



ANNO DECIMO SEXTO

GEORGII V REGIS.

A.D. 1925.

No. 1694.

An Act to further amend the Municipal Corporations Act, 1923, and for other purposes.

[Assented to, December 17th, 1925.]

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 "Municipal Corporations Act Amendment Act, 1925." Short titles.

(2) The Municipal Corporations Acts, 1923 and 1924, and this Act may be cited together as the "Municipal Corporations Acts, 1923 to 1925."

(3) The Municipal Corporations Act, 1923, is hereinafter referred to as "the principal Act." No. 1558 of 1923.

2. Section 16 of the principal Act is amended by adding the following passage at the end thereof:— Amendment of principal Act, s 16—

The Governor may exercise the said powers, notwithstanding that the land added as aforesaid forms part of a District Council District; and for that purpose he may, without petition, separate any such land from a District Council District, and may declare that it shall no longer form part thereof.

Addition of Crown Lands to Municipality.

3. Section 34 of the principal Act is amended by adding at the end thereof the words "or as Councillor in some District Council in the State." Amendment of *ibid.*, s. 34—

Qualifications of Mayor.

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Amendment of *ibid.*,
s. 57—

Making of claims
and objections.

4. Section 57 of the principal Act is amended—

- (a) by striking out the word “fifteenth” in the sixth line thereof and by substituting therefor the word “eighth”;
- (b) by striking out the word “first” in the eighth line thereof and by substituting therefor the words “twenty-fifth”;
- and
- (c) by striking out the words “third day of November” in the ninth line thereof and by substituting therefor the words “twenty-seventh day of October”.

Amendment of
ibid., Part XIII—

Resolution of
Council for provision
of bacteriolytic
tanks.

5. Part XIII. of the principal Act is amended by inserting after section 251 therein the following new sections:—

251a. (1) The Council may by resolution declare that all the buildings in the Municipality shall be provided with bacteriolytic tanks for the disposal of sewage.

(2) Every such resolution shall be published in the *Government Gazette*.

Installation of
bacteriolytic tanks.

251b. (1) Within the time fixed by the resolution or, if no time is fixed, then within six months of the publication of the resolution in the *Government Gazette*, the owner of every building in the Municipality shall provide and instal a bacteriolytic tank, for the disposal of sewage from the said building.

(2) If the owner fails to provide or instal the bacteriolytic tank as aforesaid, the Council may supply or instal a bacteriolytic tank with respect to the said building. For the purpose aforesaid any person authorised by the Council in that behalf may enter upon any land and perform any work necessary for carrying out the provisions of this section. The cost to the Council of supplying or installing the said tank shall be a debt due to the Council by the owner of the building, and shall be recoverable by any of the means by which rates may be recovered pursuant to this Act.

(3) All bacteriolytic tanks which are installed pursuant to this section shall be installed in conformity with the provisions of the Health Act, 1898, and any regulations made thereunder.

Powers of Council to
instal bacteriolytic
tanks.

251c. (1) The Council may, at the request of the owner of any building, supply and instal a bacteriolytic tank for the disposal of sewage from the said building, and may enter into such agreement with the owner of the building for the payment of the cost thereof (whether by instalments or otherwise and including interest, if any, to be paid thereon) as the Council thinks fit.

(2) If any sum which is agreed to be paid to the Council pursuant to any agreement made under this section is not paid on the date fixed in the said agreement, then the said sum shall be recoverable by any of the means by which rates may be recovered pursuant to this Act.

6. Section

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6. Section 59 of the principal Act is amended by striking out the word "fifteenth" in the sixth line thereof and by substituting therefor the word "eighth".

Amendment of *ibid.*, s. 59—
Council to be court of revision.

7. Division VI. of Part IX. of the principal Act is amended by inserting therein after section 182 the following section:—

Amendment of *ibid.*, Part IX.—

182A. The Council may drain water off public streets into adjacent lands, paying such compensation as is agreed between the Council and the owner or occupier of the said lands, or in default of agreement, as is awarded by a Special Magistrate in a summary way.

Drainage of public streets on to adjacent lands.

Cf., 1182, 1914, s. 283.

8. Section 435 of the principal Act is amended by inserting after paragraph IV. thereof the following new paragraph:—

Amendment of *ibid.*, s. 435—

iva. the purchasing, supplying, and installing of bacteriolytic tanks with respect to buildings in the Municipality:

Definition of permanent works and undertakings.

9. Section 348 of the principal Act is amended by striking out the word "Fourpence" in the penultimate line thereof and by substituting therefor the word "Eightpence".

Amendment of *ibid.*, s. 348—

Copies of assessments.

10. Section 417 of the principal Act is amended—

Amendment of *ibid.*, s. 417—

(a) by striking out the words "the end of six months" in the second and third lines thereof, and substituting in lieu thereof the words "the first day of July"; and

Fine for late payment of rates.

(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—

(a) if the ratable property in respect of which the rate is payable is within a Municipality in which Division III. of Part XXIII. is not in operation, the rate has remained unpaid for a period of fourteen days after the same has been declared and notice thereof has been left or posted as provided by section 409; or

(b) if the ratable property in respect of which the rate is payable is within a Municipality in which Division III. of Part XXIII. is in operation, the rate has remained unpaid for a period of fourteen days after written notice of the rate has been served as provided by section 413.

11. Subsection (1) of section 504 of the principal Act is amended by adding the following proviso at the end of paragraph CXCVIII. thereof:—

Amendment of *ibid.*, s. 504—

Licensing of weighbridges.

Provided that no weighbridge situated within a distance of fifty miles from the General Post Office at Adelaide shall be licensed

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licensed unless the weighbridge has been certified in writing as having been tested and found correct by a person authorised in writing by the Warden of Standards to give certificates as aforesaid.

Amendment of
ibid., s. 509—

Confirmation of
by-laws.

12. Section 509 of the principal Act is amended so as to read as follows :—

509. (1) Every by-law, or alteration, modification, amendment, or repeal thereof—

- (a) shall be submitted to the Governor for confirmation :
- (b) after confirmation, shall be published in the *Gazette* :
- (c) shall, subject to subsection (2) hereof, take effect from the date of such publication, or from a later date fixed therein :
- (d) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and, if not, then within fourteen days after the commencement of the next Session of Parliament.

(2) If either House of Parliament passes a resolution disallowing any such by-law or alteration, modification, amendment, or repeal thereof, of which resolution notice has been given at any time within fourteen sitting days of such House after such by-law or alteration, modification, amendment, or repeal thereof, has been laid before it, such by-law or alteration, modification, amendment, or repeal thereof shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or of the omission of anything, in the meantime. 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 or alteration, modification, amendment, or repeal thereof 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*.

Amendment of
ibid., s. 538—

Service of notices,
etc.

13. Subsection (2) of section 538 of the principal Act is amended—

- (a) by inserting after the word “ abode ” in paragraph (b) thereof, the words “ or business ” ; and
- (b) by inserting after the word “ abode ” in paragraph (c) thereof the words “ or business ”.

Amendment of ibid.,
Part XXXVIII.—

Charging of fees for
sanitary services.
Cf. 1366, 1919, s. 9.

14. Part XXXVIII. of the principal Act is amended by inserting after section 601 the following section :—

601A. (1) The Council may from time to time fix a scale of annual fees to be paid to the Council for the removal of night-soil, filth, offal, and refuse from ratable property.

(2) Fees

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(2) Fees in accordance with the scale so fixed and for the time being in force shall on demand in writing be payable to the Council by the occupier or owner of any ratable property from which night-soil, filth, offal, or refuse is removed by the Council, and shall be payable as if the fees had been a rate declared on the ratable property at the time of the making of the said demand, and of which notice had been given.

15. Section 12 of the Municipal Corporations Act Amendment Act, 1924, is amended by striking out the figures "XXV." in the first line thereof, and by inserting in lieu thereof the figures "XXXV."

Amendment of 1637,
1924, s. 12—

Appointment of
motor car stands.

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

TOM BRIDGES, Governor.