

LEGISLATIVE ASSEMBLY

Read 1° 28 June 1979

(Brought from the Legislative Council)

A BILL

for

An Act to amend the *Local Government Act 1958*, to repeal certain obsolete Acts, and for other purposes.

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 Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be called the *Local Government (Amendment) Act 1979*. Short title.

(2) In this Act the *Local Government Act 1958* is called the Principal Act. Principal Act No. 6299.

Reprinted to No. 8781.
Subsequently amended by Nos. 8794, 8811, 8862, 8875, 8893, 8958, 8970, 9019, 9022, 9078, 9079, 9116, 9126, 9129, 9143, 9148, 9159, 9162, 9178, 9180, 9182, 9212, 9224, 9225.

10 (3) The several provisions of this Act shall come into operation on the day or the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*. Commencement.

Amendments to Act No. 6299.

2. (1) Part III. of the Principal Act shall be amended as follows—

S. 71 (1).
Raising of permissible ceiling where allowance to chairman could not exceed the specified amount.

(a) In section 71 (1) for the expression “ \$100 ” (where twice occurring) there shall be substituted the expression “ \$500 ” ;

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S. 73.

(b) In section 73—

(i) in sub-section (1), paragraph (b) is repealed ;

(ii) for sub-section (3) there shall be substituted the following sub-sections :—

“ (3) A person shall not be entitled to be enrolled except in respect of property which is or includes—

(a) a rateable property of a net annual value of not less than \$25 ; or

(b) a rateable property upon which there is a house in which he resides.

(4) For the purposes of this section a husband and wife shall be deemed to be in joint occupation of their matrimonial home.”.

Consequential amendments.

(2) In the Principal Act—

(a) sub-section (3) of section 76 ;

(b) sub-paragraph (ii) of section 142 (1) (b) ;

(c) sub-paragraph (ii) of section 143 (1) (a) ; and

(d) Schedule 3A—

are repealed.

Amendment of No. 6299 s. 89 (2).

Persons to be able to attend the court on behalf of the valuer.

3. In section 89 (2) of the Principal Act—

(a) for the words “ or valuers ” there shall be substituted the words “ or some person on his behalf ” ;

(b) for the words “ their possession ” there shall be substituted the words “ the possession of the valuer ”.

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Amendment of No. 6299 s. 134. Certain councils to fix the hour of the closing of the poll.

4. (1) In section 134 (3) of the Principal Act after the words “poll shall be” there shall be inserted the expression “an hour fixed by the council by resolution, which shall be not earlier than six o'clock in the afternoon and not later than”.

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5. (1) For

5. (1) For Division 2 of Part V. of the Principal Act there shall be substituted the following Division—

Amendment of
No. 6299.
Part V.,
Division 2.

‘ DIVISION 2.—MUNICIPAL BOARDS.

168. For the purpose of holding or causing to be held
5 examinations in respect of persons desiring to qualify themselves
to hold the municipal office set out in column 1 of Schedule 14A,
there shall be established the municipal board set out in column 2
of that Schedule corresponding to that office.

Municipal
boards to be
established for
the purpose
of holding
examinations.

169. (1) In respect of each of the municipal boards set out in
10 column 2 to Schedule 14A (hereinafter in this Division called the
“municipal boards”) the Governor in Council shall appoint three
competent persons to be members.

Members.

(2) Each member of a municipal board shall be appointed for
15 such period as is stated in his instrument of appointment, but shall
be entitled to resign by writing to the Governor in Council.

(3) Notwithstanding any period of appointment stated pursuant
to sub-section (2) the Governor in Council may at any time by
Order remove a member of a municipal board from his office.

170. (1) Each municipal board, with the approval of the
20 Governor in Council, may from time to time make, amend or revoke
regulations for or with respect to the examination of persons desiring
to qualify for any of the offices mentioned in Schedule 14A, and
may make, amend or revoke regulations for or with respect to—

Regulations.

- 25 (a) the time, place and manner of holding examinations ;
(b) the fees payable by candidates thereat ;
(c) the qualifications necessary and the conditions of entry
for such examinations ;
30 (d) the recognition of other qualifications in lieu of
examinations ;
(e) the fees payable for certificates ; and
(f) the conditions (including conditions of age, training and
experience) necessary for the issue of such certificates.

(2) Where a regulation prescribing amending or affecting any
35 subject of examination is made pursuant to sub-section (1) it shall
be of no force or effect until three months after the making thereof.

(3) The relevant board shall forthwith post to each student
currently enrolled for the subject to which the regulation relates,
notice of the making of the regulation.

171. A quorum at any meeting of a municipal board shall be
40 two members, and a certificate issued by a municipal board shall be
signed by at least two members of that board.

Quorum and
certificates.

172. Where

172. Where a person has passed the examinations required to be passed by a municipal board, the board shall, if it is satisfied that he has complied with the other conditions prescribed by the regulations and is a person of good character, issue to that person a certificate to be called—

- (a) in the case of the Municipal Clerks Board, a “certificate of qualification” ;
- (b) in the case of the Municipal Engineers Board, a “certificate of qualification” ;
- (c) in the case of the Building Qualifications Board, a “certificate of qualification as a building surveyor” or a “certificate of qualification as a building inspector” (whichever case applies) ;
- (d) in the case of the Municipal Electrical Engineers Board, a “certificate of qualification” ; and
- (e) in the case of the Municipal Auditors Board, a “certificate of qualification as a municipal auditor” or a “certificate of qualification as an inspector of municipal administration” (whichever case applies).

Municipal board may inquire into conduct, &c. of certificate holder.

173. (1) Each municipal board may, after giving notice to a person who is the holder of a certificate granted by it, inquire into the conduct and character as well as the abilities of that person.

(2) In an inquiry under sub-section (1) no decision shall be made by the municipal board unless the holder of the certificate has been given the opportunity of appearing before the municipal board and stating his case.

(3) The provisions of section 876 (2) shall, with such modifications as are necessary, apply to the giving of a notice under sub-section (1), and without affecting the generality of the foregoing, in particular with the modifications that—

- (a) a reference to a notice order or demand shall be construed as a reference to a notice under this section ; and
- (b) a reference to an owner or occupier shall be construed as a reference to the holder of a certificate granted by the relevant board.

(4) A municipal board may suspend a certificate which it has granted while an inquiry is being held into the conduct character or ability of the holder.

(5) A certificate holder may be represented by counsel at an inquiry, and the provisions of the *Evidence Act* 1958 shall apply to the proceedings of the inquiry.

(6) If

(6) If at an inquiry held by a municipal board a certificate holder is found guilty of discreditable conduct or is found to be incapable of performing the duties of his office, the municipal board may deal with him in one or more of the following ways :—

- 5 (a) Admonish or reprimand him ;
 (b) Require him to pay the costs of and incidental to the inquiry ;
 (c) Require him to give an undertaking to refrain from some specific conduct ;
 10 (d) Impose on him a fine not exceeding \$200 ;
 (e) Suspend his certificate for a period not exceeding three years ; or
 (f) Cancel his certificate.

15 (7) Where the finding of the municipal board is favourable to the certificate holder the board shall pay his reasonable costs.

(8) Where the certificate of a person is suspended or cancelled by a municipal board he shall not be capable of holding the office to which the certificate relates while the certificate is so suspended or cancelled.

20 174. (1) A person aggrieved by a decision of a municipal board may within one month of the notification appeal therefrom to the Supreme Court. Appeals.

25 (2) Any such appeal shall be by way of a re-hearing, and the judge may inquire into and decide upon the appeal, and for that purpose may do all such matters and things relating thereto in the same manner and to the same extent as he is empowered to do in the course of his exercising ordinary jurisdiction in the Supreme Court, and his decision shall be final and without appeal.

30 (3) The amount of any fine or costs imposed by a municipal board may be recovered in any court of competent jurisdiction as a debt due to the Crown.

35 175. Where there is no appeal or the appeal is dismissed the municipal board shall forthwith notify the decision to the employer of the certificate holder and to any professional association of which he is known by the board to be a member.' Municipal Board to notify its decision to employer. &c.

(2) Sections 487 and 488 and sub-section (3) of section 489 of the Principal Act are repealed.

(3) After

No. 6299.
New Schedule
14A.

Sections 168,
169, 170.

(3) After the Fourteenth Schedule to the Principal Act there shall be inserted the following Schedule—

“SCHEDULE 14A.

Column 1. <i>Municipal office.</i>	Column 2. <i>Municipal board.</i>
1. Municipal Clerk	Municipal Clerks Board
2. Municipal Engineer	Municipal Engineers Board
3. (a) Municipal Building Surveyors	} Building Qualifications Board
(b) Municipal Building Inspectors	
4. Municipal Electrical Engineers	Municipal Electrical Engineers Board
5. (a) Municipal Auditor	} Municipal Auditors Board ”
(b) Inspector of Municipal Administration	

(4) A certificate which prior to the commencement of this section was issued by a municipal board pursuant to Division 2 of Part V. or Division 3 of Part XVI. of the Principal Act or a corresponding previous enactment and was in force immediately prior to that commencement shall, with such modifications as are necessary, continue in force as if it were issued by the relevant municipal board after that commencement, and without affecting the generality of the foregoing, in particular with the modifications that—

- (a) a certificate issued before the commencement of this section by the Municipal Building Surveyors Board and so in force shall after that commencement continue in force as if it were a certificate of qualification as a building surveyor or a certificate of qualification as a building inspector (whichever case applies) issued by the Building Qualifications Board ;
- (b) a certificate of competency issued by the Municipal Clerks Board before the commencement of this section and so in force shall continue as if it were a certificate of qualification issued after that commencement by the Municipal Clerks’ Board ;
- (c) a certificate of qualification issued by any other municipal board before the commencement of this section and so in force shall continue in force as if it were a certificate of qualification issued after that commencement by the relevant municipal board.

Saving.

(5) Regulations made prior to the commencement of this section and in force immediately prior to that commencement, where made by—

- (a) the Municipal Clerks Board or the Municipal Engineers Board by virtue of section 169 of the Principal Act or the Municipal Electrical Engineers Board by virtue of section 177 of that Act shall continue in force after that commencement as if they were validly made by that Board by virtue of section 170 of that Act ;
- (b) the

- 5 (b) the Municipal Building Surveyors Board by virtue of section 176 of the Principal Act shall continue in force after that commencement as if they were validly made by the Building Qualifications Board by virtue of section 170 of that Act, and the Building Qualifications Board may, in accordance with the provisions of Division 2 of Part V. of the Principal Act, amend or revoke the regulations ;
- 10 (c) the Governor in Council by virtue of section 488 of the Principal Act shall, notwithstanding the repeal of that section, continue in force after that commencement as regulations validly made by the Governor in Council.
- 15 (6) In sections 163 (3) and 164 (a) of the Principal Act for the words "Municipal Building Surveyors Board" (where occurring in each section) there shall be substituted the words "Building Qualifications Board".

Consequential amendments.

6. After section 192 of the Principal Act there shall be inserted the following section :—
- 20 "193. The council may from time to time appoint advisory committees of appropriately qualified persons to advise it on any of the functions of the municipality."

Advisory committees.

7. In section 197 (1) of the Principal Act after paragraph (xxviii) there shall be inserted the following paragraph—
- 25 " (xxix) (a) The management of a library provided by the council ;
- (b) Prescribing fees that may be charged for any services provided in respect of such a library ;
- 30 (c) Regulating the conduct of persons using or being on the premises of such a library ; and
- (d) Imposing penalties not exceeding \$100 for breaches of the by-laws."

Amendment of No. 6299, s. 197 (1).
By-laws.

8. Section 240A (2) of the Principal Act shall be amended as follows :—
- 35 (a) For the expression "sub-section the council shall—" there shall be substituted the expression "sub-section—" ;
- (b) In paragraph (a)—
- 40 (i) for the expression "(a) publish" there shall be substituted the expression "(a) the council shall publish" ;

Amendment of No. 6299 s. 240A (2).

Prerequisite before Council applies to the Governor in Council for consent to dispose &c. of land.

(ii) for

(ii) for sub-paragraph (ii) there shall be substituted the following sub-paragraph—

“ (ii) stating that at the time and place specified in the notice the council or, where the council so determines, a committee of the council authorized in that behalf by the council will consider any objections to the proposal;” ;

(c) For paragraph (b) there shall be substituted the following paragraph—

“ (b) the council or (where the council has so determined) the committee shall, at the time and place specified in the notice published pursuant to sub-paragraph (ii) of paragraph (a), allow any person affected by the proposal or any person acting on his behalf to appear before it in support of any written objections or to submit any other objections to the proposal;” ;

(d) The word “ and ” appearing after paragraph (b) is repealed ;

(e) For paragraph (c) there shall be substituted the following paragraphs—

“ (c) where objections to the proposal are considered by a committee of the council, the committee shall, on completion of its consideration, forthwith make a report to the council ; and

(d) the council shall take into consideration all objections made under this sub-section.”

Amendment of No. 6299 s. 246 (7). Raising of minimum limit re application of municipal or town fund.

9. In section 246 (7) of the Principal Act for the expression “ \$200 ” (where twice occurring in the proviso) there shall be substituted the expression “ \$1,000 ”.

Amendment of No. 6299 s. 254 (12). Minister to appoint auditors.

10. (1) In section 254 (12) of the Principal Act for the words “ Governor in Council ” (where twice occurring) there shall be substituted the word “ Minister ”.

Saving.

(2) A person who pursuant to section 254 (12) of the Principal Act was prior to the coming into operation of this section validly appointed by the Governor in Council to audit accounts shall, notwithstanding the amendment of the said section 254 (12) by this section, continue to be validly appointed for the purposes of that sub-section.

11. In

11. In section 258 (2) of the Principal Act after paragraph (a) there shall be inserted the following paragraph—

Amendment of
No. 6299
s. 258 (2).
Supplementary
valuation.

“ (aa) Where the value of the property is materially altered—

5 (i) by the approval of a planning scheme under the *Town and Country Planning Act 1961* or an amendment to an approved planning scheme under that Act, or by the granting, refusal or revocation of a permit under such a scheme ; or

10 (ii) by the adoption of or a change in any code or policy or practice of a responsible authority under the *Town and Country Planning Act 1961* under which the nature or extent of the permitted use of the property may be determined by the responsible authority;”.

12. In section 416 of the Principal Act the words “ of any holder ” are repealed.

Amendment of
No. 6299
s. 416.

13. In section 445 of the Principal Act for the words “ on the credit of the municipality ” there shall be substituted the following expression—

Amendment of
No. 6299 s. 445.

“ by a charge on the general rates of the municipality, and the following provisions of Division 1 of this Part shall not be applicable—

Money
borrowed by
council by
mortgage not
to be a
charge on
general rates.

25 (a) The provisions as to the amount of money which may be borrowed ;

(b) The provisions as to publication of notice of intention to borrow ; and

(c) The provisions as to the demanding and taking of a poll.”.

30 14. Section 508 of the Principal Act shall be amended as follows—

Amendment of
No. 6299 s. 508.

(a) After the expression “ 508 ” there shall be inserted the expression “ (1) ” ;

35 (b) At the end of the section there shall be inserted the following sub-section—

40 “ (2) The purchase or compulsory taking of any land by virtue of this Part for the purpose of any work or undertaking which a council is by this Act or any other Act authorized to carry out shall be deemed to be a permanent work or undertaking within the meaning of Part XV.”.

15. Section

Amendment of
No. 6299
s. 539B.
Shopping
malls.

15. Section 539B of the Principal Act shall be amended as follows—

(a) In sub-section (2) for paragraph (d) there shall be substituted the following paragraph—

“(d) a list of— 5

(i) owners of properties which abut the mall ;

(ii) occupiers of properties referred to in sub-paragraph (i) where the portion of the property so occupied abuts the mall ; and 10

(iii) owners and occupiers of properties which in the opinion of the council would be materially affected by the proposed mall ;” ; 15

(b) After sub-section (8) there shall be inserted the following sub-section—

“(8A) Where the council adopts the order with modifications the Minister may, in his discretion, require the council to prepare for submission to the Governor in Council a revised proposal incorporating the modifications.” ; 20

(c) At the end of sub-section (15) there shall be inserted the expression “, and may by paving or landscaping or by any other means it considers appropriate improve the amenities of the area for the public benefit.” ; 25

(d) After sub-section (18) there shall be inserted the following sub-sections—

“(18A) The council shall have in relation to a shopping mall the same responsibilities as it has under this Act in relation to a street or road, and all powers and rights in relation to streets and roads conferred or given to the council by this or any other Act or any regulations made thereunder may be exercised in relation to a shopping mall. 30 35

(18B) For the purposes of any proceedings in respect of offences against the *Road Traffic Act* 1958, the *Motor Car Act* 1958 or any regulations made under those Acts a shopping mall shall be deemed to be a street or road.”. 40

Shopping mall to be a street or road in certain cases.

16. Section 539C of the Principal Act shall be amended as follows—

(a) In sub-section (1)—

(i) after the words “ through traffic ” there shall be inserted the words “ over the whole or any part of its width ” ; 45

(ii) in

Amendment of
No. 6299
s. 539C.

Closure of roads to through traffic.

(ii) in paragraph (b) after the word “concerned” there shall be inserted the words “which in the opinion of the council are properties whose occupiers will be affected by the erection of those barriers”;

5

(b) After sub-section (13) there shall be inserted the following sub-section—

10

“(13A) Where a council has closed a street or road or any part thereof to through traffic it may, in respect of any portion not required for traffic, in order to improve that portion for the public benefit, take any action which it is permitted to take in respect of a shopping mall by virtue of section 539B (15).”

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17. In section 555C (3) of the Principal Act—

Amendment of
No. 6299
s. 555C (3).

(a) for the expression “\$10” there shall be substituted the expression “\$100”;

(b) for the expression “\$2” there shall be substituted the expression “\$4”; and

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(c) at the end of the sub-section there shall be inserted the expression “, and in addition the person so leaving the vehicle shall be guilty of an offence against this Act and liable to a penalty not exceeding \$200.”

18. (1) Section 564 of the Principal Act shall be amended as follows—

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Amendment of
No. 6299 s. 564.

(a) In sub-section (1) for the expression beginning with “a stipendiary magistrate” and ending with “service of such notice” there shall be substituted the words “an arbitrator”;

Appeal to be
made to
arbitrator.

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(b) Sub-sections (2) and (3) are repealed.

(2) In section 569AA in sub-sections (1A) and (1D) for the word “subdivision” (where appearing in each sub-section) there shall be substituted the word “Division”.

Amendment of
No. 6299
s. 569AA (1A)
and (1D).

(3) In section 569AA (1F) of the Principal Act after the word “solemnities” there shall be inserted the expression “, and shall not be bound by the rules of evidence but, subject to the requirements of justice, may inform himself on any matter in such manner as he thinks fit”.

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Amendment of
No. 6299
s. 569AA (1F)

Rules of
hearsay
evidence not
to apply.

19. In section 569D (3A) of the Principal Act—

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(a) in paragraph (b) after the words “copy of the plan” there shall be inserted the expression “, a statement by the applicant setting out details of the intended disposition of the relevant part”;

Amendment of
No. 6299
s. 569D (3A).

Requirements
when
application is
made for
certain
subdivisions
of land.

(b) after

(b) after paragraph (b) there shall be inserted the following paragraph :—

“(ba) The council shall not consider the application until at least 21 days after it has notified in writing— 5

(i) every water supply authority and sewerage authority within whose district the land is located ; and

(ii) the Melbourne and Metropolitan Board of Works if the land is located in the metropolis as defined in section 3 of the *Melbourne and Metropolitan Board of Works Act 1958.*” 10

Repeal of
No. 6299
s. 569F.

20. Section 569F of the Principal Act is repealed. 15

Amendment of
No. 6299
s. 569I.

21. In section 569I of the Principal Act—

(a) sub-section (2) is repealed ;

(b) after sub-section (3) there shall be inserted the following sub-section—

“(4) For the purposes of this section and sections 569G and 569H where 40 days after an application has been made for a permit the council has neither granted nor refused the permit, this shall be and be deemed to be a refusal by the council to grant the permit.” 20

Amendment of
No. 6299 s. 570.

22. Section 570 of the Principal Act shall be amended as follows— 25

(a) For sub-section (1B) there shall be substituted the following sub-section—

“(1B) Any appeal pursuant to sub-section (1) against a failure by the council to seal a plan of subdivision or a plan of consolidation shall be made within 60 days (or such longer period as the arbitrator may allow) after the expiration of 100 days after the plan is submitted to the council.” ; 30

(b) In sub-section (2)— 35

(i) in paragraph (b) for the expression “ subdivision ; and ” there shall be substituted the expression “ subdivision— ” ;

(ii) paragraph (c) is repealed.

Amendment of
No. 6299 s. 575.

23. (1) In section 575 (1) of the Principal Act in paragraph (a) of the interpretation of “ construct ” after the word “ culvert ” there shall be inserted the words “ or construct any crossing for the passage of vehicles over any footway or channel”. 40

(2) In

(2) In section 577 of the Principal Act, sub-section (7) is repealed.

Consequential amendments to No. 6299 s. 577 and 580.

(3) In section 580 (4) of the Principal Act the expression “ (including the making of any crossing pursuant to sub-section (7) of section five hundred and seventy-seven of this Act) ” is repealed.

24. Section 579 of the Principal Act shall be amended as follows—

Amendment of No. 6299, s. 579

(a) For sub-section (6) there shall be substituted the following sub-section—

10 “ (6) The Governor in Council may make regulations for or with respect to the payment of fees in relation to anything done or required to be done by an arbitrator, including, without in any way affecting the generality of the foregoing, any application or proceeding before an arbitrator.” ;

15

(b) In sub-section (9) after the words “ on the application ” there shall be inserted the words “ or with the consent ”.

25. In section 580 (4) of the Principal Act after the words “ from the specifications ” there shall be inserted the expression “ , plans, sections and elevations ”.

20

Amendment of No. 6299 s. 580 (4).

26. After section 605 of the Principal Act there shall be inserted the following section—

25 “ 605A. (1) The council of a municipality may apply to the Minister for Planning for a certificate that a specified subdivision of land, the major portion of which is vacant and unoccupied, is an inappropriate subdivision for the purposes of this section.

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(2) Where after considering a report from the Town and Country Planning Board, the Minister for Planning is satisfied—

30 (a) that more effective use can be made of the land in the subdivision than is possible under the existing scheme of subdivision ; and

30

35 (b) that the public interest and the interests of owners of allotments on the subdivision would best be served if the land were dealt with under the provisions of this section—

35

he may certify that the existing subdivision is an inappropriate subdivision for the purposes of this section.

(3) Where a certificate has been so issued in respect of a subdivision the council may take any one or more of the following steps with respect to the land in the subdivision as it thinks fit—

40

(a) Purchase or compulsorily take any parcel of that land ;

(b) Lend

Amendment of No. 6299.

New s. 605A.

Power to council to take compulsorily, &c. inappropriate subdivisions of vacant land.

- (b) Lend to the owner of an allotment on the subdivision a sum required to enable him to purchase an adjoining allotment, and take appropriate security for repayment of the loan ;
- (c) Retain all the land so taken or purchased for municipal purposes ; 5
- (d) With the consent of the Governor in Council, sell the land so taken or purchased in one parcel ;
- (e) With the consent of the Governor in Council, re-subdivide any land so taken or purchased, carry out any development works and seal a plan of subdivision accordingly ; 10
- (f) Submit the plan of subdivision to the Registrar of Titles for approval ; or
- (g) Sell allotments on the new plan of subdivision on such terms and conditions as the council thinks fit. 15

(4) To the extent that the council considers it practicable so to do, the council may give to a holder of an allotment on an inappropriate subdivision an opportunity to purchase an allotment on any new subdivision effected by the council before allotments on that new subdivision are offered for sale to the public. 20

(5) The acquisition of land and the carrying out of any works (including the making of loans to any person for the acquisition of land) authorized by this section shall be and be deemed to be permanent works or undertakings within the meaning of Part XV. 25

Provisions of ss. 71, 72 and 73 of Act No. 6275 to apply.

(6) Where the council is of the opinion that in order to carry out any of the steps referred to in sub-section (3) it is expedient that any street or any part of a street should be closed or that any easement or restrictive covenant should be extinguished, then the provisions of sections 71, 72 and 73 of the *Housing Act* 1958 shall with such modifications as are necessary extend and apply to and with respect to this Act as if those sections as so modified were a part of this section, and without in any way affecting the generality of the foregoing, in particular with the modifications that a reference in those sections— 30

(a) to the Commission is read and construed as a reference to the relevant council ; and

(b) to the Minister is read and construed as a reference to the Minister for Local Government. 40

(7) The council shall keep in its books a separate record of any scheme under this section, but when any land taken or purchased under this section is retained for municipal purposes the cost thereof shall be charged to the municipal fund.”

27. After

27. After section 696B of the Principal Act there shall be inserted the following section :—

‘ 696BA. (1) A person who leaves a shopping trolley—

(a) in any street or road ;

5 (b) in any car park on land vested in the council in an area other than an area designated by the council for the leaving of shopping trolleys ; or

(c) in any other public place—

shall be guilty of an offence against this Act.

10 Penalty : \$50.

(2) A shopping trolley which is left in a place where pursuant to sub-section (1) it shall not be left may be removed by an officer of the council to a place of safe custody, and retained by the council until such reasonable costs of removal and storage as are determined
15 by the council are paid to the council.

(3) A shopping trolley removed by an officer of the council pursuant to sub-section (2) which is still in the custody of the council one month after such removal may be sold or otherwise disposed of in any way that the council deems fit.

20 (4) In this section “shopping trolley” means a wheeled receptacle supplied by a retailer of goods to enable customers purchasing any of those goods to transport them from one place to another.’

28. (1) In section 799 (1c) of the Principal Act for paragraph
25 (aa) there shall be substituted the following paragraph—

“(aa) in respect of a library controlled by the committee, make by-laws—

(i) regulating the conduct of persons using or being on the premises of the library ;

30 (ii) regulating the use by the public of services provided in respect of the library, and prescribing fees that may be charged for such services ; and

35 (iii) imposing a penalty not exceeding \$100 for a breach of any of the by-laws;”.

(2) In section 799 (1F) of the Principal Act for the words “Governor in Council” (where twice occurring) there shall be substituted the word “Minister”.

29. Section 800A of the Principal Act shall be amended as
40 follows—

(a) After the expression “800A.” there shall be inserted the expression “(1)” ;

(b) At

Amendment of
No. 6299,
New s. 696BA.
Shopping
trolleys not
to be left in
street, &c.

Amendment of
No. 6299 s. 799
(1c) and;(1F).
Making of
by-laws and
appointment of
auditor.

Amendment of
No. 6299
s. 800A.

The council and Minister of Education may agree on joint development of land for advancement of education.

(b) At the end of the section there shall be inserted the following sub-section—

“(2) The council of any municipality (including the city of Melbourne and the city of Geelong) may agree with the Minister of Education for the joint development and operation on land vested in the municipality of any facility wholly or partly for the advancement of education in the district.”.

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Amendment of No. 6299 s. 800B.

30. In section 800B of the Principal Act after sub-section (2) there shall be inserted the following sub-section—

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“(3) Any works authorized pursuant to this section or section 800C shall be and be deemed to be permanent works or undertakings within the meaning of Part XV.”.

Amendment of No. 6299 s. 939.

31. In section 939 of the Principal Act after sub-section (2) there shall be inserted the following sub-section—

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“(3) The Committee shall not proceed with the hearing of an appeal under this Division until the appellant has paid such fees as are fixed by regulation by the Governor in Council.”.

Repeal of obsolete Acts.

32. On the coming into operation of this section the following Acts, to the extent that they are not already repealed, are repealed—

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(a) The *Municipal Overdrafts (Indemnity) Act* 1893.

(b) The *Municipal Overdrafts (Indemnity) Act* 1894.

(c) The *Municipal Overdrafts (Indemnity) Act* 1896.

(d) The *Municipalities Advances Act* 1898.