



ANNO VICESIMO

GEORGII V REGIS.

A.D. 1929.

No. 1904.

An Act to amend the District Councils Acts, 1914 to 1928, and for other purposes.

[Assented to, October 30th, 1929.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "District Councils Act Short titles. Amendment Act, 1929".

(2) The District Councils Acts, 1914 to 1928, and this Act may be cited together as the "District Councils Acts, 1914 to 1929".

(3) The District Councils Act, 1914, is hereinafter referred to as No. 1182 of 1914. "the principal Act".

2. This Act is incorporated with the other Acts mentioned in Incorporation. section 1 of this Act, and those Acts and this Act shall be read as one Act.

3. (1) Section 7 of the principal Act (as amended by section 3 of the District Councils Act Amendment Act, 1926) is amended by striking out paragraph (a) of subdivision (2) of the definition of "Ratable property" therein and by inserting in lieu thereof the following paragraphs:—

Amendment of principal Act, s. 7—
Definition of "Ratable property."

(a) land belonging to the Crown, not granted or lawfully contracted to be granted in fee simple to any person, and not leased to or in the occupation of any person, unless the land has been acquired by or on behalf of the Crown under a statutory provision authorising the acquisition of land for the purposes of closer settlement:

District Councils Act Amendment Act.—1929.

(a¹) land used by or on behalf of the Government for a public purpose :

(2) The amendments made by subsection (1) of this section shall be deemed to have come into force as and from the first day of July, nineteen hundred and twenty-eight.

(3) The said definition of "Ratable property" is further amended—

(a) by striking out the words "charitable purposes" in paragraph (c) of subdivision (1) thereof and by inserting in lieu thereof the words "the purposes of affording gratuitous tuition, assistance, or relief, to poor or helpless persons"; and

(b) by striking out the words "educational, or charitable purposes" in paragraph (c) of subdivision (2) thereof and by inserting in lieu thereof the words "or educational purposes or used solely for the purposes of affording gratuitous tuition, assistance, or relief to poor or helpless persons".

Amendment of
principal Act, s. 17—
Union of Districts.

4. Section 17 of the principal Act is amended by adding at the end thereof the following paragraph :—

v. In any case where the assessment of ratable property in any of the Districts so united is based upon annual values, and the assessment of ratable property in any other of the Districts so united is based upon land values, declare that the assessment of the ratable property in the District formed by the said union shall be based upon such method of assessment as is specified in the order.

Amendment of
principal Act, s. 18—
Effect of union.

5. Section 18 of the principal Act is amended by adding at the end thereof the following paragraph :—

xii. If the assessment of ratable property in any of the Districts united is based upon annual values, and the assessment of ratable property in any other of the Districts united is based upon land values, an assessment of the ratable property in the District formed by the said union shall be made as soon as conveniently may be after the said union, the said assessment being based upon the method of assessment set out in the order referred to in section 17. No rates shall be declared in the said District until after the making of the said assessment.

Amendment of
principal Act, s.
164M.—

6. Section 164M of the principal Act (as enacted by section 10 of the District Councils Act Amendment Act, 1926) is amended by adding at the end of subsection (1) thereof the following proviso :—

Preparation of
tentative
assessment.

Provided that, if so directed by the Council, the clerk shall prepare a tentative assessment and show the rates payable as aforesaid in respect of the year immediately preceding the year in which the poll is taken instead of in respect of the year in which the poll is taken.

7. Division

District Councils Act Amendment Act.—1929.

7. Division IV. of Part X. of the principal Act is amended by adding at the end thereof the following section :—

Amendment of principal Act, Part X.—

164v. For the purposes of this Division “ratepayer” shall mean the owner of ratable property.

Definition of “ratepayer”.

8. Section 281 of the principal Act is amended by inserting after paragraph (b) of subsection (3) thereof the following paragraph :—

Amendment of principal Act, s. 281—

(c) drives any vehicle over any portion of any street, road, or place which has been closed to traffic by the placing of a fence or barrier as aforesaid on or across the same,

Penalty for driving on barricaded road.

9. Section 286 of the principal Act (as enacted by section 11 of the District Councils Act Amendment Act, 1928) is amended by inserting therein the following subsection :—

Amendment of principal Act, s. 286—

(3A) In any case where any land which is outside the District abuts on a street or road which is within the District, the said land shall for the purposes of this section be deemed to be within the District and notwithstanding that the said land may be within another District or within a Municipality, the Council may recover either summarily or in any Court of competent jurisdiction a proportion of the cost of carrying out any work referred to in subsection (2) and ascertained as provided in the said subsection from the owner of any such land which would be ratable property if the same were within the District. For the purposes of this subsection the meaning of “owner” shall not be restricted by the definition of “owner” contained in subsection (1).

Cost of constructing streets.

10. Division IV. of Part XVII. of the principal Act is amended by inserting therein after section 288 the following section :—

Amendment of principal Act, Part XVII.—

288A. (1) The owner of any land may in front of any building thereon erect or construct any portico, awning, verandah, or balcony over any public street or road, subject however to the following conditions :—

Erection of verandahs, &c., over streets and roads.

- I. No such portico, awning, verandah, or balcony shall be erected without the consent in writing of the Council :
- II. Every such portico, awning, verandah, and balcony shall be erected or constructed in such manner and shall be of such design as the Council requires and shall be erected or constructed in accordance with any other conditions required by the Council :
- III. Every balcony shall have a framework of iron and shall be securely fixed with iron brackets or other supports to the satisfaction of the Council :
- IV. Every awning, verandah, or portico shall be eight feet at least in height over the footway in front of the building, and the posts (if any) for the support thereof shall be placed close to the kerbstone or outer edge of the footway, as the Council directs.

(2) Any

District Councils Act Amendment Act.—1929.

(2) Any person who erects or constructs any portico, awning, verandah, or balcony over any public street or road except in accordance with the provisions of this section, shall be liable to a penalty of not more than Five Pounds, and to a further penalty of not more than One Pound for every day during which the offence continues after notice by the Council to remove the same has been given to him.

(3) This section shall not apply within any District to which the Building Act, 1923, applies.

Amendment of
principal Act,
s. 292—
Leasing of roads.

11. Section 292 of the principal Act (as amended by section 15 of the District Councils Act Amendment Act, 1926) is amended—

(a) by striking out the word "twelve" in paragraph (c) of subsection (1) thereof and by inserting in lieu thereof the word "nine":

(b) by adding at the end of subsection (2) thereof the following proviso:—

Provided that in the case of a letting for cultivation purposes the letting may be for a period of three years at any one time.

(c) by adding at the end of subsection (3) thereof the following proviso:—

Provided that in the case of a letting for cultivation purposes the letting may be determined upon the giving of such notice in writing (not being less than three months notice) as is agreed upon and is made a condition of the letting at the time of the making thereof.

Amendment of
principal Act, Part
XVII.—

12. Division IV. of Part XVII. of the principal Act is amended by inserting at the end thereof the following heading and section:—

Permits for Petrol Pumps.

Powers of Council to
issue permits for
petrol pumps.
Cf. Vic. 3613, 1928,
ss. 3 and 4.

305A. (1) The Council may grant to any person carrying on the business of selling or supplying motor spirit a permit in respect of any petrol pump (which term used in this and the succeeding sections shall mean any pump for supplying motor spirit) placed or to be placed in, on, or under any footway in any public street or road within the District, and used or to be used by that person for the purposes of such sale or supply.

(2) A permit shall not be granted to any person in respect of any petrol pump which in the opinion of the Council unduly obstructs or will unduly obstruct the thoroughfare or in respect of any petrol pump placed or to be placed in, on, or under any footway in any public street or road which is less than forty feet in width between the outer edges of the footways thereof.

(3) Before

District Councils Act Amendment Act.—1929.

(3) Before any permit is granted with respect to any petrol pump placed or to be placed on any footway in any main road within the meaning of the Highways Act, 1926, so that the petrol pump is or will be distant fifty feet or less from any corner formed by the junction of that main road with any other street or road, the Council shall forward by post to the Commissioner of Highways a statement giving full particulars of the site, or proposed site, of the said petrol pump. The Commissioner of Highways may at any time within one month after the forwarding of the said statement give notice in writing by post to the Council forbidding the granting of the permit in respect of such site, and if any such notice is given as aforesaid, the Council shall not grant the said permit as aforesaid: Provided that in any case where the site, or the proposed site, of the said petrol pump is distant less than twenty-five miles from the General Post Office, at Adelaide, the said notice shall be given within fourteen days of the forwarding of the said statement.

305B. (1) When in the opinion of the Council any petrol pump in or on any footway within the District causes, or is likely to cause, undue obstruction to traffic, or becomes or is likely to become dangerous the Council by notice in writing to the holder of the permit in respect thereof—

Power to remove certain petrol pumps.
Cf. *ibid.*, s. 8.

(a) may require the said holder at his own expense and within the time specified in the notice—

- I. to remove the petrol pump or any part thereof or any apparatus, pipes, or appliances in, on, or under the footway and used in connection therewith; or
- II. to remove or abate the cause of obstruction or possible obstruction to traffic or the cause of danger or possible danger; and
- III. in either such case, to make good to the satisfaction of the Council any portion of the footway taken up for the purpose;

(b) may if it thinks fit cancel the permit granted in respect of the petrol pump.

(2) If any holder of a permit fails, neglects, or refuses to comply with any such notice—

(a) the Council may do all such acts and things as the said holder is required by the notice to do, and may recover the same from him either summarily or in any Court of competent jurisdiction:

(b) the said holder shall (without affecting any other liability of the said holder) be guilty of an offence and liable to a penalty not exceeding Twenty Pounds.

305c. Any

District Councils Act Amendment Act.—1929.

Penalty on placing
unauthorised petrol
pumps on footway.
Ibid., s. 9.

305c. Any person who places or retains or (whether by himself or any agent or servant) for the purpose of selling or supplying motor spirit uses or causes or permits to be used—

- (a) any petrol pump in or on any footway unless a permit has been granted in respect of that petrol pump; or
- (b) any petrol pump in or on any portion of a street except a footway,

shall (without affecting any other liability of the said person) be guilty of an offence and for any such offence shall be liable to a penalty not exceeding Twenty Pounds.

Power to Council
to make by-laws.
Cf. *ibid.*, s. 6.

305D. (1) The Council may from time to time make, publish, alter, modify, amend, or repeal such by-laws and regulations as to them may seem meet, for any of the following purposes:—

- I. The placing, fixing, and maintaining of petrol pumps in or on footways and of any apparatus, pipes, and appliances in, on, or under footways for the supply of motor spirit to such petrol pumps, and the removal of such petrol pumps, apparatus, pipes, and appliances:
- II. The granting, renewal, transfer, and duration of permits, and applications therefor:
- III. Prescribing forms of permits and conditions to be contained in permits:
- IV. Prescribing fees—
 - (a) for the granting or renewal of a permit—of not less than One Pound One Shilling, and not more than Ten Pounds Ten Shillings:
 - (b) for the transfer of a permit—of not more than Ten Shillings:
- v. Providing for a proportionate reduction of fees payable in respect of permits granted for any number of months less than twelve months:
- VI. For requiring the insurance by holders of permits against liabilities which may be incurred by them in respect of petrol pumps.

(2) The powers given by this section shall be in addition to the powers given by section 376.

Amendment of
principal Act,
s. 320—
Pension funds, &c.

13. Section 320 of the principal Act is amended by inserting therein after paragraph (c) thereof the following paragraph:—

- (c1) Contributing to any sick, accident, or pension fund for its employees or to any fund for the purpose of providing retiring benefits for its employees: Provided that the total amount which shall be so contributed in any financial

District Councils Act Amendment Act.—1929.

financial year shall not exceed two and one-half per centum of the total amount of the general rates received by the Council during that year :

14. Subsection (1) of section 376 of the principal Act is amended by inserting therein after paragraph IX. thereof the following paragraph :—

Amendment of principal Act, s. 376—

By-laws.

IX.A. For regulating the use of aviation stations and landing grounds constructed, purchased, or maintained by the Council ; and for fixing and making charges for the use of the same.

15. Part XXVI. of the principal Act is amended by inserting therein after section 471 thereof the following sections :—

Amendment of principal Act, Part XXVI.—

471A. (1) The Council may from time to time on the park lands, construct golf links, tennis courts, and other facilities for sport, and may allot sites upon the park lands for the playing of games thereon.

Powers with respect to park lands.

(2) The Council may grant permits or licences to any persons for the use of any such golf links, tennis courts, facilities or sites, and may by resolution from time to time fix or alter fees to be paid for the said permits or licences, the maximum number of the said permits or licences, and any conditions to be annexed to the issue thereof.

(3) Any person who uses any such golf links, tennis courts, other facility or site without being the holder of a permit or licence as aforesaid authorising him so to do, or without being otherwise lawfully authorised so to do, shall be liable to a penalty not exceeding Five Pounds.

(4) In any proceedings for an offence against this section the onus shall be upon the defendant to prove that he was at the time of the commission of the alleged offence the holder of a licence or permit or was otherwise authorised as mentioned in subsection (3) hereof.

(5) All golf links, tennis courts, and other facilities referred to in subsection (1) hereof constructed on park lands by any Council before the passing of the District Councils Act Amendment Act, 1929, and all sites allotted on park lands by any Council before the passing of the said Act shall be deemed to have been lawfully constructed or allotted, as the case may be, as if the powers given to the Council by this section had been given before the said construction or allotment.

471B. (1) The Council may from time to time fix a scale of annual fees to be paid to the Council for the removal of night-soil, filth, offal, and refuse from ratable property within the whole or any portion or portions of the District.

Charging of fees for sanitary services.
Cf. 1694, 1925, s. 14.

(2) Fees in accordance with a scale so fixed and for the time being in force shall, on demand in writing, be payable to the Council by the occupier or owner of any ratable property from which

District Councils Act Amendment Act.—1929.

which night-soil, filth, offal, or refuse is removed or caused to be removed by the Council, and shall be recoverable either summarily or in any Court of competent jurisdiction or in any manner in which rates are recoverable as if the said fees had been a rate declared on the ratable property at the time of the making of the said demand, and of which notice had been given.

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

A. HORE-RUTHVEN, Governor.