



ANNO DUODECIMO

GEORGII V REGIS.

A.D. 1921.

No. 1485

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

[Assented to, December 7th, 1921.]

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 alone as the "District Councils Act Amendment Act, 1921." Short titles.

(2) The District Councils Acts, 1914 and 1918, and this Act may be cited together as the "District Councils Acts, 1914 to 1921."

(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 with other Acts.

Amendments.

3. Section 29 of the principal Act is amended—

(a) by adding at the end of subsection (1) thereof the following passage:—"or upon the presentation of an address from both Houses of Parliament praying for the making of any such order":

Amendment of
ibid., s. 29—
Power to alter
Districts may be
exercised on address
from both Houses of
Parliament.

(b) by

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(b) by striking out subsection (4) thereof and inserting in lieu thereof the following subsection:—

(4) Notwithstanding anything in this section the Governor may, without petition or address, make orders—

(a) exercising the powers of constituting new Districts and appointing auditors and councillors therefor conferred by subdivisions i. to iv. inclusive of section 12:

(b) exercising the power of annexing to a District any outlying district and of appointing the first councillor or councillors therefor conferred by subdivision vii. of section 12, in any case where the outlying district does not comprise a Municipality or District or part thereof.

Amendment of *ibid.*,
s. 161—

Alteration of period
for insertion of name
in assessment book.

4. Section 161 of the principal Act is amended—

(a) by striking out the words “fourteen days immediately preceding” in the fourth and fifth lines thereof, and inserting in lieu thereof the words “seven days immediately preceding the last ordinary meeting of the Council held before”; and

(b) by striking out the words “preceding such day of voting or of taking a poll” at the end thereof, and inserting in lieu thereof the words “preceding the said last ordinary meeting of the Council”.

Amendment of *ibid.*,
s. 193—

Alteration of time for
payment of rates.

5. Section 193 of the principal Act is amended—

(a) by striking out the words “the end of six months” therein and substituting in lieu thereof the words “the first day of March”; and

(b) by adding at the end thereof the following proviso:—

Provided that no such fine shall be added to the amount of any rate unless such rate has remained unpaid for the space of twenty-one days after notice of such rate has been served on, left at the house of, or posted to the person or persons liable to pay such rate, as provided by section 192.

Amendment of *ibid.*,
s. 281—

Lights on roads
during alterations.

6. Section 281 of the principal Act is amended as follows:—

1. By adding at the end of subsection (2) thereof the following paragraph:—

This subsection shall not apply where the repair or alteration consists only in the re-sheeting of such street, road, or place with road metal broken down to a gauge of

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of not more than two-and-a-half inches, provided that the terminals of such re-sheeting do not exceed four inches in height and that no heaps or stacks of road metal (other than such as are permitted by section 282 to be so left) are left on such street, road, or place during the night.

- ii. By adding at the end of the section the following subsection:—

Penalty on interference with road barriers or lights.

(3) If any person, except with the authority of the Council or of the officer in charge,—

(a) damages, injures, removes, or interferes with any fence or barrier placed on or across any street, road, or place under the provisions of subsection (1) hereof; or

(b) damages, injures, removes, extinguishes, or interferes with any light fixed on any fence, barrier, or position mentioned in subsection (2) hereof,

such person shall be liable to a penalty not exceeding Twenty Pounds.

7. Section 283 of the principal Act is amended by adding at the end thereof the following proviso:—“Provided that no compensation shall be payable when the drainage follows the natural fall of the water.”

Amendment of *ibid.*, s. 283—
Drainage off district roads without compensation in certain cases.

8. Section 298 of the principal Act is amended as follows:—

Amendment of *ibid.*, s. 298—

- i. By striking out subdivision (b) of subsection (3) thereof, and substituting in lieu thereof the following subdivision:—

Provision for dealing with sand drift.

(b) By its servants or workmen, or otherwise, enter upon any such adjoining land so owned or occupied and plant the same with, or clear the same of, such trees, shrubs, plants, and bushes as the Council considers it necessary to plant or to remove for the purpose aforesaid.

- ii. By striking out subsection (5) thereof and substituting in lieu thereof the following subsections:—

(5) When land is planted or cleared pursuant to a notice under subsection (2) hereof or by the Council under subsection (3) hereof, the owner or occupier of such land shall not be entitled to compensation or damages for the damage (if any) caused by the planting or clearing thereof, or for any entry made for the purpose of such planting or clearing.

(6) The owner or occupier of any land planted or cleared for the purpose aforesaid shall not, without the authority

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authority in writing of the Council, cut, destroy, damage, injure, remove, or otherwise interfere with any grasses, trees, plants, shrubs, or bushes so planted, so as to render them ineffective or less effective for the purpose for which they were so planted.

Amendment of *ibid.*, s. 320—

Council may contribute towards public cemetery.

Cf. 1344, 1918, s. 9.

9. Section 320 of the principal Act is amended by inserting after subdivision (*d*) thereof the following subdivision:—

(*da*) Subscribing to any public cemetery, whether such cemetery is situate within or without the District and howsoever the same is owned.

Amendment of principal Act, ss. 330 and 331—

Amount of grants.

10. (1) Section 330 of the principal Act is amended so as read as follows:—

330. The grant to a Council in respect of any year shall be of an amount equal to Five Shillings in the Pound on the amount of the general rates declared on the assessment during that year, and during that year actually collected by the Council, and expended by such Council on or in connection with the construction, maintenance, and keeping in repair of the public roads vested in such Council.

(2) Section 331 of the principal Act is amended by adding at the end of subsection (1) thereof the following passage “and expended as provided by section 330”.

This section not to affect grants for past years.

(3) The amendments made by this section shall not apply to any grant to a Council in respect of any year ended on or before the thirtieth day of June, nineteen hundred and twenty-two.

New Provisions.

Effect of repetition in District Councils Act, 1887, of provisions of other Acts.

11. In the construction of the District Councils Act, 1887, the repetition therein of any provision contained in any Act passed prior to the passing of that Act shall not be construed to be a repeal of such provision, except so far (if at all) as the provision contained in the District Councils Act, 1887, is inconsistent with the provision contained in such earlier Act.

Council may request owner or occupier of land to clear creeks, etc.

12. (1) The Council may, by notice in writing to the owner or occupier of any land within the District through which any creek or waterway runs, request such owner or occupier—

(*a*) to remove from such creek or waterway any trees, logs, timber, brushwood, debris, or other obstruction to the free flow of water therein:

(*b*) to fill up in a good and sufficient manner any holes or places therein where water is likely to accumulate and become stagnant.

(2) If the owner or occupier fails to comply with such request within the time specified in such notice the Council may enter upon such land and execute the work mentioned or referred to in such notice.

(3) The

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(3) The expense incurred by the Council in so doing shall be paid upon the order of the Council by writing under the hand of the Chairman or Clerk by such owner or occupier to the Council and may be recovered by the Council by any process by which rates in arrear may be recovered, and, until fully paid or recovered, such amount shall be a charge upon such land notwithstanding any change in the ownership thereof.

13. (1) A Council may, with the consent of the Minister, construct, maintain, manage, and work any tramways, aerial tramways, steel tracks, and other works upon, across, under, or over any road within the District.

Council may construct tramways, &c.

(2) Such consent of the Minister may be given upon and subject to such conditions, reservations, restrictions, and stipulations as the Minister thinks proper.

(3) Save in so far as any conditions, reservations, restrictions, and stipulations under and subject to which any such consent is given by the Minister are not complied with and observed by the Council, any Council constructing, maintaining, managing, or working any tramway, aerial tramway, steel track, or other work upon, across, under, or over any road under the authority of this section shall not be liable in any action or proceeding, whether for nuisance or otherwise, by reason only of the existence, managing, or working of such tramway, aerial tramway, steel track, or other work.

14. (1) A Council may, with the consent of the Minister, grant to any person desirous of constructing and working tramways, aerial tramways, steel tracks, or any other work for the conveyance of agricultural products, minerals, timber, or other things, a permit to construct, manage, and work such tramway, aerial tramway, steel track, or work, or part thereof, upon, across, under, or over any road within the District.

Council may authorise tramways or steel tracks on roads.

(2) Such permit shall not be granted for any period exceeding nine years; but, with the consent of the Minister, may be renewed from time to time for any further period not exceeding nine years from the time of such renewal.

15. (1) If a Council, for six months after any application for any such permit as mentioned in section 14 is made to it, refuses or neglects to grant the permit, the applicant for such permit may appeal to the Minister by memorial setting out the facts, and the grounds of the appeal.

Appeal to the Minister.

(2) The Minister shall hear and determine such appeal in such manner as he thinks just, and may for that purpose appoint any officer to hold an inquiry into the matter and make a report to him, and may act on such report. The Council shall be entitled to be heard on such appeal.

(3) If

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(3) If the Minister allows such appeal, he shall give such directions as he thinks fit for carrying the same into effect, and such directions shall be complied with by the Council and all parties concerned.

Permit to be granted
subject to conditions.

16. Any permit granted under section 14 shall be granted subject to such conditions, reservations, restrictions, and stipulations as the Council, with the approval of the Minister, thinks proper.

Permit sufficient
authority to
construct and work
tramway, steel track,
or other work.

17. Any permit granted under section 14 shall be sufficient authority for the person to whom it is granted to construct, maintain, manage, and work the tramway, aerial tramway, steel track, or other work specified in the permit subject to the conditions, reservations, restrictions, and stipulations subject to which such permit is granted, and save insofar as such conditions, reservations, restrictions, and stipulations are not complied with and observed by the person to whom such permit is granted, such person shall not be liable in any action or proceeding, whether for nuisance or otherwise, by reason only of the existence, managing, or working of such tramway, aerial tramway, steel track, or other work.

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

W. E. G. A. WEIGALL, Governor.