

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1910.

A BILL

To amend the Local Government Act, 1906, the Local Government (Loans) Act, 1907, and the Local Government (Amending) Act, 1908; to amend the law relating to local government, and for that purpose to amend Acts relating to public health, water and sewerage and drainage, public watering places, wharfs, public roads, and public parks; to amend the Impounding Act, 1898, the Dog and Goat Act, 1898, the Police Offences Act, 1901, the Wharfage and Tonnage Rates Act, 1901, the Width of Streets and Lanes Act, 1902, the Stage Carriages Act Amendment Act, 1903, the Fines and Penalties Act, 1901, and the Taxation Amending Act, 1906, 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 (Amending) Act, 1910." Short title.

In this Act "Principal Act" means Local Government Act, 1906, as amended by the Local Government (Loans) Act, 1907, and the Local Government (Amending) Act, 1908.

In amendments inserted by this Act in the Principal Act, the expression "this Act" means the Principal Act, as amended by this or any other Act.

2. Section one of the Principal Act is amended by adding to subsection one the following words:—"This Act as amended by any other Act may be cited as the 'Local Government Acts.'"

3. Section three of the Principal Act is amended as follows:—

- (a) To the definition of "city, village, town" the following words are added:—"The Governor may, by notification, define the boundaries of any town or village."
- (b) The definition of "office" is amended by inserting "mayor" before "president" and "alderman" after "president."
- (c) The following additional definitions are inserted in their proper alphabetical order:—

"Hawking" means carrying on the business of a hawker or pedler as defined in section five of the Hawkers and Pedlers Act, 1901.

"Public vehicle" means any stage-carriage as defined by the Stage Carriages Act, 1899, and includes any vehicle plying for hire in a public road, whether drawn by any animal or propelled by mechanical power.

4. Subsection five of section four of the Principal Act is amended by the addition thereto of the following paragraph:—

- (h) all proclamations and notifications made under the Shires Act shall be deemed to have been and to be proclamations and notifications under this Act.

5. Section six of the Principal Act is amended by inserting after "Public Health Act, 1902," the words and figures, "the Public Health (Nightsoil Removal) Act, 1902."

6. Section seven of the Principal Act is amended by adding a new subsection as follows:—

(2) In any Act, references to regulations or to by-laws of municipalities, or of the councils of municipalities, or of local authorities, shall be deemed to refer to regulations and ordinances under this Act.

7. Section twelve of the Principal Act is amended by adding at the end of the section the following words:—"And all property, estates, and interests of such old body corporate shall be vested in the council of the municipality and shall be held by such council subject to the provisions of this Act."

8. Section fifteen of the Principal Act is amended—

- (a) in subsection six by omitting the word "have" where first occurring in the subsection, and inserting the word "has" in substitution therefor;
- (b)

(b) by adding a new subsection as follows :—

(7) Where, by alteration of boundaries, a portion of one area is added to another area, the portion so added shall be taken from the ward or riding of the first-mentioned area in which it was situate, and be added to and form part of the ward or riding of such other area which it immediately adjoins, or if it adjoins more than one ward or riding, shall be added to such wards or ridings in such manner as the Governor may proclaim.

9. Section sixteen of the Principal Act is amended—

(a) in subsection one, by adding the following proviso :—

Provided that where the councils fail to make such arrangement within three months after service of a written request from the Minister, the Governor may make such arrangement and submit it to the creditors of the area or areas, who may agree to it with such amendments as the Governor may approve: Provided also that where the majority of the creditors or any sole creditor of any area do not agree to any such arrangement within a reasonable time, any such council or the Governor making such arrangement may submit the matter of an equitable arrangement between the councils and the creditors to a district court judge, who may summon witnesses, hear evidence, and determine the matter and make an arrangement for the parties. Such arrangement shall be final, and shall be binding upon the councils and their creditors.

(b) by adding the following subsections :—

(5) The council of a reconstituted area, whether municipality or shire, may borrow for the purpose of paying any liability transferred to it as the result of the apportionment to it of part of the loan liabilities of the area which existed prior to the reconstitution; and with the Governor's approval, may borrow for the repayment of moneys lawfully borrowed under this provision. Sections one hundred and fifty-six and one hundred and seventy shall not apply except in cases where they were before the reconstitution applicable to the loans which have been apportioned.

(6) Where an area has, after the thirty-first day of December, one thousand nine hundred and ten, been reconstituted or the boundaries thereof have been altered, and any ratable land not previously included within the area is so included, the council of such area may adopt as the valuation of such land the last valuation in force in the area from which the land was excluded. Any such adoption shall be deemed to have come into force on the first day of January next preceding the date thereof; and any rates for the then current year already levied by the council of the area from
which

which such land has been excluded shall not apply to such land, but rates for the said year may be levied by the council of the area in which such land has been included.

10. Section seventeen of the Principal Act is amended—

- (a) by omitting paragraph (a);
- (b) in paragraph (b) by omitting “and of paragraph (a)”;
- (c) in paragraph (c) by inserting after “special” the words “local or loan”; by omitting the words “under the Municipalities Act, 1897”; and by inserting after “local” the words “or local loan.”

11. Subsection two of section eighteen of the Principal Act is amended by omitting the word “concerned” and substituting therefor the words “of the municipality or part thereof proposed to be united to the city or of the part of the city proposed to be united to the municipality as the case may be.”

12. Section thirty-five of the Principal Act is amended—

- (a) by adding to subsection four the words “A president or mayor in office at the time of the triennial retirement of councillors or aldermen may, if re-elected as a councillor or alderman, remain in office as president or mayor until such last day of February”;
- (b) in subsection five, by omitting the words “On some day between the first and fifteenth days of February” and inserting, in substitution therefor, the words “During the month of February.”

13. Section forty of the Principal Act is amended by adding the words “Provided that the words ‘senior constable’ shall, for the purposes of this Act, be read in place of the words ‘senior sergeant’ where they occur in section ninety-one of the said Act.”

14. Section forty-one of the Principal Act is amended by inserting after “one month” the words “in the case of a municipality and six weeks in the case of a shire,” and by the omission of the word “council” where last occurring in the section and the insertion of the words “Returning officer” in substitution therefor

15. Section forty-three of the Principal Act is amended by adding the words “and the election of president or mayor shall be postponed, and shall be held within one month after the day of the election of the council, and in such cases the retiring president or mayor may, if re-elected as a councillor or alderman, remain in office until his successor is elected.”

16. The following new section is inserted next after section 47B of the Principal Act:—

47C. Where any two general meetings of a council lapse through non-attendance of councillors or aldermen the president or mayor shall, until the next general meeting has been held, have power—

- (a) to carry on the ordinary and usual work of the council;
- (b)

- (b) to pass and pay accounts within the limits of the estimates of the current year, if there be money at the council's credit from which to pay such accounts; and
- (c) to make such appointments of servants as may be necessary and incidental to the exercise of the powers herein conferred.

17. Section forty-eight of the Principal Act is amended—

- (a) by omitting paragraph (b) and inserting the following in substitution therefor:—
 - (b) is the person nominated in writing as an elector by a registered public company, body corporate, or body of trustees which is in occupation as tenant as aforesaid of any ratable land in the shire which, with or without any houses or other buildings thereon, is of a yearly value of five pounds or upwards: Provided that such company or body may not nominate more than one elector for enrolment as occupier in any one area;
- (b) in paragraph (e) by adding the words “or of dairying operations thereon”;
- (c) in paragraph (f) by inserting after “owned by the Crown” the words “or by any person on behalf of or in trust for the Crown.”

18. Section forty-nine of the Principal Act is amended by omitting paragraph (c) and inserting the following in substitution therefor:—

- (c) is the person nominated in writing as an elector by a registered public company, body corporate, or body of trustees which is such owner as aforesaid: Provided that such company or body may not nominate more than one elector for enrolment as owner in any one riding.

19. Section fifty-one of the Principal Act is amended—

- (a) by the omission of the words “and who make application in the prescribed manner to be enrolled”;
- (b) by the addition of the following words:—“At the time of the preparation of the supplementary list the council may authorise the removal from any list or roll or supplementary list or roll of electors of the name of any person where the council has reasonable ground to believe that such person has ceased to possess the necessary qualification for enrolment, or where such removal is rendered necessary by re-enrolment: Provided that in all such cases the clerk shall forthwith serve upon such person notice of such removal, and such person may appeal to the revision court for re-enrolment.”

20.

20. Section fifty-four of the Principal Act is amended by adding thereto the following :—

An occupier shall not, for the purposes of this section, lose the qualification under which he was enrolled by reason only that he has changed his place of occupation in respect of which he was enrolled to some other place in the same riding.

21. Section fifty-five of the Principal Act is amended—

- (a) in paragraph (a) by omitting “ owners and ratepaying lessees ” and substituting the words “ owner or ratepaying lessees, ” and by omitting the words “ and verified by statutory declaration of the terms thereof ” ;
- (b) by omitting paragraph (b) and inserting the following in substitution therefor :—
 - (b) is the person nominated in writing as an elector by a registered public company, body corporate, or body of trustees which is in occupation as tenant as aforesaid of any ratable land in the municipality which, with or without any houses or other buildings thereon, is of a yearly value of five pounds or upwards : Provided that such company or body may not nominate more than one elector for enrolment as occupier in any one area ;
- (c) in paragraph (e) by inserting after “ owned by the Crown ” the words “ or by any person on behalf of or in trust for the Crown. ”

22. Section fifty-six of the Principal Act is amended by omitting paragraph (c) and inserting the following in substitution therefor :—

- (c) is the person nominated in writing as an elector by a registered public company, body corporate, or body of trustees which is such owner as aforesaid : Provided that such company or body may not nominate more than one elector for enrolment as owner in any one ward, or where a municipality is not divided into wards, in any such municipality.

23. Section fifty-seven of the Principal Act is amended by omitting paragraph (c) and inserting the following in substitution therefor :—

- (c) is the person nominated in writing as an elector by a registered public company, body corporate, or body of trustees which is such lessee so liable as aforesaid : Provided that such company or body may not nominate more than one elector for enrolment as ratepaying lessee in any one ward, or where a municipality is not divided into wards, in any such municipality.

24.

24. Section fifty-nine of the Principal Act is amended—

- (a) by the omission of the words “and who make application in the prescribed manner to be enrolled”;
- (b) by the addition of the following words:—“At the time of the preparation of the supplementary list the council may authorise the removal from any list or roll or supplementary list or roll of electors of the name of any person where the council has reasonable ground to believe that such person has ceased to possess the necessary qualification for enrolment, or where such removal is rendered necessary by re-enrolment: Provided that in all such cases the clerk shall forthwith serve upon such person notice of such removal, and such person may appeal to the revision court for re-enrolment.”

25. Section sixty-two of the Principal Act is amended by adding thereto the following:—

An occupier shall not, for the purposes of this section, lose the qualification under which he was enrolled by reason only that he has changed his place of occupation in respect of which he was enrolled to some other place in the same ward, or in the municipality if it is not divided into wards.

26. Section sixty-four of the Principal Act is amended by inserting the words “or licensees” after the word “lessees” in the expression “lessees of Crown lands.”

27. Section sixty-nine of the Principal Act is amended by omitting the words “to act” and inserting in substitution therefor the words “may, during such time as he holds the qualification of an elector and no longer, act”

28. Section seventy of the Principal Act is amended by omitting paragraph (a), and inserting the following:—

- (a) he has not, prior to the day of nomination of candidates for election to such office, or, in the case of an appointment made by the Governor, prior to the date of the gazettal of such appointment, paid all sums owing by him up to the end of the next preceding year, for rates or charges made by the council under this or any other Act.

29. Section seventy-one of the Principal Act is amended by adding at the end of the section the following:—

Provided that any magistrate or judge imposing any penalty for an offence mentioned in paragraph (i) or paragraph (j) aforesaid may, upon sufficient cause being shown, reduce the period of disqualification for office, hereinbefore provided, to any period not less than one year.

30.

30. Section seventy-three of the Principal Act is amended by adding a new paragraph as follows :—

(xiii) the provision of temporary hospital accommodation and nursing attendance in any such hospitals or elsewhere in case of the outbreak of an epidemic of any disease declared by proclamation under the Public Health Act, 1902, to be an infectious disease.

31. Section seventy-five of the Principal Act is amended by omitting “ shall have the control and management of all public roads in its area, and may use such roads,” and inserting in substitution therefor the words “ may use any roads of which it has the care, control, and management.”

32. The following new sections are inserted next after section 75B of the Principal Act :—

75c. Any council that has, before the thirty-first day of December, one thousand nine hundred and nine, expended public moneys on a road not legally in its control, nor proclaimed, nor dedicated, is hereby indemnified, and held harmless for such action.

75d. (1) Where, in pursuance of any authority, statutory or otherwise, any person or board proposes to lay any new main or branch pipes, drains, or electric wires, along or under any road in an area, such person or board shall submit to the council, plans and sections showing where and how such main or branch pipes, drains, or wires are proposed to be laid. The council may approve of such plans, or may require them to be altered before approval is given. When such mains, pipes, drains, or wires are laid, they shall be laid as shown on the plans approved by the council.

The provisions of this subsection shall not apply to pipes, drains, or wires laid to connect any land or building with any pipes, drains, or wires laid in a road, nor to the repair or renewal of any pipes, drains, or wires.

(2) Where, in pursuance of any authority, statutory or otherwise, any person or board proposes to repair, renew, relay, or remove any main or branch pipes, drains, or wires along or under any road in an area, such person or board shall give the prescribed notice to the council, and the road shall not be broken for the purpose of such repairing, renewing, relaying, or removing, until such time as the council and such person or board mutually agree upon. Provided that, in case of emergency or urgent necessity, repairs and renewals may be carried out forthwith, in which case written notice thereof shall be immediately given to the council.

The provisions of this subsection shall not apply to pipes, drains, or wires laid to connect any land or building with any main or branch pipes, drains, or wires laid in a road. (3)

(3) The laying, repairing, renewing, and removing of pipes, drains, and wires connecting any land or building with any main or branch pipes, drains, or wires laid in a road in an area, shall be subject to such conditions as may be prescribed by ordinance.

(4) Where in any road in an area any mains, pipes, drains, or wires are being or have been laid, repaired, renewed, relaid, or removed by any person or board, or where any connection is being or has been made by any person or board to any land or building, the council or its servant may give written notice to the person or board concerned, that the council elects to carry out, and the council may thereupon carry out, the work of filling up any excavation in such road made under the directions of such person or board, and of restoring to its original condition the roadway or footway of such road, and may recover the cost of the work so done from the said person or board.

If the council do not so elect, such work shall be done by such person or board to the satisfaction of the council, or of some person authorised by the council, and in default, the council may cause such work to be done as it thinks necessary, and may recover the cost thereof from the said person or board.

(5) The provisions of this section shall apply to the Metropolitan Board of Water Supply and Sewerage, and to the Hunter District Water Supply and Sewerage Board.

33. Section seventy-seven of the Principal Act is amended in subsection one—

- (a) by inserting after "person" the words and bracket "(including a contractor doing work for the council)";
- (b) by inserting before "unenclosed" the words "enclosed or";
- (c) by inserting after "area" the words "contiguous to or adjoining any public place";
- (d) by inserting after "crop" the words "vineyard, orchard";
- (e) by omitting the word "dwelling-house" and inserting the words "building of a permanent character";
- (f) by inserting after "structure" the words "or within two hundred yards from any dwelling-house";
- (g) by inserting at the end of the subsection the words "Provided that the council or person aforesaid shall, in the case of enclosed land, give notice in writing to the owner or occupier of the said land seven days at least before entering such land in pursuance of this subsection; and shall carry out any regulations which the Governor is hereby authorised to make prescribing the conditions to be performed and the things to be done in and in relation to the exercise of the powers conferred by this subsection: Provided also that this section shall not be deemed to authorise the breaking of a fence which is wire-netted for the exclusion of rabbits."

39

34. Section seventy-eight of the Principal Act is amended by adding the following subsection :—

(5) Where any land is or has been resumed or acquired under the Public Roads Act, 1902, or under this Act, and has been proclaimed a public road, the council may at any time, notwithstanding any provisions in any Act, enter such land and remove therefrom any fences or obstructions, and open such road for public use.

35. Section eighty-three of the Principal Act is repealed, and the following is inserted in substitution therefor :—

83. No road or part of a road under the control of a council shall be closed in pursuance of the Public Roads Act, 1902, unless the consent in writing of the council has been first obtained.

36. Section eighty-seven of the Principal Act is amended by the addition of the following new subsections :—

(3) The council may sell any material, plant, machinery, buildings, books, works, boats, or appliances held by it in connection with any land, works, or undertakings controlled or managed by it. The proceeds of any such sale shall be applied for the purposes of such land, works, or undertakings, unless the Minister authorises their use for any other purpose.

(4) The council shall be deemed to have an insurable interest in any such materials, plant, machinery, buildings, books, works, boats, or appliances.

37. Section eighty-eight of the Principal Act is amended by adding thereto the following :—

For the purposes of this Act, subsection four of section fifteen of the Public Roads Act, 1902, is amended by substituting the words "the council of the area" for the words "the commissioner for roads" and for the words "the said commissioner" each time they occur in the said subsection.

Subsection two of section eighteen of the same Act is amended by omitting "one hundred and seventy-five of the Municipalities Act, 1897, and inserting in substitution therefor the words "seventy-three and seventy-four of the Local Government Acts."

38. The following section and short heading are inserted next after section ninety of the Principal Act :—

Country Towns Water and Sewerage.

90A. The Governor may by proclamation declare that the provisions of the Country Towns Water and Sewerage Acts, 1880-1905, as amended by this Act, shall apply, and thereupon such Acts shall be taken to apply to any shire or portion of a shire

shire named in such proclamation situate wholly outside the county of Cumberland in the same way as such Acts apply to municipalities.

In so applying such Acts, "council of a shire" shall be read for "council," and any reference in the said Acts to the area of a municipality or of a borough or municipal district shall be taken to refer to the shire or the part thereof to which the said Acts are applied as aforesaid.

Impounding Act.

39. Sections ninety-one, ninety-two, and ninety-three of the Principal Act are omitted, and the following sections are substituted therefor:—

91. For the purposes of this Act the Impounding Act, 1898, within shires and municipalities, is amended as follows:—

- (a) In section three by adding at the end of the section the following definitions:—"Area," "council," "council clerk," "mayor," "municipality," "president," and "shire" have the meanings respectively given thereto by the Local Government Act, 1906, and any Act amending the same.
- (b) In section four by substituting "council of an area" for "court of petty sessions of any district," and by substituting "area" for "districts."
- (c) In section five by substituting "council of the area in which the pound is situate" for "majority of the justices assembled for that purpose in the court of petty sessions nearest to the said pound," and by substituting "such council" for "such justices."
- (d) In subsection one of section six by substituting "council" for "Government."
- (e) In subsection three of section six by substituting "when demanded be produced to the council clerk" for "once in every month be produced to the petty sessions," and by the insertion of "or council" after "Minister."
- (f) In subsection four of section six by substituting "council" for "petty sessions."
- (g) In section thirteen by substituting "and may between sunrise and sunset on any day in a shire, or at any time on any day in a municipality, deliver them to the poundkeeper or his servant to be impounded" for the words from and including "and may" to the end of the section.
- (h) In section seventeen by inserting the words "or mayor or president" after "police officer."

(i)

- (i) In subsection two of section twenty-six by substituting "the area" for "petty sessions."
- (j) In subsection three of section twenty-six by substituting "pay such moneys to the general fund of the area" for the words "forthwith forward such transcript with a certificate of such accuracy to the Colonial Treasurer, together with such moneys, and also all other moneys then in his hands arising from penalties under this Act," and by substituting "council's office" for "courthouse."
- (k) In section thirty by substituting "council" for "majority of the justices assembled for that purpose in the court of petty sessions."
- (l) In section forty—
 - (i) by the insertion after "municipality" of the words "and of every shire";
 - (ii) by the omission of the words "enclosed by a sufficient fence";
 - (iii) by inserting after the first paragraph the following proviso:—

Provided that in a shire this section shall not apply to roads which are not within a village, town, or urban area, unless such roads are fenced on both sides, and shall not apply to any reserve, park, or land vested in or under the control and management of any such council as aforesaid, unless such reserve, park, or land is enclosed by a sufficient fence;
 - (iv) by inserting after the word "Provided" in the second paragraph the word "also."
- (m) In section forty-two by inserting after "by-law," each time it occurs, the words "or local government ordinance or regulation."

92. (1) Section forty-six of the same Act is, for all purposes, amended by omitting the words "without first giving him two days' notice, if required, of his intention so to do" and inserting "without the permission of such occupant, or, where such permission is not given, without first giving such occupant two days' notice of his intention so to do."

(2) The following new section is added, for all purposes, to the same Act:—

60. Any justice, upon being satisfied that an animal in a public pound is by reason of disease, injury, starvation, or any cause, too infirm to be of further service, and that the owner, if any owner is known, has neglected to release such animal, after written notice of intention to destroy the animal has been given or posted to him, may by order under his hand authorise the destruction

42

destruction of such animal, and thereupon such animal, if not previously released from the pound, may be destroyed, and the reasonable expenses incurred may be recovered by the pound-keeper from the owner as a debt. In any such case it shall not be necessary to advertise, as elsewhere provided in the Act, where the owner is not known.

93. A council shall keep an account of moneys received under the Impounding Act, 1898, and may use such moneys for the payment of claims rightfully made under the said Act; and failing any such claim within two years after the receipt of any such moneys, may apply them to the purposes of the general fund of the area.

93A. (1) All pounds established, and all poundkeepers in office in any area on the first day of January, one thousand nine hundred and seven, shall be deemed to have been established and appointed under the Impounding Act, 1898, as amended by this Act.

(2) The poundkeeper shall be a servant of the council.

40. The following section and short heading are inserted next after section ninety-three of the Principal Act:—

Dog and Goat Act.

93A. Every council shall, in and for its area, administer that portion of the Dog and Goat Act, 1898, which relates to the registration of dogs, and for that purpose the said Act is amended as follows, and such amendments shall have effect only within a municipality or shire:—

- (a) In paragraph (b) of subsection two of section two by inserting after the words "police district" the words "area or portion of an area."
- (b) In section three by inserting the following definition after the definition of "animal":—"1A. 'Area' means municipality or shire, and includes the city of Sydney."
- (c) In section four by inserting after "police district" the words "or area or portion of an area to which this Part for the time being applies, or has been extended."
- (d) (i) In subsection one of section five by omitting "at the court of petty sessions of the city, town, or police district nearest to" and substituting in lieu thereof the words "to the clerk of the area in which is situated."
(ii) In subsection two of the same section by inserting after "police district" the words "or area or portion of an area to which this Act for the time being applies, or has been extended."

(e)

- (e) (i) In subsection one of section seven by omitting the words "of the petty sessions where the same is made."
- (ii) In subsection two of the same section by omitting the words "of petty sessions."
- (f) In section eight by omitting the words "of the petty sessions where the same was made."
- (g) In section nine by omitting the words "of the petty sessions of every city, town, or police district."
- (h) In section ten by omitting the words "court of petty sessions nearest to the place where such dog is intended to be kept," and substituting in lieu thereof the words "office of the clerk where registration is to be effected." And later on in the same section, by omitting the words "of such petty sessions."
- (i) In section eleven by omitting the words "of petty sessions."
- (j) Section twenty-one is repealed.

41. Section ninety-four of the Principal Act is repealed and the following is inserted in substitution therefor :—

94. (1) Where any wharf has been constructed out of shire or municipal funds, or by the Crown, or where any privately-erected wharf has on the expiration of a lease fallen into the possession of the Crown, such wharf, together with any adjoining Crown land necessary for the proper working thereof, may, by proclamation in the Gazette, be vested in the council of the area, and appointed a public wharf for the purposes of this Act.

(2) A council may, in respect of any public wharf within its area which is vested in the council, whether such wharf has been appointed a public or legal wharf under any Act regulating the Customs or not, fix and collect such rates, dues, or charges for the use by vessels thereof as do not exceed those specified in such scale as the Governor may by ordinance prescribe. Where such rates have been so fixed by a council with respect to a wharf, the provisions of the Wharfage and Tonnage Rates Act, 1901, shall cease to apply to such wharf.

(3) A council may close and remove any wharf vested in the council if the Minister's consent be first obtained.

(4) A council may let to farm, by auction or otherwise, any rates, dues, or charges fixed as aforesaid for the use of any such wharf, and thereupon the lessee or any person authorised by him shall have power to collect such rates, dues, or charges, and may recover the same as a debt; but if it appear to the council that any lessee unfairly discriminates against any vessel or firm in respect of the use of the wharf, the council may terminate the lease upon giving not less than fourteen days' notice.

(5)

(5) A council or lessee, or any agent or servant of a council or lessee, shall have full power to order and direct, and do all things necessary in relation to the regulation of berthing or removal of any vessels, the discharging and loading of cargo, the storage and removal of goods, and generally regulating the use of such wharf or any appliances connected therewith, and the lessee shall have powers of the council to enforce compliance with any ordinances applying to such wharf.

(6) For the purposes of this section "wharf" includes dock, pier, jetty, landing-stage, slip, platform, or work on a river bank, or any embankment or work of any kind intended to facilitate the loading or discharge from vessels of goods or passengers.

42. Section ninety-five of the Principal Act is amended—

- (a) in subsection two by omitting the word "ordinance" and inserting in substitution therefor the word "resolution";
- (b) in subsection three by adding thereto the words "or instead of any words or expressions having the like effect";
- (c) by adding the following subsection—

(7) The provisions of Part III of the Police Offences Act, 1901, or any part thereof, may, on the application of the council, be extended by proclamation to the whole of any shire, and such extension may in the like manner be revoked: Provided that, on such extension, the council may, in its discretion, postpone from time to time the compliance with the requirements of section forty-eight of the said Act.

43. The following section and short heading are inserted next after section ninety-eight of the Principal Act:—

Width of Streets and Lanes Act.

98A. Section five of the Width of Streets and Lanes Act, 1902, is amended—

- (a) in subsection one by omitting "dwelling-house" and inserting in substitution therefor "building";
- (b) in subsection one by omitting "house" and inserting in substitution therefor "building";
- (c) in subsection one by omitting "twenty-three feet at least from such lane" and inserting in substitution therefor "thirty-three feet at least from the centre of such lane";
- (d) in subsection two by omitting "premises built as a dwelling-house or occupied or inhabited as such, although such premises or any part thereof are occupied or used for other purposes at the same time" and inserting in substitution therefor "building";
- (e) in subsection two by omitting "twenty-three feet from such lane" and inserting in substitution therefor "thirty-three feet from the centre of such lane";

(f)

- (f) in subsection two by omitting "and if within any municipality shall be deemed to be a nuisance within the meaning of the two hundred and forty-sixth section of the Municipalities Act, 1897," and inserting in substitution therefor "and if within any municipality or shire shall be and be deemed to be an encroachment or an obstruction within the meaning of the eighty-second section of the Local Government Act, 1906, and within the meaning of any ordinance made under the said Act."

44. The following section and short heading are inserted next after section one hundred and one of the Principal Act:—

Subdivision of land.

101A. (1) Every person who proposes in any area to subdivide land for any purpose shall submit to the council a plan of such subdivision, showing the size and shape of allotments and the existing and proposed means of access to all portions of the land so subdivided, and shall apply, in writing, to the council to approve of the subdivision and of the means of access shown on such plan.

(2) The council may thereupon approve or disapprove of such plan and may, by notice to such person, inform him of such approval or disapproval, and in the latter case of the reasons of such disapproval.

(3) Provided that if within forty days from such application the council does not notify such person of its disapproval of the plan the council shall be deemed to have approved of the plan.

(4) Provided also, that if the council disapprove of such plan, the person who proposes to subdivide may appeal against such disapproval to a district court judge having jurisdiction in the area; and such judge may summon witnesses, hear evidence, and determine the matter, having regard to the circumstances of the case and to the public interest. The decision of such judge shall be final, and the subdivision, if made, shall be made in accordance with such decision.

(5) Any person who subdivides any land in contravention of this section shall be liable to a penalty not exceeding one hundred pounds.

45. Subsection two of section one hundred and three of the Principal Act is amended—

- (a) by inserting after "said special fund" the words "Provided that a council may transfer from the said special fund to the general fund an amount equal to the value, as shown by the council's books on the thirty-first day of December, one thousand

thousand nine hundred and eight, of the plant, buildings, land, and materials used in connection with the sanitary or garbage service, and transferred from the general fund to the sanitary and garbage service special fund”;

- (b) by inserting after the word “ Provided ” the word “ also ”;
- (c) by adding at the end thereof the words “ or any part thereof.”

46. The following section is inserted next after section one hundred and six of the Principal Act:—

106A. (1) The council of an area which is within a water district or a sewerage district proclaimed under the Metropolitan Water and Sewerage Act of 1880, and the Acts amending the same may, on petition signed by the majority in number of the ratepayers affected, contract with the Board of Water Supply and Sewerage for the extension and construction of water-mains and sewers and works connected therewith, and for the supply of water to and the carrying off of sewage from any part of such area, and may guarantee to such board payment of the difference in amount between (a) the revenue derivable by such board from rates and charges made on land in the said part of such area under the said Acts, and (b) the interest on the capital cost of such works together with the annual working expenses thereof.

Such interest and expenses may be fixed at such annual percentage on such capital cost aforesaid as the board and the council agree upon. Such contract and guarantee shall be under the common seals of the council and the board respectively.

(2) Such council may agree with any persons for the reimbursement to the council by such persons of any sum payable to the said board under this section; but in default of such agreement the council shall make and levy a local rate for the purpose of such payment, and notwithstanding anything contained in this Act a poll may not be demanded as to whether such rate shall be made.

47. Section one hundred and eight of the Principal Act is amended by adding a new subsection as follows:—

(4) Where before the first day of June, one thousand nine hundred and nine, urban areas have been constituted, and councils of shires have in respect of such areas purported to acquire and have exercised the powers of the council of a municipality, or additional powers under section one hundred and nine of this Act, the acquisition of such powers and the exercise thereof shall be valid, although the provisions of this Act may have been contravened or may not have been carried out.

48. The following new section is inserted next after section one hundred and eight of the Principal Act:—

108A. On receipt of a petition signed by not less than one-third of the electors enrolled in respect of land situated within an

an urban area, the Governor may authorise the establishment of an urban committee. The Governor may at any time revoke any such authorisation. When the Governor has granted any such authorisation, the following provisions shall have effect :—

- (i) The shire council shall cause an urban area roll of electors and roll of ratepayers to be compiled by transcribing from the shire rolls the names of persons appearing thereon in respect of lands within the urban area, and shall arrange for and hold an election of an urban committee consisting of three committee-men by the electors of the urban area within three months after such authorisation is proclaimed.
- (ii) The provisions of Parts IX and X of this Act shall apply to such election, and for this purpose the word "councillor" shall include "urban committee-man." A councillor shall be eligible for election to such committee.
- (iii) The prescribed procedure for the election of councillors shall, *mutatis mutandis*, apply to the election of an urban committee.
- (iv) An urban committee shall, from time to time, retire from office on the day of the general retirement of councillors and the succeeding committee shall be elected on the following day.
- (v) No local rate, the operation of which is confined to land within the urban area, shall be levied by the shire council except upon the recommendation of the urban committee.
- (vi) The shire general rate, any special or loan rate levied over the whole shire, any local rate, except as aforesaid, and any loan rate not confined to lands within the urban area may be levied, subject to the provisions of this Act, within the urban area.
- (vii) The urban committee shall, at such time in each year as the shire council may fix, make an estimate in accordance with sections one hundred and forty-two, one hundred and forty-three, and one hundred and fifty-four of the sum required for any purposes within the urban area, and make a written request to the shire council for such sum to be raised by a local rate. Thereupon the shire council may, subject to the provisions of section one hundred and fifty-four, make and levy such rate ; and shall, each month, pay the moneys collected in respect of such rate, less ten per centum, to an account in the name of such urban committee at some bank named by such committee. Cheques drawn upon such account shall

shall be signed by all the members of the committee in office for the time being. Such money may be expended by the urban committee only for the purposes for which it is levied.

- (viii) The shire council shall, once each quarter, vote and pay to a separate bank account such proportion of the general fund receipts derived from the urban area as the council consider appropriate. Such moneys shall be expended by the urban committee only for the purposes to which the general fund may be applied.
- (ix) Where it is necessary to borrow money, the urban committee shall apply to the council, and the council shall, if they approve, take all necessary steps to comply with the Act. Any loan obtained only for the benefit of an urban area shall be secured only upon the credit of such area. The securities shall be given by the council. Where, in case of default, a receiver is appointed in respect of any such loan, he shall exercise his powers only in respect of the urban area. The proceeds of any such loan, and of any local loan rate in connection therewith, shall be paid by the council to a separate loan fund bank account, and may be applied by the committee as provided in this Act with respect to loan funds.
- (x) The shire council may vote from any fund moneys to be expended within the urban area by the committee on any works or services, chargeable to such fund, or may carry out such works independently of the urban committee, if necessary, but this shall not apply to a local fund kept in respect of a local rate levied only in the urban area.
- (xi) The committee shall, with respect to the urban area, subject to any limitation imposed by the council, in writing, signed by the president and clerk, have, and may exercise, all the powers and duties of the shire council, under any Act, ordinances, regulations, or by-laws, except as expressly provided in this section.
- (xii) The urban committee, in the name of the urban area, may sue and be sued, and by agreement under the hands of all the committee-men shall have power to enter into contracts for or in respect of any matter or thing which the committee is by law authorised to undertake or perform. Such contracts shall not be entered into without the consent of the shire council, who shall in all cases be joined as a party to the contract for the purpose

purpose of securing the performance of anything contracted on the part of the committee to be performed in the event of the liability of the committee ceasing as a result of the revocation of their establishment or of their dissolution or from any cause whatsoever. Any contract so entered into shall be binding on the successors of any committee, but no personal liability, except under sections one hundred and seventy-five and one hundred and eighty-five of the Act, shall be incurred by any member of the committee in respect of any such contract.

- (xiii) The committee shall not, except with the consent, in writing, of the shire council, signed by the president and clerk, have power to incur any liability for expenditure in excess of the cash in hand or in the bank to their credit. For any contravention of this provision each committee-man present at the meeting at which the incurring of such liability is resolved upon shall be personally responsible, except he object, and have his objection noted on the minutes.
- (xiv) The accounts of the urban area shall be kept by the shire clerk in accordance with the regulations: Provided that the urban committee shall keep an account of their receipts and payments in the prescribed form, and shall each month forward copies thereof to the shire clerk, and shall each half-year also forward a statement of unpaid accounts: Provided that, where necessary, the provisions of this subsection may be altered by regulations.
- (xv) The Governor may, by ordinance, apply any of the provisions of the Act specifically to an urban area or committee.
- (xvi) The urban committee shall to the best of their ability, at the written direction of the council, perform any duty or exercise any power specified in such direction which is among those which may be performed or exercised by such committee, and in default thereof the council may withhold payment of any moneys due to the committee. Upon the council reporting that the committee has failed to carry out the council's directions, and that payment of moneys due to the committee has been withheld for a period exceeding six months, the Governor may, in his discretion, declare the seats of the committee-men who have failed to take steps to comply with the council's direction vacant, and may order an election to fill any vacancies so occurring, or may dissolve the committee.

(xvii)

- (xvii) The establishment of an urban committee, or the election of an urban committee, or anything contained in this section shall not be held to have deprived or relieved the council of any powers, rights, duties, or liabilities, under this or any other Act.

49. Section one hundred and nine of the Principal Act is amended—

- (a) by adding to paragraph (i) the words “and thereupon the council may exercise the powers conferred in such Act upon the Governor or Minister”; and inserting the same words in paragraph (ii), after the words and figures “Poisoned Baits Act, 1901”;
- (b) by omitting from paragraph (ix) the words “municipal building”, and inserting “building for public purposes”;
- (c) in paragraph (x) by omitting the words “within its area”;
- (d) by omitting paragraph (xxiii);
- (e) in paragraph (xxxviii) by inserting after the word “discharge” in the expression “discharge of waste waters” the words “or escape”;
- (f) in paragraph (xliii) by omitting the words “and the subdivision of land for building purposes so as to secure due ways of access to the rear as well as to the front of buildings erected or to be erected thereon”;
- (g) in paragraph (l) by omitting the word “municipal”;
- (h) by adding the following paragraphs :—
 - (liv) The construction, maintenance, and operation of light lines of railway or tramways for public use within the area : Provided that inquiry shall first be made into any such proposed railway or tramway by an officer appointed by the Governor, and that each proposal shall before being carried out be subject to the approval of both Houses of Parliament by resolution thereof, and to the approval of the Governor. On such approval being given, the Governor may authorise the council of any area to borrow for the purpose of the construction of any such line upon the security of such line, the revenues thereof, and the revenues to be derived from the loan rate which must be levied in respect of such loan, and the provisions of Part XXVI of this Act, except paragraph (b) of section one hundred and seventy, shall apply to such borrowings.
 - (lv) The power to clear rivers passing through or on the boundaries of the area, of snags, trees, sandbanks, bars, and obstructions, in order to provide a safe channel for navigation.

(lvi)

- (lvi) The regulation and control of furnaces and chimneys within the area in such a way as to prevent so far as possible the formation of smoke, with power to prescribe and compel the carrying out of structural alterations therein for that purpose, and to inspect such furnaces and chimneys. For the purpose of the exercise of this power any number of furnaces connected with or communicating with any such chimney shall be deemed to be one furnace.
- (lvii) The construction, maintenance, and management of telephone lines for public use on public roads, and, with the permission of the owners or the Minister for Lands, on private or Crown lands respectively, with power to charge rent therefor to the persons using such lines: Provided that the exercise of this power shall be subject to any laws or regulations made by the Parliament or Governor-General of the Commonwealth of Australia.

50. Section one hundred and ten of the Principal Act is amended—

- (a) in paragraph (b) by omitting the words “by the Governor in manner to be prescribed” and inserting in place thereof the words “by the council in some newspaper or newspapers circulating in the districts affected”;
- (b) in paragraph (c) by inserting after the word “petition” the words “lodged in the manner and within the time prescribed and”

51. The following section is inserted next after section one hundred and eleven of the Principal Act:—

111A. (1) Where a council has works of water, gas, or electricity supply, or sewerage works, or telephone lines, or light lines of railways or tramways, such council may supply water, gas, or electricity, or connect its sewers or extend its telephone or tramway or railway lines to any place situated outside the area of such council:

Provided that—

- (a) where such place is within the Western Division the approval of the Minister shall first be obtained;
- (b) where such place is within another area the consent of the council of such other area shall first be obtained; and an agreement shall be entered into between the councils specifying the conditions upon which such consent is granted.
- (2) Where a council exercises the powers given by this section, such council shall not levy any rate on any land outside its area; but may with respect to water, gas, electricity, or sewers, make such agreements as it may deem necessary with persons

persons in connection with such services for payment by such persons of charges for such services, and each such agreement, where made with the owner of the land served, shall contain a clause making such charges a charge upon such land in priority to all sales, conveyances, mortgages, charges, loans, and encumbrances whatsoever, and may, notwithstanding any statute of limitations or anything contained in this Act, be recovered at any time within ten years by the council from the owner of the land, except the Crown. With respect to telephone and railway and tramway lines, the council may with the approval of the Governor fix such charges for the use thereof as they may deem expedient.

52. Section one hundred and twelve of the Principal Act is amended—

(a) in paragraph (a) of subsection one, by inserting after "animal" where first occurring in the paragraph the words and brackets "(except an animal which has been declared noxious under the Pastures Protection Act, 1902, or any Act amending the same)," and by inserting the word "noxious" before "animal" where last occurring in the paragraph ;

(b) by omitting paragraphs (b) and (c) of subsection one, and inserting the following paragraphs :—

(b) may advertise in all such newspapers as are known to the council to be published in the area, and in any newspaper circulating in the area, that such plants or animals have been declared noxious and that they must be destroyed by all occupiers of land in the area, and that thereafter the lands in the area must be kept free from such plants or animals. After the expiration of three months from the date of publication of such advertisement in any newspaper published or circulating in the area, the council may, without further notice, recover from the occupier of any land in the area (whether such occupier be the owner or not) a penalty not exceeding *twenty* pounds upon proving that any noxious plant or animal named in such advertisement has been found, after the said period of three months, upon or under the said land, and may also cause such land to be entered and all noxious plants or animals thereon or thereunder to be destroyed, and any reasonable expense thereby incurred may be recovered by the council from the said occupier in any court of competent jurisdiction :

Provided that the council shall, in September of each year thereafter, publish in all such newspapers as are known to the council to be published in the area, and may publish in any other newspaper, a notice drawing attention to this provision and reciting the terms of the aforesaid advertisement

advertisement with the names and dates of the newspapers in which it was published ; and if a council make default in publishing such notice in September of any year such council may not recover penalties or expenses as hereinbefore provided until one month after a notice of the same purport is published as aforesaid ;

- (c) may serve upon the owner of any land in the area (except the Crown) a written notice requiring him to destroy all noxious plants or animals on such land within a reasonable period stated in such notice, not less than one month, and requiring him to keep such lands free thereafter from such noxious plants or animals. If, at any time after the expiration of the said period, any noxious plants or animals be found upon or under the said land such owner shall be liable to a penalty not exceeding *twenty* pounds, and the council may forthwith extirpate and destroy such plants or animals, and any reasonable expense so incurred by a council may be recovered from such owner in any court of competent jurisdiction :

Provided that, in the case of private land with respect to which there was, on the first day of November, one thousand nine hundred and nine, a lease in force, the owner shall not be liable to any action under this section until such lease expires or until the land is abandoned by the lessee, whichever may first happen ; but no person shall be entitled to claim exemption hereunder unless within one month after he is served with notice as hereinbefore provided he serves upon the council a written claim for such exemption and produces such lease for the council's inspection on demand ;

- (d) may, if the consent of the Minister for Lands be obtained, extirpate and destroy all noxious plants or animals upon any unoccupied Crown lands, travelling stock routes, or lands which are the property of the Crown and are reserved from sale but not vested in trustees ;
- (e) shall extirpate and destroy all noxious plants or animals upon any land vested in or leased by it, or upon any public place or public reserve under its care or management ;
- (c) by omitting subsection two and inserting the following subsection :—

(2) Where a natural or artificial watercourse or a line lengthwise along any such watercourse forms the common boundary of lands the property of different owners, and where what are known as "give and take" fences are erected to define a convenient boundary between such lands, the lands shall

shall for the purposes of this section be deemed to be owned and, if occupied, shall be deemed to be occupied, with boundaries as defined by the "give-and-take fence," in so far as such watercourse would otherwise be deemed to be the boundary, and the owners and occupiers of such lands shall each respectively be responsible as hereinbefore provided, for the destruction of noxious plants and animals on such lands as so deemed to be bounded.

(d) by omitting subsection four and inserting the following subsection:—

(4) Any council which is exercising or has exercised the powers of paragraph (viii) of section one hundred and nine and of this section, and the ordinances applicable thereto, so as to destroy or cause the extirpation or destruction of any particular kind of noxious plants or animals thereon, may require the council of any adjoining area to exercise the like powers, whether acquired under this Act or not, in a similar way with respect to all lands within forty chains of the common boundary of their areas: and thereupon such council so required shall, notwithstanding anything in this Act, comply with such requirement, and in default such council in its corporate capacity shall be liable to a penalty not exceeding *five* pounds for every week during which such neglect continues.

53. The following new section is inserted next after section one hundred and thirteen of the Principal Act:—

113A. A council which has, in accordance with this Act, acquired the powers of paragraphs (xx), (xxi), and (xxii) of section one hundred and nine, or any of such powers, may, upon such terms and subject to such conditions as to it shall seem just and reasonable, contract with any persons for the erection of works for the manufacture and supply of gas, electricity, or hydraulic or other power, but by such contract shall reserve to the council the right to purchase such works at any time after ten years from the date of the contract, and may give license and authority to the persons so contracting with the council to lay, keep, and maintain mains, pipes, wires, or cables under or over or through the public places of the area for the purpose of lighting such public places or of supplying light, heat, or power to the council or to other bodies or persons. No such contract shall be deemed void by reason of any rule or law against perpetuities.

54. Section one hundred and fourteen of the Principal Act is repealed.

55. Section one hundred and fifteen of the Principal Act is amended by inserting a new paragraph, as follows:—

(b) prevent the erection of any new hoarding.

56.

56. Section 115A of the Principal Act is amended by the addition of the following:—"This section shall not affect the provisions of the Stage Carriages Act Amendment Act of 1903; and it shall not be necessary for a vehicle licensed under that Act to be again licensed by the council of any shire or municipality. The words 'incorporated area' in the said Act of 1903 shall include a shire."

57. Section one hundred and sixteen of the Principal Act is amended by inserting after the word "duty" where first occurring in the section the words "under this Act," and by omitting the words "which is included among those which may be acquired by a council."

58. Section one hundred and seventeen of the Principal Act is amended by the insertion after the words "public reserve" of the words "public recreation ground."

59. Section one hundred and twenty-nine of the Principal Act is amended by omitting subsection one and inserting the following in its place:—

(1) A council may construct and maintain buildings for any purpose authorised by this Act, and may, for any such purpose, but only with the approval of the Governor, purchase or rent any land and any buildings thereon.

60. Subsection one of section one hundred and thirty-one of the Principal Act is amended—

- (a) in paragraph (a) by adding the words "and public parks and public recreation grounds under the control of trustees";
- (b) in paragraph (b) by inserting the word "public" before the word "cemeteries";

61. Section one hundred and thirty-three of the Principal Act is amended by adding the following—"and the unimproved capital value of unimproved land shall, for the purposes of this Act, be deemed to be its improved capital value."

62. Section one hundred and thirty-six of the Principal Act is amended—

- (a) by omitting from the section the words "The valuations to be made and adopted under this Act shall be separate valuations made in respect of each parcel of ratable land as separately held by any occupier, tenant, lessee, or owner";
- (b) by inserting the following subsections:—

(2) Where several parcels of ratable land adjoin, are owned by the same person, are of the same class of tenure, and where no part is leased, they shall be included in one valuation, and shall be rated accordingly: Provided that the valuer shall value separately, and the council may separately rate, any such parcels of land if they are occupied by buildings obviously adapted to separate occupation by separate tenants.

(3)

(3) Where several parcels of ratable land adjoin, are owned by the same person, are of the same class of tenure, and are all let to one tenant or lessee, they shall (except where they are separately sublet to more than one sublessee) be included in one valuation, and shall be rated accordingly.

(4) Where several parcels of ratable land, owned by the same person, are not of the same class of tenure or are separately leased, they shall be separately valued and rated.

(5) Lands separated by a public road, or separately owned, shall be separately valued and rated.

63. Section one hundred and forty-four of the Principal Act is amended—

(a) by adding to subsection one the following proviso:—
“Provided that where Crown leases are transferred by way of mortgage, the council may not recover from the mortgagee unless and until it has failed to recover from the mortgagor in occupation, and that, in any proceedings to recover from such mortgagee, it shall not be necessary for the council to prove that it has served each year the original notice of valuation and rate upon such mortgagee if a written demand for payment has been made to the mortgagee at least thirty clear days before the commencement of such proceedings.”

(b) in subsection seven by inserting after the word “rates” where first occurring in the subsection the words “and all costs awarded against the person liable for the payment of any such rates by any court in any action for the recovery of rates”, and by adding at the end of the first paragraph of the subsection the following:—“Provided that any costs awarded by any court shall cease to be a charge upon any land, if such land shall have been transferred, and, upon written inquiry having been made in that behalf, the council fails to render to any owner or to any purchaser or agent of a purchaser, a correct account of the amount of such costs”;

(c) by omitting subsection eight and substituting the following:—

(8) On the thirtieth day of November in each year there shall be charged as interest a sum calculated at the rate of four per centum per annum upon the amount of all rates, under this Act or any Act hereby repealed, or any Act administered by the council, due and unpaid on such date in respect of any ratable land except land which is the property of the Crown, and is not held under lease, license, or tenancy. Such interest shall thereupon be due, and shall be added to, and shall be deemed to be part of the general rates on such land. Where the interest due on any rates is less than threepence the full sum of threepence shall be charged as interest.

(d)

(d) in subsection ten by omitting "sells" and inserting the words "parts with the ownership of" and by omitting the words "of such sale." Also by inserting at the end of the subsection the words "but this provision shall not affect the right of the council to recover such rates and interest from the purchaser."

(e) By adding a new subsection as follows :—

(11) Within one month after service of a notice issued under a resolution of a council, the owner, occupier, lessee, or tenant of any ratable land shall furnish to the clerk, in the prescribed form, a correct statement of the particulars of any lands in the area of such council, owned, occupied, leased, or tenanted by him.

64. Section one hundred and fifty-six of the Principal Act is amended—

(a) by inserting the following subsections next after subsection three :—

(3A) Where a council has borrowed money for any specified work or service, and has levied a loan rate in respect of such loan, the Minister may, in his discretion, at any time thereafter, on being satisfied, on application of the council, that the net revenue actually derived in the preceding financial year as defined by regulation from such work or service has been sufficient to pay that year's interest and to provide one year's contribution at the rate of at least four per centum per annum on the original amount of such loan, towards making provision for the repayment of such loan, and that the whole of the interest accrued on such loan has been paid, and that such contribution as aforesaid has been set aside by lodgment in a bank on fixed deposit or by investment in Government securities, from time to time exempt the council from the obligation under this Act to make and levy a loan rate. No such exemption shall operate for a longer period than one financial year.

(3B) Where the Minister is satisfied that a substantial revenue has been derived as aforesaid from the work or service, and that the whole of the interest accrued has been paid and that such contribution has been set aside as aforesaid, but is not satisfied that such revenue has been sufficient to pay working expenses and interest and to make provision towards repayment as aforesaid, he may in his discretion, on application by the council, from time to time authorise the council to reduce for not longer than one financial year on any one occasion the amount of the loan rate made under this Act. The loan rate as so reduced shall be such that the amount of the revenue from the work or service, together with

with the proceeds of the loan rate, will, so far as can reasonably be foreseen after allowing for probable non-payments of such revenue or rates, be sufficient to pay interest and make provision towards repayment as aforesaid.

(3C) Where any council has lawfully voted from any fund of the council, and has thereupon in respect of any financial year transferred to the appropriate loan fund money sufficient in itself or with other money in hand in such fund to pay interest and to make provision for repayment as aforesaid in respect of any specified loan, the Minister may, on being satisfied that such provision has been made, authorise the council to reduce the amount of or to discontinue the loan rate leviable in respect of such specified loan for such year: Provided that this shall not apply to any loan rate levied on part only of an area.

(3D) Where such exemption from and reduction of a loan rate is so authorised, in all such cases the council shall, in the year during which such exemption or reduction operates, set aside contributions at the rate and in the manner aforesaid towards making provision for repayment as aforesaid.

(3E) The provisions of subsections (3A) and (3B) of this section, in so far as the same apply, shall apply to local rates levied in pursuance of subsection four of section one hundred and sixty-nine of this Act.

(3F) Notwithstanding any provisions of this Act to the contrary the council of the municipality of Liverpool shall be deemed to have been and to be authorised (a) to apply revenues derived from the sale of gas in payment to the Gasworks Loan Fund of moneys to meet interest on any loan borrowed for the purpose of erecting and installing gasworks and gas-making plant, and (b) to reduce the loan rate levied in pursuance of subsection four of section one hundred and sixty-nine accordingly.

- (b) by the addition to subsection four of the following :—“ Provided that on notification of a proposal to make a rate under this subsection not less than fifty ratepayers (or, if there be less than three hundred ratepayers on the roll, not less than one-sixth of such ratepayers) may, by writing signed by them and delivered to the president or mayor, demand a poll on the question whether such rate shall be on the unimproved capital value or the improved capital value. Upon receipt of such demand the council shall forthwith meet and fix and notify as prescribed a day, not being less than seven nor more than fourteen days in the case of a municipality, nor less than fourteen nor more than twenty-eight days in the case of a shire, after such meeting for the holding of the poll, and shall hold the poll on that day. At the poll only persons on the roll of ratepayers may vote.”

65. Section one hundred and fifty-nine of the Principal Act is amended in subsection three by the addition at the end thereof of the following :—“ Such rate so fixed shall continue to be the maximum, notwithstanding any subsequent variations in the assessments.”

66. Section one hundred and sixty-one of the Principal Act is amended in subsection one by adding to paragraph (b) the words “ and the rates made by the council since the last preceding classification was made, together with the income derived therefrom.”

67. Section one hundred and sixty-two of the Principal Act is amended—

(a) in subsection three by substituting the word “ Minister ” for the word “ Governor ”;

(b) by omitting subsection four and substituting the following :—

(4) Where on an estimate being made by an officer appointed by the Minister of—

(a) the revenue which would be yielded by a rate of one penny in the pound on the unimproved capital value of all ratable land in the area ; and

(b) the additional responsibility for expenditure imposed upon the council by the transfer to the council of the duty of maintaining roads, bridges, ferries, wharfs, and parks maintained by the Government before the passing of this Act,

it appears that such estimated additional responsibility for expenditure exceeds such estimated revenue as aforesaid, the Minister may, in his discretion, grant, in addition to the endowment above provided in this section, such further endowment as he considers warranted, not exceeding such excess, for such period as he may decide, subject to funds being provided by Parliament.

68. Subsection four of section one hundred and sixty-eight of the Principal Act is amended by adding the words “ or aldermen.”

69. The following new sections are inserted next after section 170c of the Principal Act :—

170D. Where, before the thirty-first day of December, one thousand nine hundred and nine, any council has borrowed money irregularly by overdrawing upon a bank account current, the Minister may, upon being satisfied that such irregular borrowing was not wilful, and that the interests of the area have not thereby suffered, validate such irregular borrowing upon such conditions as he may impose.

170E. (1) Notwithstanding anything in this Act to the contrary, the council of the municipality of Narrandera shall be deemed to have been and to be authorised to borrow an amount which, together with all other loans of the council, shall not exceed the sum of eleven thousand five hundred and seventy-six pounds

pounds for the purpose of improving and extending the water supply of the municipality, but it shall not be lawful for the council to again borrow (except a temporary loan under section one hundred and seventy-six or a loan for the repayment of a previous lawful loan) until the total loan indebtedness of the council has been reduced to a sum less than the limit fixed in subsection one of section one hundred and sixty-nine of this Act.

(2) The said council shall, as and from the first day of January, one thousand nine hundred and eleven, levy a loan rate each year, sufficient to pay the interest thereon and provide for the repayment within twenty-five years of the principal. The proviso to subsection four of section one hundred and fifty-six shall apply to such loan rate. Such rate shall not be taken into account in calculating the limit of rates under this Act.

(3) The said council shall, each year, from the revenue account of the Water Supply Special Fund, set aside, in a reserve and renewals fund, such sum as the Minister may decide for the purpose of providing for the renewal of the water supply plant.

(4) The provisions of this Act as to securities, guarantees, funds, accounts, and audit, shall apply to any loan obtained under this section.

70. Section one hundred and seventy-one of the Principal Act is amended by inserting after subsection one a new subsection as follows:—

(1A) Where, before the commencement of the Local Government Act, 1906, the council of an existing municipality had lawfully borrowed money on the security of certain lands, buildings, or property, and where the council of the area of such municipality after the said commencement borrows under this Act for the purpose of repaying the moneys so lawfully borrowed, such council may, notwithstanding the provisions elsewhere contained in this Act, give mortgages over the said lands, buildings, or property as security for such borrowing, or any subsequent borrowings to repay money borrowed on any such security.

71. Section one hundred and seventy-six of the Principal Act is amended by omitting subsection one and inserting the following in substitution therefor:—

(1) If the consent of the Minister be first obtained, a council may at any time temporarily borrow for any purpose a sum not exceeding the amount of one-third of the council's last published estimate, under sections one hundred and forty-two and one hundred and forty-three of this Act, of a year's total income from all rates levied or to be levied in the year then current, under this Act and the Country Towns Water and Sewerage Acts, 1880-1905, and any other Acts under which councils are authorised to levy rates.

Such

Such sum may be secured upon the revenues payable to all or any funds of the council except the trust fund, irrespective of the purpose for which the temporary borrowing is required. For securing the repayment of any moneys so borrowed, together with interest, if any, thereon, the council of a shire shall have the same powers to give security as the council of a municipality.

Section one hundred and seventy of this Act shall not apply to borrowings under this section.

The moneys at the council's credit in the temporary loan fund bank current account may be used to assist any other fund of the council: Provided that any temporary loan fund moneys which are used to assist any other fund shall be repaid with interest (if any) from such other fund.

72. Section one hundred and seventy-eight of the Principal Act is amended in subsection two by inserting after the word "municipality" the words "or shire."

73. Section one hundred and seventy-nine of the Principal Act is amended—

(a) in subsection one by adding to paragraph (a) the following words:—"all fees, rents, dues, and charges receivable in respect of public parks, public watering places, and any works placed under the care of the council under this Act, except where this Act provides that such moneys shall be paid to a special or local fund";

(b) in subsection two by adding the following paragraph:—

(xiv) The provision of temporary hospital accommodation and nursing attendance.

(c) in subsection two by adding the following provisos:—"Provided also that a council may in any year expend out of the general fund a sum not exceeding three per centum of the general rates collected during that year for any public purposes whatsoever not authorised, but not expressly prohibited by this Act:

Provided also that the council of the Blue Mountains shire shall be deemed to have been authorised to pay from the general fund a sum not exceeding three hundred pounds for the purpose of installing a public lighting service for the town of Blackheath, and the use of any such moneys for such purpose is hereby validated. Any sums so expended, together with interest thereon at the rate of four per centum per annum shall be repaid to the general fund from the Blackheath local lighting rate by instalments extending over a period of ten years commencing on the first day of January, one thousand nine hundred and ten."

74. The following sections are inserted next after section one hundred and eighty-two of the Principal Act:—

182A. (1) Where any money is granted by the Govern-^{Trust funds.}ment to any council on the condition that it shall be expended upon a specified work or service, such money shall be paid to and kept in a separate fund, to be called the trust fund, until accounts for expenditure upon such specified work or service have been properly passed for payment, and thereupon such portion of the grant, as may be required to pay such accounts, may be carried to the general or other appropriate fund for such purpose. Such moneys shall not, except with the Minister's approval, be used except for the specific purpose for which they are granted.

(2) Any moneys received, which the council are not entitled to expend as revenue, but hold in trust for the owners thereof, shall be paid into such trust fund, subject to the provisions of any regulations which the Governor may make respecting payments to and from such trust fund.

182B. Where any council engages in any trading under-^{Trading funds.}taking, such as gasworks, electricity works, infants' milk depôt, hydraulic power works, or any undertaking defined by regulation as a "trading" undertaking, the income and expenditure of such undertaking shall be kept in a separate fund in such manner as to show the annual profit or loss made by such undertaking. Any net profits made, after providing a cash reserve for repairs and renewals, may be used for the extension of the undertaking, or may be transferred to any loan fund kept in respect of loans obtained for such undertaking, in order to assist in the payment of interest and in making provision for the repayment of the loans. When all such loans have been repaid, any such net profits may be transferred to and used for the purposes of the general fund. Moneys may, if the Governor approve, be transferred from the general fund in aid of any trading fund.

75. Section one hundred and eighty-three of the Principal Act is amended—

- (a) in subsection one by inserting the words "and all income receivable and expenditure incurred" after the words "every fund," and by inserting the words "or for which such income is receivable or such expenditure has been incurred" after the words "received and paid";
- (b) in subsection two by inserting after "shall" in the expression "shall publish full and accurate accounts" the words "prepare and";
- (c) in subsection two by substituting the words "income, expenditure" for the words "receipts, disbursements";

(d) in subsection three by adding the words "provided that the council may fix and collect a fee from any person who desires to inspect in the valuation book the entries relating to any land other than that of which he is the occupier, owner, or agent authorised in writing by the owner, or land immediately adjoining thereto";

(e) by adding a new subsection, as follows:—

(5) An auditor, officer, or servant of a council may be requested by the Minister, or by an officer authorised by the Minister, to supply any additional information respecting any statements of a council's accounts, and to amend such statements where they are not in accordance with this Act or the regulations, and to explain any apparent contravention of such Act or regulations as revealed by the entries in or omissions from such statements of accounts or by the report of any auditor or examiner. Any person who fails to comply with such request within a reasonable time shall be liable to a penalty not exceeding *ten* pounds.

76. Section one hundred and eighty-four of the Principal Act is amended in subsection three by inserting after "certificate" the words "or who is the clerk or engineer of a council."

77. Section one hundred and eighty-seven of the Principal Act is amended by adding the following paragraphs:—

- (lxxi) the operation of railways or tramways under the control of the council, the regulation of the use of such railways and tramways by the public, and the regulation of the conduct of all persons using or employed in connection with such railways or tramways;
- (lxxii) the regulation of furnaces and chimneys and the inspection and structural alterations thereof;
- (lxxiii) the care, control, construction, and management of public wharfs, the regulation of the berthing or removal of vessels using any wharf vested in the council, the discharging and loading of cargo, the storage and removal of goods, and, generally, of the use of any such wharf or any appliances connected therewith;

78. The following new section is inserted next after section one hundred and ninety-one of the Principal Act:—

191A. Section five of the Fines and Penalties Act, 1901, is amended by inserting the following proviso at the end of the section:—"Provided that, in proceedings instituted or commenced by or on behalf of any municipal or shire council under any Act, the whole amount of any fine, penalty, or forfeiture, when recovered, shall be paid to such council."

79.

79. The following new section is inserted next after section one hundred and ninety-two of the Principal Act :—

192A. Where any ordinance or regulation is amended by—

- (a) the repeal or omission of certain words or figures ; or
- (b) the substitution of certain words or figures in lieu of any repealed or omitted words or figures ; or
- (c) the insertion of certain words or figures ;

then the ordinance or regulation as so amended may be printed by the Government Printer in the form certified as correct by the Attorney General.

80. Section one hundred and ninety-three of the Principal Act is amended by inserting after “ this Act ” the words “ the Public Health Act, 1902, the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, the Dairies Supervision Act, 1901, the Noxious Trades Act, 1902, the Smoke Nuisances Abatement Act, 1902, the Country Towns Water and Sewerage Acts, 1880-1905, or any Act amending any such Acts,” and by inserting after “ by-laws ” the words “ made in pursuance of any such Act.”

81. Section one hundred and ninety-five of the Principal Act is amended by adding the following subsection :—

(6) Where land is unoccupied, and the owner thereof is not known to the council, any notice in relation to such land may be given to such owner by advertisement published by the council once at least in some newspaper circulating in the area. Any such notice shall not necessarily be in the form prescribed (if any), but in such sufficient form as the council decides. In any such notice, it shall be sufficient to describe any land in general terms, so that the description is intelligible, and to state its situation, estimated area, and the name of the original grantee : Provided, however, that in any notice as to rates or to the seizure of land for rates it shall be necessary, in addition, to state the amount of the valuation, the amount of rates levied, and the amount of arrears and interest owing. Production of the newspaper containing any advertisement as aforesaid shall be conclusive evidence of service of any such notice.

82. Section two hundred and one of the Principal Act is amended in lines one and two by omitting “ officer of the public service ” and inserting “ person ” in substitution therefor; in line three by omitting “ such officer, and ”; and in line seven by omitting “ officer or ”.

83. Section two hundred and two of the Principal Act is amended—

- (a) in subsection one by inserting “ or the Minister ” after the word “ behalf ”

(b)

- (b) in subsection four by adding the following proviso:—
“ Provided that proceedings in respect of any offence relating to accountancy or audit, or arising out of the audit or examination of the accounts of a council, may be commenced within twelve months after the commission of the offence.”

84. The following sections and short headings are added to the Principal Act:—

Notices.

211. Every notice or order which, under this Act, or the ordinances or regulations, may be given by the council may be given by the mayor or president, or by the clerk, if the clerk be authorised by the council by resolution in that behalf; and every such notice or order shall be sufficiently authenticated if signed by the mayor, or president, or clerk, as the case may be, and it shall not be necessary to affix the seal of the council on the same.

Polls in two or more areas.

212. Where, under this Act, it is necessary for the councils of two or more areas to take a poll respecting any particular matter affecting each of such areas, the councils shall mutually arrange to take such poll on the same day in each of such areas, and, where such councils cannot agree upon a day for such poll, or where, the councils having agreed upon a day, such poll is not taken in each of the areas on such day, the Governor may notify in the Gazette a day on which such poll shall be taken in each area, and the councils shall take such polls on such day. In case of further default the Governor may again, as often as may be necessary, fix a day for the taking of such poll. Where a day has been fixed as aforesaid, either by the councils or by the Governor, any councils which have neglected to take the poll on such day, shall jointly and severally be liable to pay to any council which has taken such poll on such day, the full cost of or incidental to the taking of such poll, together with a penalty of *twenty-five* pounds.

TAXATION AMENDING ACT, 1906.

85. (1) Section two of the Taxation Amending Act, 1906, is amended as follows:—

- (a) By omitting paragraph (a) and substituting the following:—
(a) omitting the words “section thirty-three of the Local Government (Shires) Act, 1905, of the operation in a shire,” and substituting the words “Part XXI of the Local Government Act, 1906, of the operation in a shire or municipality”;
(b) by omitting paragraph (b), and reinserting the words “that Act” mentioned in that paragraph.

(2) Section three of the same Act is amended as follows:—

- (a) By omitting paragraph (a) and substituting the following:—
(a) omitting the words “Local Government (Shires) Act, 1905,” and substituting the words “Local Government Act, 1906.”