



ANNO TRICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1986

No. 57 of 1986

An Act to amend the Coober Pedy (Local Government Extension) Act, 1981.

[Assented to 2 October 1986]

The Parliament of South Australia enacts as follows:

Short title.

1. (1) This Act may be cited as the "Coober Pedy (Local Government Extension) Act Amendment Act, 1986".

(2) The Coober Pedy (Local Government Extension) Act, 1981, is in this Act referred to as "the principal Act".

Commencement.

2. (1) Subject to subsection (2), this Act shall come into operation on a day to be fixed by proclamation.

(2) Section 6 shall come into operation on assent.

Repeal of long title and substitution of new title.

3. The long title to the principal Act is repealed and the following long title is substituted:

An Act to provide for the dissolution of the Coober Pedy Progress and Miners' Association Incorporated and the transfer of its operations to the District Council of Coober Pedy; and for other purposes.

Amendment of s. 3—
Interpretation.

4. Section 3 of the principal Act is amended—

(a) by striking out the definitions of "allotment" and "the area";

and

(b) by striking out the definitions of "council" and "owner" and substituting the following definition:

"the council" means the District Council of Coober Pedy.

Repeal of ss. 4 to 12 (inclusive) and substitution of new sections.

5. Sections 4 to 12 (inclusive) of the principal Act are repealed and the following sections are substituted:

Dissolution of the Association.

4. (1) The Association is dissolved.

(2) The following provisions apply on the dissolution of the Association—

- (a) all real and personal property vested in or belonging to the Association immediately before its dissolution shall vest in and belong to the council;
- (b) all the rights and liabilities of the Association shall vest in or attach to the council;
- (c) all the moneys of the Association and the accounts in which those moneys were kept immediately before its dissolution shall vest in the council;
- (d) (i) all claims, actions and proceedings which but for the dissolution of the Association could have been made or commenced by or against the Association may be made or commenced by or against the council in all respects as if the Association had not been dissolved and the council were the Association;

and

- (ii) all claims, actions and proceedings which before the dissolution of the Association had been made or commenced by or against the Association may be continued by or against the council in all respects as if the Association had not been dissolved and the council were the Association (and the name of the council shall be substituted for the name of the Association in any such claim, action or proceedings);
- (e) the person holding the office of Executive Officer of the Association immediately before its dissolution shall be deemed to have been duly appointed as the chief executive officer of the council under the provisions of the Local Government Act, 1934;

and

- (f) all persons employed by the Association immediately before its dissolution shall be deemed to be employed by the council under the same terms and conditions of employment as they were employed by the Association and the service of those persons with the Association shall be deemed to be service with the council.

(3) The provisions of the Local Government Act, 1934, with such modifications as may be prescribed by regulation, shall apply in relation to all charges levied by the Association that remain unpaid at the time of the Association's dissolution as if the charges were rates imposed by the council under the Local Government Act, 1934.

(4) Any by-law made by the Association and that remains in force immediately before its dissolution shall be deemed to be a by-law made by the council under and in accordance with the Local Government Act, 1934.

(5) The Registrar-General shall, on the application of the council and the production of such duplicate instruments of title and other

documents as the Registrar-General may require, register the vesting of any estate or interest in land in the council that occurs by virtue of this section.

(6) No fees or stamp duty are payable in respect of an application made under subsection (5).

5. If—

(a) immediately before the dissolution of the Association a person was a member of the Committee of Management of the Association;

and

(b) the person is appointed as a first member of the council, the person shall, for the purposes of the Local Government Act, 1934, be deemed to have held office as a member of a council constituted under that Act for the period during which he or she was a member of the Committee.

6. This Act shall expire on a day to be fixed by proclamation.

Service of
members of
Committee of the
Association.

Expiry of Act.

6. The constitution of the Cooper Pedy Progress and Miners' Association Incorporated is amended—

(a) by striking out subparagraphs (3) and (4) of paragraph 5 and substituting the following subparagraph:

(3) The members of the Committee holding office on 1 October, 1986, shall continue to hold office until section 5 of the Cooper Pedy (Local Government Extension) Act Amendment Act, 1986, comes into operation.;

(b) by striking out paragraph 8;

and

(c) by striking out subparagraphs (1) and (2) of paragraph 9.

Amendment of
constitution.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor