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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1921.

A BILL

To provide for the regulation of advertisement hoardings and of advertisements; to amend the Local Government Act, 1919, and certain other Acts; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Local Government (Advertisement Hoardings) Act, 1921," and shall be read and construed with the Local Government Act, 1919, hereinafter referred to as the Principal Act. Short title and construction.

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336—(5)

2.

2. Section three hundred and nine of the Principal Act is amended by omitting from paragraph (e) of subsection one the words "or use."

Amendment of s. 309 of Principal Act.

3. Section five hundred and ten of the Principal Act is omitted and the following section is inserted in lieu thereof :—

Amendment of s. 510 of Principal Act.

510. (1) The council may, subject to this section, license, control, and regulate the erection or use of advertisement hoardings, that is to say structures used or to be used for the display of advertisements, and may order the removal of any advertisement hoarding which is dangerous to the public, or which has been erected or is used in contravention of the provisions of this Act, or any ordinance made thereunder.

Power to regulate advertisement hoardings.

(2) Subject to the provisions of subsection four of this section the council may refuse to issue a license for the erection or use of an advertisement hoarding if—

Power to refuse issue of licenses.

(a) such erection or use would, having regard to the particular circumstances of the case, or to the situation or proposed situation of the hoarding, tend to disfigure the locality or to depreciate the value of surrounding property; or

(b) such hoarding is part of a structure primarily erected or suitable for purposes other than the display of advertisements.

(3) The council may not cancel or refuse to renew a hoarding license which is in force at the date of the commencement of the Local Government (*Advertisement Hoardings*) Act, 1921, or is thereafter issued, unless such hoarding is,—

Cancellation and renewal of licenses.

(a) dangerous to the public; or

(b) part of a structure primarily erected or suitable for purposes other than the display of advertisements; or

(c) erected on the same parcel of land as an occupied building, and so close to such building as to restrict the access of light or air thereto.

(4)

(4) Where the council has, prior to the date of the commencement of the Local Government (Advertisement Hoardings) Act, 1921, cancelled or refused to renew a hoarding license which was in force on the thirty-first day of December, one thousand nine hundred and nineteen, the person in whose name or on whose behalf such license was held shall, upon application made to the council within three months after the date of the commencement of the said Act, be entitled to the issue of a new license in place of the license which the council has so cancelled or refused to renew :

Provided that the council may refuse to issue Proviso. such new license as aforesaid if the hoarding in respect of which such new license is sought is—

- (a) dangerous to the public ; or
- (b) part of a structure primarily erected or suitable for purposes other than the display of advertisements ; or
- (c) erected on the same parcel of land as an occupied building, and so close to such building as to restrict the access of light or air thereto.

(5) The fee for a license for an advertisement Fee for hoarding license. hoarding shall not exceed a sum calculated at the rate of one penny per annum per square yard of advertising space, with a minimum charge of one pound per annum.

(6) The council may regulate and control Power to regulate advertisements. advertisements and the display of advertisements on any advertisement hoarding, or on any natural object such as a rock, cliff, or tree, and may order the obliteration or removal of any advertisement displayed in contravention of the provisions of this Act or any ordinance made thereunder, or which is unsightly or objectionable.

(7) For the purposes of this section the Definition of advertisements. word "advertisements" shall include any sign, notice, device, or representation in the nature of an advertisement, visible from any public place, or public reserve, or from any navigable water.

(8)

(8) No illuminated advertisement which is within view of the navigable waters of the port of Sydney, or of the rivers falling into such port, or of any of their tributaries, shall be displayed in any area by any person, unless and until the written consent of the Sydney Harbour Trust Commissioners has been obtained by such person.

Illuminated advertisements interfering with navigation.

(9) Any person deeming himself aggrieved by any decision, act, or omission of the council under this section or under any ordinance made thereunder, may, within one month after he has become aware of such decision, act, or omission, appeal therefrom to a court of petty sessions or district court having jurisdiction within the area. The decision of such court upon any such appeal shall be final, and shall be given effect by the council.

Appeal against decision of council.

(10) Advertisements shall not be displayed in any manner upon any land unless the permission of the person for the time being in occupation of such land has been first obtained.

(11) An order of the council made under the powers conferred by this section, or any proceedings instituted by the council for the recovery of a penalty for breach of the provisions of this section, or of any ordinance made thereunder, may be directed to or taken against the person or persons hereinafter mentioned, that is to say—

Orders or proceedings by the council.

- (a) Where the subject matter of the order or proceedings is an advertisement hoarding, the owner of such hoarding, or the person for the time being in occupation of the land upon which such hoarding is situate, or both.
- (b) Where the subject matter of the order or proceedings is an advertisement displayed upon any hoarding which is not part of a structure primarily erected or suitable for purposes other than the display of advertisements, the owner of the hoarding upon which such advertisement is displayed.
- (c)

(c) Where the subject matter of the order or proceedings is an advertisement other than as described in the last preceding paragraph, the person by whom it has been displayed, or whose goods, profession, trade mark, or business it advertises, or the person for the time being in occupation of the land upon which it is displayed.

(12) The provisions of this section shall apply to advertisement hoardings erected or used upon land which is vested in the Railway Commissioners for New South Wales, and to advertisements displayed upon any such land.

4. Paragraph (q) of section five hundred and thirteen of the Principal Act is omitted, and the following paragraph is inserted in lieu thereof:—

(q) (i) regulating advertisement hoardings, advertisements, and the display of advertisements, and excluding certain classes of signs and notices wholly or partially from the operation of this Act, and regulating the same;

(ii) defining "billposter," requiring billposters to be licensed (within the metropolitan police district by the Inspector-General of Police and outside the metropolitan police district by the council of the shire or municipality), and regulating and controlling billposters.
