CONTROL OF ADVERTISEMENTS ACT, 1916-1935.

BEING

CONTROL OF ADVERTISEMENTS ACT, 1916, No. 1238 OF 1916 [ASSENTED TO 21ST SEPTEMBER, 1916.]

AS AMENDED BY

CONTROL OF ADVERTISEMENTS ACT AMENDMENT ACT, 1925, No. 1671 OF 1925 [ASSENTED TO 12TH NOVEMBER, 1925.]

AND

STATUTE LAW REVISION ACT, 1935, No. 2246 OF 1935 [ASSENTED TO 19TH DECEMBER, 1935.]

An Act to regulate the exhibition of advertisements in certain localities, and for purposes incidental thereto.

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

Short title. Cf. U.K., 7, Edw. 7, c. 27. Cf. U.K., 15 & 16, Geo. 5, c. 52.

1. This Act may be cited as the "Control of Advertisements Act, 1916-1935."

Application of Act. **Substituted by 1671, 1925, s. 2, and amended by S.L.R. Act, 1935.**

2. This Act shall not apply within—

(*a*) any municipality;

(*b*) those portions of the district council districts of Campbelltown, Mitcham, Payneham, and Walkerville, which are situated within four miles of the General Post Office at Adelaide; or

(*c*) the Garden Suburb.

S. 3 repealed by 1671, 1925, s. 2.

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Governor may make regulations in respect of advertisements. Cf. U.K., 7, Edw. 7, c. 27, s. 2. Cf. U.K., 15 & 16, Geo. 5, c. 52, s. 1.

4. (1) The Governor may make regulations to regulate, restrict, or prohibit the exhibition on any public road, seabeach, or navigable waterway, or on any place or thing which is visible from such road, beach, or waterway, of advertisements in such places, and in such manner, or by such means, as to affect injuriously the amenities of any

Administration: The administration of this Act was by proclamation committed to the Minister of Immigration: *Gazette* 3rd July, 1924, p. 1.

public park or pleasure resort or the approaches thereto, or disfigure the natural beauty of any place or landscape.

(2) Any such regulation may be made with reference to any road, beach, or waterway specified in the regulation, or to all roads, beaches, and waterways within any portion of the State specified therein.

(3) Any such regulation may fix penalties for offences against or breaches of the same or any other regulation, and additional penalties for a repetition or continuance of any such offence or breach: Provided that no penalty for any single offence or breach shall exceed ten pounds, and no penalty for a repetition or continuance of such offence or breach shall exceed fifty pounds.

Notice to remove or obliterate advertisement exhibited in contravention of Act.

5. (1) The Minister may, at any time after the expiration of a period of one month from the publication in the *Government Gazette* of any regulation under section 4, give to the owner or occupier of any land upon which any advertisement is exhibited in contravention of such regulation, notice in writing requiring him to remove or obliterate the same within the time prescribed by such notice, and if such owner or occupier refuses or neglects or fails to remove or obliterate such advertisement within the time prescribed as aforesaid the Minister may enter upon the land of such owner or occupier and remove or obliterate the same, and the costs of and incidental to such removal or obliteration shall be a debt due to the Minister by such owner or occupier, payable on demand.

(2) Notice may be given under this section to an owner or occupier—

(*a*) by delivering the same to him personally; or

(*b*) by leaving the same in a conspicuous position upon the land referred to in the notice; or

(*c*) by sending the same by post.

(3) In any legal proceedings, if it is proved that notice has been given as provided by this section, it shall not be necessary to prove that any advertisement referred to in such notice was exhibited in contravention of any such regulation as is referred to in subsection (1) hereof.

(4) The remedy available to the Minister by virtue of this section against such owner or occupier as is referred to herein is in addition to any power the Minister may have under this Act to proceed by information or complaint against such owner or occupier for a breach of any regulation.

Exemption.

6. Nothing in this Act shall apply to any notice, sign, or inscription exhibited upon any land which relates solely to any trade or business carried on, or intended to be carried on, or to any public meeting or entertainment held, or intended to be held, upon such land.

When district council by-law not to apply.

Amended by S.L.R. Act, 1935.

7. When any by-law made by a district council in pursuance of the power conferred by paragraph (21) of section 667 or paragraph (2) of section 670 of the Local Government Act, 1934, is inconsistent with any regulation made under this Act, such regulation shall prevail, and such by-law shall, to the extent of the inconsistency, be deemed not to be in force.

Offences to be reported to the Minister who may direct prosecution.

8. (1) Every alleged offence against this Act shall be reported to the Minister.

(2) No proceedings for any such alleged offence shall be taken without the consent in writing of the Minister.

(3) Such consent may be proved by the production of a document in the form in the schedule, or in a form to the like effect, purporting to be signed by the Minister.

(4) Proceedings for any such alleged offence may be taken by any member of the police force.

Allegation of certain facts conclusive evidence.

9. The allegation in any information or complaint for an alleged offence against this Act that any advertisement therein referred to—

(*a*) affects injuriously the amenities of the public park or pleasure resort therein mentioned; or

(*b*) disfigures the natural beauty of the place or landscape therein referred to,

shall be conclusive evidence of the fact so alleged.

Onus of proof.

Amended by 1671, 1925, s. 3, and S.L.R. Act, 1935.

10. In any proceedings for an alleged offence against this Act, proof that the accused is either—

(*a*) the person who, or whose business, is referred to in the advertisement the subject of the charge; or

(*b*) the person who is registered under any Act of the Parliament of the Commonwealth as the proprietor of any trade mark used or referred to in such advertisement,

shall be *prima facie* evidence that the accused is the person who exhibited such advertisement.

10a. (1) In any proceedings for an offence against this Act the allegation in the complaint that any land is situated within the portion of the State to which this Act applies shall be deemed proved in the absence of proof to the contrary.

Facilitation of proof. Inserted by 1671, 1925, s. 4.

(2) In any proceedings for an offence against this Act the allegation in the complaint that the accused is the owner or occupier of any land on which the advertisement, the subject of the complaint, is exhibited shall be *prima facie* evidence that the accused is the owner or occupier, as the case may be, of the said land and that the accused is the person who exhibited the said advertisement.

11. In any case where any person is convicted of exhibiting any advertisement contrary to this Act, the special magistrate or justices before whom he is so convicted may, in addition to imposing a penalty, order him to pay to the Minister the estimated cost of removing or obliterating such advertisement.

Defendant may be ordered to pay cost of removing advertisement.

12. All proceedings in respect of offences against this Act shall be disposed of summarily.

Summary proceedings for offences.

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Ss. 13 and 14 repealed by S.L.R. Act, 1935.

THE SCHEDULE.

THE CONTROL OF ADVERTISEMENTS ACT, 1916.

Sec. 8.

Consent of Minister.

I, the Hon. , the Minister of the Crown administering the Control of Advertisements Act, 1916, hereby consent to proceedings being taken by (1) against (2) , for an alleged offence under the Control of Advertisements Act, 1916.

(1) Here insert name of proposed informant.
(2) Here insert full name, address, and occupation of proposed defendant.

Regulations.

The following regulations were in force under this Act on 22nd March, 1937:—

Gazette—5th April, 1928, p. 726.
20th February, 1936, p. 458.