



ANNO VICESIMO TERTIO

GEORGII V REGIS.

A.D. 1932.

No. 2105.

An Act to amend the District Councils Acts,
1929 to 1931.

[Assented to, November 30th, 1932.]

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, 1932". Short titles.

(2) The District Councils Acts, 1929 to 1931, and this Act may be cited together as the "District Councils Acts, 1929 to 1932".

(3) The District Councils Act, 1929, is hereinafter referred to as "the principal Act". No. 1924 of 1929.

2. Section 28 of the principal Act is amended by adding at the end thereof the following paragraph:— Amendment of principal Act, s. 28—

(c) exercising the power of altering the boundaries of any or all of the wards of a District, or of altering and adjusting the boundaries of any District conferred by subdivision VIII. or subdivision X. of section 10 in any case where the boundaries so altered are substantially or approximately the same as the boundaries prior to such alteration. Alteration of boundaries of wards.

3. Section 63 of the principal Act is amended by striking out the words "commencing from the year nineteen hundred and twenty-nine" in the third and fourth lines thereof. Amendment of principal Act, s. 63—

Auditor.

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Amendment of
principal Act, s. 157

4. Section 157 of the principal Act is amended by adding at the end of subsection (2) thereof the following passage :—

The Minister may in respect of any District mentioned in section 66 by notice in writing declare that this subsection shall not apply with respect to such District. The notice may be for such term as is fixed by the Minister and may be revoked at any time. During the operation of such notice, this subsection shall not apply with respect to the District.

Amendment of
principal Act,
s. 252—
Power to sell land.

5. Section 252 of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof) :—

(2) The Council may sell or exchange any such lands, hereditaments, or real property and may, with the consent in writing of the Minister, dispose of the same other than for valuable consideration. Nothing in this subsection shall limit the operation of section 292 or authorise the Council to deal with any lands, hereditaments, or real property in a manner inconsistent with the terms, trusts, or purposes under and for which the same was acquired.

Amendment of
principal Act, s. 299.

6. Section 299 of the principal Act is amended by striking out all the words in the said section after the words " Harbors Board ".

Amendment of
principal Act,
s. 349—
Boundary roads.

7. Section 349 of the principal Act is amended by striking out the words " Main Roads " in the fourth line thereof and by inserting in lieu thereof the word " Highways ".

Repeal of principal
Act, ss. 315, 353,
354, and 355.

8. Sections 315, 353, 354, and 355 of the principal Act are hereby repealed.

Amendment of
principal Act,
s. 384—

9. Section 384 of the principal Act is amended by inserting therein after subsection (2) the following subsection :—

Balance of accounts.

(2A) The Minister on the recommendation of the Auditor-General may from time to time by notice in writing authorise any Council to balance its accounts yearly on the thirtieth day of June. The said authority may be for such term as is fixed by the Minister and may be revoked at any time. During the operation of such authority the accounts of the Council shall be balanced yearly on the thirtieth day of June.

Amendment of
principal Act,
s. 386—
Audit of accounts:

10. Section 386 of the principal Act is amended by inserting after the word " Act " in the third line thereof the words " or in the case of a Council to which subsection (2A) of section 384 applies, after any yearly balancing of accounts in accordance with this Act ".

Amendment of
principal Act—

11. The principal Act is amended by inserting therein after section 408 the following section :—

Power to redeem
debentures.

408A. (1) The Council may, at any time and from time to time, before the loan or the last instalment of the loan secured
by

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by any debentures or debenture becomes due and payable, pay and apply the whole or any portion of any sinking fund established in connection with such loan and any other moneys legally applicable for the purpose of discharging such loan, in the total or partial discharge of such loan. The said power may be exercised in respect of all or any of the debentures issued by the Council.

(2) The powers contained in subsection (1) hereof shall only be exercisable with the consent of the holders or holder of the debentures or debenture issued to secure such loan and the holder or holders of every coupon or voucher for interest or for periodical payments issued with such debentures or debenture and not matured.

(3) On any payment being made under subsection (1) hereof the said debentures and coupons shall be surrendered to the Chairman and Clerk and no such payment shall be made until such surrender as aforesaid is made.

(4) If by any payment under subsection (1) hereof the said loan secured by any debentures is not wholly discharged the Council may issue fresh debentures or a fresh debenture to the holders or holder of the surrendered debentures or debenture to secure the repayment of the balance of the loan and the interest thereon. Such debentures or debenture shall assign as security for the loan the rate or rates upon the security of which the loan was originally granted and shall—

- (a) if the principal sum secured by the original debentures or debenture was repayable on a fixed day, provide for the payment of the balance of the principal on the day so fixed, and in the meantime for the interest on the balance of the loan to be paid at the same rate per centum and on the same days as provided by the original debentures or debenture; or
- (b) if the principal sum with the interest thereon secured by the original debentures or debenture was repayable by periodical instalments provide for the payment of the balance of the principal sum with the interest thereon by periodical instalments of an appropriate amount payable on the same days as provided for payment of instalments by the original debentures or debenture so that the interest shall be paid at the same rate and the principal shall be wholly repaid by the same day as was provided in the original debentures or debenture.

(5) If the loan in respect of which any partial payment proposed to be made under subsection (1) hereof has been raised on the security of a special or separate rate the Council before making such payment off may declare a special or separate rate (as the case may be) (which rate is hereinafter referred

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referred to as “the substituted rate”) of an amount which is not less than the amount which bears the same proportion to the amount of the special or separate rate (as the case may be) on the security of which the original loan was obtained (which rate is hereinafter referred to as “the original rate”) as the amount of the balance of the principal sum to remain unpaid shall bear towards the amount of the original amount of the loan.

(6) Upon the declaration of such rate and upon such payment as aforesaid being made, the original rate shall cease to be levied and the new debentures or debenture shall be given upon the security of the substituted rate in lieu of the original rate, and the provisions of section 402 and of subsections (2) and (3) of section 401 shall apply to the substituted rate.

Amendment of
principal Act,
s. 439—
By-laws.

12. Subsection (1) of section 439 of the principal Act is amended by inserting after paragraph XLIX. thereof the following paragraph:—

XLIXA. For preventing trees and shrubs encroaching or overhanging streets, roads, or footways.

Amendment of
principal Act,
s. 442—
Procedure on
by-laws.

13. Section 442 of the principal Act is amended so as to read as follows:—

442. (1) Every by-law shall be laid before both Houses of Parliament.

(2) If either House of Parliament passes a resolution disallowing any such by-law of which resolution notice has been given at any time within fourteen sitting days of such House after such by-law has been laid before it, such by-law shall not be confirmed by the Governor as hereinafter provided. This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session of Parliament as that in which the by-law is laid before such House.

(3) When a resolution has been passed as mentioned in subsection (2) hereof, notice of such resolution shall forthwith be published in the *Gazette*.

(4) After having been laid before both Houses of Parliament for the time aforesaid, every by-law not disallowed in manner aforesaid shall be submitted to the Governor for confirmation and after confirmation shall be published in the *Gazette*.

(5) Subject to section 443, after one week has elapsed from the said publication a by-law shall have the force of law, and shall, until altered or repealed, have effect within the District as if the by-law were contained in this Act.

Amendment of
principal Act—

14. The principal Act is amended by inserting therein after section 478A the following section:—

478B. If any person—

Penalties for
depositing rubbish
on streets or roads,
etc.

(a) deposits any filth, dung, ashes or rubbish on any public street or road; or

(b) without

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(b) without the consent of the Council makes or causes to be made any drain, gutter, sink, or watercourse across any public street or road or fills up or obstructs any ditch, drain, or watertable at the side of any public street or road,

he shall be liable to a penalty not exceeding Twenty Pounds and shall, in addition, be liable to pay to the Council the cost of removing any such filth, dung, ashes, or rubbish or filling in such drain, gutter, sink, or watercourse or removing such obstruction. Payment of such cost to the Council may be ordered by a Court imposing any such penalty as aforesaid or may be recovered by the Council by action in any Court of competent jurisdiction.

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

A. HORE-RUTHVEN, Governor.