

**Form 27D Respondent's written submissions**

(rule 44.03.3)

**IN THE HIGH COURT OF AUSTRALIA  
ADELAIDE REGISTRY**

No. A16 of 2012

**BETWEEN:**

**ATTORNEY-GENERAL FOR THE STATE  
OF SOUTH AUSTRALIA**

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Appellant

and

**THE CORPORATION OF THE CITY OF  
ADELAIDE**

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First Respondent

**CALEB CORNELOUP**

Second Respondent

**SAMUEL CORNELOUP**

Third Respondent

**FIRST RESPONDENT'S WRITTEN SUBMISSIONS**

**Part I – Internet Publication**

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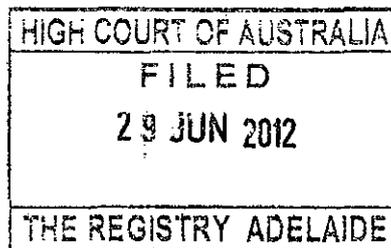
1. It is certified that these submissions are in a form suitable for publication on the internet.

**Part II – Statement of Issues**

2. The issue on this appeal is whether the first respondent's by-law<sup>1</sup> prohibiting persons from undertaking certain activities on any road in the relevant council area without permission, including, amongst other things, preaching, haranguing, canvassing<sup>2</sup> and the distribution of literature.<sup>3</sup>

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2.1. serves a legitimate purpose; and



<sup>1</sup> In particular clauses 2.3 and 2.8 of *By-Law No 4 – Roads*.

<sup>2</sup> clause 2.3

<sup>3</sup> clause 2.8

**THIS FIRST RESPONDENT'S WRITTEN SUBMISSIONS** dated 29 June 2012 is filed by:

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2.2. is reasonably appropriate and adapted to achieving that purpose so as not to infringe the implied freedom of political communication<sup>4</sup>.

3. The notices of contention filed by the second and third respondents raise further issues. The first respondent will deal with those issues in its submission in reply to be filed in accordance with this Honourable Court's direction of 20 June 2012. The issues of substance in the notices of contention are: whether or not the making of the by-law was within the powers conferred pursuant to s667(1)(9)(XVI) of the *Local Government Act 1934* (SA); whether the permit system amounted to a licence of the kind prohibited pursuant to s246(2) of the *Local Government Act 1999* (SA); and whether the giving a certificate in electronic form complied with s249(4) of the *Local Government Act 1999* (SA).

### **Part III – Section 78B of the *Judiciary Act 1903* (Cth)**

4. The appellant has filed and served notices in compliance with s78B of the *Judiciary Act 1903* (Cth).

### **Part IV – Contested Facts**

5. The first respondent does not contest the facts set out by the Appellant in its submissions.

### **Part V – Statement of applicable constitutional provisions, statutes and regulations**

6. The first respondent accepts the appellant's statement of applicable constitutional provisions, statutes, and regulations with the following additions. The predecessor provisions of the *Local Government Act 1999* (SA) identified in paragraphs [49] to [72] of Kourakis J's reasons in the court below dealing with a Council's by-law making power are also relevant. Further, the first respondent refers to sections 3, 4 (definition of 'road'), 35, and 208 of the *Local Government Act 1999* (SA), sections 22 and 25 of the *Acts Interpretation Act 1915* (SA) and to the *City of Adelaide Act 1998* (SA), and sections 3 and 29 thereof. Copies are annexed to this outline.

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<sup>4</sup> The first respondent does not dispute that the first limb of the test in *Lange v Australian Broadcasting Corporation* (1997) 189 CLR 613 and applied in *Hogan v Hinch* (2011) 243 CLR 506 is answered affirmatively, that is, the by-law has the potential in its terms operation and effect to burden freedom of communication about government or political matters. It presented its case in the Court below on this footing. There is an argument that legislation that merely makes it more difficult for an individual to engage in communications, some of which might be of a political or governmental character does not necessarily impose a burden on the freedom. (See *Wotton v State of Queensland* (2012) 86 ALJR 246 at [53]; submissions of the State of New South Wales intervening at [9]). There are of course other ways that the respondents could get their message to the public or the institutions of government, such as through the internet, the process of lobbying, or through obtaining permission to distribute literature as envisaged by the by-law.

## Part VI – Argument

### Summary

7. The first respondent supports the submissions of the appellant, and the other Attorney-General interveners<sup>5</sup>.
8. The first respondent accepts that the by-law has at least the *potential* to burden the freedom of political communication about government or political operations in their terms, operation, or effect, and that accordingly the answer to the ‘first question’ in the *Lange*<sup>6</sup> test is to be answered ‘yes’<sup>7</sup>. The relevant burden in this case is the need to obtain permission in order to preach, canvass, harangue or distribute literature on roads.
9. The second element of the *Lange* test should be also be answered ‘yes’ (meaning that the by-law does not infringe the implied freedom of political communication) namely:
  - 9.1. The by-law is reasonably appropriate and adapted to serve a legitimate end or purpose; and
  - 9.2. The fulfilment of that end or purpose is achieved by a means that is compatible with the maintenance of the constitutionally proscribed system of representative and responsible government.
10. The legitimate end is to balance competing interests regulating the use of roads. Preaching, canvassing, haranguing and distribution of literature, if uncontrolled, could interfere with the enjoyment by others of a city’s roads and environs. That enjoyment could be interfered with in a variety of ways, ranging from conduct at one end of the scale that merely interferes with the right to walk and go about one’s business without being accosted, to, at the other end of the spectrum, conduct that is far more serious that causes actual offence or positively interferes with other road users, or traders from premises adjacent to the road.
11. Conduct prohibited by the by-law has the potential to affect not just the users of the roads in their capacity as users of the road, but more generally. For example, Rundle

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<sup>5</sup> Submissions for the Attorney General for Queensland, New South Wales, Victoria and the Commonwealth.

<sup>6</sup> *Lange v Australian Broadcasting Corporation* (1997) 189 CLR 520 as refined in *Coleman v Power* (2004) 220 CLR 1 and applied in *Hogan v Hinch* (2011) 243 CLR 506.

<sup>7</sup> See footnote 4 above.

Mall is a pedestrian road constituting one of the main retail strips in Adelaide. Conduct taking place on that road can affect the businesses that operate on Rundle Mall, including the cafes, stalls and shops. The conduct of one person or group of persons speaking loudly can affect other persons who also want to preach, harangue or even busk.

10 12. These interests are counterbalanced with the importance that our society places on concepts of freedom of expression and freedom of religion. The by-law does not unreasonably impinge on those concepts generally, or on the more narrow implied freedom of political communication. There is a time and place for expression of the ideas such as the kinds of matters that the second and third respondents seek to speak on, but the middle of a road is not necessarily the appropriate place. The by-law is appropriately adapted to achieve the legitimate end:

12.1. The by-law contains specific protections in clauses 2.3, 2.8, and 2.9 relating to elections or referendums.

12.2. The by-law does not apply to *Speaker's Corner*.

20 12.3. The by-law does not target ideas or information as such, but rather the activity or mode of communication of those ideas.<sup>8</sup> Put another way the by-law does not generally burden political communication in the City of Adelaide, but does so only incidentally and a limited and reasonable way on roads.

12.4. The permit system is a practical and reasonable way of achieving the legitimate end. It enables a governing authority to balance the competing desires of interest groups to access the public at the same time and place.

#### The nature of the implied freedom of political communication

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13. There is no absolute constitutional right to free speech in Australia. The implied freedom recognised in *Lange* only extends to communications that are necessary to preserve the system of government prescribed by the Commonwealth Constitution. It is not cast in the nature of a positive right, but rather a means to secure more effective representative and responsible government<sup>9</sup>. The Full Court fell into error at [157] to [160] of its judgment.

<sup>8</sup> See *Levy v Victoria* (1997) 189 CLR 579; *Sellars v Coleman* [2001] 2 Qd R 565; (2000) 158 FLR 269.

<sup>9</sup> *Lange* supra at 561.

The Court below, with respect, has turned the limited freedom of political communication into an absolute individual or personal right. This is contrary to the approach of this Court in *Woton*<sup>10</sup> and *Lange*<sup>11</sup>.

The purpose and effect of the by-law

14. Analysing the purpose of the by-law is relevant for two reasons. It is relevant to the issue on appeal being the application of the *Lange* test. It is also relevant to the question raised by the second and third respondents' notices of alternative contention, namely whether or not the by-law is one 'for the good rule and government of the area, and for the convenience, comfort and safety of its inhabitants'<sup>12</sup>. The first respondent intends to develop the latter submissions in its submissions in reply to the submissions of the second and third respondent on that topic.
15. The by-law does not target political communications<sup>13</sup>. It is content and viewpoint neutral. Rather it targets more broadly specific conduct that could detrimentally affect users of roads. It does so, not through absolute prohibition, but through regulation through a permit system.
16. The by-law prohibits preaching, canvassing, haranguing, and the distribution of literature on roads without permission. These matters *might* involve political matters aimed at influence people's voting intentions at elections. To that extent the exceptions applying in the course of a Federal, State or Local Government election or Referendum in clauses 2.3 and 2.8 of the by-law are noted. However preaching, haranguing, or distributing literature does not necessarily involve political matters. In the case of the second and third respondents one can assume that their intentions in preaching are aimed matters of spirituality or morality – influencing voting patterns would be, if at all, a secondary purpose of their activities. The distribution of literature referred to in clause 2.8 of the by law could also include material that is neither political nor religious, such as advertising material or promotional material.

<sup>10</sup> *Woton v Queensland* (2012) 86 ALJR 246 per Heydon J at [54].

<sup>11</sup> At 561.

<sup>12</sup> s667(1)(9)XVI of the *Local Government Act 1934* (SA).

<sup>13</sup> The burden upon communications is more likely to be seen to satisfy the second *Lange* question if the law incidentally restricts political communication rather than one that targets it. See *Hogan v Hinch* (2011) 243 CLR 506 at [95]-[99]; *Woton v Queensland* (2012) 86 ALJR 246 at [30].

17. There is always a balancing exercise involved in concepts of 'rights' such as 'free speech'. ('Rights' is being used in the loose sense<sup>14</sup> having regard to the absence of a common law or chartered right of free speech in South Australia, and the Court's framing of the freedom of political communication in a manner that is not based on a personal right). One person's 'right' to free speech may impose on the 'right' of another not to be abused or offended. An absolute right to free speech carries with it the potential to cause offence. This is why freedoms should not be expressed in absolute terms<sup>15</sup>. The best way to protect a freedom is to ensure that it is not self-destructing. An absolute approach to the question of burdening political communication<sup>16</sup> detracts from, rather than  
10 enhances, a democratic society.

18. The kinds of matters raised in the affidavit material in the Court below illustrate these contentions. Although there has been no trial on the following allegations<sup>17</sup> (and it is conceded the second and third respondents deny them), they illustrate well the need for regulation. The affidavits<sup>18</sup> include, amongst other things, the following material in relation to a group of preachers' (including the second and third respondents), who have regularly preached in Rundle Mall using amplification:

18.1. Ms Lipzker, a trader of a café, deposed that their customers complained about  
20 the noise level from the preaching. She said that trade levels drop off once the

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<sup>14</sup> In England 'rights' of this kind have been referred to as 'so called rights' – 'so called because the law does not recognise any special right as such, for example the 'right to assembly' is nothing more than a view taken by the Court of the individual liberty of the subject, which right is only as real as the laws and by-laws which negate or permit it. These are contrasted with true rights that can be asserted in the face of any laws or by-laws. See for example *Redmond-Bate v Director of Public Prosecutions* (1999) WL 477803 at [13] citing *Duncan v Jones* [1936] 1 KB 218.

<sup>15</sup> The European *Articles of the Human Rights Convention* for example in Article 10 qualify the right to freedom of expression in sub clause (2) by stating that the exercise of the freedoms carries with it duties and responsibilities such that the right may be subject to '*such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority or impartiality of the judiciary*'. The United States Supreme Court has held that civil liberties granted by the Constitution imply the existence of organised society maintaining public order, which liberty itself would be lost in the excesses of unrestrained abuses. The authority of a municipality to impose regulations in order to assure the safety and convenience of the people in the use of highways has never been regarded as inconsistent with civil liberties, but rather as one of the means of safeguarding the good upon which they ultimately depend – *Cox v New Hampshire* (1941) 312 U.S. 569. Some would argue that the recent United States Supreme Court decision relating to the financing of public action committees is an example of a decision in absolute terms endangering the very freedom it is designed to protect - *Citizens United v. Federal Election Commission*, 558 U.S. 50 (2010).

<sup>16</sup> All the more so to matters that are only tangentially political. The matters that the second and third respondents generally speak on could not, for the most part, be said to be aimed at federal voting choices of the likely audience. Rather they are aimed at matters of spirituality or morality.

<sup>17</sup> They are the subject of proceedings in the Supreme Court of South Australia in civil action 1106 of 2010, which have been adjourned to a date after the hearing of this appeal. They were in evidence in the Court below.

<sup>18</sup> The affidavits in the Supreme Court proceedings were exhibited to the affidavit of Trevor Battersby sworn on 8 September 2010 in the District Court below as exhibit TB14 to TB 36 inclusive. Mr Battersby's affidavit was marked exhibit R1 in the District Court.

preaching starts, and it is often necessary to shout to communicate with customers.

- 18.2. Ms Mitsios, the manager of a bookstore, deposed to having to request the preachers to turn down the volume of their preaching. She said that the preachers, through a microphone made comments such as '*All international students come to our country to have free abortions*'. She said:

10                    '*They said that anyone who practices witchcraft or who has an abortion or anyone homosexual will go straight to hell and burn forever. Those are a couple of examples I can give you, and they get worse and worse. Personally it is very offensive. They criticise other religions....I have had lots of complaints from customers over the years....they will draw a crowd....over the years I have asked them to quieten the noise numerous times and they have just ignored me. They say to me that they have every right to be there....I am concerned that one day someone is going to hit them. I have seen a girl walk past and grab their microphone and rip it and just throw it...Their amplifier is not far from our door. It just blasts things like 'All Muslims should die, All women who have abortions go straight to hell...'*

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- 18.3. Vicky Gottwald, the manager of a candle and home-decor store called 'Dusk', deposed to a disturbance that took place which she described as an

*'absolute riot' – '...I was inside Borders and was coming out and there were people everywhere, I was too scared to leave Borders which meant I couldn't get back to Dusk.'*

- 30                    She talked about the effects on other staff:

*'They talk about abortion, gay relationships....one of the workers at Dusk is actually gay and he is in a committed relationship and said to me that nothing upsets him more than having to come into work and have to listen to that....I have three young children and I never come to Rundle Mall to shop on a Friday night, I refuse to. I don't consider it safe to bring my children here. I do not feel safe as a staff member of*



19. Thus it can be seen that one persons 'right' to freely speak on Council roads<sup>19</sup>, including the Mall, can be done in a way and manner that can interfere with persons. A group of persons broadcasting material at high volume can drown out other persons who would also like to speak or be heard, whether they be shoppers, buskers, people in a choir or patrons of a café. A right to express a certain view of homosexuality, abortion, or of other religions, can, if unrestricted, offend those with different views, with the potential for arguments and fights.
20. Preaching or haranguing may draw a crowd, which may cause an obstruction to road users, and issues of safety could arise if crowd disturbances arose.
21. In *Foley v Padley*<sup>20</sup> Gibbs CJ identified a number of legitimate purposes of a similar by-law, noting that the wholesale distribution of material (in that case, in Rundle Mall) is likely to detract from the enjoyment of persons using it, since there are some persons who object to having unwanted articles foisted on them or are embarrassed when that occurs. His Honour identified litter problems with unwanted literature; potential disruption to the orderly flow of traffic; noise problems (particularly with amplification), and the insistence of forcing pamphlets on passers-by could be aggravating or provocative.
22. Kourakis J in the Court below at [118] to [120], and [125] to [128] set out a number of policy reasons favouring the conclusion that the regulation was for a proper purpose. The first respondent adopts this reasoning.
23. The by-law thus has a legitimate purpose and achieves a legitimate end.

#### The permission process

24. Kourakis J in the Court below at [128] identified the positive factors supporting the reasonableness of the permission system. The first respondent adopts this reasoning.

<sup>19</sup> The Courts in Canada have held that streets being public property are for the benefit of citizens as a whole. The 'freedom' that an individual may have to communicate in a place owned by the government can be circumscribed by the interests of the latter and the citizens as a whole, such that if an expression takes a form that contravenes or inconsistent with the function of the place where the attempt to communicate is made, such a form of expression falls outside the protection of the Canadian Charter of Rights and Freedoms. See *Federated Anti-Poverty Groups of B.C. v Vancouver (City)* (2002) 28 MPLR (3d) 165; *R v Banks* [2007] 84 OR (3d) 1 (C.A.). See also *R v Pawolski* (2011) ABQB 93 for a discussion as to the balancing exercise undertaken by the Court of the Queens Bench of Alberta in the context of street preaching.

<sup>20</sup> (1984) 154 CLR 349 at 354-355.

25. The process of providing permission can ensure that preaching, haranguing, canvassing or distributing literature takes place at appropriate times and appropriate locations<sup>21</sup>, and in a manner that ensures a fair go all round. Persons who routinely act in an offensive manner, or seek to engage in activities in an inappropriate place, could be denied permission, or given permission subject to reasonable conditions.
26. The fact that permission is required to do an act gives rise to the potential for the process of granting permission to be abused. However, the mere possibility that power may be abused cannot render the statutory conferral of power invalid – otherwise many laws could be invalid if the possibility of abuse was fatal to validity. The Court is not to assume that the decision maker will act unreasonably<sup>22</sup>.
27. Any discretion to be exercised in the permission process must be exercised in accordance with any applicable law, including the Constitution itself;<sup>23</sup> the decision maker's powers must be understood with regard to the matter, scope, and purpose of the enabling statute and must be exercised on application. Put another way, the person making the decision as to whether to grant permission to preach, harangue or distribute literature must have regard to the implied freedom of political communication<sup>24</sup> – in exercising his or her discretion on behalf of the first respondent, their power is constrained by the constitutional restrictions on the legislative power, with the result that the decision maker must not act ultra-vires<sup>25</sup>. The constitutional question therefore arises, not so much in the making of the by-law giving the discretion, but in the particular exercise of (delegated) statutory power in a given case<sup>26</sup>.
28. If there is any jurisdictional error in the exercise of power in the permission process, then it amenable to judicial review.<sup>27</sup>
29. The second respondents (and other persons who might be affected by the by-law) have alternative means to express their views and opinions which are not burdened by the by-law. They can write to the media. They can write to politicians. They can publish their

<sup>21</sup> In the United States it has been held that the right to freedom of speech does not guarantee a plaintiff 'the best channels or locations for its expression' – *Carew-Reid v Metropolitan Transport Authority* 903 F2d 914, 919 [2d Cir 1990] or the 'forum of his choice' – *Irish Lesbian & Gay Org v Giuliani* 918 F Supp at 744. See *United for Peace and Justice v Michael Bloomberg as Mayor of City of New York* 5 Misc 3d 845.

<sup>22</sup> *Proud v City of Box Hill* [1949] VLR 208; *Southorn v Jovanovic* (1987) 63 LGRA 277.

<sup>23</sup> *Woton v Queensland* (2012) 86 ALJR 246 at [9] to [10].

<sup>24</sup> *Woton* at [31].

<sup>25</sup> *Woton* at [21].

<sup>26</sup> *Woton* at [22], [33].

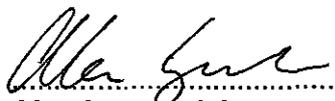
<sup>27</sup> *Woton* at [32].

opinions on the internet. Their general freedom of speech or communication is not affected. They can hold whatever views they like. They can express those views in a variety of ways that are unaffected by the by-law, or at other locations. All that is affected by the by-law is certain behaviour on roads, unless permission is obtained.

10 30. Properly seen, the by-law accordingly does not burden political communication in a manner that is incompatible with the system of representative government established by the *Commonwealth Constitution*. To the extent that a burden is created, it is incidental only, and is achieved in a manner that is reasonably appropriate and adapted to achieve the legitimate ends identified in these submissions.

Dated: 29 June 2012

  
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## **ANNEXURE**

### **Section 3 – Local Government Act 1999 (SA)**

#### **Objects**

The objects of this Act are—

- (a) to promote the continuance of a system of local government in South Australia under which elected local government bodies are constituted for the better governance of the State in a manner that is consistent with the provisions of Part 2A of the Constitution Act 1934 ; and
- (b) to encourage the participation of local communities in the affairs of local government and to provide local communities, through their councils, with sufficient autonomy to manage the local affairs of their area; and
- (c) to provide a legislative framework for an effective, efficient and accountable system of local government in South Australia; and
- (d) to ensure the accountability of councils to the community; and
- (e) to improve the capacity of the local government system to plan for, develop and manage local areas and to enhance the capacity of councils to act within their local areas as participants in the Australian system of representative government; and
- (f) to encourage local government to provide appropriate services and facilities to meet the present and future needs of local communities; and
- (g) to encourage local government to manage the natural and built environment in an ecologically sustainable manner; and
- (h) to define the powers of local government and the roles of council members and officials.

### **Section 4 - Local Government Act 1999 (SA)**

#### **Definition (of Road)**

"road" means a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—

- (a) a bridge, viaduct or subway; or
- (b) an alley, laneway or walkway.

### **Section 35 – Local Government Act 1999 (SA)**

#### **Corporate status**

- (1) A council is a body corporate with perpetual succession and a common seal.
- (2) A council bears the name assigned to it under this Act.
- (3) A council consists of the members appointed or elected to the council in accordance with this Act or the Local Government (Elections) Act 1999.

### **Section 208 - Local Government Act 1999 (SA)**

#### **Ownership of public roads**

- (1) All public roads in the area of a council are vested in the council in fee simple under the Real Property Act 1886 (and any land so vested that has not been previously brought under that Act is automatically brought under that Act without further application).
- (2) When land vests in a council as a public road under this or another Act, the land is discharged from all mortgages, charges, easements and other encumbrances, and all other rights, privileges, trusts, limitations or restrictions (unless provided otherwise by this or another Act).
- (3) Subsection (2) does not operate so as to discharge any easement that the council resolves to preserve under this subsection.
- (4) A council must cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under subsection (3), to be published in the Gazette.
- (5) A resolution declaring a road or land to be a public road will not take effect until publication under subsection (4).

### **Section 3 - City of Adelaide Act 1998 (SA)**

#### **Objects**

The objects of this Act are—

- (a) to recognise, promote and enhance the special social, commercial, cultural and civic role that the City of Adelaide plays as the capital city and heart of South Australia; and
- (b) to provide for collaborative arrangements for intergovernmental liaison between the State and The Corporation of the City of Adelaide for the strategic development of the City of Adelaide and the representation of the interests of South Australians not enfranchised to vote in elections for the Corporation; and
- (c) to revise and enhance local governance arrangements for the City of Adelaide;

and

- (d) to ensure access to the City of Adelaide for all South Australians.

### **Section 29 – *City of Adelaide Act 1998 (SA)***

#### **Objectives**

The Council must, in the performance of its roles and functions—

- (a) provide open, responsive and accountable government;
- (b) be sensitive to the needs, interests and aspirations of individuals and groups within the City of Adelaide community;
- (c) participate with other councils, and with State and national governments, in setting regional, State and national objectives;
- (d) give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the City of Adelaide;
- (e) seek to co-ordinate with State and national governments in the planning and delivery of services in which those governments have an interest;
- (f) seek to ensure a proper balance within its community between economic, social, environmental and cultural considerations;
- (g) manage its operations and affairs in a manner that emphasises the importance of service to the community;
- (h) seek to ensure that Council resources are used fairly, effectively and efficiently;
- (i) provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs.

### **Section 22 - *Acts Interpretation Act 1915 (SA)***

#### **Construction that would promote purpose or object of an Act to be preferred**

- (1) Subject to subsection (2), where a provision of an Act is reasonably open to more than one construction, a construction that would promote the purpose or object of the Act (whether or not that purpose or object is expressly stated in the Act) must be preferred to a construction that would not promote that purpose or object.
- (2) This section does not operate to create or extend any criminal liability.

## **Section 25 – Acts Interpretation Act 1915 (SA)**

### **Variation of forms**

Whenever forms are prescribed or approved under any Act, forms to the same effect are sufficient provided that deviations from the prescribed or approved forms are not calculated to mislead.

## **Section 90 - Municipal Corporations Act 1835 (UK)**

### **Council to have power to make Bye Laws**

And be it enacted. That it shall be lawful for the Council of any Borough to make such Bye Laws as to them shall seem meet for the good Rule and Government of the Borough, and for Prevention and Suppression of all such Nuisances as are not already punishable in a summary Manner by virtue of any Act in force throughout such Borough, and to appoint by such Bye Laws such Fines as they shall deem necessary for the Prevention and Suppression of such Offences; provided that no Fine so to be appointed shall exceed the Sum of Five Pounds, and that no such By Law shall be made unless at least Two Thirds of the whole Number of the Council shall be present; provided that no such Bye Law shall be of any Force until the Expiration of Forty Days after the same or a copy thereof shall have been sent, sealed with the Seal of the said Borough, to One of His Majesty's Principal Secretaries of State, and shall have been affixed on the outer Door of the Town Hall or in some other public Place within such Borough; and if at any Time within the said Period of Forty Days His Majesty, with the Advice of His Privy Council, shall disallow the same Bye Law or any Part thereof, such Bye Law or the Part thereof disallowed shall not come into operation: Provided also, that it shall be lawful for His Majesty, if He shall think fit, at any Time within the said Period of Forty Days, to enlarge the Time within which such Bye Law, if disallowed, shall not come into force; and no such Bye Law shall in the Case come into force until after the Expiration of such enlarged Time.

## **Section 146 – Municipal Corporations Act 1861 (SA)**

146. The Council may make such by-laws as they shall deem meet for the ordering of their proceedings; for conducting the elections of Mayor, Councillors, and Auditors, in any matters which may not be sufficiently provided for by this Act, nor be inconsistent therewith, and for the determining the duties of any officers, servants, and others appointed by the Council; and all such by-laws as to them shall seem meet for the good rule and government of the city, and for the prevention and suppression of nuisances therein, and such further and other by-laws as may from time to time be deemed necessary to these ends; and all such by-laws as are specified in the Schedule; hereto marked K of by-laws authorised to be made by the Council of the City of Adelaide; and to repeal all or any of the said several by-laws in this section, and in the said Schedule mentioned or referred to, and to make others in their stead for all or any of the purposes aforesaid; and to appoint such regulations and fines as they may consider requisite for the prevention and suppression of such offences as aforesaid, for the better enforcement of the said several by-laws : Provided that no such fine shall exceed the sum of Ten Pounds. The by-laws in force in the said city at the time of the passing of this Act, shall (unless sooner repealed), be and remain in full operation therein, until the first day of June then next ensuing.

## **Schedule K – Municipal Corporations Act 1861 (SA)**

### **Auctions (Evening)**

For fixing the hour for holding and otherwise regulating evening sales by auction.

**Baths**

For the general management of public baths, and for fixing the sums to be paid for the use thereof.

For the division of baths, so as to afford sufficient separate accommodation for the sexes, and private baths for either.

For the regulation of hot and cold baths, and shower baths, vapour and medical baths, the requisites to be supplied ; and the **sums** to be paid therefor.

**Bazaars**

For the regulation of any licensed bazaars for the sale of horses and carriages, established in pursuance of this Act : the amount to be paid for licences : and the maintenance of cleanliness therein.

**Bread**

For the better enforcement of the sale of bread by weight, whether sold in a shop or otherwise; and the seizure and forfeiture, to charitable institutions, of bread under weight, or compounded of materials prohibited by this Act, or not being marked as hereinbefore directed.

**Cattle**

For the better prevention of trespass by stray cattle in the streets and public places of the City, and on the Park Lands.

**Cellars**

For prohibiting the use of cellars as places for dwellings and general habitation.

For requiring wells to be sunk in all cellars where the City Surveyor shall report the same to be essential for preventing the rising and accumulation of water in such cellar.

**Disorderly Places and Conduct**

For the suppression and restraint of brothels and houses of ill-fame and repute, of prize fights, dog fights, and cock fights, of gaming tables, and gambling of every description.

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour.

**Drains (Private)**

For the general regulation of private drains and sewers intended to communicate with main and common sewers, and in the respects following, viz. :-

1. For regulating the construction of branch or private sewers, and the communications thereof with main common sewers.
2. For fixing annual or other rents to be paid for such private sewers, to be recoverable in respect of the house or premises from which such drain issues, in the same manner as general rates.
3. For the repair and cleansing thereof, under the direction of the City Surveyor.
4. For preventing the use of private drains and sewers except by the person rated.
5. For removing, by drainage to be discharged into the common sewers, all nuisances from houses and tenements at the expense of the owners or occupiers refusing so to do.

### **Elections**

For the better regulation thereof in my respects not defined by this Act, and not being inconsistent therewith.

### **Fire**

For the prevention and more speedy extinguishment of fires.

For the regulation and reward of firemen, and provision for them and their families in case of death or accident in the discharge of duty.

For the regulation of fire-plugs, alarm bells, and fire-engines.

For securing a prompt supply of water.

For preventing the lighting of fires in the open air, smoking in any warehouse, store, stable, or outbuildings, or place liable to ignition, or wherein are goods so liable.

For regulating the kind and quantity of any inflammable or combustible materials or substances to be kept at any one time in one place.

For preventing the stacking, and for regulating the storage and keeping of any hay, straw, bark, thatch, reeds, coal, or firewood.

For licensing fit buildings for the storage thereof.

For prohibiting the use of ash pits of improper construction, and the throwing out of unquenched embers liable to rekindle in the open air.

The throwing down in any building or premises where ignition might ensue therefrom, any lucifer or tow match, whether lighted or nor, or any lighted cigar or ashes from any pipe.

### **Gas**

The keeping service-pipes fully charged with gas.

For preventing the contamination of the River Torrens, or any stream, or place for water, well, or fountain within the city, by such gas, or anything used in the making of it.

The escape of gas.

### **Goats**

For the destruction of goats at large, or trespassing within enclosures.

### **Horses**

To restrict the breaking in of horses in the streets, either by leading, riding or driving.

For preventing entire horses being led or exhibited through or in the streets or public places of the city at inexpedient hours.

For preventing mares being covered within the city, except in yards, buildings, or premises sufficiently enclosed or screened from public view.

### **Hawkers**

For licensing hawkers trading within the city, and fixing the amounts to be paid for their licences, for the registration of their names, and the regulation of their conduct.

### **Lighting**

For regulating the lighting of any street or district at the joint expense of the Corporation and the inhabitants of such street, the assessments for, and the collection of the rates to be levied to meet the moiety of the expense to be paid by such inhabitants.

**Markets**

For the general regulation of all markets for cattle and provisions, the tolls, dues, and fees to be received thereat, and the maintenance of good order therein.

For prohibiting forestalling and regrating, and every kind of fraudulent device and practice in relation to the sale of marketable commodities.

**Officers**

For defining the functions and regulating and enforcing a due performance of the duties of officers appointed by the Council.

**Park Lands**

For the regulation and conservation of the Park Lands.

For licensing persons to depasture cattle thereon, and fixing the fee therefor.

For preventing the driving and the depasturing of cattle upon the Park Lands by persons not having licences for so doing.

For the more speedy recovery of any such licence fees, either by distraint of cattle depasturing, or by impounding and sale thereof at any city pound, subject to agistment.

**Party - Walls**

For regulating party-walls, and also the height and thickness of parapets, external walls, and flues and fire-places.

**Passenger and Other Vehicles**

For regulating and licensing all hackney carriages, cabriolets, public conveyances, coaches, omnibuses, spring-carts, or other vehicles of the like nature, waggons, drays, carts, or other vehicles for the carrying of goods and merchandise, plying, kept, or let for hire within the city; and also waggons, drays, carts, or other vehicles used in hawking firewood and water within the city respectively; and for registering the names of the owners, drivers, and conductors of all such passenger and other vehicles, and for the approval of owners and drivers before licences granted.

**As to Hackney Carriages**

For the distinction of vehicles, in respect of fares to be taken by the owner.

For fixing the rates and fares to be taken the mode of computation of distances.

For appointing stands for such carriages within the city, and regulations to be observed thereat.

For enforcing the obligation of owners and drivers to convey passengers on demand.

For limiting the number of such passengers (inside and outside, their baggage and goods, and regulating fares for children, and as to taking up and setting down passengers.

For the maintenance of carriages in proper condition and order, and regulating how the same shall be furnished, provided, and kept.

The painting of the names of the owners and the numbers thereon, and the keeping affixed within the same authorized tables of fares and distances, and the speed at which they shall proceed.

For providing for the delivery over and disposal of articles left in licensed carriages.

For compelling the approved owner or driver to be in charge of such carriages, and preventing the same from being driven by others, and persons not hiring the same from riding with the owner.

For prevention of smoking in any such carriages, or by the driver thereof.

For prohibiting coffins, containing the corpses of deceased persons above the age of five years, from being conveyed therein.

### **As to all Carriages**

For punishing the misconduct of the drivers and conductors of, and persons attending any of the aforesaid passenger or other vehicles, in carelessly or furiously driving or racing, or in demanding or receiving more than the legal fare, or in using any threatening or abusive, indecent, or insulting language; as also for the punishing of persons hiring such vehicles respectively, seeking to avoid payment thereof, who shall fraudulently evade, or attempt to evade the payment of fares.

### **Porters**

For the licensing and regulating of porters and their charges, and the fixing upon any badge or number to be borne by them.

### **Sunday**

For the better observance of.

### **Slaughterhouses**

For the regulation of slaughterhouses, the cattle to be slaughtered thereat.

For the better prevention of the slaughtering, both of great and small cattle, except at slaughterhouses established by the Council.

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

For destroying unwholesome meat.

For the maintenance of cleanliness.

For the regulation of cattle kept at any slaughterhouse on behalf of the owner, prior to their being slaughtered, or without, having been slaughtered, and the fees to be taken therefor.

### **Streets**

For preventing obstructions of any streets, footways, water-channels, and watercourses therein.

For regulating the flagging, paving, and repairing of the streets and footways.

For cleansing the same.

For compelling the securing, removing, or filling up of any cellar, ways, or openings, which may now or hereafter be in or under any footway.

### **Sanitary**

For the prevention and suppression of all nuisances whatsoever, whether specified in this Act or not.

For compelling the owners or occupiers of tallow chandlers' shops, soap factories, tanneries, and of houses, buildings, privies, sewers, or places which may be in an unwholesome or offensive state, or be likely to become so ; to cleanse the same as the Council may think necessary, in relation to the health and comfort of the inhabitants of the city.

For the preservation of cleanliness in public slaughterhouses, markets, baths, and warehouses.

For the due restriction and regulation of noisome and offensive trades.

For regulating the situations, construction, removing, emptying, cleansing, and filling up of privies and cesspools.

For compelling the removal of waste-water and impurities from cellars and any other places.

For regulating the removal and disposal of night-soil, filth, offal, and refuse, and for the appointment of proper places for the deposit thereof.

For the check and prevention of infectious or contagious diseases.

For the purification of any house, building, or place, from the state of which, there is probable cause to apprehend the engendering of the disease and injury to the public health.

For fixing the fees payable to medical advisers consulted in such cases.

### **Torrens River**

For the conservancy of the banks and bed, and for preserving from pollution the waters of the river.

For setting apart any portion thereof as a water-reserve for public use.

### **Wash Houses**

For the general regulation of public wash-houses and the drying grounds belonging thereto.

The requisites to be supplied to the persons hiring the same.

### **Fountains**

For regulating of continuous supply of water, without charge, therefrom.

For preventing pollution thereof.

### **Weighbridges**

For regulating the licensing of weighbridges.

For enforcing the use of avoirdupois weights thereat.

For the prohibition of the sale of coals, wood, hay, bark, and articles, add marketable commodities carted for sale, by the load, unless the weight be first ascertained at a licensed weighbridge.

**Weights and Measures**

For the better enforcing of the use of compared weights and measures, and for regulating the use of measures of glass or earthenware, and the suppression of as are false.

For the regulation of the duties of the Inspector, and the comparison of weights and measures.

For the introduction of, and regulating the use of weights and measures (in accordance with the standards established by the Imperial Parliament), for the sale of the precious metals, precious stones, and medicines, under the provisions of this Act.

**Section 122 – District Councils Act 1858 (SA)**

The District Council may, from time to time, make, publish, alter, modify, amend, or repeal such by-laws and regulations as to them may seem meet for any of the following purposes:-

For regulating the election of Councillors, Chairman, or Auditors, or the appointment of any officer or other person for carrying out any of the purposes of this Act.

For the regulation and control of any officer or servant of the Council, and the time and mode of payment of their salaries or fees.

For fixing and regulating the securities to be taken from or on behalf of any officer or servant.

For making, imposing, levying, and collecting any assessment or rates.

For the appropriation and expenditure of district moneys.

For the management of any land, houses, tenements, and hereditaments, or other property, real or personal, vested in or under the control of the District Council for any purpose whatever.

For regulating and maintaining, protecting and improving, any water or other reserves for public purposes.

For regulating the fees payable by any person resorting to or using or obtaining or drawing any stone, water, wood, or any other thing from any land, tenements, or hereditaments, the property of or under the control of the District Council, and to regulate the mode of collecting such fees.

For regulating the depasturing of cattle upon, or cutting or removing timber from, the waste and unsold common lands of the Crown within the district, and for regulating the issue of certificates to licence the depasturing of cattle, or cutting or removing of timber, or quarrying stone, and to provide for and regulate the transfer of any such licences, and to fix the amount and manner of payment of fees for the same, and to regulate the description of cattle allowed on such lands, and to prevent any particular description of cattle from depasturing on the said lands, or any part thereof, and to prevent any unlicensed person from depasturing cattle upon the said lands, or any licensed person from exceeding the number of cattle which he may be entitled to depasture thereon.

For the establishment and regulation, or support of any schools receiving aid from the Central Board of Education, or the District Council:

For regulating the amount of fees to be taken for slaughtering licences:

For the inspection of balances, weights, and measures, and for ensuring the use of just balances, weights, and measures:

For the prevention and suppression of nuisances:

For regulating the manner of calling and holding meetings of the District Council and ratepayers:

For the more effectually carrying out all and every the powers and authorities herein given to District Councils:

For inflicting fines, not exceeding Ten Pounds, for the breach of any by-law.

### **Section 242 – Municipal Corporations Act 1880 (SA)**

Every Council may from time to time modify, amend, or repeal its existing bylaws, and may from time to time make, publish, alter, modify, amend, or repeal such by-laws and regulations as to them may seem meet, for any of the following purposes : And may by such by-laws inflict penalties not exceeding Ten Pounds, for each offence for the better enforcing the said several by-laws, or for punishing the breach thereof, or of any of them -

#### **Alleys**

For regulating and securing the entrances of courts and alleys:

#### **Auctions (evenings)**

For fixing the hours for holding and otherwise regulating evening sales by auction:

#### **Bathing**

For regulating or prohibiting bathing in any or any part of any river, creek, stream, sea, or other open public water, situated within the limits of or abutting on the boundary of any municipality, for setting apart any place or any portion of any such water for the sole use of either sex, for fixing the hours within which persons may bathe, for requiring persons bathing to wear some convenient clothing, for authorising the erection and use of bathing-houses or machines, and charging licence fees for the same, and for providing for such other matters as may appear expedient for preserving decency, or promoting the convenience of the public:

#### **Baths**

For the general management of public baths, and the conduct of visitors thereat, and for fixing the sums to be paid for the use thereof:

For the division of baths so as to afford sufficient separate accommodation for the sexes, and private baths for either:

For the regulation of hot and cold baths and shower baths vapour and medical baths, the requisites to be supplied, and the sums to be paid therefor:

#### **Bazaars**

For regulating the licensing, supervision, government, and control of any premises as bazaars or repositories for the sale of horses, horned cattle, carriages, and other vehicles, or

any of them; the amount to be paid for licences and the maintenance of cleanliness in the licensed premises:

**Bread**

For regulating and enforcing the sale of bread by weight:

**Buildings**

For regulating the construction and erection of party-walls, external walls, parapets, and of flues and fireplaces, and the situation thereof, in any buildings which may be hereafter taken down and rebuilt, or which may hereafter be built or erected within the municipality, and for, removing any party-wall, external wall, parapet, flue, or fireplace constructed or erected contrary to any such by-law:

For regulating the deposit and removal of building materials on and from streets and foot streets and footways:

**Cattle**

For the prevention of trespass by stray cattle in the streets and public places of the municipality, and on the park lands and reserves therein:

**Cellars**

For prohibiting the use of cellars for dwellings and general habitation:

For requiring wells to be sunk in all cellars where the Surveyor shall deem the same to be essential for preventing the rising and accumulation of water therein:

**Chimney-sweeps**

For regulating and licensing chimney-sweeps, and for prohibiting the sweeping for hire or reward, of chimneys by unlicensed persons, for fixing the fees to be paid for such licences, and for regulating a tariff of the rates to be paid to licensed chimney-sweeps:

**Crossing Places**

For regulating the width of, and the mode in which, and the materials whereof, crossing places for vehicles and animals from any public street to private residences over any footway shall be constructed:

**Dairies**

For the annual registration of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk, and for fixing the licensing fees to be paid in respect thereof, such fees not exceeding Ten Shillings per annum:

For the inspection of cattle and dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies and cowsheds:

For securing the cleanliness of milk stores, milk shops, and of milk vessels used for containing milk for sale:

For prescribing precautions to be taken for protecting milk against infection or contamination:

For prohibiting the adulteration of milk:

For prohibiting the sale of milk by other than licensed persons:

### **Disorderly places and conduct**

For the suppression and restraint of brothels and houses of ill-fame and repute, of prize-fights, dog-fights, and cock-fights, of gaming tables, and gambling of every description:

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour:

For preventing any person acting as the proprietor, occupier, or having the chief control or management of any bawdy-house, brothel, or house of ill-fame, and for preventing any person from knowingly letting any house for the purpose of being used as a bawdy-house, brothel, or house of ill-fame, and for punishing any person who knowingly and wilfully continues as a tenant any person who shall keep any bawdyhouse, brothel, or house of ill-fame:

### **Dogs**

For regulating and providing for the destruction of dogs unregistered, or dogs without collars, by shooting or otherwise:

### **Drains (private)**

For the general regulation of private drains and sewers intended to communicate with main and common sewers, and also in the respects following, viz. –

1. For regulating the construction of branch or private sewers, and the communications thereof with main common sewers:
2. For fixing annual or other rents to be paid for such private sewers, to be recoverable in respect of the house or premises from which such drain issues, in the same manner as general rates:
3. For the repair and cleansing thereof under the direction of the Surveyor:
4. For preventing the use of private drains and sewers except by the person rated:
5. For removing, by drainage to be discharged into the common sewers, any nuisances from houses and tenements at the expense of the owners or occupiers refusing so to do:

### **Elections**

For ordering, regulating, and conducting the election of Mayors, Councillors, and Auditors, and the conduct of persons within any polling-booth at such election, and at any other time or place where voting, whether by ballot or otherwise, shall be in progress, in any matters which may not be sufficiently provided for by this Act:

### **Fires**

For the prevention, suppression, and speedy extinguishment of fires:

For the regulation and reward of firemen, and making provision for them and their families in case of death or accident in the discharge of duty:

For the regulation of fire-plugs, alarm-bells, and fire-engines:

For securing a prompt supply of water:

For preventing the lighting of fires in the open air, and smoking in any warehouse, store, stable, or outbuildings, or places liable to ignition, or wherein goods so liable shall be kept:

For prohibiting the throwing down in any building or premises, where ignition might ensue therefrom, any lucifer or tow match, whether lighted or not, or any lighted cigar or ashes from any pipe:

For preventing the stacking, and for regulating the storage and keeping of any hay, straw, bark, thatch, reeds, coal, or firewood, and for licensing tit buildings for the storage thereof:

For the proper construction of buildings and premises wherein hay, straw, or thatch may be sold or stored:

For preventing the erection (except by the Corporation on the public lands of the municipality, or by the Government, on any Government reserve for temporary purposes only) within the limits of any municipality of any tent, pavilion, shed, or other structure of calico, canvas, or other inflammable material, without obtaining the consent thereto of the Council of such municipality, for such time and on such terms as the Council may decide:

For regulating the kind and quantity of any inflammable or combustible materials or substances to be kept at any one time in one place:

For prohibiting the use of ashpits of improper construction, and the throwing out of unquenched embers liable to rekindle in the open air:

For preventing the placing, stacking, or storing of empty cases, paper shavings, crates packed with straw, or any dangerous or inflammable substances in the open air:

### **Fountains**

For regulating a continuous supply of water:

For preventing the pollution thereof:

### **Gas**

For keeping service-pipes fully charged with gas:

For preventing the contamination of any river, stream or place for water, well or fountain, within the municipality, by gas, or anything used in the manufacture thereof:

For prohibiting the escape of gas:

For regulating and enforcing the inspection and test of gas-meters by officers of the Council appointed for that purpose:

### **Goats**

For the destruction of goats at large, or trespassing within enclosures, and for regulating the burial or other disposal of the carcase of any goat destroyed under the authority of any by-law:

### **Gunpowder**

For appointing suitable magazines or buildings for the storage of gunpowder, and other explosive substances; for regulating the quantity of such explosive substances which may be kept by any person, and for prohibiting or regulating the use of such explosive substances within the municipality:

### **Hawkers**

For licensing hawkers trading within the municipality, for the registration of their names and the regulation of their conduct, and for fixing the amounts to be paid for their licences:

### **Horses**

To restrict the breaking in of horses ill the streets, either by leading, riding, or driving:

For preventing entire horses being led or exhibited through or in tile streets or public places of the municipality at inexpedient hours:

For preventing mares being covered within the municipality, except in yards, buildings, or premises sufficiently enclosed or screened from public view:

### **Lighting**

For regulating the lighting of any street or district at the joint expense of the Corporation and the inhabitants of such street, the assessments for, and the collection of the rates to be levied to meet the moiety of the expenses to be paid by such inhabitants:

### **Marine Store Dealers**

For licensing marine store dealers, and for prohibiting the carrying on the business of a marine store dealer without al licence, and for regulating the carrying on of such business, and for fixing the fees to be paid for licences:

### **Markets**

For the general regulation of all markets for cattle and provisions, the tolls, dues and fees to be received thereat, and the maintenance of good order therein:

For prohibiting forestalling and regrating, and every kind of fraudulent device and practice in relation to the sale of marketable commodities:

For defining the functions and regulating and enforcing the due performance of the duties of officers and servants appointed by the Council:

For the punishment of persons falsely representing themselves to be officers of the Corporation:

For the regulation and conservation of the park lands and reserves:

For licensing persons to depasture cattle thereon, and-fixing the fee therefor:

For preventing the driving and the depasturing of cattle upon the park lands and reserves by persons not having licences for so doing:

For the recovery of any such licence fees, either by distraint of cattle depasturing, or by impounding and sale thereof:

For appointing and regulating keepers or servants employed therein:

For regulating the time at which any such park lands and reserves shall be opened and closed:

For regulating the conduct of persons frequenting any such park lands and reserves:

For regulating the days on and the bounds or limits within which games and gymnastics shall be permitted on any park lands and reserves, and for otherwise regulating or prohibiting such games and gymnastics:

For preventing or regulating the admission of vehicles, horses, asses, mules, and cattle:

For regulating shooting over, on, or in such park lands and reserves;

For regulating matches, or training for racing, with horses, dogs, or otherwise:

For enabling Corporation servants, police constables, or special constables to remove person's who shall be guilty of any breach of any by-law made by the Corporation:

For regulating or preventing the selling, or exposing for sale, goods, wares, or merchandise on the park lands, public reserves, or squares:

For prohibiting damage or injury to and destruction of trees, shrubs, and plants in the park lands, public squares, parks, reserves, and plantations of the municipality:

For regulating and licensing all hackney carriages, wagonettes, cabriolets, cabs, public conveyances, coaches, omnibuses, spring-carts, or other vehicles of the like nature; wagons, drays, carts, or other vehicles for the carrying of goods and merchandise, plying, kept, or let for hire within the municipality; and also wagons, drays, carts, or other vehicles used in hawking firewood and water therein respectively; and for registering the names of the owners, drivers, and conductors of all such passenger and other vehicles, and for the approval of owners and drivers before licences are granted:

For the distinction of vehicles, in respect of fares to be taken by the owner:

For fixing the rates and fares to be taken, and the mode of computation of distances:

For appointing stands for such carriages within the municipality, and the regulations to be observed thereat:

For enforcing the obligation of owners and drivers to convey passengers on demand: For limiting the number of such passengers (inside and outside), their baggage and goods, and regulating fares for children, and as to taking lip and setting down passengers:

For the maintenance of carriages in proper condition and order, and regulating how the same shall be furnished, provided, and kept:

For enforcing the painting of the names of the owners and the numbers thereon, and keeping affixed within the same authorised tables of fares and distances, and the speed at which vehicles proceed:

For providing for the delivery over and disposal of articles left in licensed carriages:

For compelling the approved owner or driver to be in charge of such carriages, and preventing the same from being driven by others, and for preventing persons not biting the same from riding with the owner or driver:

For the prevention of smoking in any such carriages, or by the driver thereof:

For prohibiting coffins, containing the corpses of deceased persons above the age of two years, from being conveyed in any vehicle licensed for the conveyance of passengers:

For punishing the misconduct of the drivers and conductors of, and persons attending any of the aforesaid passenger or other vehicles, in carelessly or furiously driving or racing, or in demanding or receiving more than the legal fare, or in using any threatening or abusive, indecent, or insulting language; and also for punishing persons hiring such vehicles evading or attempting to evade the payment of fares:

For regulating the routes, within the limits of any municipality, to be observed by licensed omnibuses or passenger vehicles plying as omnibuses:

For requiring all licensed vehicles, of whatever sort, to have the number of their licence conspicuously painted on and in the vehicle and on the outside lamps:

For requiring and regulating the carrying; of alighted lamp inside licensed passenger vehicles whilst plying for hire after sunset:

For preventing licensed drivers or others loitering with licensed vehicles in the street, or plying for hire in the streets except on a stand:

For preventing any person, not being of the full age of seventeen years acting as driver, and of the full age of twelve years acting as conductor of any licensed vehicle:

For preventing licensed drivers from being or standing away from the vehicle and horses in their charge whilst on the stand, or for regulating the distance at which such drivers may be allowed to be away from their vehicles whilst on the stand:

For limiting the number of vehicles or carriages from time to time to be licensed by the Council:

For regulating and licensing drivers and conductors of licensed vehicles, and for fixing and receiving licence fees therefor, and for making regulations for the granting and refusal of licences:

For enforcing the painting, inside and outside of all licensed passenger vehicles, the number of passengers the vehicle is licensed to carry outside and inside, also the rate of fares for time or distance:

For preventing what is called the nursing or shepherding of passenger vehicles by other passenger vehicles, and for preventing the owner or driver of one passenger vehicle from wilfully preceding or following another passenger vehicle:

For preventing persons standing on the footways or roadways of any town or city and touting for passengers for any licensed vehicles:

For the punishment of any driver or rider of horses or other animals who may leave them in any street or other public place unattended or insecurely fastened to bridle-posts, or not leaving them in charge or under the proper control of other persons, whereby such horses or animals may break away and bolt, to the danger or injury of any person:

#### **Porters**

For the licensing and regulating of porters and their charges, and the fixing upon any badge or number to be borne by them:

#### **Proceedings at Council and rate meetings**

For ordering and regulating the mode and conduct of proceedings at Council and rate meetings, and for punishing misconduct, obstructions, and disturbances thereat, and generally for regulating their own proceedings:

#### **Public health and sanitary**

For the licensing, regulation, supervision, government, and control of premises for the sale of raw or green hides or skins:

For the licensing and government of nightmen and their laborers, and for the regulating, numbering, and licensing of the night-carts used or to be used by them:

For regulating, numbering, and licensing the description of vehicle or vessel to be used for the removal of nightsoil, or ammoniacal liquor, or other offensive liquors or substances:

For regulating the quality, condition, and dressing of butchers' meat offered for sale, and for preventing the sale of objectionable butchers' meat or butchers' meat unfit for human food:

For preventing the burning of rags, clippings, or parings leather, or other offensive substances:

For the prevention and suppression of all nuisances whatsoever, whether, specified in this Act or not:

For compelling the owners or occupiers of all tallow-chandlers' shops, soap factories, tanneries, and of houses buildings, privies, urinals, sewers, or places which may be in an unwholesome or offensive state or be likely, to become so, to cleanse the same as the Council may think necessary for the health and comfort of the inhabitants of the municipality:

For the preservation of cleanliness in public slaughterhouses, markets, baths, and wash houses:

For the restriction and regulation of noisome anti offensive trades:

For regulating the situation, construction, removing, emptying, cleansing, and filling up of privies and cesspools:

For compelling the removal of waste-water and impurities from cellars and any other places:

For regulating the removal and disposal of night-soil, filth, offal, and refuse, and for the appointment of proper places for the deposit thereof:

For the check and prevention of infectious or contagious diseases:

For the purification of any house, building, or place, from the state of which there is probable cause to apprehend the engendering of disease and injury to the public health:

For fixing the fees payable to medical advisers consulted in such cases:

### **Rivers and Watercourses**

For conserving the banks and bed of any river or watercourse, and for preserving from pollution the waters thereof:

For setting apart any portion thereof as a water reserve for the public use:

### **Signboards**

For prohibiting and regulating the erection, putting up, and situation of signboards or other signs over or near any footway:

### **Slaughterhouses**

For the regulation of slaughterhouses and the cattle to be slaughtered thereat:

For the prevention of the slaughtering both of great and small cattle, except at slaughterhouses established b), the Council:

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

For destroying unwholesome meat:

For the maintenance of cleanliness in and at every slaughterhouse and place used for slaughtering cattle:

For the regulation of cattle kept at any slaughterhouse on behalf of the owner, prior to their being slaughtered, or without being slaughtered, and the fees to be taken therefor:

For issuing licences to slaughterhouses and regulating the fees payable therefor, or for slaughtering cattle:

For preventing obstructions of any streets, footways, waterchannels, and watercourses therein:

For regulating the paving, and repairing of the streets and footways:

For cleansing the same:

For compelling the securing, removing, or filling up of any cellar, ways, or openings, which may now or hereafter be in or under any footway:

For regulating the speed or pace at which persons shall ride or drive round the corners or across the intersections of all street or streets, or across any bridge, or along any particular part or parts of any municipality:

For regulating the traffic at times of public interest, amusement, or excitement, in and along all or any of the foot and carriage ways of any street:

For preventing the drawing any wagon, cart, or other carriage not having springs, or the driving any animal attached thereto, at any faster rate, speed, or pace than a common walk:

For preventing any goods or merchandise, coal, or firewood from remaining in any street for a longer period than necessary for the housing or removing the same:

For regulating the cleansing of footpaths in front of buildings before eight o'clock in the morning, and to prevent the shaking of carpets, rugs, or door-mats in the street after that hour:

For preventing animals or vehicles being left in the street, or obstructing any portion of the street, and for the seizure by the Corporation officers or police constables of any such animals or vehicle:

For the punishment of ally contractor, or other person, who shall deposit, or cause to be deposited, any rubbish or materials on the surface of any street or roadway, or who shall excavate or leave open any excavation without having a sufficient and continuous light burning thereon from sunset to sunrise:

For regulating or prohibiting the use of bicycles and velocipedes in or upon the streets, roadways, and footways:

For preventing unyoked cattle or unbroken horses being driven through the streets within certain hours:

For the punishment of persons throwing orange peel or other vegetable substances, or any offensive or noxious substance, on any footpath of a street in the municipality:

### **Sunday**

For the better observance of Sundays:

### **Wash-houses**

For the general regulation of public wash-houses and the drying grounds belonging thereto, and the requisites to be supplied to the persons using the same:

### **Weighbridges**

For regulating the licensing of weighbridges:

For enforcing the use of avoirdupois weights thereat:

For prohibiting the sale, within any municipality, of coals, wood, hay, bark, straw, and other articles, and marketable commodities usually sold by the load, by weight, unless the weight be first ascertained at a licensed weighbridge:

For compelling such weight to be ascertained at a licensed weighbridge within the municipality:

For enforcing the use of compared weights and measures, and for regulating the use of measures of glass or earthenware, and the suppression of such weights and measures as are false:

For regulating the comparison of weights and measures:

For introducing and regulating the use of weights and measures: (in accordance with the standards established by the Imperial Parliament), for the sale of precious metals, precious stones, and medicines:

AND GENERALLY for more effectually regulating, observing, and carrying out all and every the powers and authorities by this Act given to Corporations, and for the good rule and government of the municipality - for the convenience, comfort, and safety of the inhabitants thereof - and for the prevention and suppression of nuisances therein.

### **Section 147 – Municipal Corporations Act 1861 (SA)**

147. No by-laws shall be made unless two-thirds of the whole number of the members constituting the Council, for the time being, shall be present; nor shall any such by-laws be of any force, until they shall have been confirmed by the Governor, with the advice and consent of the Executive Council, and shall have been published in the *South Australian Government Gazette*: Provided that no by-law shall be submitted to the Governor for confirmation, as aforesaid, until the same shall have been laid before the Parliament of the said Province for fourteen days; and provided also, that no by-law to be passed by the said Council shall be repugnant to this Act, or to the general spirit and intendment of the laws in force within the said Province.

### **Section 314 – *Municipal Corporations Act 1890 (SA)***

Every Council may from time to time modify, amend, or repeal its existing by-laws, and may from time to time make, publish, alter, modify, amend, or repeal such by-laws and regulations as to them may seem meet, for any of the following purposes : And may by such by-laws inflict penalties, not exceeding Ten Pounds, for each offence for the better enforcing the said several by-laws, or for punishing the breach thereof, or of-any of them-

#### **Newspapers and merchandise**

For regulating or controlling the sale of newspapers, or merchandise of any kind whatsoever, in the streets or public places of the Municipality, and the sex and age of persons selling newspapers or merchandise in the said streets or public places:

#### **Alleys**

For regulating and securing the entrances of courts and alleys:

#### **Auctions (evening)**

For fixing the hours for holding and otherwise regulating evening sales by auction:

#### **Bathing**

For regulating or prohibiting bathing in any or any part of any river, creek, stream, sea, or other open public water, situated within the limits of or abutting on the boundary of any Municipality; for setting apart any place, or any portion of any such water, for the sole use of either sex; for fixing the hours within which persons may bathe; for requiring persons bathing to wear some convenient clothing; for authorising the erection and use of bathing-houses, or machines, and charging licence fees for the same, and for providing for such other matters as may appear expedient for preserving decency, or promoting the convenience of the public:

#### **Baths**

For the general management of public baths, and the conduct of visitors thereat, and for fixing the sums to be paid for the use thereof:

For the division of such baths, so as to afford sufficient separate accommodation for the sexes, and private baths for either:

For the regulation in public bathing-houses of hot and cold baths and shower baths, vapour and medical baths, the requisites to be supplied, and the sums to be paid therefor:

#### **Bazaars**

For regulating the licensing, supervision, government, and control of any premises as bazaars, general sale yards, or repositories for the sale of horses, horned cattle, carriages, and other vehicles, or any of them, the amount to be paid for licences, and the maintenance of cleanliness in the licensed premises:

For the general regulation of horse bazaars and sheep and cattle markets; for fixing the tolls, dues, and fees to be received thereat; for the maintenance of good order therein, and for the licensing of such horse bazaars, sheep or cattle markets, and fixing the fees payable for such licence:

#### **Bread**

For regulating and enforcing the sale of bread by weight:

**Buildings**

For regulating the construction and erection of party walls, external walls, parapets, and of flues and fireplaces, and the situation thereof, in any buildings which may be hereafter taken down and rebuilt, or which may hereafter be built or erected within the Municipality, and for removing any party wall, external wall, parapet, flue, or fireplace constructed or erected contrary to any such by-law:

For regulating the deposit and removal of building material on and from streets and footways:

**Cattle**

For the prevention of trespass by stray cattle in the streets and public places of the Municipality, and on the park lands and reserves therein:

**Cellars**

For prohibiting the use of cellars for dwellings and general habitation:

For requiring wells to be sunk in all cellars where the Surveyor shall deem the same to be essential for preventing the rising and accumulation of water therein:

**Chimney-sweeps**

For regulating and licensing chimney-sweeps, and for prohibiting the sweeping for hire or reward of chimneys by unlicensed persons; for fixing the fees to be paid for such licences, and for regulating a tariff of the rates to be paid to licensed chimney-sweeps:

**Crossing-places**

For regulating the width of, and the mode in which, and the materials whereof, crossing-places for vehicles and animals from any public street to private residences over any footway shall be constructed:

**Dairies**

For the annual registration of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk, and for fixing the licensing fees to be paid in respect thereof, such fees" not exceeding Ten Shillings per annum:

For the inspection of cattle and dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies and cowsheds:

For securing the cleanliness of milk stores, milk shops, and of milk vessels used for containing milk for sale:

For prescribing precautions to be taken for protecting milk against infection or contamination:

For prohibiting the adulteration of milk:

For prohibiting the sale of milk by other than licensed persons:

**Disorderly places and conduct**

For the suppression and restraint of brothels and houses of ill-fame and repute, of prize-fights, dog-fights, and cock-fights, of tables, and gambling of every description:

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour:

For preventing any person acting as the proprietor, occupier, or having the chief control or management of any bawdyhouse, brothel, or house of ill-fame, and for preventing any person from knowingly letting any house for the purpose of being used as a bawdy-house, brothel, or house of ill-fame, and for punishing any person who knowingly and wilfully continues as a tenant any person who shall keep any bawdyhouse, brothel, or house of ill-fame:

### **Dogs**

For regulating and providing for the destruction of dogs unregistered, or dogs without collars, by shooting or otherwise:

### **Drains (private)**

For the general regulation of private drains and sewers intended to communicate with main and common sewers, and also in the respects following, viz -

1. For regulating the construction of branch or private sewers, and the communications thereof with main common sewers:
2. For fixing annual or other rents to be paid for such private sewers, to be recoverable in respect of the house or premises from which such drain issues, in the same manner as general rates:
3. For the repair and cleansing thereof under the direction of the Surveyor:
4. For preventing the use of private drains and sewers, except by the person rated:
5. For removing, by drainage to be discharged into the common sewers, any nuisances from houses and tenements at the expense of the owners or occupiers refusing so to do:

### **Elections**

For ordering, regulating, and conducting the election of Mayors, Councillors, and Auditors, and the conduct of persons within any polling-booth at such election, and at any other time or place where voting, whether by ballot or otherwise, shall be in progress, in any matters which may not be sufficiently provided for by this Act:

### **Fires**

For the prevention, suppression, and speedy extinguishment of fires:

For the regulation and reward of firemen, and making provision for them and their families in case of death or accident in the discharge of duty:

For the regulation of fire-plugs, alarm-bells, and fire-engines:

For securing a prompt supply of water:

For preventing the lighting of fires in the open air, and smoking in any warehouse, store, stable, or outbuildings, or places liable to ignition, or wherein goods so liable shall be kept:

For prohibiting the throwing down in any building or premises, where ignition might ensue therefrom, any lucifer or tow match, whether lighted or not, or any lighted cigar or ashes from any pipe:

For preventing the stacking, and for regulating the storage and keeping of any hay, straw, bark, thatch, reeds, coal, or firewood, and for licensing fit buildings for the storage thereof:

For the proper construction of buildings and premises wherein hay, straw, or thatch may be sold or stored:

For preventing the erection (except by the Corporation on the public lands of the Municipality, or by the Government on any Government reserve for temporary purposes only) within the limits of any Municipality of any tent, pavilion, shed, or other structure of calico, canvas, or other inflammable material without obtaining the consent thereto of the Council of such Municipality, for such time and on such terms as the Council may decide:

For regulating the kind and quantity of any inflammable or combustible materials or substances to be kept at any one time in one place:

For prohibiting the use of ashpits if improper construction, and the throwing out of unquenched embers liable to rekindle in the open air:

For preventing the placing, stacking, or storing of empty cases, paper shavings, crates packed with straw, or any dangerous or inflammable substances in the open air:

### **Fountains**

For regulating a continuous supply of water to any fountain:

For preventing the pollution thereof:

### **Gas**

For keeping service-pipes fully charged with gas:

For preventing the contamination of any river, stream, or place for water, well, or fountain, within the Municipality, by gas, or anything used in the manufacture thereof:

For prohibiting the escape of gas:

For regulating and enforcing the inspection and test of gas-meters by officers of the Council appointed for that purpose:

### **Goats**

For the destruction of goats at large, or trespassing within enclosures, and for regulating the burial or other disposal of the carcass of any goat destroyed under the authority of any by-law.

### **Gunpowder**

For appointing suitable magazines or buildings for the storage of gunpowder and other explosive substances; for regulating the quantity of such explosive substances which may be kept by any person, and for prohibiting or regulating the use of such explosive substances within the Municipality:

### **Hawkers**

For licensing hawkers trading within the Municipality, for the registration of their names and the regulation of their conduct, and for fixing the amounts to be paid for their licences, and for preventing hawking by persons not licensed by the Council. A licence issued under Act No. 3 of 1863 shall not extend to any Municipality the Council of which shall have made by-laws for licensing hawkers. A licence issued under a by-law of a Municipality shall not extend to any other Municipality, the Council of which shall have made by-laws for licensing hawkers. The maximum amount to be paid for a hawker's licence under by-laws of a Municipality shall be Ten Shillings per annum.

### **Horses**

To restrict the breaking-in of horses in the streets, either by leading, riding, or driving:

For preventing entire horses being led or exhibited through or in the streets or public places of the Municipality at inexpedient hours:

For preventing mares being covered within the Municipality, except in yards, buildings, or premises sufficiently enclosed or screened from public view:

### **Lighting**

For regulating the lighting of any street or district at the joint expense of the Corporation and the inhabitants of such street, the assessments for, and the collection of the rates to be levied to meet the moiety of the expenses to be paid by such inhabitants:

### **Marine store dealers**

For licensing marine store dealers, and for prohibiting the carrying on the business of a marine store dealer without a licence, and for regulating the carrying on of such business, and for fixing the fees to be paid for licences:

### **Markets**

For the general regulation of all markets for cattle and provisions, the tolls, dues, and fees to be received thereat, and the maintenance of good order therein:

For prohibiting every kind of fraudulent device and practice in relation to the sale of marketable commodities:

### **Officers**

For defining the functions and regulating and enforcing the due performance of the duties of officers and servants appointed by the Council:

For the punishment of persons falsely representing themselves to be officers of the Corporation:

### **Park lands and reserves**

For the regulation and conservation of the park lands and reserves:

For licensing persons to depasture cattle thereon, and fixing the fee therefor:

For preventing the driving and the depasturing of cattle upon the park lands and reserves by persons not having licences for so doing:

For the recovery of any such licence fees, either by distraint of cattle depasturing, or by impounding and sale thereof:

For appointing and regulating keepers or servants employed therein:

For regulating the time at which any such park lands and reserves shall be opened and closed:

For regulating the conduct of persons frequenting any such park lands and reserves:

For regulating the days on and the bounds or limits within which games and gymnastics shall be permitted on any park lands and reserves, and for other wise regulating or prohibiting such games and gymnastics:

For preventing or regulating the admission of vehicles, horses, asses, mules, and cattle:

For regulating shooting over, on, or in such park lands and reserves:

For regulating matches, or training for racing, with horses, dogs, or otherwise thereon:

For enabling Corporation servants, police constables, or special constables to remove persons who shall be guilty of any breach of any by-law made by the Corporation:

For regulating or preventing the selling, or exposing for sale, goods, wares, or merchandise on the park lands, public reserves, or squares:

For prohibiting damage or injury to and destruction of trees, shrubs, and plants in the park lands, public squares, parks, reserves, and plantations of the Municipality:

For the proper management, control, and preservation of all walks, roads, and reserves within the Municipality, and all plantations, trees, and shrubs therein:

**Passenger and other vehicles plying for hire.**

For regulating and licensing all hackney carriages, wagonettes, hire, cabriolets, cabs, public conveyances, coaches, omnibuses, spring-carts, or other vehicles of the like nature; wagons, drays, carts, or other vehicles for the carrying of goods and merchandise, plying, kept, or let for hire within the Municipality; and also wagons, drays, carts, or other vehicles used in hawking firewood and water therein respectively; and for registering the names of the owners, drivers, and conductors of all such passenger and other vehicles, and for the approving of owners and drivers before licences are granted:

For the distinction of vehicles, in respect of fares to be taken by the owner:

For fixing the rates and fares to be taken, and the mode of computation of distances:

For appointing stands for such carriages within the Municipality, and the regulations to be observed thereat:

For enforcing the obligation of owners and drivers to convey passengers on demand:

For limiting the number of such passengers (inside and outside), their baggage and goods, and regulating fares for children, and as to taking up and setting down passengers:

For the maintenance of carriages in proper condition and order, and regulating how the same shall be furnished, provided, and kept:

For enforcing the painting of the names of the owners and the numbers thereon, and keeping affixed within the carriages authorised tables of fares and distances, and the speed at which vehicles proceed:

For providing for the delivery over and disposal of articles left in licensed carriages:

For compelling the approved owner or driver to be in charge of such carriages, and preventing the same from being driven by others, and for preventing persons not hiring the same from riding with the owner or driver:

For the prevention of smoking in any such carriages, or by the driver thereof:

For prohibiting coffins, containing the corpses of deceased persons above the age of two years, from being conveyed in any vehicle licensed for the conveyance of passengers:

For punishing the misconduct of the drivers and conductors of, and persons attending any of the aforesaid passenger or other vehicles, in carelessly or furiously driving or racing, or in demanding or receiving more than the legal fare, or in using any threatening, abusive, indecent, or insulting language; and also for punishing persons hiring such vehicles and evading or attempting to evade the payment of fares:

For regulating the routes, within the limits of any Municipality, to be observed by licensed omnibuses or passenger vehicles plying as omnibuses:

For requiring all licensed vehicles, of whatever sort, to have the number of their licence conspicuously painted on and in the vehicle and on the outside lamps:

For requiring and regulating the carrying of a lighted lamp inside licensed passenger vehicles whilst plying for hire after sunset:

For preventing licensed drivers or others loitering with licensed vehicles in the streets, or plying for hire in the streets except on a stand:

For preventing any person, not being of the full age of seventeen years, acting as driver, and of the full age of thirteen years acting as conductor of any licensed vehicle:

For preventing licensed drivers from being or standing away from the vehicle and horses in their charge whilst on the stand, or for regulating the distance at which such drivers may be allowed to be away from their vehicles whilst on the stand:

For limiting the number of vehicles or carriages from time to time to be licensed by the Council:

For regulating and licensing drivers and conductors of licensed vehicles, and for fixing and receiving licence fees therefor, and for making regulations for the granting and refusal of licences:

For enforcing the painting, inside and outside, of all licensed passenger vehicles, the number of passengers the vehicle is licensed to carry outside and inside, also the rate of fares for time or distance:

For preventing what is called the nursing or shepherding of passenger vehicles by other passenger vehicles, and for preventing the owner or driver of one passenger vehicle from wilfully preceding or following another passenger vehicle:

For preventing persons standing on the footways or roadways of any town or city and touting for passengers for any licensed vehicles:

For the punishment of any driver or rider of horses or other animals who may leave them in any street or other public place unattended, or insecurely fastened to bridle-posts, or not leaving them in charge or under the proper control of other persons, whereby such horses or animals may break away and bolt, to the danger or injury of any person:

### **Porters**

For the licensing and regulation of porters and their charges, and for appointing any badge or number to be borne by them:

**Proceedings at meetings**

For ordering and regulating the mode and conduct of proceedings at Council and ratepayers' and citizens' meetings, and for punishing misconduct, obstructions, and disturbances thereat, and generally for regulating their own proceedings:

**Public health and sanitary**

For the licensing, regulation, supervision, government, and control of premises the sale of raw or green hides or skins:

For the licensing and government of nightmen and their laborers, and for the regulating, numbering, and licensing of the night-carts used or to be used by them:

For regulating, numbering, and licensing the description of vehicle or vessel to be used for the removal of nightsoil, or ammoniacal liquor, or other offensive liquors or substances:

For regulating the quality, condition, and dressing of butchers' meat offered for sale, and for preventing the sale of objectionable butchers' meat or butchers' meat unfit for human food:

For preventing the burning of rags, clippings, or parings of leather, or other offensive substances:

For the prevention and suppression of all nuisances whatsoever, whether specified in this Act or not:

For the prevention of the storage or keeping of bonedust or artificial or other manure, so as to be a nuisance or injurious to health:

For the prevention of the keeping of animals of any kind so as to be a nuisance or injurious to health:

For the regulation of noxious or offensive trades, businesses or manufactories, whether established before or after the passing of this Act, in order to prevent or diminish the noxious or offensive effects thereof, and to prevent nuisance or injury to health arising therefrom; and for the regulation of the position and manner of construction of privies, earthclosets, and cesspools or urinals:

For the prevention of the use of steam whistles at factories or other establishments so as to be a nuisance to any person:

For compelling the consumption in factories of the smoke caused by such factories, or by the operations carried on therein or incidental thereto:

For compelling the owners or occupiers of all tallow-chandlers' shops, soap factories, tanneries, and of houses, buildings, privies, urinals, sewers, or places which may be in an unwholesome or offensive state, or be likely to become so, to cleanse the same as the Council may think necessary for the health and comfort of the inhabitants of the Municipality:

For the preservation of cleanliness in public slaughter-houses, markets, baths, and washhouses:

For the restriction and regulation of noisome and offensive trades:

For regulating the situation, construction, removing, emptying, cleansing, and filling up of privies and cesspools:

For compelling the removal of waste water and impurities from cellars and **any** other places:

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

For the check and prevention of infectious or contagious diseases:

For the purification of any house, building, or place, from the state of which there is probably came to apprehend the engendering of disease and injury to the public health:

For fixing the fees payable to medical advisers consulted in such cases:

### **River and watercourses**

For conserving the banks and bed of any river or water-course, and for preserving from pollution the waters thereof:

For setting apart any portion thereof as a water reserve for the public use:

For regulating the granting of licences or privileges for boating and other purposes, over or in respect of any lake, dam, river, water-course, or pond within the limits of the Municipality, and determining the fees payable in respect thereof:

For regulating and defining the manner in which any dam, water-course, or river may be used by the holder of any privilege or licence:

For regulating the construction or erection of boathouses, sheds, or other buildings, and determining the rents or fees payable in respect thereof:

For regulating the tolls, fares, and charges payable by the public in respect of the use of the water, of any dam, river, or water-course:

### **Seaweed**

For regulating and controlling the removal of seaweed from any portion of the seabeach within the boundaries of the Municipality, and for fixing the fees payable for a licence to any person to remove such sea weed:

### **Signboards**

For prohibiting and regulating the erection, putting up, and situation of signboards or other signs over or near any footway:

### **Slaughter-houses**

For the regulation of slaughter-houses and the cattle to be slaughtered thereat:

For the prevention of the slaughtering, both of great and small cattle, except at slaughter-houses established by the Council:

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

For destroying unwholesome meat:

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

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

For issuing licences to slaughter-houses and regulating the fees payable therefor, or for slaughtering cattle:

**Streets and footways**

For preventing obstructions of any streets, footways, water-channels, and water-courses therein:

For regulating the painting and repairing of the streets and footways:

For cleansing the same:

For compelling the securing, removing, or filling up of any cellar, ways, or openings, which may now or hereafter be in or under any footway:

For regulating the speed or pace at which persons shall ride or drive round the corners or across the intersections of any street or streets, or across any bridge, or along any particular part or parts of any Municipality:

For removing or causing to be removed any verandahs or balconies which obstruct the footway or roadway, or are dangerous, and all other obstructions to the footways or roadways:

For prohibiting or regulating processions in the streets:

For prohibiting or regulating the playing of music in the streets:

For prohibiting or regulating the passage of advertising vans through the streets, and the throwing or discharging of hand bills or other printed matter therein:

For requiring and regulating the lighting of wharves for the purposes of public safety: Provided that wherever any wharf is assessed and subject to a lighting rate, one moiety of the cost of lighting shall be paid out of such rate on such wharf:

For prohibiting the erection of dangerous fences or fences with barbed wire abutting on public places, and for regulating and prescribing the materials of which fences abutting on public places shall be erected:

For regulating the traffic, at times of public interest, amusement, or excitement, in and along all or any of the foot and carriage-ways of any street:

For preventing the drawing of any wagon, cart, or other carriage not having springs, or the driving of any animal attached thereto, at any faster rate, speed, or pace than a common walk:

For preventing any goods or merchandise, coal, or firewood from remaining in any street for a longer period than necessary for housing or removing the same:

For regulating the cleansing of footpaths in front of buildings before eight o'clock in the morning, and to prevent the shaking of carpets, rugs, or door-mats in the street after that hour:

For preventing animals or vehicles being left in the street, or obstructing any portion of the street, and for the seizure by the Corporation officers or police constables of any such

animals or vehicle:

For the punishment of any contractor, or other person, who shall deposit, or cause to be deposited, any rubbish or materials on the surface of any street or roadway, or who shall excavate or leave open any excavation without having a sufficient and continuous light burning thereon from sunset to sunrise:

For regulating or prohibiting the use of bicycles and other velocipedes in or upon the streets, roadways, and footways:

For preventing unyoked cattle or unbroken horses being driven through the streets within certain hours:

For the punishment of persons throwing orange peel or other vegetable substances, or any offensive or noxious substance, on any footpath of a street in the Municipality:

### **Sunday**

For the better observance of Sundays:

### **Tramcars**

For preventing the over-crowding of tramcars within the Municipality:

### **Wash-houses**

For the general regulation of public wash-houses and the drying grounds belonging thereto, and the requisites to be supplied to the persons hiring the same:

### **Weighbridges**

For regulating the licensing of weighbridges:

For enforcing the use of avoirdupois weights thereat:

For prohibiting the sale, within any Municipality, of coals, wood, hay, bark, straw, and other articles, and marketable commodities usually sold by the load, by weight, unless the weight be first ascertained at a licensed weighbridge:

For compelling such weight to be ascertained at a licensed weighbridge within the Municipality :

### **Weights and measures**

For enforcing the use of compared weights and measures, and for regulating the use of measures of glass or earthenware, and the suppression of such weights and measures as are false:

For regulating the comparison of weights and measures:

For introducing and regulating the use of weights and measures (in accordance with the standards established by the Imperial Parliament), for the sale of precious metals, precious stones, and medicines:

AND GENERALLY for more effectually regulating, observing, and carrying out all and every the powers and authorities by this Act given to Corporations, and for the good rule and government of the Municipality ; for the convenience, comfort, and safety of the inhabitants thereof; and for the prevention and suppression of nuisances therein.

**Section 504 – Municipal Corporations Act 1923 (SA)**

- (1) The Council may from time to time modify, amend, or repeal their existing by-laws, and may from time to time make, publish, alter, modify, amend, or repeal such by-laws and regulations as to them may seem meet, for any of the following purposes:-

**Alleys**

- I. For regulating and securing the entrances of courts and alleys:

**Auctions (evenings)**

- II. For fixing the hours for holding and otherwise regulating evening sales by auction:

**Bathing**

- III. For regulating or prohibiting bathing in any or any part of any river, creek, stream, sea, or other open public water, situated within the limits of or abutting on the boundary of any Municipality; for setting apart any place, or any portion of any such water, for the sole use of either sex; for fixing the hours within which persons may bathe; for requiring persons bathing to wear some convenient clothing; for authorizing the erection and use of bathing-houses, machines, and charging licence fees for the same, and for providing for such other matters as appear expedient for preserving decency, or promoting the convenience of the public:

**Baths**

- IV. For the general management of public baths, and the conduct of visitors thereat, and for fixing the sums to be paid for the use thereof:  
V. For the division of such baths, so as to afford sufficient separate accommodation for the sexes, and private baths for either:  
VI. For the regulation in public bathing-houses of hot and cold baths and shower baths, vapour and medical baths, the requisites to be supplied, and the sums to be paid therefor:

**Bazaars**

- VII. For regulating the licensing, supervision, government, and control of any premises as bazaars, general sale yards, or repositories for the sale of horses, horned cattle, carriages, and other vehicles, or any of them, and the maintenance of cleanliness in the licensed premises:  
VIII. For the general regulation of horse bazaars and sheep and cattle markets; for fixing the tolls, dues, and fees to be received thereat; for the maintenance of good order therein, and for the licensing of such horse bazaars, sheep or cattle markets:

**Bicycle tracks**

- IX. For constructing, controlling, and regulating the traffic on special tracks which may be made for such purposes as bicycle and motor traffic:

**Bootblacks**

- X. For controlling and licensing bootblacks:

**Bread**

- XI. For regulating and enforcing the sale of bread by weight:  
XII. For regulating the construction and erection of party walls, external walls, parapets, and of flues and fireplaces, and the situation thereof in any buildings taken down and rebuilt, after the twenty-third day of December,

eighteen hundred and ninety, or built or erected within the Municipality after the said date, and for removing any party-wall, external wall, parapet, flue, or fireplace constructed or erected contrary to any such by-law:

**Buildings**

XIII. For regulating the deposit and removal of building material on and from streets and footways:

**Cattle**

XIV. For the prevention of trespass by stray cattle in the streets and public places of the Municipality, and on the park lands and reserves therein:

**Cellars**

XV. For prohibiting the use of cellars for dwellings and general habitation:

XVI. For requiring wells to be sunk in all cellars where the Surveyor deems the same to be essential for preventing the rising and accumulation of water therein:

**Chimney-sweeps**

XVII. For regulating and licensing chimney-sweeps, and for prohibiting the sweeping for hire or reward of chimneys by unlicensed persons, and for regulating a tariff of the rates to be paid to licensed chimney-sweeps:

**Crossing-places**

XVIII. For regulating the width of, and the mode in which, and the materials whereof, crossing-places for vehicles and animals from any public street to private residences over any footway shall be constructed:

**Dairies**

XIX. For controlling and licensing dairies, dairymen, and milk -sellers:

XX. For the annual registration of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk the licensing fees to be paid in respect thereof not exceeding Ten Shillings per annum:

XXI. For the inspection of cattle and dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies and cowsheds:

XXII. For securing the cleanliness of milk stores, milk shops; and of milk vessels used for containing milk for sale:

XXIII. For prescribing precautions to be taken for protecting milk against infection or contamination:

XXIV. For prohibiting the adulteration of milk:

XXV. For prohibiting the sale of milk by other than licensed persons:

**Disorderly places and conduct**

XXVI. For the suppression and restraint of brothels and houses of ill-fame and repute, of prize-fights, dog-fights, of gaming tables, and gambling of every description:

XXVII. For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour:

XXVIII. For preventing any person acting as the proprietor, occupier, or having the chief control or management of any bawdy-house, brothel, or house of ill-fame and for preventing any person from knowingly letting any house for the purpose of being used as a bawdyhouse, brothel, or house of ill-fame, and for punishing any person who knowingly and wilfully continues as a

tenant any person who keeps any bawdy-house, brothel, or house of ill-fame:

**Dogs**

XXIX. For regulating and providing for the destruction of dogs unregistered, or dogs without collars, by shooting, or otherwise:

**Drains (private)**

XXX. For the general regulation of private drains and sewers intended to communicate with main and common sewers, and also in the respects following, that is to say-

- (a) For regulating the construction of branch or private sewers, and the communications thereof with main common sewers:
- (b) For fixing annual or other rents to be paid for such private sewers, to be recoverable in respect of the house or premises from which such drain issues, in the same manner as general rates:
- (c) For the repair and cleansing thereof under the direction of the Surveyor:
- (d) For preventing the use of private drains and sewers, except by the person rated:
- (e) For removing, by drainage to be discharged into the common sewers, any nuisances from houses and tenements at the expense of the owners or occupiers refusing so to do:

**Elections**

XXXI. For ordering, regulating, and conducting the election of Mayors, Councillors, and Auditors, and the conduct of persons within any polling-booth at such election, and at any other time or place where voting, whether by ballot or otherwise, is in progress, in any matters which are not sufficiently provided for by this Act:

**Fires**

XXXII. For the prevention, suppression, and speedy extinguishment of fires:  
XXXIII. For the regulation and reward of firemen, and making provision for them and their families in case of death or accident in the discharge of duty:  
XXXIV. For the regulation of fire-plugs, alarm-bells, and fire engines:  
XXXV. For securing a prompt supply of water:  
XXXVI. For preventing the lighting of fires in the open air, and smoking in any warehouse, store, stable, or outbuildings, or places liable to ignition, or wherein goods so liable are kept:  
XXXVII. For prohibiting the throwing down in any building or premises, where ignition might ensue therefrom, any lucifer or tow match, whether lighted or not, or any lighted cigar or ashes from any pipe:  
XXXVIII. For preventing the stacking, and for regulating the storage and keeping of any hay, straw, bark, thatch, reeds, coal, or firewood, and for licensing fit buildings for the storage thereof:  
XXXIX. For the proper construction of buildings and premises wherein hay, straw, or thatch is sold or stored:  
XL. For preventing the erection (except by the Corporation on the public lands of the Municipality, or by the Government on any Government reserve for temporary purposes only) within the limits of any Municipality of any tent, pavilion, shed, or other structure of calico, canvas, or other inflammable material without obtaining the consent thereto of the Council of such Municipality, for such time and on such terms as the Council decide:

- XLII. For regulating the kind and quantity of any inflammable or combustible materials or substances to be kept at any one time in one place:
- XLIII. For prohibiting the use of ashpits of improper construction, and the throwing out of unquenched embers liable to rekindle in the open air:
- XLIV. For preventing the placing, stacking, or storing of empty cases, paper shavings, crates packed with straw, or any dangerous or inflammable substances in the open air:

**Flags, flagpoles, etc**

- XLV. For regulating or prohibiting the flying of flags and the erection of flagpoles in, over, or near any public place, or from or on any verandah, structure, or balcony in any public place:

**Fountains**

- XLVI. For regulating a continuous supply of water to any fountain:
- XLVII. For preventing the pollution thereof:

**Gas**

- XLVIII. For keeping service-pipes fully charged with gas:
- XLIX. For preventing the contamination of any river, stream, or place for water, well, or fountain, within the Municipality, by gas, or anything used in the manufacture thereof:
- L. For prohibiting the escape of gas:
- L. For regulating and enforcing the inspection and test of gas-meters by officers of the Council appointed for that purpose:

**Goats**

- LI. For the destruction of goats at large, or trespassing within enclosures, and for regulating the burial or other disposal of the carcass of any goat destroyed under the authority of any by-law:

**Gunpowder**

- LII. For appointing suitable magazines or buildings for the storage of gunpowder and other explosive substances; for regulating the quantity of such explosive substances which may be kept by any person, and for prohibiting or regulating the use of such explosive substances within the Municipality:

**Hawkers and itinerant traders**

- LIII. For regulating and licensing the hawking of all marketable commodities in a Municipality, or specified parts thereof:
- LIV. For regulating the use of streets, roads, and public places by street hawkers and itinerant traders, with power to prohibit any such persons during particular hours from using any streets, roads, or public places:
- LV. For appointing stands in streets, roads, and public places for street hawkers and itinerant traders, with power from time to time to abolish, enlarge, or diminish any such stands; to limit the space to be occupied by each person on any such stand, and the number of persons who may occupy any particular stand:
- LVI. For fixing the charges to be paid for the right to use such stands, with power to vary the charges according to the stand used, and from time to time to increase or decrease such charges; and for fixing the conditions upon which such stands shall be occupied, and the times during which they may be occupied:

- LVII. For fixing by priority of application, or by lot, tender, or otherwise, the positions on any such stand which persons are to occupy:
- LVIII. For making rules to be observed by persons occupying such stands:
- LIX. For limiting the nature and size of hand trucks, barrows, or other vehicles to be used on such stands; and for prohibiting any animal, whether attached to any truck, barrow, or vehicle, or not, from standing on any such stand during the time fixed for occupation thereof by street hawkers and itinerant traders:
- LX. For providing the form of authority to be issued for occupying such stands, the conditions upon which such authorities are issued and under which they will be permitted to be transferred; for fixing the fee to be paid for a transfer of any such authority; and for prohibiting any person who is neither named in such an authority nor a permitted transferee of such an authority from occupying any such stand:

#### **Hoardings**

- LXI. For regulating, controlling, or prohibiting the erection of advertising hoardings or other similar erections; for requiring or authorising the pulling down or removal of any such hoardings or erections now or hereafter erected which do not conform to any such by-law; and for charging and collecting fees for permission to erect such hoardings and erections:

#### **Horses**

- LXII. To restrict the breaking-in of horses in the streets, either by leading, riding, or driving:
- LXIII. For preventing entire horses being led or exhibited through or in the streets or public places of the Municipality at inexpedient hours:
- LXIV. For preventing mares being covered within the Municipality, except in yards, buildings, or premises sufficiently enclosed or screened from public view:

#### **Ice cream and produce carts**

- LXV. For controlling and licensing ice cream and produce carts and stalls:

#### **Licences**

- LXVI. For regulating the form and conditions of any licence heretofore or hereafter granted by the Corporation, and the transfer, renewal, suspension, or revocation thereof, the fees to be paid on any licence or any transfer or renewal thereof, and how such fees may be recovered:

#### **Lighting**

- LXVII. For regulating the lighting of any street or district at the joint expense of the Corporation and the inhabitants of such street, the assessments for, and the collection of the rates to be levied to meet the moiety of the expenses to be paid by such inhabitants:

#### **Lodging-houses**

- LXVIII. For controlling licensing, inspecting, and regulating common lodging-houses:

#### **Marine store dealers**

- LXIX. For licensing marine store dealers, and for prohibiting the carrying on the business of a marine store dealer without a licence, and for regulating the carrying on of such business:

**Markets**

- LXX. For the general regulation of all markets for cattle and provisions, the tolls, dues, and fees to be received thereat, and the maintenance of good order therein:
- LXXI. For prohibiting every kind of fraudulent device and practice in relation to the sale of marketable commodities:

**Motor vehicles**

- LXXII. For appointing the stands for motor vehicles plying for hire, and regulating the conduct of the drivers, conductors, and other persons attendant thereon or in charge thereof, and the amount of fares to be charged:
- LXXIII. For the licensing for use within the Municipality of motor vehicles plying for hire, or kept or let for hire, and for prohibiting the use thereof within the Municipality unless so licensed; and for licensing and regulating the conduct of the drivers of such motor vehicles, and for prohibiting the driving thereof within the Municipality, except by a person so licensed:

**Newspapers and merchandise**

- LXXIV. For regulating or controlling the sale of newspapers, or merchandise of any kind whatsoever, in the streets or public places of the Municipality, and, subject to the next following subdivision of this subsection, the sex and age of persons selling newspapers or merchandise in the said streets or public places:
- LXXV. For the periodical licensing of boys of not less than thirteen years of age to sell newspapers, race cards, matches, and flowers in streets or public places, and for requiring the wearing of a badge by licencees, and the payment of a licence fee not exceeding One Shilling per annum or Sixpence per half-year in each case, including the cost of the badge; and for preventing sales by unlicensed persons:
- LXXVI. For controlling and licensing newsvendors:

**Officers**

- LXXVII. For defining the functions and regulating and enforcing the due performance of the duties of officers and servants appointed by the Council:
- LXXVIII. For the punishment of persons falsely representing themselves to be officers of the Corporation:

**Park lands and reserves**

- LXXIX. For the regulation and conservation of the park lands Park lands and reserves:
- LXXX. For licensing persons to depasture cattle thereon:
- LXXXI. For preventing the driving and the depasturing of cattle upon the park lands and reserves by persons not having licences for so doing:
- LXXXII. For the recovery of any such licence fees, either by distraint of cattle depasturing, or by impounding and sale thereof:
- LXXXIII. For appointing and regulating keepers or servants employed therein:
- LXXXIV. For regulating the time at which any such park lands and reserves shall be opened and closed:
- LXXXV. For regulating the conduct of persons frequenting any such park lands and reserves:
- LXXXVI. For regulating the days on and the bounds or limits within which games and gymnastics shall be permitted on any park lands and reserves, and for otherwise regulating or prohibiting such games and gymnastics:

- LXXXVII. For preventing or regulating the admission of vehicles, horses, asses, mules, and cattle:
- LXXXVIII. For preventing or regulating, and for fixing the route to be taken in the case of, the riding, driving, or conducting of animals or vehicles, or animals or vehicles of particular kinds, on any park lands or reserves:
- LXXXIX. For regulating shooting over, on, or in such park lands and reserves:
- XC. For regulating matches, or training for racing, with horses, dogs, or otherwise thereon:
- XCI. For enabling Corporation servants, police constables, or special constables to remove persons who are guilty of any breach of any by-law made by the Corporation:
- XCII. For regulating or preventing the selling, or exposing for sale, of goods, wares, or merchandise on the park lands, public reserves, or squares:
- XCIII. For prohibiting damage or injury to and destruction of trees, shrubs, and plants in the park lands, public squares, parks, reserves, and plantations of the Municipality:
- XCIV. For the proper management, control, and preservation of all walks, roads, and reserves within the Municipality, and all plantations, trees, and shrubs therein:

**Passenger and other vehicles plying for hire**

- XCV. For regulating and licensing all hackney carriages, wagonettes, cabriolets, cabs, public conveyances, coaches, omnibuses, spring-carts, or other vehicles of the like nature; wagons, drays, carts, or other vehicles for the carrying of goods and merchandise, plying, kept, or let for hire within the Municipality; and also wagons, drays, carts, or other vehicles used in hawking firewood and water therein respectively; and for registering the names of the owners, drivers, and conductors of all such passenger and other vehicles, and for the approving of owners and drivers before licences are granted:
- XCVI. For the distinction of vehicles, in respect of fares to be taken by the owner:
- XCVII. For fixing the rates and fares to be taken, and the mode of computation of distances:
- XCVIII. For appointing stands for such carriages within the Municipality, and the regulations to be observed thereat:
- XCIX. For enforcing the obligation of owners and drivers to convey passengers and goods on demand:
  - C. For limiting the number of such passengers (inside and outside), their baggage and goods, and regulating fares for children, and as to taking up and setting down passengers:
  - CI. For the maintenance of carriages in proper condition and order, and regulating how the same shall be furnished, provided, and kept:
  - CII. For enforcing the painting of the names of the owners and the numbers thereon, and keeping affixed within the carriages authorised tables of fares and distances, and the speed at which vehicles proceed:
  - CIII. For providing for the delivery over and disposal of articles left in licensed carriages:
  - CIV. For compelling the approved owner or driver to be in charge of such carriages, and preventing the same from being driven by others, and for preventing persons not hiring the same from riding with the owner or driver:
  - CV. For the prevention of smoking in any such carriages, or by the driver thereof:
  - CVI. For prohibiting coffins, containing the corpses of deceased persons above the age of two years, from being conveyed in any vehicle licensed for the conveyance of passengers:

- CVII. For punishing the misconduct of the drivers and conductors of, and persons attending any of the aforesaid passenger or other vehicles, in carelessly or furiously driving or racing, or in demanding or receiving more than the legal fare, or in using any threatening, abusive, indecent, or insulting language; and also for punishing persons hiring such vehicles and evading or attempting to evade the payment of fares:
- CVIII. For regulating the routes, within the limits of any Municipality, to be observed by licensed omnibuses or passenger vehicles plying as omnibuses:
- CIX. For requiring all licensed vehicles, of whatever sort, to have the number of their licence conspicuously painted on and in the vehicle and on the outside lamps:
- CX. For requiring and regulating the carrying of a lighted lamp inside licensed passenger vehicles whilst plying for hire after sunset:
- CXI. For preventing licensed drivers or others loitering with licensed vehicles in the streets, or plying for hire in the streets except on a stand:
- CXII. For preventing any person, not being of the full age of seventeen years, acting as driver, and of the full age of thirteen years acting as conductor of any licensed vehicle:
- CXIII. For preventing licensed drivers from being or standing away from the vehicle and horses in their charge whilst on the stand, or for regulating the distance at which such drivers may be allowed to be away from their vehicles whilst on the stand:
- CXIV. For limiting the number of vehicles or carriages from time to time to be licensed by the Council:
- CXV. For regulating and licensing drivers and conductors of licensed vehicles:
- CXVI. For enforcing the painting, inside and outside, of all licensed passenger vehicles, the number of passengers the vehicle is licensed to carry outside and inside, also the rate of fares for time or distance:
- CXVII. For preventing what is called the nursing or shepherding of passenger vehicles by other passenger vehicles, and for preventing the owner or driver of one passenger vehicle from wilfully preceding or following another passenger vehicle:
- CXVIII. For preventing persons standing on the footways or roadways of any town or city and touting for passengers for any licensed vehicles:
- CXIX. For the punishment of any driver or rider of horses or other animals who leaves them in any street or other public place unattended, or insecurely fastened to bridle-posts, or not leaving them in charge or under the proper control of other persons, whereby such horses or animals may break away and bolt, to the danger or injury of any person:

**Porters**

- CXX. For the licensing and regulation of porters and their charges, and for appointing any badge or number to be borne by them:

**Proceedings at meetings**

- CXXI. For ordering and regulating the mode and conduct of proceedings at Council and ratepayers' and citizens' meetings, and for punishing misconduct, obstructions, and disturbances thereat, and generally for regulating their own proceedings:

**Public health and sanitary**

- CXXII. For the licensing, regulation, supervision, government, and control of premises for the sale of raw or green hides or skins:

- CXXIII. For licensing premises for keeping, storing, or selling, and for preventing the keeping, storing, or selling of hides and skins of any description:
- CXXIV. For the licensing and government of nightmen and their laborers, and for the regulating, numbering, and licensing of the night-carts used or to be used by them:
- CXXV. For regulating, numbering, and licensing the description of vehicle or vessel to be used for the removal of nightsoil, or ammoniacal liquor, or other offensive liquors or substances:
- CXXVI. For regulating the quality, condition, and dressing of butchers' meat offered for sale, and for preventing the sale of objectionable butchers' meat or butchers' meat unfit for human food:
- CXXVII. For preventing the burning of rags, clippings, or pairings of leather, or other offensive substances:
- CXXVIII. For the prevention and suppression of all nuisances whatsoever, whether specified in this Act or not:
- CXXIX. For the prevention of the storage or keeping of bonedust or artificial or other manure, so as to be a nuisance or injurious to health:
- CXXX. For the prevention of the keeping of animals of any kind so as to be a nuisance or injurious to health:
- CXXXI. For the regulation of noxious or offensive trades, businesses or manufactories, whether established before or after the passing of this Act, in order to prevent or diminish the noxious or offensive effects thereof, and to prevent nuisance or injury to health arising therefrom; and for the regulation of the position and manner of construction of privies, earthclosets, and cesspools or urinals:
- CXXXII. For the prevention of the use of steam whistles at factories or other establishments so as to be a nuisance to any person:
- CXXXIII. For compelling the consumption in factories of the smoke caused by such factories, or by the operations carried on therein or incidental thereto:
- CXXXIV. For compelling the owners or occupiers of all tallow-chandlers' shops, soap factories, tanneries, and of houses, buildings, privies, urinals, sewers, or places which are in an unwholesome or offensive state, or likely to become so, to cleanse the same as the Council think necessary for the health and comfort of the inhabitants of the Municipality:
- CXXXV. For the preservation of cleanliness in public slaughterhouses, markets, baths, and wash-houses:
- CXXXVI. For the restriction and regulation of noisome and offensive trades:
- CXXXVII. For regulating the situation, construction, removing, emptying, cleansing, and filling up of privies and cesspools:
- CXXXVIII. For compelling the removal of waste water and impurities from cellars and any other places:
- CXXXIX. For regulating the removal and disposal of night oil, filth, offal, and refuse, and for the appointment of proper places for the deposit thereof:
- CXL. For compelling householders to provide proper receptacles for household rubbish:
- CXLI. For the check and prevention of infectious or contagious diseases:
- CXLII. For the purification of any house, building, or place, from the state of which there is probably cause to apprehend the engendering of disease and injury to the public health:
- CXLIII. For fixing the fees payable to medical advisers consulted in such cases:

#### **Restaurants**

- CXLIV. For licensing, regulating, and inspecting public restaurants and fish shops:

#### **River and watercourses**

- CXLV. Except within harbors within the meaning of Part II. of the Harbors Act, 1913, for conserving the banks and bed of any river or water-course, and for preserving from pollution the waters thereof:
- CXLVI. Except as aforesaid, for setting apart any portion thereof as a water reserve for the public use:
- CXLVII. Except as aforesaid, for regulating the granting of licences or privileges for boating and other purposes, over or in respect of any lake, dam, river, water-course, or pond within the limits of the Municipality:
- CXLVIII. Except as aforesaid, for regulating and defining the manner in which any dam, water-course, or river may be used by the holder of any privilege or licence:
- CXLIX. Except as aforesaid, for regulating the construction or erection of boathouses, sheds, or other buildings, and determining the rents or fees payable in respect thereof:
- CL. Except as aforesaid, for regulating the tolls, fares, and charges payable by the public in respect of the use of the waters of any dam, river, or water-course:

**Seaweed**

- CLI. Except as aforesaid, for regulating, controlling, and licensing the removal of seaweed from any portion of the seabeach within the boundaries of the Municipality:

**Signboards**

- CLII. For prohibiting, regulating, and licensing the erection, putting up, and situation of signboards or other signs or devices over or near any footway or street; for fixing the periods in respect of which such licences are issued and for compelling the removal of signboards or other signs or devices, whenever put up or erected, which are in contravention of any by-law of the Council for the time being in force:

**Slaughter-houses**

- CLIII. Except as regards any Municipality or part of a Municipality within the Metropolitan Abattoirs Area under the Metropolitan Abattoirs Act, 1908, or within any abattoirs area proclaimed under the Abattoirs Act, 1911, for the regulation of slaughter-houses and the cattle to be slaughtered thereat:
- CLIV. Except as mentioned in the next preceding subdivision, for the prevention of the slaughtering, both of great and small cattle, except at slaughter-houses established by the Council:
- CLV. Except as aforesaid, for destroying infected cattle which, if slaughtered, would be unfit for human food:
- CLVI. Except as aforesaid, for destroying unwholesome meat:
- CLVII. Except as aforesaid, for the maintenance of cleanliness in and at every slaughter-house and place used for slaughtering cattle:
- CLVIII. Except as aforesaid, for the regulation of cattle kept at any slaughter-house on behalf of the owner, prior to their being slaughtered, or without being slaughtered, and the fees to be taken therefor:
- CLIX. Except as aforesaid, for issuing licences to slaughterhouses and regulating the fees for slaughtering cattle:
- CLX. Except as aforesaid, for regulating the control, management, and supervision of abattoirs erected by the Corporation, and the receiving, inspection, and slaughtering therein of stock; the condemnation, removal, or destruction of diseased meat; the appointment of inspectors; and the payment of fees, travelling expenses, and charges:

**Streets and footways**

- CLXI. For preventing obstructions of any streets, footways, water-channels, and water-courses therein:
- CLXII. For regulating the paving and repairing of the streets and footways:
- CLXIII. For cleansing the same:
- CLXIV. For compelling the securing, removing, or filling up of any cellar, ways, or openings, now or hereafter in or under any footway:
- CLXV. For prohibiting the erection of dangerous fences or fences with barbed wire abutting on public places, and for regulating and prescribing the materials of which fences abutting on public places shall be erected:
- CLXVI. For removing or causing to be removed any verandahs or balconies which obstruct the footway or roadway, or are dangerous, and all other obstructions to the footways or roadways:
- CLXVII. For compelling verandahs and balconies over streets to be kept clean and watertight:
- CLXVIII. For preventing trees and shrubs encroaching or overhanging on footways:
- CLXIX. For the punishment of any contractor, or other person, who deposits or causes to be deposited, any rubbish or materials on the surface of any street or roadway, or who excavates or leaves open any excavation without having a sufficient and continuous light burning thereon from sunset to sunrise:
- CLXX. For prohibiting or regulating the playing of music in the streets:
- CLXXI. For regulating displays in public streets of dissolving views, magic lantern exhibitions, and cinematograph pictures:
- CLXXII. Subject to the provisions of section 62 of the Harbors Act, 1913, for requiring and regulating the lighting of wharves for the purposes of public safety: Provided that wherever any wharf is assessed and subject to a lighting rate, one moiety of the cost of lighting shall be paid out of such rate on such wharf:
- CLXXIII. For regulating the cleansing of footpaths in front of buildings before eight o'clock in the morning, and to prevent the shaking of carpets, rugs, or door-mats in the street after that hour:
- CLXXIV. For the punishment of persons throwing orange peel or other vegetable substances, or any offensive or noxious substance, on any footpath of a street in the Municipality:
- CLXXV. For prohibiting or regulating the throwing or discharging of handbills or other printed matter in the streets:
- CLXXVI. For preventing any goods or merchandise, coal, or firewood from remaining in any street for a longer period than necessary for housing or removing the same:
- CLXXVII. For regulating, controlling, or prohibiting the loading and unloading of coal, coke, firewood, timber, lime, casks and barrels (whether empty or otherwise), and other like commodities, materials, and things on or across any footway, or path, or in any street or road:
- CLXXVIII. For regulating the speed of vehicles (other than a motor vehicle) and horses along streets and roads:
- CLXXIX. For regulating the traffic and the standing of vehicles and horses and other animals in streets and roads; and for prescribing where and under what conditions vehicles and horses and other animals may be allowed to stand in streets and roads:
- CLXXX. For regulating, controlling, or prohibiting the passing or travelling in or along the streets and roads of all vehicles, or vehicles of any particular class, kind, or description:

- CLXXXI. For regulating or controlling horse, cycle, and vehicular traffic in streets and roads and intersections of streets and roads; and for regulating or controlling pedestrian traffic on streets, roads, and footways:
- CLXXXII. For fixing the route to be taken by persons, riding, driving, or conducting any animal or vehicle, or animals or vehicles of particular kinds, or vehicles laden with particular classes, kinds, or descriptions of materials, or with loads exceeding a particular weight, or laden in any particular manner, in or along any street or road:
- CLXXXIII. For prohibiting persons from riding, driving, or conducting any animal or vehicle, or animals or vehicles of particular kinds, or vehicles laden as mentioned in the next preceding subdivision of this subsection, in or along any street or road, or in or along any street or road except on such route as is fixed as aforesaid:
- CLXXXIV. For authorising the erection and maintenance in any street or road of such barriers, posts, rails, notice boards, and other structures as the Council may think proper for the purpose of securing and enforcing the observance of any by-law made under subdivisions CLXXVII. to CLXXXIII. (both inclusive) of this subsection, and for preventing the destruction, removal, or interference with any such barrier, post, rail, notice board, or other structure:
- CLXXXV. For preventing animals or vehicles being left in the street, or obstructing any portion of the street, and for the seizure by the Corporation officers or police constables of any such animals or vehicle:
- CLXXXVI. For regulating the speed at which persons shall ride or drive around the corners or across the intersections of any streets or roads, or across any bridge, or along any particular part or parts of any Municipality:
- CLXXXVII. For preventing the drawing of any wagon, cart, or other carriage not having springs, or the driving of any animal attached thereto, at any faster rate, speed, or pace than a common walk:
- CLXXXVIII. For prohibiting the hauling, drawing, or carrying of any timber other than scaffold poles, iron girders, or other thing whatsoever upwards of thirty feet in length, over or through any street or public place, otherwise than upon a suitable vehicle:
- CLXXXIX. For regulating or prohibiting the use of bicycles and other velocipedes in or upon the streets, roadways, and footways:
- CXC. For preventing unyoked cattle or unbroken horses being driven through the streets within certain hours:
- CXCI. For prohibiting the driving of cattle and sheep in or along specified roads or streets in the Municipality:
- CXCII. For prohibiting or regulating processions in the streets:

**Sunday**

- CXCIII. For the better observance of Sundays:
- CXCIV. For prohibiting, either wholly or partially, Sunday trading:

**Tramcars**

- CXCV. For preventing the over-crowding of tramcars within the Municipality:

**Traffic**

- CXCVI. For regulating, controlling, or prohibiting horse and vehicular traffic on any property, road, or seashore under the control of the Corporation:

### **Wash-houses**

- CXCVII. For the general regulation of public wash-houses and the drying grounds belonging thereto, and the requisites to be supplied to the persons hiring the same:

### **Weighbridges**

- CXCVIII. For regulating the licensing of weighbridges:  
CXCIX. For enforcing the use of avoirdupois weights thereat:  
CC. For prohibiting the sale, within any Municipality, of coals, wood, hay, bark, straw, and other articles, and marketable commodities usually sold by the load, by weight, unless the weight be first ascertained at a licensed weigh bridge:  
CCI. For compelling such weight to be ascertained at a licensed weighbridge within the Municipality:

### **Weights and measures**

- CCII. For compelling the branding of packages, tins, and jars containing tea, coffee, honey, jams, or other edibles or condiments, with the "gross" or "nett" weight:  
CCIII. For enforcing the use of compared weights and measures, and for regulating the use of measures of glass or earthenware, and the suppression of such weights and measures as are false:  
CCIV. For regulating the comparison of weights and measures:  
CCV. For introducing and regulating the use of weights and measures (in accordance with the standards established by the Imperial Parliament), for the sale of precious metals, precious stones, and medicines:  
CCVI. Generally for more effectually regulating, observing, and carrying out all and every the powers and authorities by this Act given to Corporations, and for the good rule and government of the Municipality; for the convenience, comfort, and safety of the inhabitants thereof; and for the prevention and suppression of nuisances therein:  
CCVII. For fixing the penalties, not exceeding Ten Pounds, for each offence against or breach of such by-laws or any of them.

- (2) Nothing contained in the Licensed Hawkers Acts, 1863 to 1912, shall affect the validity of any by-law made under the powers conferred by subdivisions LIV. to LX., both inclusive, of subsection (1) hereof.

## **Section 23 – Municipal Corporations Amendment Act 1903 (SA)**

### **Hawking of marketable commodities**

In addition to the provisions of Part XIV of the principal Act in respect to by-laws, every Corporation may make, amend, or repeal by-laws for any of the following purposes:-

- I. For regulating and licensing the hawking of all marketable commodities in a Municipality, or specified parts thereof:
- II. For compelling –

### **Packages, &c, to be branded**

- (a) The branding of packages, tins, and jars containing tea, coffee, honey, jams, or other edibles or condiments, with the "gross" or nett "weight:

### **Rubbish receptacles**

- (b) Household holders to provide proper receptacles for household rubbish:

**Verandahs, balconies**

(c) Verandahs and balconies over streets to be kept clean and watertight:

**Trees, &c, overhanging footways**

III. For preventing trees and shrubs encroaching or overhanging on footways:

IV. For controlling and licensing-

**Carts, stalls, or vehicles**

(a) Ice cream and produce carts and stalls:

**Bootblacks, &c**

(b) Bootblacks and newsvendors:

**Dairies, &c**

(c) Dairies, dairymen, milk sellers:

**Motor cars, &c, plying for hire**

V. (a) For regulating, licensing, and controlling all motor cars, motor cabs, and motor wagons plying for hire, and for appointing the stands for such, and regulating the conduct of the drivers, conductors, and other persons attendant thereon or in charge thereof, and the amount of fares to be charged:

**Bicycle tracks**

(b) For constructing, controlling, and regulating the traffic on special tracks which may be made for such purposes as bicycle and motor traffic:

**Motor cars for pleasure**

(c) For regulating the speed of motor cars, automobiles, and other cars or carriages not requiring to be licensed:

**Horse and vehicular traffic**

(d) For regulating, controlling, or prohibiting horse and vehicular traffic on any property, road, or seashore under the control of the Corporation.

VI. For regulating or prohibiting-

**Flags, flagpoles, &c**

(a) The flying of flags and the erection of flagpoles in, over, or near any public place, or from or on any verandah, structure, or balcony in any public place:

**Exhibition of pictures**

(b) For regulating displays in public streets of dissolving views, magic lantern exhibitions, and cinematograph pictures:

**Hides and skins**

VII. For licensing premises for keeping, storing, or selling, and for preventing the keeping, storing, or selling of hides and skins of any description:

**Drawing timber or girders through the streets**

VIII. For prohibiting the hauling, drawing, or carrying of any timber other than scaffold poles, iron girders, or other thing whatsoever upwards of thirty feet in length, over or through any street or public place, otherwise than upon a suitable vehicle:

**Restaurants**

IX. For licensing, regulating, and inspecting public restaurants and fish shops:

**Licences**

X. For regulating the form and conditions of any licence heretofore or hereafter granted by the Corporation, and the transfer, renewal, suspension, or revocation thereof, the fees to be paid on any licence or any transfer or renewal thereof, and how such fees may be recovered.

**Section 24 – Municipal Corporations Amendment Act 1903 (SA)****General powers to pass by-laws**

Any Corporation may pass by-laws for any purpose not mentioned in this Act, so long as the same shall not be repugnant to this Act or to the general spirit and intendment of the laws of the State: and provided also, that the same shall have no force and effect until the same shall have been passed and confirmed in the manner provided by section 316 of the principal Act.

**Section 505 – Municipal Corporations Act 1923 (SA)****General power to pass by-laws**

Any Corporation may make, publish, alter, modify, amend, or repeal by-laws for any purpose not mentioned in this Act, so long as the same are not repugnant to this Act or to the general spirit and intendment of the laws of the State.

**Section 671 – Local Government Act 1934 (SA)****General power to make by-laws**

The council may make by-laws for any purpose not mentioned in this Act, so long as the same are not repugnant to this Act or to the general spirit and intendment of the laws of the State.

**Section 667(51) – Local Government Act 1934 (SA)****General**

Generally for the good rule and government of the area, and for the convenience, comfort, and safety of the inhabitants thereof:

**Section 510 – Municipal Corporations Act 1923 (SA)****By-laws not to be repugnant to this Act or laws of the State**

No by-law, alteration, modification, amendment, or repeal is to be passed by any Council shall be repugnant to this Act or to the general spirit and intendment of the laws in force within the said State.

**Section 674 – Local Government Act 1934 (SA)****Submissions of by-laws to Crown Solicitor**

- (1) Every by-law shall, after being passed as aforesaid, be submitted to the Crown Solicitor for his opinion thereon.
- (2) If the Crown Solicitor is of opinion that the by-law is within the competence of the council to make and that the by-law is not contrary to or inconsistent with this Act or the general law of South Australia, he shall give a certificate accordingly, and unless a

certificate is given as aforesaid, the by-law shall not be laid before Parliament as provided by section 675.

- (3) With every by-law submitted as aforesaid, there shall be paid the fee prescribed by regulation made by the Governor.
- (4) If the Crown Solicitor refuses to give a certificate as aforesaid the council may by notice in writing to the Crown Solicitor require the by-law to be submitted to a Judge.

The Crown Solicitor shall thereupon forward the by-law to the Chief Justice and the by-law shall be considered by a Judge, who if he is satisfied that the by-law is within the competence of the council to make and is not contrary to or inconsistent with this Act or the general law of South Australia, shall give a certificate accordingly, and the by-law shall then be laid before Parliament as provided by section 675.