



ANNO DECIMO NONO

GEORGII V REGIS.

A.D. 1928.

No. 1885.

An Act to amend the District Councils Acts, 1914 to 1926, and for other purposes.

[Assented to, November 7th, 1928.]

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 Amendment Act, 1928". Short titles.

(2) The District Councils Acts, 1914 to 1926, and this Act may be cited together as the "District Councils Acts, 1914 to 1928".

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

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

3. Section 54 of the principal Act is amended by inserting after the word "felony" in paragraph (c) thereof the words "or misdemeanour". Amendment of principal Act, s. 54—
Disqualification of councillor.

4. Sections 63 and 64 of the principal Act are hereby repealed and the following sections are enacted in lieu thereof :— Amendment of principal Act, ss. 63 and 64—

63. (1) The Auditor-General and an officer of the Highways and Local Government Department appointed by the Minister for the purpose, shall inquire into the qualifications of such persons Local Government Auditors certificates.

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persons as apply to them for certificates under this section and may, subject to this Act and the regulations, issue to any person whom they deem qualified a certificate to be known as a "Local Government Auditors Certificate."

(2) The Governor may, by regulation, not inconsistent with this section, prescribe the qualifications to be possessed and any examinations to be passed by applicants for certificates, the form, contents and revoking of such certificates, and generally all matters necessary or convenient to be prescribed for carrying this section into effect. Any such regulations may fix penalties not exceeding Twenty Pounds for any breach of that or any other regulation.

Appointment and
qualification of
Auditors.

64. (1) Until the first day of September, nineteen hundred and twenty-nine, there shall be two Auditors for every Council elected, acting, and holding office according to the laws in force immediately prior to the commencement of the District Councils Act Amendment Act, 1928.

(2) On the first day of September, nineteen hundred and twenty-nine, both Auditors of every Council shall go out of office.

(3) Thereafter there shall be one Auditor for every Council, appointed by the Council.

(4) In the month of August, nineteen hundred and twenty-nine, and in the month of August in each alternate year thereafter, every Council shall appoint its Auditor for the next two succeeding years.

(5) No person shall be so appointed as Auditor unless he holds a Local Government Auditors Certificate issued pursuant to section 63: Provided that the Minister may, by notice published in the *Government Gazette* (which said notice may at any time be revoked by the Minister in manner aforesaid), declare that the provisions of this subsection shall not apply to any Council therein specified.

(6) Every Auditor shall hold office from the first day of September next after his appointment until the thirty-first day of August in the second year after such appointment.

(7) Any Auditor shall, upon completion of his term of office, be eligible for re-appointment.

(8) If a vacancy occurs in the office of Auditor the Council shall appoint another person qualified under section 63 to such office, and the person so appointed shall hold office until the time when the Auditor in whose stead he is appointed would have retired: Provided that if any notice has been published under subsection (5) hereof and is still in force with respect to the Council the person so appointed need not be so qualified.

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64A. (1) No person shall be appointed or continue to be Auditor for any district if he is a Councillor of such district, or if he holds any office or place of profit in the gift or disposal of the Council (other than the office of Auditor), or if he is an uncertificated insolvent or undischarged bankrupt, or if he is convicted for felony or misdemeanour.

Qualifications and disqualifications of Auditor.

(2) No Auditor shall directly or indirectly participate or be interested in any contract with the Council, or in any employment under the Council except his employment as Auditor: Provided that an Auditor may be or become the lessee of, or the holder of a licence to use or occupy any road under section 292 of this Act, or section 286 of "The District Councils Act, 1887," or the holder of a licence granted by the Council under sections 229, 230, or 289 of this Act, or section 123 or 124 of "The District Councils Act, 1887."

5. The principal Act is further amended as set out in the Schedule hereto.

Consequential amendments of principal Act.

6. Section 154 of the principal Act (as enacted by section 10 of the District Councils Act Amendment Act, 1926) is amended—

Amendment of principal Act, s. 154—

(a) by inserting after the word "progress" in the second line thereof the words "or after the making"; and

Notice of valuation.

(b) by inserting after the word "with" in the second line thereof the words "or send by post to".

7. Section 156 of the principal Act (as enacted by section 10 of the District Councils Act Amendment Act, 1926) is amended—

Amendment of principal Act, s. 156—

(a) by striking out the words "at his office" in paragraph (b) thereof; and

Inspection of assessment.

(b) by inserting after the word "hours" in paragraph (b) thereof the words "and at such places".

8. The principal Act is amended by inserting therein after section 156 thereof the following section:—

Amendment of principal Act—
Exhibition of assessment book.

156A. (1) Where a District is not divided into wards, two copies at the least of the assessment book shall be exhibited at different convenient places for inspection by the ratepayers.

(2) Where a District is divided into wards, a copy of the assessment of every ward shall be exhibited at a convenient place for inspection by the ratepayers of such ward.

(3) The assessment book shall be open for inspection by ratepayers and the copies exhibited as aforesaid remain so exhibited until the expiration of the time for hearing appeals.

9. Section 212 of the principal Act is amended by striking out the word "ten" in the fourth line thereof and by inserting in lieu thereof the word "fifteen".

Amendment of principal Act, s. 212—

10. Section

Power to lease Park Lands.

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Amendment of
principal Act,
s. 233—

Power to establish
aviation stations.

10. Section 233 of the principal Act is further amended by inserting in subsection (1) thereof after paragraph XIII. therein the following paragraph:—

XIII. Construct, purchase, establish and maintain either within or without the District, aviation stations and landing grounds.

Amendment of
principal Act,
s. 286—

Cost of constructing
street.

11. Section 286 of the principal Act is repealed and the following section is enacted in lieu thereof:—

286. (1) In this section—

“ Owner ” means the person appearing on the assessment book as the owner of any property :

“ Township ” includes—

(a) any township as defined in section 7 of this Act :

(b) any land within a district a map or plan whereof dividing or subdividing such land whether previously so divided or not into allotments or sites for buildings or otherwise or showing any public street or road, or intended public street or road over such land or any part thereof has been deposited in the Lands Titles Office or in the General Registry Office ; which land has by a resolution of the Council been declared a township for the purposes of this section and the Minister has approved in writing of such declaration :

(c) any part of a township as hereinbefore defined.

(2) Where, in any district, any one or more of the following works, namely, forming, making, levelling, paving, macadamising, or draining any public street or road within or adjoining a township, or making the watertables or footpaths in any such street or road have not previously been carried out, the Council may carry out either separately or together all or any of the said works not previously so carried out, and recover one-half of the cost of so doing from the owners for the time being of ratable property adjoining the said street or road ratably according to the frontages of the said property abutting on such street or road : Provided that the total cost payable in respect of any ratable property shall not exceed the sum of Two Shillings per lineal foot of frontage thereof.

(3) Any amounts due by any owner under this section may be recovered in the same manner as an ordinary rate, and until fully paid or recovered shall be a charge upon the land of the said owner, notwithstanding any change in the ownership of that land or any part thereof.

(4) A

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

- (a) that any work carried out under this section or any portion thereof has not previously been carried out as provided by subsection (2); and
- (b) of the cost of any such work; and
- (c) of the time or times of the completion thereof.

12. The principal Act is amended by inserting therein after section 315 thereof the following section:—

Amendment of principal Act—
Erection of wires.

315A. If any Council, in pursuance of the powers conferred by this Division, erects any wires over any street at a height above the street level greater than twenty feet, then the Council shall not, by reason of the said wires being erected at such height, be held by any Court to have been negligent in so doing.

13. The Seventh and Eighth Schedules to the principal Act are hereby repealed.

Repeal of principal Act, Seventh and Eighth Schedules.

14. Section 15 of the District Councils Act Amendment Act, 1926, is amended by striking out the word “land” occurring in the fourth and twenty-second lines thereof and by inserting in lieu thereof in each case the word “road”.

Amendment of 1757, 1926, s. 15.

15. Section 18 of the District Councils Act Amendment Act, 1926, is amended by striking out the figures “229A” in the seventh line thereof and by inserting in lieu thereof the figures “299A.”

Amendment of 1757, 1926, s. 18.

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

G. J. R. MURRAY, Deputy Governor.

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THE SCHEDULE.

AMENDMENTS TO DISTRICT COUNCILS ACT, 1914.

Section, Subsection, Paragraph, or Part of Act amended.	How amended.
12 II.	Line 1—Strike out “two auditors” and insert “auditor”.
12 IV.	Line 2—Strike out “or auditor”.
17 IV.	Strike out “two auditors” and insert “an auditor”.
18 XI.	Lines 2 and 3—Strike out “under section 17 they have been appointed auditors” and insert “one of them has been appointed auditor”. Line 3—Insert at the end of the paragraph “in which case the other auditor or auditors shall cease to hold office”.
29 (4) (a) as enacted by 1485, 1921, s. 3	Line 2—Strike out “auditors” and insert “an auditor”.
30 II. (c)	Line 1—Strike out “auditors” and insert “auditor”.
83 (1)	Line 3—Strike out “and auditors”.
85 (1)	Line 1—Strike out “and auditors”.
86	Strike out “and auditors” in the second line and the whole of paragraph (b).
86 (c)	Line 1—Strike out “either” and “or auditor”.
86 (g)	Line 2—Strike out “or auditor”. Lines 2 and 3—Strike out “either of these offices” and insert “that office”.
87 (b)	Line 4—Strike out “in the case of councillors”. Lines 6 and 7—Strike out “and in the case of auditors as from the first Saturday in September next ensuing”.
89	Strike out the whole of paragraph (e).
95	Line 2—Strike out “and auditors”.
96	Line 2—Strike out “and auditors”.
113.....	Line 2—Strike out “or auditors”. Line 8—Strike out “or auditor”. Line 10—Strike out “or auditor”.
135.....	Line 3—Strike out “auditors” and insert “auditor”.
320.....	Line 7—Strike out “auditors” and insert “the auditor”.
321.....	Line 2—Strike out “auditors” and insert “auditor”.
324 (2).....	Strike out “auditors” and insert “auditor”.
325 (1).....	Line 1—Strike out “auditors” and insert “auditor”.
325 (2).....	Line 2—Strike out “auditors” and insert “auditor”.
325 (3).....	Strike out “auditors” and insert “auditor”.
326	Line 3—Strike out “auditors have” and insert “auditor has”.
327.....	Line 1—Strike out “auditors” and insert “auditor”.
The Fifth Schedule—	
Form No. 1	Strike out “and auditors”.
Form No. 4	Strike out Form No. 3.
Form No. 5	Strike out “and auditors”.
Form No. 6	Strike out “whether the election is for councillor or auditor, and if more than one, the number to be elected” and insert “the number of councillors to be elected”.
	Strike out “or auditor, as the case may be”.