to in section 245A is liable, under subsection (2) of that section, to pay the cost of making good.

(2) Section 245A—

After section 245, insert :—

- 245A. (1) For the purposes of this section—
- (a) a reference to construction work is a reference to—
- (i) the erection of a building for which the council's approval is required under Division 4 of Part XI; or
- (ii) the opening of a public road or the subdivision of land, whether or not the subdivision provides for the opening of a public road, for which the council's approval is required under Division 2 of Part XII;
- Developer's liability for damage or injury to public roads.

Local Government (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
DAMAGE TO PUBLIC ROADS—*continued.*

- (b) the reference to damage or injury caused as a consequence of construction work is a reference to damage or injury, not being damage or injury caused by ordinary wear and tear and reasonable use—
 - (i) caused to any public road, to any thing or device referred to in section 245 (1) (b) or to any thing that is to be deemed by section 245 (4) to be a public road for the purposes of section 245;
 - (ii) occurring at or in the vicinity of the place where access to the construction work is obtained from any public road; and
 - (iii) caused by the developer or by any person engaged to perform work at the site of the construction work, whether as an employee of the developer or otherwise, or by any person delivering or removing any material to or from that site, whether as an employee of the developer or otherwise; and

- (c) a reference to a developer, in relation to any construction work, is a reference to the person to whom the council granted an approval under Division 4 of Part XI or Division 2 of Part XII to carry out that construction work.

Local Government (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
DAMAGE TO PUBLIC ROADS—*continued.*

(2) Where—

- (a) damage or injury is caused as a consequence of construction work; and
- (b) the developer has, pursuant to a condition imposed by the council under section 314 or 331, provided security for the payment of the cost of making good any such damage or injury,

the developer is liable to pay to the council that cost.

(3) Any deposit lodged with the council as a security referred to in subsection (2) (b) may be applied in or towards payment of that cost.

(4) To the extent that—

- (a) any such deposit exceeds that cost, the council shall refund the excess to the developer; or
- (b) any such deposit is less than that cost or any guarantee given as such a security is for an amount that is less than that cost, the council may, in any court of competent jurisdiction, recover the difference as a debt from the developer.

(3) Section 314 (1B), (1C)—

After section 314 (1A), insert :—

(1B) The power of a council to approve of an application subject to conditions includes the power to approve of an application subject to the condition that

Local Government (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
DAMAGE TO PUBLIC ROADS—*continued.*

the applicant shall provide to the council security for the payment of the cost of making good any damage or injury, referred to in section 245A (1) (b), caused as a consequence of construction work, being the work to which the approval relates.

(1C) A security referred to in subsection (1B) shall be—

- (a) the deposit with the council of such reasonable amount; or
- (b) a guarantee satisfactory to the council for such reasonable amount,

as is determined by the council and specified in the condition.

(4) Section 331 (2A), (2B)—

After section 331 (2), insert :—

(2A) The power of a council to approve of an application subject to conditions includes the power to approve of an application subject to the condition that the applicant shall provide to the council security for the payment of the cost of making good any damage or injury, referred to in section 245A (1) (b), caused as a consequence of construction work, being the work to which the approval relates.

Local Government (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
DAMAGE TO PUBLIC ROADS—*continued.*

(2B) A security referred to in subsection (2A)
shall be—

(a) the deposit with the council of such
reasonable amount; or

(b) a guarantee satisfactory to the council
for such reasonable amount,

as is determined by the council and specified in the
condition.

SCHEDULE 5.

Sec. 5 (1).

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 78—

Omit “and 151A”, insert instead “151A, 151B, 151D
and 151E”.

(2) Section 83 (f)—

Omit “sections 23 to 67 inclusive and sections 75 to
136 inclusive”, insert instead “Part IV, section 22
excepted, and Divisions 2 to 16 of Part V”.

Local Government (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(3) Section 182 (3), (4), (5)—

Omit section 182 (3), insert instead :—

(3) For the purpose of any security for a loan under this Act, a certificate—

(a) signed on or after the date of assent to the Local Government (Amendment) Act, 1978, by—

(i) the Minister; or

(ii) a person authorised by the Minister, either generally or in a particular case, to sign the certificate; or

(b) signed on or after 25th February, 1976, and before the date of assent referred to in paragraph (a) by an officer of the Department of Local Government,

and specifying the purpose, and the terms and conditions, of the loan, shall be admissible in any proceedings and shall be conclusive evidence that—

(c) the approval of the Governor has been obtained;

(d) the purpose, and the terms and conditions, of the loan are as set out in the certificate; and

(e) the provisions of this Act with respect to the proposal for the loan have been duly complied with.

Local Government (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(4) A document purporting to be a certificate—

- (a) under subsection (3) (a) and to have been signed by the Minister or by some person authorised by him, either generally or in a particular case, to sign the certificate; or
- (b) under subsection (3) (b) and to have been signed by an officer of the Department of Local Government,

shall be deemed to have been so signed unless the contrary is proved.

(5) A person, other than the Minister, shall not sign a certificate under subsection (3) (a) unless he has been authorised in writing to do so by the Minister.

(4) Section 342BI (2)—

Omit “corresponding to the fee referred to in section 73 (2) of the Justices Act, 1902, for copies of depositions”.

(5) Section 419 (3)—

After section 419 (2), insert :—

(3) Subsection (2) does not prevent the council from charging different rates for electricity supplied to persons in different parts of its area where it does so solely by reason of a variation of the scale of rates charged for electricity and the scale, as varied, is to be applied uniformly throughout its area.

Local Government (Amendment).

 SCHEDULE 5—*continued.*

 MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(6) (a) Section 512D—

Omit “not exceeding two hundred dollars”.

(b) Section 512D—

Omit “or police”.

(7) Section 521A—

After section 521, insert :—

Joint under-
takings with
the Crown.

521A. (1) In this section, “Crown” does not include a body or a statutory body representing the Crown.

(2) Any power conferred by or under this or any other Act on the council to construct, carry out or provide any buildings or works for any purpose extends to empowering the council to enter into an agreement with the Crown for or with respect to any one or more of the following :—

- (a) the construction or carrying out, or the payment of the whole or any part of the cost of the construction or carrying out, of any buildings or works on lands on which the Crown or the council may lawfully construct, carry out or provide buildings or works for that purpose, being buildings or works which, under the agreement, are to be used, wholly or partly and at all times or at times determined in accordance with the agreement for that purpose;

Local Government (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

- (b) the maintenance, or the payment of the whole or any part of the cost of the maintenance, of any buildings or works referred to in paragraph (a);

- (c) the control and management of any buildings or works so referred to.

(3) Subsection (2) applies so as to empower the council to enter into an agreement referred to in that subsection whether or not the buildings or works to which the agreement relates were constructed or carried out before or after the date of assent to the Local Government (Amendment) Act, 1978, or the date of the agreement.

(4) Ordinances may be made with respect to any buildings or works to which an agreement entered into under subsection (2) relates as if those buildings or works had been constructed, carried out or provided solely by the council for the purpose for which, under the agreement, they are to be used.

Local Government (Amendment).

Sec. 6.

SCHEDULE 6.

AMENDMENTS TO THE LOCAL GOVERNMENT (APPEALS)
AMENDMENT ACT, 1975.

(1) Section 2 (1)—

Omit “subsection (2)”, insert instead “subsections (2) and (3)”.

(2) Section 2 (2)—

Omit “Sections 6 (e) and 7 (1) (f)”, insert instead “Section 6 (e)”.

(3) Section 2 (3)—

After section 2 (2), insert :—

(3) Section 7 (1) (f) shall commence on 21st November, 1975.
