



ANNO VICESIMO TERTIO

GEORGII V REGIS.

A.D. 1932.

No. 2098.

An Act to amend the Municipal Corporations Acts,
1923 to 1931.

[*Assented to, November 30th, 1932.*]

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 "Municipal Corporations Act, 1932". Short titles.

(2) The Municipal Corporations Acts, 1923 to 1931, and this Act may be cited as the "Municipal Corporations Acts, 1923 to 1932".

(3) The Municipal Corporations Act, 1923, is hereinafter referred to as "the principal Act". No. 1558 of 1923.

2. Subsection (1) of section 153 of the principal Act is amended by adding at the end thereof the following subclause:— Amendment of principal Act, s. 153.

vi. All streets which have been dedicated to the public by the owner thereof and formed, made, paved, or repaired by the Council and used by the public as a street for five years consecutively and declared by the Council to be public streets under the powers contained in subsection (3) of section 158. Public streets.

3. Section 155 of the principal Act is hereby repealed.

Repeal of principal Act, s. 155.

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Amendment of
principal Act,
s. 158.

4. Section 158 of the principal Act is amended by adding at the end thereof the following subsection :—

(3) If any street has been dedicated to the public by the owner thereof and formed, made, paved, or repaired by the Corporation, and used by the public as a street for five years consecutively, the Council may, by resolution, declare the same to be a public street, provided that three months' notice in writing of the intention of the Council shall be given by the Council to owners of ratable property abutting on such street before the passing of a resolution to declare any street a public street, and the Council shall consider any representation made by any such owner.

Amendment of
principal Act,
s. 210.

Private streets.

5. Section 210 of the principal Act is further amended by adding at the end thereof the following subsection :—

(6) This section shall apply only within the Municipality of Adelaide.

Amendment of
principal Act.

6. The principal Act is amended by inserting therein after section 210 the following section :—

Powers of Council
to make private
streets.

210A. (1) The Council may in or on any private street, court, alley, or right-of-way or any part thereof within the Municipality—

- (a) remove any erection or obstruction which contracts the proper width of any such private street, court, alley, or right-of-way or any part thereof ; and
- (b) make, level, form, pave, kerb, macadamise, or drain any such private street, court, alley, or right-of-way or any part thereof ; and
- (c) repair any such private street, court, alley or right-of-way or any part thereof ; and
- (d) carry out at any time, either separately or together, all or any of such works.

(2) The Council may recover from the owners for the time being of ratable properties abutting on such private street, court, alley, or right-of-way or part thereof, the whole of the expenses incurred by the Council under paragraph (a) or (b) of subsection (1) hereof (including the cost if any of supervision incurred by the Council but not exceeding five per centum of the total expenses) ratably according to the frontages of the properties abutting on such private street, court, alley or right-of-way or part thereof :

Provided that—

- (i.) no such expenses shall be recoverable for the making, levelling, paving, kerbing, macadamising, or draining any such private street, court, alley, or right-of-way if the same has been previously carried out :

(ii.) no

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(ii.) no expenses recoverable under this section shall be recovered unless the Council at least one month before commencing any such work mentioned in paragraph (a) or (b) of subsection (1) hereof gives public notice of the intention of the Council to carry out such work and considers any representations placed before the Council by any person concerned.

(3) The respective proportions of the expenses incurred by the Council as aforesaid together with interest thereon at the rate of Six Pounds per centum per annum calculated from twenty-one days after the date of the completion of the work may be recovered by the Council by action or by any process by which rates may be recovered and until fully paid or recovered shall from the said date of completion be a charge upon the land in respect whereof the same is due and payable under this section, notwithstanding any change in the ownership of such land or of any part thereof.

(4) The provisions of subsections (4), (5), (6), and (7) of section 190 shall apply to cases of money paid by any owner under this section as if such subsections had been in terms repeated in this section.

(5) A document purporting to be a certificate under the hand of the Mayor or the Town Clerk shall be *prima facie* evidence in all Courts—

(a) that any work carried out under this section or any portion thereof has not been previously carried out :

(b) of the cost of such work :

(c) of the proportion payable by each owner :

(d) of the date of the completion of the work.

(6) For the purpose of this section “owner” means the person whose name appears as such in the assessment-book on the date of the completion of the work.

(7) In any proceedings under this section a document purporting to be a certificate under the hand of the Mayor or Town Clerk that the fee simple of any street is not vested in the Corporation shall be *prima facie* evidence that such street is a private street.

(8) This section shall not apply within the Municipality of Adelaide.

7. Section 211 of the principal Act is amended by inserting after the figure “210” in the second and last lines thereof in each case the passage “or section 210A”.

Amendment of
principal Act,
s. 211.
Drainage.

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Amendment of principal Act, Part IX.

8. Division XV. of Part IX. of the principal Act is amended by inserting therein after section 230F the following section :—

Power to place notices on verandahs over footways.

230G. The Council may affix upon any part of any verandah or balcony erected over any footway a board or plate for the purpose of displaying any notice with respect to traffic.

Amendment of principal Act.

9. Part XIII. of the principal Act is amended by inserting after section 251C therein the following section :—

Limitation of application of preceding sections.

251D. Sections 251A to 251C, both inclusive, shall not apply to any Municipality or portion of a Municipality which is included within the drainage area as defined by the Sewerage Act, 1929.

Amendment of principal Act, s. 341.

10. Section 341 of the principal Act is amended by striking out the words “leave with” in the second line thereof and by inserting in lieu thereof the words “serve upon”.

Service of notice of valuation.

Amendment of principal Act, s. 359.

11. Section 359 of the principal Act is amended—

Notice of assessment.

(a) by striking out the words “Except when a notice in accordance with section 341 has been left with the owner or occupier of the property assessed” in the first and second lines of subsection (2) thereof :

(b) by adding at the end of subsection (2) thereof the following proviso :—“Provided further that it shall not be necessary to post or deliver such notice to any such owner or occupier as aforesaid if the valuator during the progress of the assessment has served upon such owner or such occupier of the property assessed a note of the particulars thereof, and of the value placed upon the same”.

Amendment of principal Act, s. 377.

12. Section 377 of the principal Act is amended by striking out the words “without oath” in the fourth line thereof and by inserting in lieu thereof the words “on oath or affirmation”.

Evidence on appeals.

Amendment of principal Act.

13. The principal Act is amended by inserting therein after section 454 the following section :—

Power to redeem debentures.

454A. (1) The Council may, at any time and from time to time, before the loan or the last instalment of the loan secured by any debentures or debenture becomes due and payable, pay and apply the whole or any portion of any sinking fund established in connection with such loan and any other moneys legally applicable for the purpose of discharging such loan, in the total or partial discharge of such loan. The said power may be exercised in respect of all or any of the debentures issued by the Council.

(2) The powers contained in subsection (1) hereof shall only be exercisable with the consent of the holders or holder of the debentures or debenture issued to secure such loan and the holder or holders of every coupon or voucher for interest or for periodical payments issued with such debentures or debenture and not matured.

(3) On

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(3) On any payment being made under subsection (1) hereof the said debentures and coupons shall be surrendered to the Mayor and Clerk and no such payment shall be made until such surrender as aforesaid is made.

(4) If by any payment under subsection (1) hereof the said loan secured by any debentures is not wholly discharged the Council may issue fresh debentures or a fresh debenture to the holders or holder of the surrendered debentures or debenture to secure the repayment of the balance of the loan and the interest thereon. Such debentures or debenture shall assign as security for the loan the rate or rates upon the security of which the loan was originally granted and shall—

(a) if the principal sum secured by the original debentures or debenture was repayable on a fixed day, provide for the payment of the balance of the principal on the day so fixed, and in the meantime for the interest on the balance of the loan to be paid at the same rate per centum and on the same days as provided by the original debentures or debenture ;
or

(b) if the principal sum with the interest thereon secured by original debentures or debenture was repayable by periodical instalments provide for the payment of the balance of the principal sum with the interest thereon by periodical instalments of an appropriate amount payable on the same days as provided for payment of instalments by the original debentures or debenture so that the interest shall be paid at the same rate and the principal shall be wholly repaid by the same day as was provided in the original debentures or debenture.

(5) If the loan in respect of which any partial payment proposed to be made under subsection (1) hereof has been raised on the security of a special or separate rate the Council before making such payment off may declare a special or separate rate, as the case may be, (which rate is hereinafter referred to as "the substituted rate") of an amount which is not less than the amount which bears the same proportion to the amount of the special or separate rate, as the case may be, on the security of which the original loan was obtained (which rate is hereinafter referred to as "the original rate") as the amount of the balance of the principal sum to remain unpaid shall bear towards the amount of the original amount of the loan.

(6) Upon the declaration of such rate and upon such payment as aforesaid being made, the original rate shall cease to be levied and the new debentures or debenture shall be given upon the security of the substituted rate in lieu of the original rate, and the provisions of section 442 and of subsections (2) and (3) of section 441 shall apply to the substituted rate.

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Amendment of
principal Act,
s. 538.
Service of notice.

14. Section 538 of the principal Act is amended by striking out the words "by this Act" in the second line thereof and by inserting in lieu thereof the words "which by this Act may be served or is".

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

A. HORE-RUTHVEN, Governor.