

7 GEO. VI. No. 13, 1943. *Local Government Acts and Other Acts, Etc., Act.*

An Act to Amend "The Local Government Acts, 1936 to 1943," "The City of Brisbane Acts, 1924 to 1943," "The Local Authority (Grazing Districts Improvement) Acts, 1930 to 1934," and "The State Transport Act of 1938"; each in certain particulars.

7 GEO. VI.
No. 13.
THE
LOCAL
GOVERNMENT
ACTS AND
OTHER ACTS
AMENDMENT
ACT OF 1943.

[ASSENTED TO 29TH APRIL, 1943].

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :—

PART I.—PRELIMINARY.

PART I.—
PRELIMINARY.

1. This Act may be cited as "*The Local Government Acts and Other Acts Amendment Act of 1943.*" Short title.

2. This Act is divided into Parts, as follows :— Parts of Act.

PART I.—PRELIMINARY ;

PART II.—AMENDMENTS OF "THE LOCAL GOVERNMENT ACTS, 1936 TO 1943" ;

PART III.—AMENDMENTS OF "THE CITY OF BRISBANE ACTS, 1924 TO 1943" ;

PART IV.—AMENDMENT OF "THE LOCAL AUTHORITY (GRAZING DISTRICTS IMPROVEMENT) ACTS, 1930 TO 1934."

PART V.—AMENDMENT OF "THE STATE TRANSPORT ACT OF 1938."

PART II.—AMENDMENTS OF "THE LOCAL GOVERNMENT ACTS, 1936 TO 1943."

PART II.—
AMENDMENTS
OF "THE
LOCAL
GOVERNMENT
ACTS,
1936 TO 1943."

3. (1.) This Part of this Act shall be read as one with *"*The Local Government Acts, 1936 to 1943,*" herein in this Part referred to as the Principal Act. Construction of Part II.

(2.) The Principal Act and the amendments made thereto by this Part may collectively be cited as "*The Local Government Acts, 1936 to 1943.*" Collective title.

* 1 G. 6 No. 1 and amending Acts. See v. 5, pp. 826 et seq.

PART II.—
AMENDMENTS
OF “THE
LOCAL
GOVERNMENT
ACTS,
1936 TO 1943.”

Amendment
of s. 25 (4)
(iii.).

Local Government Acts and Other Acts, Etc., Act. 7 GEO. VI. No. 13,

4. The following provisoes are added to paragraph (iii.) of subsection four of section twenty-five of the Principal Act as follows, namely :—

“ Provided that, notwithstanding anything to the contrary contained in this Act, the Local Authority may by resolution direct that during the state of War existing at the passing of **“The Local Government Acts and Other Acts Amendment Act of 1943”* any surplus in the General Fund or in any Undertaking Fund at the end of any year or any part of any such surplus be disposed of in the manner following, that is to say :—

[Post-War
Reconstruc-
tion Work
and Services
Reserve
Fund.]

- (a) By transferring the same to a reserve fund to be called “The Post-War Reconstruction Works and Services Reserve Fund”; and/or
- (b) In liquidation of any loan liability incurred by the Local Authority; and/or
- (c) In liquidation of the overdraft being extinguished by the Local Authority pursuant to paragraph (viii.) of this subsection :

Provided further that in disposing of any surplus or part of any surplus in the manner provided in the foregoing proviso, the following provisions shall be observed, namely :—

- (a) Where an Area is divided, and such Area is not divided for electoral purposes only, the Local Authority shall provide and keep a separate and distinct account of the relevant transactions relating to each division of the General Fund. Further, the Local Authority shall provide and keep a separate and distinct account of the relevant transactions of each of the Undertaking Funds ;
- (b) Any moneys set aside in “The Post-War Reconstruction Works and Services Reserve Fund” shall be expended after the cessation of the state of War existing at the passing of **“The Local Government Acts and Other Acts Amendment Act of 1943”* on works or services chargeable to the particular division of the General Fund or to the particular Undertaking Fund, as the case may be ;

* This Act.

1943. *Local Government Acts and Other Acts, Etc., Act.*

PART II.—
AMENDMENTS
OF "THE
LOCAL
GOVERNMENT
ACTS,
1936 TO 1943."

- (c) Any moneys standing to the credit of the said "The Post-War Reconstruction Works and Services Reserve Fund" may be invested in any securities of, or guaranteed by, the Government of the Commonwealth or the State or on fixed deposit in any bank or in such other securities as may be approved by the Treasurer of Queensland."

5 Notwithstanding anything contained in the Principal Act or *"*The City of Brisbane Acts, 1924 to 1940*," or any by-law or ordinance made pursuant to such Acts, no charge or fee which, but for this section, may be made, levied, demanded or recovered by the Local Authority or the Council of the City of Brisbane when such Local Authority or Council grants a license to operate, manage, or maintain a petrol pump, shall, for the duration of the state of war existing at the passing of †"*The Local Government Acts and Other Acts Amendment Act of 1943*" and six months thereafter, be so made, levied, demanded or recovered if such petrol pump be idle, rendered useless, or be otherwise incapable of use by military necessity or by the exercise by the Pool Petroleum Proprietary Limited of functions and powers delegated to and conferred upon the said the Pool Petroleum Proprietary Limited by "The National Security (Petroleum Products Distribution) Regulations" notified in the *Commonwealth Gazette* of the first day of August, one thousand nine hundred and forty-two.

Petrol
pumps
rendered
idle, &c.

Moreover, whilst such petrol pump be idle, rendered useless, or be otherwise incapable of use as aforesaid no claim for damages, injury, loss or for any other reason shall be enforceable against the Local Authority or the Council of the City of Brisbane by reason of the erection, situation or maintenance of such pump.

PART III.—AMENDMENTS OF "THE CITY OF BRISBANE ACTS, 1924 TO 1943."

PART III.—
AMENDMENTS
OF "THE
CITY OF
BRISBANE
ACTS,
1924 TO 1943."

6. (1.) This Part of this Act shall be read as one with *"*The City of Brisbane Acts, 1924 to 1943*," herein in this Part referred to as the Principal Act.

Construction
of Part III.

(2.) The Principal Act and the amendments made thereto by this Part may collectively be cited as "*The City of Brisbane Acts, 1924 to 1943*."

Collective
title.

* 15 G. 5 No. 32 and amending Acts. See v. 10, pp. 6 et seq.

† This Act.

PART III.—
AMENDMENTS
OF "THE
CITY OF
BRISBANE
ACTS,
1924 TO 1943."

Local Government Acts and Other Acts, Etc., Act. 7 GEO. VI. No. 13,

Amendment
of s. 3.

7. The definition of the term "Minister" in section three of the Principal Act is repealed and the following definition is inserted in lieu thereof, namely:—

Minister.

" "Minister"—The Secretary for Public Works or other Minister of the Crown for the time being charged with the administration of this Act."

Amendment
of s. 40 (2).

8. The following paragraphs are added to subsection two of section forty of the Principal Act, as follows, namely:—

Moneys
received in
respect of
requisitioned
plant.

" Any moneys received by the Council in respect of plant requisitioned, compulsorily acquired, or acquired by purchase by the Director-General of Allied Works or his delegate pursuant to Statutory Rule number eighty-eight, made under the **National Security Act, 1939-40*, on the twenty-sixth day of February, one thousand nine hundred and forty-two, and published in the *Commonwealth Gazette* of the same date, and any moneys received by the Council in respect of plant hired to the Director-General of Allied Works or his delegate or to the Commissioner of Main Roads or to any person or corporation where such plant be hired for use in the construction of any work being constructed for the defence of the Commonwealth during the state of War existing at the passing of †"*The Local Government Acts and Other Acts Amendment Act of 1943*" shall be paid by the Council into the City Fund :

Provided that, notwithstanding anything to the contrary contained in this Act, the Council may by resolution direct that the whole or any part of such moneys so paid into the City Fund shall be applied in manner following, that is to say—

- (a) To the redemption of the principal sum or sums outstanding in respect of any loan moneys borrowed by the Council for the purchase of the plant so requisitioned, compulsorily acquired, acquired by purchase or hired ; and
- (b) To the establishment of a Reserve Fund called a Plant Renewal Reserve Fund (for which a separate banking account shall be kept), which Reserve Fund shall be applied as and when the Council deems fit for the purchase of new plant."

* Commonwealth Acts No. 15 of 1939 and No. 44 of 1940.

† This Act.

1943. *Local Government Acts and Other Acts, Etc., Act.*

PART III.—
AMENDMENTS
OF “THE
CITY OF
BRISBANE
ACTS,
1924 TO 1943.”
Amendment
of s. 41 (5).

9 The following provisoes are added to subsection five of section forty-one of the Principal Act as follows, namely :—

“ Provided that, notwithstanding anything to the contrary contained in this Act, the Council may, by resolution, direct that, during the state of War existing at the passing of **“The Local Government Acts and Other Acts Amendment Act of 1943,”* any surplus in the City Fund at the end of any year or any part of any such surplus be disposed of in manner following, that is to say :—

Investment
of surplus
during
state of war.

- (i.) By transferring the same to a Reserve Fund to be called “The Post-War Reconstruction Works and Services Reserve Fund”; and/or
- (ii.) In liquidation of any loan liability incurred by the Council :

[Post-War
Reconstruc-
tion Works
and Services
Fund.]

Provided further that in disposing of any surplus or part of any surplus in the manner provided in the foregoing proviso the following provisions shall be observed, namely :—

- (i.) Any moneys set aside in “The Post-War Reconstruction Works and Services Reserve Fund” shall be expended after the cessation of the state of War existing at the passing of **“The Local Government Acts and Other Acts Amendment Act of 1943”* on works or services chargeable to the City Fund ; and
- (ii.) Any moneys standing to the credit of the said “The Post-War Reconstruction Works and Services Reserve Fund” may be invested in any securities of, or guaranteed by, the Government of the Commonwealth or the State or on fixed deposit in the Commonwealth Bank, or in such other securities as may be approved by the Treasurer of Queensland.”

PART IV.—AMENDMENT OF “THE LOCAL AUTHORITY (GRAZING DISTRICTS IMPROVEMENT) ACTS, 1930 TO 1934.”

PART IV.—
AMENDMENT
OF “THE
LOCAL
AUTHORITY
(GRAZING
DISTRICTS
IMPROVEMENT)
ACTS,
1930 TO 1934.”

10. (1.) This Part of this Act shall be read as one with †*“The Local Authority (Grazing Districts Improvement) Acts, 1930 to 1934,”* herein in this Part referred to as the Principal Act.

Construction
of Part IV.

* This Act.

† 21 G. 5 No. 44 and amending Acts. See v. 3, pp. 96 et seq.

PART IV.—
AMENDMENT
OF "THE
LOCAL
AUTHORITY
(GRAZING
DISTRICTS
IMPROVEMENT)
ACTS,
1930 TO 1934."
Collective
title.

Local Government Acts and Other Acts, Etc., Act. 7 GEO. VI. No. 13.

(2.) The Principal Act and the amendment made thereto by this Part may collectively be cited as "*The Local Authority (Grazing Districts Improvement) Acts, 1930 to 1943.*"

Amendment
of s. 43 (1)
(b).

11. Paragraph (b) of subsection one of section forty-three of the Principal Act is amended by repealing that part of the said paragraph commencing with the words "such by-laws may permit" and ending with the words "for the purposes of identification and destruction."

Moreover, any by-law made by a Local Authority permitting the whole of the skin of any specified animal to be produced in lieu of the scalp shall be read and construed as if the scalp only were to be produced.

PART V.—
AMENDMENT
OF "THE
STATE
TRANSPORT
ACT OF 1938."

PART V.—AMENDMENT OF "THE STATE TRANSPORT ACT OF 1938."

Construction
of Part V.

12. (1.) This Part of this Act shall be read as one with *"*The State Transport Act of 1938,*" in this Part referred to as the Principal Act.

Collective
title.

(2.) The Principal Act and the amendment made by this Part shall collectively be referred to as "*The State Transport Acts, 1938 to 1943.*"

Amendment
of s. 27.

13. Section twenty-seven of the Principal Act is amended by the addition thereto of a new subsection six, as follows:—

Allocation
during
war period.

"(6.) Notwithstanding anything to the contrary contained in this section, where during the state of the existing War a Local Authority (other than the Commissioner of Main Roads, but including Brisbane City Council) has insufficient manpower and/or equipment to enable it to apply in and towards the purposes indicated in subsection four of this section, the whole or any part of the sum paid to it by virtue of the last-mentioned subsection, the Local Authority shall on receipt of the said sum paid to it place the same into the "Post-War Reconstruction Works and Services Reserve Fund" constituted pursuant to the provisions of †"*The Local Government Acts, 1936 to 1943,*" and, in the case of Brisbane City Council, by ‡"*The City of Brisbane Acts, 1924 to 1943.*"

* 2 G. 6 No. 15. See v. 9, p. 538.

† 1 G. 6 No. 1 and amending Acts. See v. 5, pp. 826 *et seq.*

‡ 15 G. 5 No. 32 and amending Acts. See v. 10, pp. 6 *et seq.*

1943. *Local Government Acts and Other Acts, Etc., Act.*

PART V.—
AMENDMENT
OF "THE
STATE
TRANSPORT
ACT OF 1938."

Such sum however shall be specifically set aside until the Local Authority is able to apply the same in and for the purposes indicated in subsection four of this section :

Provided that the Local Authority shall be entitled to expend from such moneys so specifically set aside, such sums as shall be required for works other than as specified in the said subsection four on the approval by the State Transport Commission and the Commissioner of Main Roads of the schedule of the proposed works and the estimates of cost thereof, which schedule and estimate shall be submitted to the State Transport Commission and the Commissioner of Main Roads by the Local Authority accordingly.

The provisions of this subsection shall apply and have effect as from the end of the financial year beginning on the first day of July, one thousand nine hundred and forty-one, and for subsequent financial years."

LOCAL GOVERNMENT.

See LOCAL AUTHORITIES.

LOTTERY TICKETS, STAMP DUTY ON.

See COMMONWEALTH AND STATES (FINANCIAL ARRANGEMENTS AND DEVELOPMENT AID ACT).

MAIN ROADS.

See ROADS.

MAINTENANCE, OF TESTATOR'S FAMILY.

See SUCCESSION.