



ANNO NONO

GEORGII V REGIS.

A.D. 1918.

No. 1348.

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

[Assented to, December 5th, 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. (1) This Act may be cited as the "District Councils Act Amendment Act, 1918." Short titles.

(2) The District Councils Act, 1914 (hereinafter referred to as "the principal Act"), and this Act may be cited together as the "District Councils Acts, 1914 and 1918." No. 1182 of 1914.

2. This Act is incorporated with the principal Act and the Acts incorporated with that Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

Miscellaneous Amendments.

3. Section 77 of the principal Act is amended by inserting therein after paragraph (5) the following paragraph:— Amendment of section 77 of principal Act—

"(5a) Such list or lists shall be open for inspection by ratepayers, and any ratepayer shall be entitled to a copy of any such list or lists on payment of such reasonable sum as the Council prescribes." Lists to be open for inspection.

4. Subdivision x. of subsection (1) of section 233 of the principal Act is amended by inserting after the word "pounds" in the first line thereof the words "sheep dips." Amendment of *ibid.*, section 233 (1) x— Council may construct offices, pounds, sheep-dips, abattoirs, etc.

5. Section

District Councils Act Amendment Act.—1918.

Amendment of *ibid* ;
section 286—

5. Section 286 of the principal Act is amended by striking out the words “situated within such township and” in the sixth and seventh lines thereof.

Altering Names of Streets.

Council may alter
name of street or
road.

6. The Council may by a resolution carried by at least two-thirds of the whole number of the members constituting the Council alter the name of any street or road, or portion thereof, within the District.

Reinstatement of Roads Broken Up, Etc.

Works on roads
under statutory
powers to be carried
out continuously
until completed.

Cf. 1183, 1914, s. 39

7. (1) When—

(a) any portion of any road within any District, or under the care, control, or management of any District Council, is opened or broken up, or any work is done thereon or thereto, by any person, company, or body corporate under the authority of any Act; and

(b) such road is not restored, or such work is not completed and the road restored, within twenty-four hours from the time of commencing such opening or breaking up or such work—

such person, company, or body corporate, if so required by the road authority by notice in writing, shall continuously, by means of shifts of workmen, working at least sixteen hours in every twenty-four hours (Sundays and public holidays excepted), carry on such opening or breaking up and the work for which such opening or breaking up is done, or carry on the work to be done on or to such road, as the case may be, and, in either case, also carry on the work of restoring such road, until such work and the restoration of the road are completed.

(2) Any person, company, or body corporate who or which fails to comply with the requirements of this section shall be liable to a penalty not exceeding Fifty Pounds, and to a further penalty not exceeding Twenty Pounds for every day after the first upon which the default exists.

(3) It shall be a sufficient defence to any proceedings under this section to show that the failure to comply with the requirements of this section was occasioned by shortage of suitable labor, provided that it is also shown that the defendant adopted all reasonable means to procure sufficient suitable labor.

(4) In this section the term “road authority” has the same meaning as in section 8 of this Act.

(5) This section shall not apply in the case of any portion of road opened or broken up, or on or to which any work is done, by the Municipal Tramways Trust under the powers conferred by the Municipal Tramways Trust Act, 1906, or any Act incorporated therewith, or by the South Australian Railways Commissioner under the powers conferred by the South Australian Railways Commissioners Act, 1887, or any Act incorporated therewith.

No. 913 of 1906.

No. 414 of 1887.

8. (1) In

District Councils Act Amendment Act.—1918.

8. (1) In all cases in which any portion of any road within any District, or under the care, control, or management of any District Council, is opened or broken up by any person, company, or body corporate under the authority of any Act, the final reinstatement of the portion of the road so opened or broken up may be effected by the road authority at the cost of such person, company, or body corporate, anything in any Act to the contrary notwithstanding: Provided that the road authority shall not commence such final reinstatement unless—

Final reinstatement of streets opened under statutory authority to be effected by Council at cost of person opening same.

Cf. *ibid.*, s. 40.

(a) the road authority has given such person, company, or body corporate notice in writing stating in what respects the restoration of such portion of road is, in its opinion, defective; and

(b) such person, company, or body corporate has not, within the time, not being less than seven days, stated in such notice, remedied the defects stated therein to the satisfaction of the road authority.

(2) Not later than twenty-four hours after any portion of any road which has been opened or broken up as mentioned in subsection (1) hereof, has been restored, the person, company, or body corporate who or which opened or broke up the same shall give notice in writing of such restoration to the road authority, and in default thereof shall be liable to a penalty not exceeding Ten Pounds.

Notice of restoration.

(3) The cost of the final reinstatement of any portion of any road opened or broken up as mentioned in subsection (1) hereof shall be recoverable by the road authority from the person, company, or body corporate who or which opened or broke up the same by action in any court of competent jurisdiction, or in a summary way before any two or more Justices.

Recovery of cost of final reinstatement.

(4) In this section—

Interpretation.

(a) “road” includes any public street, road, footway, foot-crossing, passage, or other way:

(b) “final reinstatement” means the making good of any faulty or insufficient work done by any person, company, or body corporate in the restoration of the portion of the road opened or broken up, and in making good any adjoining portions of the road damaged by or in consequence of the opening or breaking up, and the filling up or making good of any depression or subsidence in the said portion or any such adjoining portion which may be discovered or happen at any time within twelve months from such restoration:

(c) “road authority” means the Council of the District wherein the road is situated, or the Council having the care, control, and management of the road.

(5) This

District Councils Act Amendment Act.—1918.

No. 913 of 1906.

No. 414 of 1887.

Damages caused by
works constructed
under statutory
authority.

Cf. *ibid.*, s. 41.

(5) This section shall not apply in the case of any portion of road opened or broken up by the Municipal Tramways Trust under the powers conferred by the Municipal Tramways Trust Act, 1906, or any Act incorporated therewith, or by the South Australian Railways Commissioner under the powers conferred by the South Australian Railways Commissioners Act, 1887, or any Act incorporated therewith.

9. (1) In all cases where any water main or pipe, gas main or pipe, electric cable, or other work or thing has heretofore been or is hereafter laid under, on, or above the surface of any road under any power or duty conferred or imposed by any Act, and by or in consequence of the bursting, explosion, or fusion of such main, pipe, cable, work, or thing, or any other occurrence connected therewith, any damage is caused to such road, the road authority may make good the whole of such damage, and may recover the cost thereof from the person, company, or body corporate having control of or owning such main, pipe, cable, work, or thing by action in any Court of competent jurisdiction, or in a summary way before any two or more Justices.

(2) In this section the terms "road" and "road authority" respectively have the same meanings as in section 8 of this Act.

Sheep Dips.

Council may provide
sheep dips.

10. (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 district, or portable dipping tanks, and afford the use thereof to the public.

(2) No dipping places shall be so constructed or used if the use thereof would injuriously affect the water in any 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 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.

Soldiers' Memorials.

Council may erect or
contribute towards
erection of soldiers
memorials.

11. (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

District Councils Act Amendment Act.—1918.

(2) Where the estimated cost of such statue, monument, or memorial, or the amount to be contributed, exceeds Twenty-five 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.

(3) If such resolution is declared to be carried, any six ratepayers of the District may, within a period of fifteen minutes after the declaration is made, demand a poll by giving notice in writing of such demand to the Chairman of the meeting, in which case the statue, monument, or memorial shall not be erected or constructed, or the money shall not be contributed, unless the poll result in favor of such erection, construction, or contribution.

(4) Such poll shall be taken in manner provided in Part XXI. of the principal Act, and the day for taking such poll shall be appointed in manner provided in section 354 of the said Act.

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

H. L. GALWAY, Governor.