



ANNO NONO

GEORGII V REGIS.

A.D. 1918.

No. 1344.

An Act to further amend the Municipal Corporations Acts.

[Assented to, November 27th, 1918.]

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

1. This Act may be cited as the "Municipal Corporations Act Further Amendment Act, 1918." Short title.

2. This Act is incorporated with the Municipal Corporations Act, 1890 (hereinafter referred to as "the principal Act"), and the Acts incorporated therewith, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

Miscellaneous Amendments.

3. Section 101 of the principal Act is amended so as to read as follows:— Amendment of principal Act, s. 101—

101. All officers appointed by the Council shall hold office during the pleasure of the Council, or for such terms and upon such conditions as the Council sees fit to fix and impose: Provided that the Town Clerk shall not, after having held that office for a longer period than six months, be dismissed from office without at least six months' notice, except on the ground of his misbehaviour, neglect of duty, or incompetence, or that he has been adjudicated insolvent, or has made an assignment for the benefit of, or a composition with, his creditors for less than Twenty Shillings in the Pound. Removal of officers. Cf. D.C. Act, 1914, s. 134 (2).

4. Section

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Amendment of
ibid., s. 134—

Writing on streets
without permission
of Council.

4. Section 134 of the principal Act is amended by inserting after the word “thereto” in the ninth line thereof the words “or the surface of any street”.

Amendment of
ibid., s. 138—

5. Section 138 of the principal Act (as amended by section 16 of the Municipal Corporations Act Amendment Act, 1914), is further amended so as to read as follows:—

Council may assign a
number to each house.

138. (1) The Council may assign a number to each house in every street or public place within the Municipality, and may from time to time, whenever they deem it expedient, assign any other number to any such house in lieu of the previously assigned number.

(2) The Council may cause the number assigned to any such house to be painted or affixed in a conspicuous position on the front door of such house or on the front gate of the premises belonging to such house or such other fixture on such premises as is approved by the Council or the Surveyor, and for the purpose of such painting or affixing any officer or servant of the Council, or any person who has entered into a contract with the Council in that behalf, may enter upon any private land and may do all such other matters and things as may be necessary for or incidental to that purpose.

(3) The owner for the time of the house whereon any number is painted or affixed under the powers conferred by this section shall be liable to pay to the Council the cost of painting or affixing such number thereon or to the premises belonging thereto, and upon default in payment of such cost for fourteen days after a notice containing particulars of the same has been delivered to such owner or sent through the post in a prepaid envelope addressed to such owner at his last known place of abode or business, the Council may, for the purpose of recovering the amount of such cost, avail itself of any or all of the methods and remedies provided by this Act for the recovery of rates in arrear, and until paid such amount and the costs incurred in recovering the same shall remain a charge upon the land whereon such house is erected.

(4) If any person wilfully or maliciously destroys, pulls down, obliterates, or defaces any number painted on or affixed to any house or to the premises belonging thereto under the powers conferred by this section, or substitutes a different number therefor, he shall be liable to a penalty not exceeding Ten Pounds, and it shall be lawful for the Council to cause such number so unlawfully destroyed, pulled down, obliterated, or defaced to be reinstated, or such wrong number to be removed and a proper number substituted therefor, and to recover the expense thereof from such person, or from the owner for the time being of such house in a summary manner or by action in any Court of competent jurisdiction, and until paid the amount of such expense and the costs incurred in recovering the same shall be a charge upon the land whereon such house is erected.

(5) In

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(5) In this section the word "house" includes any building in any such street or place as aforesaid, howsoever occupied or used.

6. The principal Act is amended by inserting therein after section 218 thereof the following section:—

218A. (1) No person shall place or construct in, over, or across any creek or waterway any floor or bottom, or wall or cover, without the permission in writing of the council.

No floor, etc., to be placed in creek or waterway without permission of Council.

(2) Any person offending against subsection (1) hereof shall be liable to a penalty not exceeding Ten Pounds and to a further penalty of not more than One Pound for every day during which such offence continues.

7. Section 219 of the principal Act is amended—

Amendment of *ibid.*, s. 219—

(a) by inserting after the word "waterway" in the fourth line thereof the words "or any floor, bottom, wall, or cover has been constructed in, over, or across such creek or waterway"; and

Council may inspect bridges, dams, etc., and require alterations.

(b) by inserting after the word "fence" wherever it occurs in the sixth and tenth lines thereof the words "or floor, bottom, wall, or cover."

8. Part VIII. of the principal Act is amended by inserting therein after section 223 the following section:—

Amendment of *ibid.*, Part VIII.—

223A. (1) It shall be lawful for any assessor or valuator or his assistant, for the purpose of enabling him to make and complete any assessment authorised by this Act—

Valuator may put questions and demand documents.

(a) to put, either verbally or in writing, to any person in the occupation or having the control or being the owner of any ratable property within the Municipality, questions upon all such matters as he may consider necessary, and

(b) to demand from such person or owner production for his inspection of any rent-book showing the rent paid or received in respect of such property and any lease, underlease, or tenancy agreement under which such property is leased or let.

(2) If, after being informed by such assessor or valuator or his assistant of his purpose in putting such questions or demanding inspection of such rent-book, lease, underlease, or tenancy agreement, and of his authority under this Act to put or demand the same, any such person or any such owner—

(a) refuses or wilfully omits to answer the same to the best of his knowledge and belief or wilfully makes any false answer or statement in reply to any such question, or

(b) wilfully

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(b) wilfully refuses or neglects to produce such rent-book, lease, underlease, or agreement,

such person or owner shall be liable to a penalty not exceeding Ten Pounds.

Amendment of
ibid., s. 286—
Corporation may contribute towards public cemetery.

9. Section 286 of the principal Act is amended by adding at the end of the third paragraph thereof the following passage:—"or to any public cemetery, whether such cemetery is situate within or without the Municipality, and howsoever the same is owned:"

Amendment of
ibid., s. 307—
Schedule of penalties.

10. The schedule of penalties to section 307 of the principal Act is further amended by striking out—

(a) the following passages:—

“Neglecting or refusing, after notice, to affix or paint number of house on a conspicuous place on the front door thereof”

“For continuance of such offence after notice, *for every seven days or portion of seven days*”

(b) the sums set opposite to such passages respectively, being the lowest and highest amounts of fines imposable for the offences specified in such passages.

Amendment of ibid.,
s. 314—

11. Section 314 of the principal Act is further amended as follows:—

i. By substituting for the paragraph “For prohibiting and regulating the erection, putting up, and situation of signboards or other signs over or near any footway” the following paragraph:—

Power to make by-laws as to signboards.

For prohibiting, regulating, and licensing the erection, putting up, and situation of signboards or other signs or devices over or near any footway or street; for fixing the periods in respect of which such licences are issued and the conditions under which such licences may be revoked and the fees to be paid for licences; and for compelling the removal of signboards or other signs or devices, whenever put up or erected, which are in contravention of any by-law of the Council for the time being in force.

ii. By inserting before the paragraph “To restrict the breaking in of horses in streets, either by leading, riding, or driving” the following paragraph:—

Advertising hoardings.

For regulating, controlling, or prohibiting the erection of advertising hoardings or other similar erections; for requiring or authorising the pulling down or removal of any such hoardings or erections now or hereafter erected which do not conform to any such by-law; and for charging and collecting fees for permission to erect such hoardings and erections.

iii. By

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111. By inserting after the paragraph "For the better observance of Sundays" the following paragraph:—

For prohibiting, either wholly or partially, Sunday trading.

12. Part XIV. of the principal Act is amended by inserting therein after section 317 the following section— Amendment of *ibid.*

317A. (1) The Council shall be at liberty, by a majority at any meeting at which a quorum of the Council is present, to adopt any model by-laws made by the Governor under the By-Laws Enabling Act, 1888, or any other Act enabling him in that behalf, so far as they are not repugnant to the principal Act or any Act incorporated therewith and so far as they deal with subjects on which the Council has power to make by-laws. Council may adopt without special majority any model by-laws.

Cf. 1182, 1914, s. 382.

(2) The resolution adopting any such model by-laws may be submitted to the Governor for confirmation forthwith.

(3) Upon confirmation of such resolution by the Governor, and after one week has elapsed from the publication in the *Gazette* of the notice of adoption of such model by-laws, such model by-laws so adopted shall, until altered, amended, modified or repealed by the Council, for all purposes have the same force and effect within the Municipality as if they had been enacted in and formed part of this Act.

13. Section 8 of the Municipal Corporations Amendment Act, 1903, is amended so as to read as follows:— Amendment of s. 8 of Act 833 of 1903—

8. A Council may alter the name of any street by a resolution carried by at least two-thirds of the whole number of the members constituting the Council. Altering names of streets.

14. Subdivision vi. of section 14 of the Municipal Corporations Amendment Act, 1903, is amended by inserting the words "sheep dips" after the words "pounds" in the first line thereof. Amendment of *ibid.*, s. 14, vi.—
Council may construct offices, pounds, sheep dips, &c.

15. Section 35 of the Municipal Corporations Amendment Act, 1903, is amended by adding at the end thereof the following subsection (the other parts of the section being read as subsection (1) thereof), namely:— Amendment of *ibid.*, s. 35—
Power to arrest offender giving false name or address.

(2) If any such person as mentioned in subsection (1) hereof refuses to give his true name or address or gives a false name or address, such officer or servant or any member of the Police Force may, without a warrant, apprehend such person.

16. Section 42 of the Municipal Corporations Act Amendment Act, 1914, is amended by striking out the word "black" wherever it occurs in the said section. Amendment of s. 13 of Act 1183, 1914—
Smoke, fumes, and gases from premises other than dwelling houses declared nuisances.

Hawking

*Municipal Corporations Act Further Amendment Act.—1918.**Hawking on Foreshore, Etc.*

Power to regulate
hawking on foreshore.
Cf. 1228, 1915, s. 3.

No. 1183 of 1914.

17. (1) Notwithstanding anything contained in the Licensed Hawkers Acts, 1863 to 1912, or in any licence under any of the said Acts, or in section 37 of the Municipal Corporations Amendment Act, 1903, or in any other Act with which this Act is incorporated, no person shall hawk, or sell or offer for sale, any goods or commodity on any foreshore of the sea or any part thereof, or on any reserve adjacent thereto, within any Municipality the Council of which has, under the powers conferred by subsection (3) of section 43 of the Municipal Corporations Act Amendment Act, 1914, as extended by this Act, made any by-law for the purpose of regulating, controlling, or prohibiting the use or occupation of such foreshore or part, or any such reserve, by street hawkers and itinerant traders, unless such person is authorised so to do under or by virtue of any by-law made by the Council of such Municipality.

(2) Any person offending against the provisions of subsection (1) hereof shall, for a first offence, be liable to a penalty not exceeding Five Pounds; for a second offence, to a penalty not exceeding Ten Pounds; and for any subsequent offence, to a penalty not exceeding twice the amount of the maximum penalty which might have been imposed on conviction for the last preceding offence.

Extension of power to
make by-laws under
Act 1183, 1914, s. 43.

18. (1) The powers conferred on a Council by subsection (3) of section 43 of the Municipal Corporations Act Amendment Act, 1914, to make, alter, and repeal by-laws with respect to any portion of the foreshore which is under its care, control, and management, shall extend to any reserve adjacent to any such foreshore which is under the care, control, and management of the Council.

(2) For the purposes of this section and also of section 17 of this Act, a reserve shall not be deemed not to be adjacent to a foreshore merely because it is separated therefrom by a public or other road, street, or way.

Destruction of Bushes, Etc.

Occupier or owner
to destroy bushes on
half width of
adjoining streets.
Cf. D.C. Act, 1914,
s. 296.

19. (1) The occupier or owner of any land adjacent to any street shall, within thirty days after the Council has given him notice so to do, destroy all shrubs, plants, or bushes known as Acacia, prickly pear, African boxthorn, and blackberry growing or being on that portion of such street which is adjacent to and lies between the boundary of his land and the middle of the said street.

(2) In default the Council may—

(a) remove such shrubs, plants, or bushes: and

(b) recover by summary procedure before two Justices from the person making such default the expenses incurred in such removal.

Fines

*Municipal Corporations Act Further Amendment Act.—1918.**Fines for Non-payment of Rates.*

20. If any rate declared after the commencement of this Act is not paid before the end of six months after the same becomes due and payable, a fine equal to Ten Pounds per centum thereof shall be added to the amount of such rate and shall thenceforth for all purposes be deemed to be a part of such rate, and shall be paid by the person or persons liable to pay such rate, and be recoverable from any person liable to pay such rate and in such manner as if it were part thereof.

Fine added to rate in default of payment. Cf. D.C. Act, 1914, s. 193.

Sheep Dips.

21. (1) For the purpose of enabling sheep to be treated periodically or otherwise by effective dipping, the Council may construct or provide, and fit up and maintain, dipping places within the Municipality, or portable dipping tanks, and afford the use thereof to the public.

Council may provide sheep dips.

(2) No dipping-place shall be so constructed or used if the use thereof would injuriously affect the water in any river, stream, reservoir, aqueduct, well, pond, or place required or used for the supply of water for drinking or other domestic purposes.

(3) The Council may make, amend, and repeal by-laws regulating the use of such dipping places or tanks, and fixing the charges to be made and enforced by the Council for using the same.

(4) The provisions contained in the principal Act relating to by-laws and to the making and effect thereof shall apply to all by-laws made under the powers conferred by this section, and to the making and effect thereof.

Registration of Debentures.

22. (1) Notwithstanding anything to the contrary contained in the Municipal Corporations Act, 1890, or any Act incorporated therewith, the Council may—

Registered debentures may be issued in place of bearer debentures. Cf. 737, 1901, ss. 5 and 6.

(a) on the written application of the holder of any debenture payable to bearer issued pursuant to any of the said Acts and in exchange therefor, issue to such applicant a debenture in which the name of such holder shall be inscribed as the registered proprietor; and

(b) on the written application of the registered proprietor or transferee of a registered debenture and in exchange therefor, issue to him a debenture payable to bearer.

(2) The right, property, and interest of and in a debenture inscribed as aforesaid together with the moneys payable thereunder shall, notwithstanding anything contained in any of the said Acts, belong and be payable only to the registered proprietor or registered transferee thereof, and may be transferred, or in the case of the death, lunacy, or insolvency of the registered proprietor, transmitted to the persons entitled.

(3) Such

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(3) Such registered proprietor, transferee, or person shall have the same rights under the said Acts as the bearers of debentures of the same issue.

(4) The Council may make, amend, and repeal by-laws for carrying into effect the provisions of this section, and the provisions contained in the Municipal Corporations Act, 1890, relating to by-laws and to the making and effect thereof shall apply to by-laws made under this section and to the making and effect thereof.

Soldiers' Memorials.

Council may erect or contribute towards erection of soldiers' memorials.

23. (1) The Council may erect or construct or contribute money towards the erection or construction of any statue, monument, or memorial in honor of or to perpetuate the memory of persons who have enlisted for active service in the war in which His Majesty is at present engaged.

(2) Where the estimated cost of such statue, monument, or memorial, or the amount to be contributed, exceeds Fifty Pounds, such statue, monument, or memorial shall not be erected or constructed, or such money shall not be contributed by the Council, until at a meeting of the ratepayers a resolution has been passed in favor of such statue, monument, or memorial being erected or constructed, or such money being contributed, and if a poll is demanded, until the poll has resulted in favor of such resolution.

(3) This section shall not in any way diminish the powers conferred upon Councils by paragraph (f) of section 29 of the Municipal Corporations Amendment Act, 1903.

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

H. L. GALWAY, Governor.