

No. , 1922.

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## 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.

[MR. J. C. L. FITZPATRICK ;—30 *August*, 1922.]

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**B**E 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, 1922," and shall be read and construed with the Local Government Act, 1919, hereinafter referred to as the Principal Act.

Short title  
and  
construction.



Amendment  
of s. 309 of  
Principal  
Act.

**2.** Section three hundred and nine of the Principal Act is amended by omitting paragraph (e) of subsection one.

Amendment  
of s. 510 of  
Principal  
Act.

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

Power to  
regulate ad-  
vertisement  
hoardings.

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. 15

Power to  
refuse issue  
of licenses.

(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—

(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 25

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

Cancellation  
and renewal  
of licenses.

(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, 1922, or is thereafter issued, unless such hoarding is— 30

(a) dangerous to the public; or

(b) part of a structure primarily erected or suitable for purposes other than the display of advertisements; or 35

(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. 40

(4)



5 (4) Where the council has, prior to the  
date of the commencement of the Local Govern-  
ment (Advertisement Hoardings) Act, 1922, can-  
cancelled or refused to renew a hoarding license which  
10 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 :

15 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
- 20 (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.

25 (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.

30 (6) The council may regulate and control Power to  
regulate  
advertise-  
ments.  
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 advertise-  
ment displayed in contravention of the provisions  
35 of this Act or any ordinance made thereunder, or  
which is unsightly or objectionable.

40 (7) For the purposes of this section the Definition of  
advertise-  
ments.  
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)



Illuminated  
advertisements interfering with  
navigation.

(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. 5

Appeal  
against  
decision of  
council.

(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. 10 15

(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. 20

Orders or  
proceedings  
by the  
council.

(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:—

- (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. 30
- (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. 35 40

(c)



5 (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.

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

Amendment  
of s. 513 of  
Principal  
Act.

15 (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;

20 (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.

[7d.]



(a) Where the subject matter of the order or proceedings is an administrative matter other than a financial matter, the order or proceedings shall be made by the person by whom it has been proposed, or where a committee has been appointed, by that committee.

(b) Where the subject matter of the order or proceedings is a financial matter, the order or proceedings shall be made by the person by whom it has been proposed, or where a committee has been appointed, by that committee, subject to the approval of the Council.

(c) Where the subject matter of the order or proceedings is a financial matter, the order or proceedings shall be made by the person by whom it has been proposed, or where a committee has been appointed, by that committee, subject to the approval of the Council, and the order or proceedings shall be subject to the audit of the Comptroller and Auditor General.

(d) Where the subject matter of the order or proceedings is a financial matter, the order or proceedings shall be made by the person by whom it has been proposed, or where a committee has been appointed, by that committee, subject to the approval of the Council, and the order or proceedings shall be subject to the audit of the Comptroller and Auditor General, and the order or proceedings shall be subject to the audit of the Comptroller and Auditor General.