



ANNO QUARTO

# EDWARDI VII REGIS.

A.D. 1904.

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No. 863.

An Act to amend "The District Councils Act, 1887,"  
and for other purposes.

[Assented to, November 24th, 1904.]

**B**E it Enacted by the Governor of the State of South Australia,  
with the advice and consent of the Parliament thereof, as  
follows:

1. This Act may be cited for all purposes as "The District  
Councils Amendment Act, 1904," and shall be incorporated and read  
with "The District Councils Act, 1887" (hereinafter referred to as  
the principal Act), and all Acts amending the same.

Short title and  
incorporation.

## PART I.

### PRELIMINARY.

## PART I.

2. This Act shall be divided into Parts, as under:—

Division of Act into  
Parts.

PART I.—Preliminary.

PART II.—Revision Court.

PART III.—Elections.

PART IV.—Powers of Council—

DIVISION I.—Lighting:

DIVISION II.—Lighting Rates:

DIVISION III.—Permanent Works, Undertakings, Etc.:

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**PART I.**

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**DIVISION IV.—Abattoirs:**

**DIVISION V.—Footways:**

**DIVISION VI.—Reclamation of Land and Flooded Roads:**

**DIVISION VII.—Noxious Weeds, Etc.:**

**DIVISION VIII.—General.**

**PART V.—By-laws.**

**PART VI.—Miscellaneous Provisions.**

Amendments and repeals.

**3.** The sections of "The District Councils Act, 1887," enumerated hereunder are repealed or amended to the extent herein set forth—

Definition "Ratepayer" amended.

Section 6—Repeal the word "Ratepayer" and the definition thereof, and substitute in lieu thereof, "'Ratepayer' shall mean and include the occupier of ratable property, and also the owner other than the Crown of ratable property, whether occupied or not, within the District and whose name appears in the assessment-book in respect of such property:

Corporations Act, 1890.

Definition of "occupier."

"Occupier" shall mean the occupier of any land, or the person who, for his own use and benefit, is in actual and *boná fide* occupation of the land for which he is assessed as occupier: Provided, however, that as regards vacant township allotments, or township lands and buildings, where there is no *boná fide* occupier, the owner only shall have a right to vote:

The definition of "township" extended.

Section 6—Add after the words "General Registry Office," at the end of the definition of "Township," the words "and shall also include any township or village containing forty dwelling-houses situated within a radius of one mile":

Sec. 3, Act 191, 1880.

Auditor eligible for re-election at any time.

Section 58—Repeal all the words after the word "retire" in the twelfth line:

Nomination of Councillor or Auditor to be signed by him.

Section 67 of the principal Act is hereby amended by the addition thereto of the following words:—"And no such nomination paper, either for Councillor or Auditor, shall be acted upon unless it be signed by the person nominated in token of his consent thereto: "

Proceedings on day of nomination and election.

Section 68—Repeal the word "Monday" wherever occurring, and insert in its place the word "Saturday"; and at the end of the section add—"Provided that the voting at every such election in the District Councils specifically named in section 60 of this Act shall commence at eight of the clock in the forenoon and close at seven of the clock in the afternoon of the same day":

Chairman, on inability of auditor, may appoint another person to do his work.

Section 95—After the word "Councillor" in the third line add the word "auditor":

Recovery of costs in making street not to exceed One Shilling per lineal foot frontage.

Section 109—Repeal the words "Five Pounds per chain" in the thirteenth line, and insert in lieu thereof "One Shilling per lineal foot frontage":

Section

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|--|---|
| Section 128—Repeal the words “Five Pounds, or more,” and insert “Ten Pounds” in lieu thereof:  | <b>PART I.</b><br>Moneys to be paid into bank.                      |
| Section 129—Repeal the words “general rates declared for” in the next to the last line, and insert in lieu thereof “revenue of”:   | Expenditure of revenue.   |
| Section 133—Repeal all the words after “township” in the seventh line up to and inclusive of the words “fourteen years” at the end of the ninth line, and substitute in lieu thereof the words “at four-fifths of the gross annual rental at which the whole would let for a term of seven years, or at five per centum on the capital value”:   | Principle of assessment of building and land outside of a township. |
| Section 133—Repeal lines 10, 11, 12, 13, and 14:   | Blocks of twenty acres not distinguished.                           |
| Section 208—Repeal the word “two” in the second line, and substitute the word “five” in lieu thereof:  | Council to take temporary possession of land.                       |
| Section 224—Strike out “first day of July” and insert “thirtieth day of June” in lieu thereof:   |   |
| Section 278—Add to the end of the section the words, “Provided also that any street in any township, the plans whereof have been deposited in the Lands Titles Office, and which township has been partly or wholly sold, may be opened by the Council on the request in writing of two-thirds in number of the owners of the land adjoining such street”:   | Street of township partly sold may be opened.                       |
| Sections 282, 284, and 285—Repeal the whole of these sections:   | Repeal of secs. 282, 284, and 285.                                  |
| Section 286—Repeal the word “unimproved” in the second line, and add the following to the section:—“This section shall not apply to any road within the boundaries of a district upon which road, during the seven years preceding any proposal for letting or allowing the use and occupation of its surface, any money has been spent in improvement”:   | Leasing unimproved roads.   |
| Section 290—Repeal the following paragraphs: —   |   |
| “For establishing and regulating slaughter-houses, and for regulating the kind of cattle to be slaughtered thereat, and the amount of fees to be taken for slaughtering licences, and for cattle slaughtered at a slaughter-house:   | Repeal of part of sec. 290.   |
| “For the prevention of the slaughtering of cattle of all or any kinds except at slaughter-houses established by the Council:”  |   |
| Section 367—Add the words, “And the Registrar-General shall have power to permit the correction of any errors which have been proved to his satisfaction to have been made in any plans which have been or may hereafter be deposited in the Lands Titles Registration Office, or the General Registry Office: Provided that in making such corrections the original plan shall not be altered, but the corrections shall be made by means | D.C. Act.<br>Sec. 367 amended.                                      |

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## PART I.

means of a new plan, certified to by a licensed surveyor, to be deposited and to be attached to the original plan and showing the required correction."

Nomination of Councillor.

The Fourth Schedule of the principal Act, "Nomination of Councillor," is hereby amended by adding thereto the following words—

I, the above-named [*candidate's name*], do hereby consent to the above nomination.

[*Candidate's signature.*]

Entry of rates in assessment-book.

The Eleventh Schedule—Repeal the Eleventh Schedule and substitute in lieu thereof the First Schedule to this Act.

Repeal.

4. Section 7 of "The Land Value Assessment Act, 1893," is repealed.

## PART II.

## REVISION COURT.

List of voters to be prepared.

Corporations Act, 1890, sec. 32.

5. The Clerk of every District shall, in the month of May in each year, and at such other times as the Council may direct, prepare such voters' roll; and copies of such roll shall be exhibited in one or more conspicuous place or places in the District, or in each ward, as the Council, by resolution, may determine.

Roll to be prepared on the first day of May.  
New.

6. The voters' roll shall be prepared from the list of ratepayers whose names appear in the assessment-book on the first day of the month of May in which such roll is prepared.

Claims for insertion of and objections to names on list.  
Ibid., sec. 33.

7. Any person whose name is omitted from such roll may claim to have his name inserted therein, and any ratepayer whose name appears in such roll may object to any other person having his name retained therein.

Prescribed form of claims and objections, and when to make.  
Ibid., sec. 34.

8. Claims and objections may be in the forms of the Second Schedule hereto; and no claim or objection shall be available at any Court of Revision unless the same shall have been lodged in the office of the Clerk at the time prescribed by the Council by public notice, or, in case no such time shall be prescribed, then, as respects claim, not later than fourteen days prior to the sitting of the Court, and as respects objections, not later than twelve days prior to such sitting.

Alphabetical lists of claims and objections to be exhibited in each ward seven days before revision.

9. The Clerk shall cause alphabetical lists of all such claims and objections to be prepared and exhibited in some conspicuous place within the District, or, if the said District be divided into wards, in some conspicuous place in each of the said wards, for seven days at the least prior to the sitting of the Court of Revision, and shall also give public notice thereof.

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**10.** The Council of each District is hereby constituted a Court of Revision for hearing and determining the claims of ratepayers to be included in, and to all objections to, the voters' roll; and the said Court shall sit for the purposes aforesaid on the second Monday in June in every year, and at such other times (if any) as such Council may appoint.

Council to be Court of Revision.

**11.** The Clerk of every District shall give not less than seven days' public notice of the time and place of the sitting of any Court of Revision.

Public notice of sitting of Court of Revision to be given  
Corporations Act, 1890, sec. 37.

**12.** The Court of Revision shall have power to examine persons upon oath respecting the said claims and objections and all matters connected with the revision of the said roll, and may award costs not exceeding Twenty Shillings against any person who shall prefer a claim or an objection which the Court shall deem frivolous; and the Court shall erase from the said roll the names of all persons whose rates or any portion thereof are unpaid at the time of the opening of the said Court of Revision; and the Court may make such additions to or omissions from the said roll and correct such errors or mistakes as to the Court may seem just.

Proceedings at Revision Court.

**13.** The roll so revised shall, on or before the thirtieth day of June in every year (and at such other times as the Council may in respect to any particular revision appoint), be signed by the Chairman and countersigned by the District Clerk, and thereupon form the ratepayers' roll of the particular District to which it relates. Any person whose name shall appear in the said roll under this section shall, while his name remains therein, be a voter and be entitled to vote at all elections and meetings and polls of ratepayers in the District. Any ratepayer shall be entitled to a copy of such roll on payment of such reasonable sum as the Council may prescribe.

Revised list to be voters' roll

**14.** On any amendment of the assessment-book by the insertion or alteration of the name of any ratepayer therein, the Court shall, except within the period from the second Monday in June and the next annual election, alter or amend the ratepayers' roll so as to accord with the amendment of the assessment-book.

Alteration and amendment of voters' roll.  
Ibid., sec. 40.

**15.** Until the rolls directed to be prepared under this Act shall be prepared, the existing ratepayers' roll in force in each District shall be the roll for such District for all the purposes of this Act.

Until new rolls are prepared, rolls existing to continue in force.

Ibid., sec. 41.

**16.** The provisions of this Part of this Act shall apply to the District Councils specifically named in section 60 hereof, and shall not apply to any other District until the Governor shall, by Proclamation in the *Government Gazette*, have declared that the provisions thereof shall apply to such Council.

Application of Part II.

New.

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## PART III.

PART III.  
ELECTIONS.

In absence of  
Returning Officer, or  
in lieu of appointment  
Chairman may  
appoint.  
New.

**17.** Any Returning Officer who shall be unable, by reason of absence or illness, to perform any of the duties of Returning Officer may, by writing, appoint a Deputy Returning Officer, who shall thereupon exercise the rights, powers, and duties of the Returning Officer.

Voting by blind men.  
Municipal Corporations Act, 1890, sec. 48.  
Amended.

**18.** If, by reason of any bodily infirmity, any ratepayer shall be unable to record his vote, the officer presiding at the poll may permit such ratepayer to bring with him to the polling-booth any person for the purpose of assisting such ratepayer to mark his voting paper.

Council may  
determine polling-  
places.

**19.** In the absence of any by-law under section 41 of the Act No. 573 of 1893, it shall be lawful for the Council to determine the polling-places within the District at which the voting shall take place.

No vote if rates in  
arrears.

**20.** Except where otherwise provided, no person shall be entitled to nominate a candidate for election or to vote in any ward or District at any election or poll of ratepayers unless before the day of nomination, in the case of an election or at least ten days before any poll, all sums then due in respect of any rate or rates upon all land within the District for the payment of which he is primarily liable have been paid: Provided such rate or rates have been declared six months prior to such election; and any ratepayer or collector of rates or scrutineer appointed under this Act may object to any person voting if such rates are not paid. The clerk shall cause a list of all persons whose rates are paid in accordance with the provisions hereof to be prepared for use at every polling-place, and such list shall constitute the voters' roll in respect of such polling-place; and, for the purpose of the annual elections, such list shall be compiled from the assessment-book for the year ending June thirtieth preceding the day of election, and section 74 of the principal Act shall be interpreted accordingly.

Retirement of  
Councilors.

**21.** Notwithstanding the provisions of section 50 of the principal Act, whenever the number of members of any District Council shall be uneven it shall not henceforth be necessary for a majority of such members to retire at every annual election, but at the next annual election the minority of such members, and at the subsequent annual election the majority of such members, shall retire, and thereafter the minority and the majority of such members shall retire alternately.

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## PART IV.

## POWERS OF COUNCIL.

## DIVISION I.—LIGHTING.

**22.** Any Council may cause the streets and public places within any District to be lighted as they may deem requisite, and may for that purpose manufacture or contract for the manufacture of gas, electricity, or other illuminants, and provide or contract for meters and other requisite apparatus and machinery; and acquire any land necessary for the establishment of such manufacture.

Council empowered to light the District, or wards thereof, with oil, gas, electricity, or otherwise.

See sec. 159, Corporations Act, 1890.

**23.** The Council, or any contractor under the control and superintendence of the Council and its officers, may break up within the District the soil or pavement of any street, and fix and lay therein any lamp-posts, pipes, wires, or lighting appliances or material, and cause the same to be fixed upon or against any buildings or fences; but no pipe, or other materials or work, shall be laid or carried through any private property, except with the consent of the owner, or subject to the provisions of the Lands Clauses Consolidation Act.

Contractors empowered under the direction of the Council to lay pipes through streets.

See 160, *ibid.*

**24.** Subject to any contracts made by the Council, the Council may cause any lamp-posts to be taken down or removed to any other place within the District, or to be altered as to the mode of lighting, and the material used therefor, and to be increased or diminished in number, as they may think fit.

Council may remove and alter number of lamps, and nature of the light afforded.

161, *ibid.*

**25.** If the majority of the ratepayers of any District or ward shall be desirous that the streets of the District or of any ward should be lighted, the Council may cause the same to be lighted accordingly; and may, as to one moiety of the expenses, defray the same out of the Council fund, and the other moiety of the expense of lighting such District or ward shall be paid by the ratepayers thereof, according to their assessments or according to the lineal frontage of the premises lighted, and upon such terms and conditions as the Council shall determine. Such last-mentioned moiety may be recovered from the ratepayers of the District or ward, under the provisions of the principal Act, in the same manner as any ordinary rate.

Power to light streets and parts thereof at the joint expense of District and the ratepayers of such streets, &c.

Expense, how to be defrayed.

162, *ibid.*

## DIVISION II.—LIGHTING RATES.

**26.** In lieu of the provisions of section 25 hereof any Council may declare a lighting rate in respect to the District, or any ward, not exceeding Four Pence in the Pound on the assessed value of ratable property within the District or the ward, as the case may be.

## DIVISION II.

Lighting rate may be declared.

New.

Corporations Act, 1890, sec. 238.

## DIVISION III.—PERMANENT WORKS, UNDERTAKINGS, ETC.

**27.** In addition to the powers contained in the principal Act, any Council may, with the consent of the ratepayers, borrow money for

## DIVISION III.

Borrowing powers extended.

Corporations Act. Sec. 15, Act 830, 1903.

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## DIVISION III.

for permanent works and undertakings, subject to the following conditions:—

Limit of borrowing.  
Corporations Act.  
Sec. 15, Act 830, 1903.

I. The total amount of money borrowed shall not at any time exceed three times the amount which would result from a rate of One Shilling in the Pound on the assessed value of the ratable property within the District:

Repaid within  
forty-two years  
Ibid.

II. The amount of money so borrowed shall be repaid within a period of forty-two years, and a sinking fund shall be established to provide for such repayment:

Restrictions.  
Ibid.

III. The annual interest, together with the annual amount required for a sinking fund, shall not exceed the amount which would result from a rate of Three Pence in the Pound on the assessed value of the ratable property within the District:

Interest to be first  
paid.  
Ibid.

IV. The Council shall appropriate the general rates, in the first instance, to the payment of interest and the establishment of the sinking fund, and the interest of the sinking fund shall every half-year be added to the sinking fund.

Permanent works and  
undertakings defined.  
Ibid, sec. 14.

**28.** In addition to those mentioned in section 108 of the principal Act, the following shall be permanent works and undertakings:—

Tramways, &c.

I. The construction, purchase, maintenance, and working of tramways by horse-traction, steam, electricity, or other motive power:

Machinery for refuse.

II. The construction, purchase, or erection of machinery for the treatment of refuse or nightsoil:

Stone quarries.

III. The acquirement of stone quarries:

Sanitary con-  
veniences.

IV. The providing of sanitary conveniences and urinals.

## DIVISION IV.

## DIVISION IV.—ABATTOIRS.

Provisions applicable  
to abattoirs.  
Ibid, sec. 15.  
Plans and specifica-  
tions to be approved.  
Abattoir to be deemed  
licensed slaughter-  
house.

**29.** Before any Council shall erect any abattoirs the plans and specifications of the same shall be approved by the Minister, and every such abattoir when erected shall, for all purposes of the Health Act, be deemed to be a duly licensed slaughter-house.

Powers of Central  
Board of Health.  
Ibid, sec. 16.

**30.** The provisions of the preceding section shall not affect the powers given to the Central Board of Health under "The Health Act, 1898."

## DIVISION V.

## DIVISION V.—FOOTWAYS.

Footways may be  
paved, and moiety of  
expense recovered.  
Corporations Act,  
1890, sec. 142.

**31.** (1) Any Council, on giving public notice of its intention so to do, may cause any footway or part of a footway to be paved or asphalted. The Council shall pay one moiety of the expense incurred thereby, and the other moiety shall be paid by the owners of the property abutting on the footway or portion of a footway so paved or asphalted, ratably, according to the lineal frontage of the premises abutting



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abutting on the footway or portion of a footway so paved: such last mentioned moiety may be recovered under the principal Act in the same manner as any ordinary rate.

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DIVISION V.

(2) Money paid by any owner under this section shall not be recoverable by him from his lessee or tenant, any contract or covenant notwithstanding, but such lessee or tenant shall, during the remainder of the tenancy, pay interest at the rate of Five Pounds per centum per annum on the amount of the money so paid by such owner. Such interest shall be paid by the lessee or tenant to such owner at the due dates of the rent under the tenancy, and shall be a debt from the lessee or tenant to the owner, and be recoverable by distress in the same manner as rent. In like manner every tenant or under-tenant liable for the payment of interest under this section shall be entitled to a refund from his sub-tenant during the remainder of such sub-tenancy in respect of the premises demised by such sub-tenancy, which refund shall be paid by such sub-tenant at the due dates of the rent under the sub-tenancy, and shall be recoverable as aforesaid.

Owner not to recover from tenant unless special contract.

Corporations Act, 1890, sec. 142.

Interest may be charged to tenant or sub-tenant.

Ibid.

## DIVISION VI.—RECLAMATION OF LAND AND FLOODED ROADS.

## DIVISION VI.

**32.** Where any Council shall raise, fill in, improve, drain, level, or reclaim any land in a District, the whole or part of the expense of such work shall be apportioned between the owners of the adjacent or adjoining ratable lands improved by such raising, filling in, improvement, draining, levelling, or reclamation, in proportion to the amount of additional value which the work shall have added to such land: and every such owner shall pay to the Council his share of such expense, according to the valuation provided for in section 33 of this Act.

Cost of reclamation of lands to be borne by adjacent owners.

Sec. 17, Act 833, 1903.

**33.** The Council shall, upon the completion of any such work—

Council to value and to give notice.

i. Appoint a valuer, who shall fix the additional value which such work shall have added to the ratable lands adjacent to or adjoining the lands raised, filled in, improved, drained, levelled, or reclaimed:

Ibid, sec. 18.

ii. Give written notice of such valuation to each owner affected thereby, such notice to be posted to the owner, to his address as appearing in the assessment-book.

**34.** Within twenty-one days after receiving such notice, any owner may appeal against such valuation, and all proceedings in connection with such appeal shall be conducted so far as practicable in the same manner as appeals against assessments.

Right of appeal.

Ibid, sec. 19.

**35.** Every Council may drain the water falling or flowing into District roads or off the same into adjacent lands, paying such compensation as may be agreed between the Council and the owner or occupier of such lands or be awarded by Special Magistrate in a summary way.

Council may drain water off into adjacent lands.

Roads Act, 1884, sec. 78.

**36.** The

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DIVISION VI.Council may alter  
creek or waterway.Corporations Act,  
1890, sec. 220.

**36.** The officer of any Council, upon showing his authority from the Council in writing, may enter upon any private land within the District to inspect any creek or waterway; and if, in the opinion of the Council, such creek or waterway is liable to repeated overflows, or is dammed back so as to be injurious to any public road or street, or the bridges or other works thereon, the Council may enter upon any such land and execute all works necessary to prevent further overflow of water on to any public road or street: Provided that no works, except cleaning out or widening the creek or waterway, shall be executed through any garden: and, notwithstanding the powers herein given, the Council shall be liable for the cost and expense of making good or repairing any damage to any fence or building damaged by any works executed; and the owner shall have the right to claim compensation for any permanent depreciation of his property occasioned by the alteration made under this clause.

## DIVISION VII.

Power to destroy.

Sec. 20, Act 833, 1903.

Notice to owner.

Council may destroy.

Costs may be  
recovered.Notice need not be  
complied with where  
Council fails to  
destroy weeds.  
Ibid, sec. 22.

## DIVISION VII.—NOXIOUS WEEDS, ETC.

**37.** Any Council may, notwithstanding the provisions of any Act to the contrary—

- I. Give notice to any owner or occupier to destroy any noxious weed growing or being upon the land owned or occupied by him; and any such notice may be left or posted in the same manner as a rate notice under section 188 of the principal Act:
- II. Enter or authorise any person to enter upon such land and destroy any noxious weeds thereon, unless such notice shall be complied with:
- III. Recover all costs and expenses incurred in such destruction from any such owner or occupier.

**38.** No person shall be liable to comply with any notice for the destruction of noxious weeds while the Council giving such notice neglects to take steps to destroy noxious weeds growing on any land under its control, and being adjacent to the land of such person, unless such land (under the control of the Council) is leased to, occupied by, or enclosed with the land of such or any other person.

## DIVISION VIII.

Exercise of votes of  
public companies.Corporation Act,  
1903.

## DIVISION VIII.—GENERAL.

**39.** Every public company, or body corporate, or non-resident trustee or trustees, being the owner or occupier of ratable property in any District, shall have power to nominate, by writing, not later than the thirtieth day of April in any one year, one person in any such District not divided into wards, and, as to any District divided into wards, one person for every ward in which they are owners or occupiers of ratable property, to be enrolled on the voters' roll, and every such person when enrolled shall have and exercise the rights of voters.

Vermin-proof fences  
and gates.

**40.** Any Council may cause or permit vermin-proof fences with gates on hinges to be erected and maintained across any road in any portion

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DIVISION VIII.

portion of the District which is infested by vermin, and where the Council consider this to be necessary for the destruction of such vermin; but nothing herein contained shall entitle the Council to prevent the free use of such roads by the public in all respects as if the same were unfenced: Provided, nevertheless, that every person opening or using such gates and road shall be liable to a penalty of Forty Shillings if he shall fail to forthwith properly shut or fasten any gate immediately after using the same.

**41.** The Council under the provisions of this Act or any Act authorising the imposition of any rate or tax whatsoever may, subject to the provisions of sections 157 and 158 of the principal Act, make and levy a differential separate rate upon the ratable property in any ward or township within a ward for sanitary or lighting purposes, or for any permanent work or undertaking in such ward or township; but every rate made in respect of a ward or township shall be equal upon all the ratable property within the ward or township.

Rate in wards need not be the same.

New.

Queensland Local Authorities Act, 1902, part sec. 210.

**42.** It shall be lawful for District Councils to expend any portion of their rates in paying for the destruction of wild dogs and foxes on unoccupied Crown or waste lands, reserves, roads, or private lands within their own boundaries; and the Council, from any money received by them for the sale of fox-skins, may pay bonuses for the destruction of foxes, wild dogs, or other vermin.

Destruction of vermin.

**43.** Where any person remains in use or occupation of any road after the expiration of the period for which the same was let to him by the Council under section 286 of the principal Act, without having given to the Council written notice of his intention to terminate such letting, he shall be liable to pay to the Council an amount equal to the sum at which the same was theretofore let to him.

Occupier of unimproved road liable to pay rent.

New.

**44.** Notwithstanding anything contained in "The Ornamental Grounds Act, 1881," the Council may grant a lease of any portion of park lands, not exceeding ten acres in any one lease, for any term not exceeding twenty-one years, for the purpose of sports, shows, or public recreations. Every such lease shall be granted to two or more persons, upon such terms and subject to such rents, covenants, provisions, and reservations as the Council may think fit. No such lease shall be granted until, at a meeting of the ratepayers, a resolution shall have been passed in favor of granting the same, and, if a poll be demanded, until the poll has resulted in favor of such resolution; the voting at such poll, and the manner of conducting any meeting for taking the same, to be in all respects the same as at a meeting for a poll to consent to a rate.

Power to let grounds vested in the Council for cricket, football, &c.

Corporation Act, 1890, sec. 97.

**45.** Any Council may, for the purpose of repairing any street, cause road metal to be placed or stacked upon the roadway of such street at a distance of not less than thirteen clear feet from the centre of such roadway: Provided that no such metal shall be placed or stacked

Council may stack road metal on street.

New.

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## DIVISION VIII.

stacked on any street so as to obstruct any street or private street intersecting the same, or the watertables of any street, or the entrance or approach to any private land.

Occupier or owner to destroy bushes on half width of adjoining roads.

**46.** The occupier having an unexpired tenancy of five years, or if there be no such occupier, the owner of any land adjacent to any roadway within any District shall, within thirty days after being required by the Council so to do, destroy all shrubs, plants, or bushes known as the acacia, briar, furze, and blackberry growing or being on that portion of such roadway as is adjacent to and lies between the boundary of his land and the middle of the said roadway, and in default the Council may at any time proceed to remove such shrubs, plants, or bushes of acacia, briar, furze, or blackberry, and by summary procedure before two Justices may recover from the owner making such default the expenses incurred in such removal.

Municipal Corporations Act, 1890, secs. 113 and 114.

Sec. 120, Roads Act, 1884.

**47.** The Council may cause any public street or road within its district to be aligned and the breadth of all footways to be determined in such manner as may be found necessary, and at the time of making such alignment may cause permanent marks as points of reference to be fixed in such public street or road as aids in defining such alignment.

Material left on road at night.

**48.** Every contractor who shall lay, or cause to be laid, any heap of stones or other material upon any road within ten feet from the centre of the metalled way thereof, and allow the same to remain there at night without having taken all due precaution to guard against danger or damage happening to any person, carriage, or animal by reason thereof, shall forfeit and pay, for every such offence, a sum not exceeding Ten Pounds.

Boundary road, bridges, or other public works: how maintained and repaired.

**49.** Whenever a public road, bridge, or other work thereon, or connected therewith, forms the common boundary of any part of two Districts, and ought, in the opinion of either Council, to have any repairs or work done thereon or thereto, it shall be lawful for the Council requiring such repairs or work to give to the other Council notice in writing specifying such repairs or work, and to require the said last-mentioned Council to concur with them in executing the same; and if such two Councils shall not within three months after service of such notice enter into an agreement for executing the said work, the Council giving such notice may execute the same, and may recover by action as a debt from the Council to which the said notice shall have been given one-half of the costs and charges as shall have been actually and reasonably expended on the said road, bridge, or work: Provided always that in determining the reasonableness of such expenditure regard shall be had, not only to the state of such road, bridge, or work, but also to the comparative necessity for the work and the manner in which the same shall have been executed.

**50.** Whenever

*The District Councils Amendment Act.—1904.*

**50.** Whenever a public road, bridge, or work, or part thereof, forms the common boundary of a Municipality and a District or an outlying district, the Council of such Municipality or District, or the Commissioner of Main Roads respectively, may execute, exercise, and enjoy the powers and authorities in respect of such road, and shall be liable and subject to the actions and proceedings in the last preceding section authorised.

PART IV.  
DIVISION VIII.

Road, bridge, or other public work forming boundary of District and Municipality or outlying district: how repaired.

**51.** The Council may plant any portion of the foreshore of the sea under its control with any grasses, trees, or shrubs, for the purpose of arresting any drift sands.

Planting foreshore.

**52.** The Council may lay down upon any public road a track or way for the use of bicycles, and may make by-laws for regulating the use of such track.

Bicycle tracks.

**53.** (1) If any building or wall adjoining any street or road, or anything affixed or attached to such building or wall, shall be in a ruinous or dangerous condition, the Council may order that the owner shall, within a time to be limited in the order, take down, secure, or repair such building, wall, or fixture in such manner as in the opinion of the Council may be necessary.

Council may destroy ruinous or dangerous building.

New.

Corporations Act, 1903.

(2) If the order be not obeyed within the time limited, the Council may cause the same to be executed, and may recover the expenses incurred for such work in any Court of competent jurisdiction from the owner.

Costs may be recovered from owner.

New.

Ibid.

**54.** A Council may charge interest at the rate of Ten Shillings per centum on any loan arranged or provided for under any Vermin-proof Fencing Act.

Interest to be charged on loans under Vermin-proof Fencing Act.

New.

## PART V.

## BY-LAWS.

## PART V.

**55.** Subject to the provisions of this and the principal Act, the Council may from time to time make by-laws for the following purposes:—

Purposes for which by-laws may be made. District Councils Act, 1887. See sec. 290.

New.

The licensing of nightmen and their laborers, and for regulating the use of and the numbering and licensing of nightcarts:

Nightmen.

For regulating the removal and disposal of nightsoil, offal, and refuse, and for the appointment of proper places for the deposit thereof:

Privies, &c.

The erection, maintenance, and supervision of public urinals:

Public urinals.

The planting, preserving, and protection of trees and shrubs in the watertable or on the footway of any street or road:

Planting of trees.

The erection of fences, treeguards, and other shelter and supports for the protection of trees and shrubs growing in any place under the control of the Council:

Treeguards, &c.

The

*The District Councils Amendment Act.—1904.***PART V.****Vehicles.**

The licensing of all cabs (which term shall include every wheeled vehicle, whatever its form, or however propelled, used, or standing), and all carts (which term shall include all vans, wagons, drays, carts, or other vehicles for the carrying of goods and merchandise) plying for hire in the district, or kept or let for hire, and for licensing and regulating the owners, drivers, and conductors of all or any such cabs or carts:

**Cab stands, &c.**

Appointing stands for motors, carriages, or vehicles of any description plying for hire:

**Overcrowding of tramcars.**

To prevent the overcrowding of tram cars and the carrying of more passengers than the number licensed to be carried on any tram car:

**Seaweed.**

Regulating the loading and removal of seaweed from any portion of the sea beach within the boundary of any District:

**Fences.**

Regulating the erection or construction of fences abutting on public places, and prescribing and defining the materials of which the same shall be erected or constructed:

**Driving of cattle and sheep.**

Regulating and controlling the driving and the depasturing, feeding, and watering of cattle and sheep over the roads in and through any District:

**Sunday trading.**

To prohibit, either wholly or partially, Sunday trading:

**Abattoirs, &c.**

Regulating the control, management, and supervision of abattoirs, and the receiving, inspection, and slaughtering therein of animals; the removal and destruction of diseased meat; and the appointment of inspectors for any of such purposes:

For regulating, licensing, and controlling houses or places for the slaughtering of cattle and for regulating and controlling the cattle to be slaughtered thereat, and for prescribing and regulating the fees payable for slaughtering licences and for cattle slaughtered at a licensed slaughter-house:

For prescribing and regulating the nature and kind of the structure of and the material to be used in the construction of any such house or place in respect of which any application for a slaughtering licence as aforesaid may be made, and the drains, receptacles, and other conveniences to be provided in connection with such house or place prior to the granting of any such application:

For the maintenance of cleanliness in, at, and about every slaughter-house and place used for slaughtering cattle:

For the regulation of cattle kept at any slaughter-house or place used for slaughtering cattle on behalf of the owner of such cattle prior to their being slaughtered, or without being slaughtered, and the fees to be taken therefor:

For establishing slaughter-houses by the Council and regulating and controlling the same and the kind of cattle to be slaughtered

*The District Councils Amendment Act.—1904.*

## PART V.

slaughtered thereat, and for licensing suitable persons to slaughter thereat, and for prescribing and regulating the fees payable for such licences, and for cattle to be slaughtered at any such slaughter-house :

For the prevention of the slaughtering for trade purposes of cattle of all or any kinds except at slaughter-houses established or licensed by the Council :

For destroying infected cattle which, if slaughtered, would be unfit for human food :

For destroying unwholesome meat :

For any other purpose in respect of which the Council is authorised by this Act to make a by-law.

Any by-law under this or the principal Act may be made to apply to all or any part of the District.

## PART VI.

## PART VI.

## MISCELLANEOUS PROVISIONS.

**56.** Trees may be planted by any Council in any street or road within its District, and tree-guards and supports may be erected for the protection of such trees, provided that the public traffic is not thereby obstructed, and provided also that the consent of the Commissioner of Public Works shall be obtained before trees are planted in any street or road in which water or sewer pipes have been laid by the Government.

Planting of trees.  
Sec. 26, Act 833,  
1903.

**57.** For the purpose of raising any loan for the conversion of any existing debt, or for the purpose of securing the repayment of any loan and interest, in manner provided by Part XII. of the principal Act, the Council may, in addition to or in lieu of issuing any debentures, make and execute a mortgage of any lands or any interest in land vested in the Council other than lands vested in such Council by the Crown for public purposes: Provided that no such mortgage shall be given unless the consent of the ratepayers shall have been obtained as in Part XII. of the said Act directed: Provided also that the consent of the ratepayers shall not be necessary for any extension of mortgage or to any mortgage given for money borrowed only to pay off any existing mortgage, if the concurrence of an absolute majority of the whole number of the members of the Council at a specially summoned meeting shall have been obtained thereto.

Council may  
mortgage land.

**58.** Notwithstanding the provisions of the principal Act, appeals made under the provisions of Part X. thereof, shall, in all cases, be made to the Council before any appeal is made to a Local Court of Full Jurisdiction, except in the case of councillors, when all such appeals

Appeal to be first  
decided by the  
Council.  
New.

*The District Councils Amendment Act.—1904.*

## PART VI.

appeals made by them shall be direct to the Local Court of Full Jurisdiction. Councils shall take all evidence respecting appeals against the assessment on oath or affirmation, and the Council when so sitting shall be a Court of Appeal, and shall make and keep a record thereof.

Books of Council to be inspected by Government officer.  
New.

**59.** The accounts of all District Councils may, once at least in each year, be inspected and audited by one or more officers to be appointed by the Governor.

Governor may declare that provisions of the Building Act, 1881, shall apply to certain District Councils.  
New.

**60.** The Governor may, by Proclamation, after resolution by the Council affected, declare that the provisions of "The Building Act, 1881," and any amendments thereof, shall apply to either or all of the District Councils of Burnside, Campbelltown, Marion, Mitcham, Payneham, Prospect, Walkerville, West Torrens, Woodville, and of Yatala South, and to all such other District Councils as may by Proclamation be declared to be City and Suburban Local Boards under "The Health Act, 1898."

Exemption from provisions of Health Act.

**61.** The Governor, on the petition of any District Council, may by Proclamation declare that the provisions of section 115 of "The Health Act, 1898," or of any of them, shall not apply to any District or part of any District: Provided that no such Proclamation shall issue in respect to any District Councils mentioned in section 60 of this Act.

Onus of proof on defendant.  
Sec. 1 of Act 5 of 1840.

**62.** In any prosecution under section 1 of Act No. 5 of 1840, or under any by-law relating to slaughtering or slaughter-houses made under the authority of this Act, it shall not be necessary for the informant to prove that any cattle slaughtered in any unlicensed house or place were intended for sale, barter, shipping, or exportation, but such intention shall be presumed until the defendant shall prove the contrary.

Person placing his name on assessment-book liable to fine or imprisonment.  
New.

**63.** Any person not being legally entitled to vote as a ratepayer who shall claim to have his name in any assessment-book as a ratepayer, or who shall vote at any election or poll, shall be liable on conviction by a Special Magistrate to a penalty of not exceeding Five Pounds.

Posting bills, &c., in public places without permission of Council.  
Sec. 134, Act 197, 1890.

**64.** Any person who shall affix any poster, bill, notice, or other papers against or upon any building, or erection, or against or upon any seat, bridge, wall, culvert, handrail, or post, or any kerb, rock-faces, earth-cuttings, flag, tree, or footpath, the property of or under the control of the Council, or who shall write upon, soil, deface, stencil, chalk, paint, or mark any such building, erection, seat, kerb, rock-faces, earth-cuttings, flag, tree, footpath, or any fixture or appendage thereto, without having first obtained the consent thereto of the Council, shall, for every such offence, on conviction, be liable to a penalty of not more than Ten Pounds.

**65.** Whenever



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*The District Councils Amendment Act.—1904.*

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**65.** Whenever by "The District Councils Act, 1887," or by any Act the administration of which either wholly or in part is vested in any District Council, or by any regulation made under any of such Acts, notice shall be required to be served upon any owner or occupier of land within the District, such notice shall be deemed a sufficient notice and to have been duly served if the same shall have been sent by post in a prepaid letter addressed to such owner or occupier at his usual or last known place of residence; and every owner or occupier of land within the District shall be subject to the same obligations and liabilities as if such notice had been served upon him in manner required by the said Acts or regulations: Provided that the onus of proving that such notices have been so posted shall be on the person by whom such notices would have been heretofore served.

PART VI.

Notices may be  
posted.

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

GEORGE R. LE HUNTE, Governor.

*The District Councils Amendment Act.—1904.*

SCHEDULES.

THE FIRST SCHEDULE.

*Assessment Book.*

No.	Name of Occupier.	Name of Owner.	No. of Section or Allotment	Measurements or Area.	Situation.	Fee-simple Value if Property.	(a) Buildings and land occupied there-with. (b) Land outside of township unbuilt on. (c) Township land unbuilt on.

\* N.B.—Property may be described by reference to the heading of the column as “Class (a),” “Class (b),” or “Class (c).”

Where a Board declares drainage rates, add a column headed “Assessed Value for Drainage Rate, being 5 per cent on Increase in Fee-simple Value due to Drainage.”

*Assessment Book—continued.*

Arrears of Rates Brought Forward.	General Rate of in the Pound, declared on the day of	
£ s. d.	£ s. d.	[Similar money columns to be provided where neces ary when any other rate is declared.]

*Assessment Book—continued.*

Total Amount of Rates Collected for Half-year ending	When Paid.	Total Amount of Rates Collected for Half-year ending	When Paid.	Arrears of Rates Carried F rward.	Remarks.
£ s. d.		£ s. d.		£ s. d.	

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*The District Councils Amendment Act.—1904.*

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## THE SECOND SCHEDULE.

CLAIM of A. B., of [*insert the residence and calling of the claimant*], to have his name inserted on the voters' list of the District of \_\_\_\_\_ for \_\_\_\_\_ Ward, in right of [*insert description of property*], situate in [*insert name of street, or number of the allotment, section, &c.*] within the said District, being No. \_\_\_\_\_, in (or omitted from, as the case may be) the assessment for the present year (or being No. \_\_\_\_\_ in the assessment, and omitted from the voters' list for the present year; or being omitted from the voters' list for the present year). Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Section 7.

[*Signature of Claimant.*]

OBJECTION of C. D. [*insert the residence and calling of the objector*], to E. F. [*insert name and description of E. F., as entered on voters' list*] having his name retained on the voters' list of the District of \_\_\_\_\_ for \_\_\_\_\_ Ward, on the ground [*shortly state the objection*]. Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

[*Signature of Objector.*]