

No. , 1911.

A BILL

For the better Government of Shires and Municipalities ;
and for those purposes to amend, extend, and repeal
certain Acts.

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 :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Local Government Act, Short title.
1911," and this Act, together with any Acts by which it may hereafter
be amended, may be cited as the "Local Government Act, 1911, as
amended."

2. This Act shall commence and come into operation on the Commencement.
first day of January, one thousand nine hundred and twelve.

3. This Act is divided into Parts as follows :—

Division into Parts.

PART I.—PRELIMINARY.

PART II.—REPEALS AND SAVINGS.

PART III.—CITIES.

PART IV.—CONSTITUTION OF AREAS.

PART V.—CONSTITUTION OF NEW SHIRES OR MUNICIPALITIES
IN THE WESTERN DIVISION.

PART VI.—ALTERATION OF BOUNDARIES.

PART VII.—RECONSTITUTION OF AREAS.

PART VIII.—PROVISIONAL GOVERNMENT OF SHIRES OR
MUNICIPALITIES ON FIRST CONSTITUTION OR ON RECONSTITUTION.

PART IX.—DIVISION OF AREAS INTO ELECTORATES, CALLED
RIDINGS AND WARDS.

PART X.—CONSTITUTION OF COUNCILS.

PART XI.—

PART XII.—

PART XIII.—

PART XIV.—

PART XV.—

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PART XVII.—

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PART XXX.—

PART XXXI.—

SCHEDULES.

4. In this Act, unless inconsistent with the context or subject-matter,— Definitions.

“Adjoining”—Shires and municipalities are “adjoining” if only separated from each other by a public reserve, road, river, or stream, or other like natural divisions.

“Area” or “local government area” means municipality or shire.

“City,” “village,” “town,” are not restricted to the meanings given to them in the Crown Lands Act of 1884, although including the same where applicable; and, on the application of any council, the Governor may from time to time define or re-define, by notification in the Gazette, the boundaries of any town or village for the purposes of this Act. Any such notification shall forthwith be advertised by the council in some newspaper circulating in such town or village.

“Clerk” or “council clerk” or “shire clerk” or “town clerk” includes person duly acting as council clerk of an area.

“Council” means council of an area.

“Elector” means person qualified to vote at elections of councillors or aldermen.

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

“Hoarding” means structure used for the exhibition of advertisements, and includes a sky-sign.

“Improvements” includes houses and buildings, fencing, planting, excavations for holding water, wells, ringbarking, clearing from timber, or scrub, or sweet-briar, or noxious weeds, or laying down in grass or pasture, and any other improvements whatsoever the benefit of which is unexhausted at the time of valuation.

“Justice” means justice of the peace.

“Lease” includes an original or derivative lease or under-lease or contract or agreement for the same.

“Lessee” includes an original or derivative lessee and under-lessee and any person deriving title under or from a lessee or under-lessee.

“Mayor” means mayor of a municipality.

“Mine” is land used or held for any mining purpose, and land so used or held is a mine. A mine includes all underground workings, and all engines, machinery, workshops, tramways, and other plant; all buildings (not being dwelling-houses), works, and the surface of any land occupied exclusively in connection with and for the purposes of the mine: Provided that, in the case of a mine occupied under a lease, license, or other mineral holding, such land is situate within the boundaries of such lease, license, of holding. Extension; s. 58.

“Minister”

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- “Minister” means Minister charged with the administration of this Act, or any portion thereof, under the Constitution Act, 1902.
- “Municipality” means area constituted a municipality in pursuance of this Act.
- “Notification” and “notified” means respectively notification published in the Gazette and notified in the Gazette.
- “Office” means office of mayor, president, alderman, or councillor, and “officer” means holder of any such office.
- “Ordinances” means ordinances made in pursuance of this Act.
- “Owner” means every person who is, whether at law or in equity,—
- (a) entitled to land for any estate of freehold in possession, including the holder of a conditional purchase; or
 - (b) entitled to land for any such estate of freehold as aforesaid as a married woman, to her separate use, otherwise than by the intervention of trustees; or
 - (c) entitled to appoint, or to dispose immediately and absolutely of the fee-simple of any land; or
 - (d) a settlor, grantor, assignor, or transferrer of land comprised in any settlement, grant, assignment; transfer, conveyance or other instrument, not made bona fide for valuable consideration; or
 - (e) by virtue of any mortgage (legal or equitable), or of any charge or encumbrance on land the owner of any estate or interest in land; or
 - (f) in actual receipt of, or entitled to receive, or if the land were let to a tenant, would be entitled to receive the rents and profits of land, whether as a beneficial owner, trustee, or mortgagee in possession, or who is receiving the rents derived from land by virtue of any mortgage, or of any charge or encumbrance whatsoever, or who is otherwise, whether at law or in equity, entitled to land for an estate of freehold in possession; or
 - (g) entitled to land partly in one and partly in another or others of the aforesaid ways.
- “Part” means part of this Act.
- “Prescribed” means prescribed by or under this Act.
- “President” means president of a council.
- “Private land” means land the fee-simple of which is not vested in His Majesty the King, and Crown lands held under any tenure which gives a right to purchase the fee-simple.
- “Proclaimed” means proclaimed by publication in the Gazette.
- “Proclamation” means proclamation published in the Gazette.
- “Public

- “Public place” means public road, bridge, jetty, wharf, ferry, or other place which the public are entitled to use, but does not include a public reserve.
- “Public reserve” means public parks and lands similarly dedicated by the Crown for the use, recreation, or enjoyment of the general public, but does not include a common.
- “Public road” means road which the public are entitled to use.
- “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.
- “Regulation” means regulation made in pursuance of this Act.
- “Returning-officer” means officer appointed to conduct elections or polls under this Act.
- “Road” means road, street, lane, highway, or thoroughfare, including a bridge or culvert thereon.
- “Schedule” means Schedule to this Act.
- “Shire” means shire constituted under this Act or any Act hereby repealed.
- “Shire clerk” means the clerk to a shire.
- “Shires Act” means Local Government (Shires) Act, 1905.
- “State” means State of New South Wales.
- “Town clerk” means the clerk to a municipality or to a city.
- “Treasurer” means Colonial Treasurer.
- “Western division” has the meaning given to that expression in the Crown Lands Act of 1884, or any Act hereafter to be passed amending that Act.

PART II.

REPEALS AND SAVINGS.

5. On the commencement of this Act, the Acts named in the following list shall be repealed; but no such repeal shall affect property vested, Acts and things validated or authorised, functions powers and protection acquired, or indemnities given under the said Acts:—

List of Acts hereby repealed.

Local Government Act, 1906.

Local Government (Loans) Act, 1907.

Local Government (Amending) Act, 1908.

Municipalities (Incorporation Validating) Act, 1902.

Municipalities

Municipalities Relief Act, 1902.
Municipal Loans Authorization and Validation Act, 1906.
Municipal Loans Further Validating Act, 1897.
Municipal Loans Validating Act, 1902.
Municipal Loans (Validating) Act, 1904.
Municipal Loans (Validation) Act, 1895 (59 Vic. No. 20).
Smoke Nuisances Abatement Act, 1902.
Country Towns Water and Sewerage Act of 1880.
Country Towns Water and Sewerage Act Extension Act of 1887.
Country Towns and Hunter District Water Supply and Sewerage Acts Amendment Act of 1894.
Country Towns Water and Sewerage (Amendment) Act, 1905.
Water and Drainage Act, 1902.
Water and Drainage and Artesian Wells (Amending) Act, 1906.
Drainage Promotion Act, 1901.
Drainage Promotion Act Amendment Act, 1902.
Public Watering Places Act, 1900.
Artesian Wells Act, 1897.
Hay Irrigation Act, 1902.
Balranald Irrigation Act, 1902.
Wentworth Irrigation Act, 1890.
Public Gates Act, 1901.
Width of Streets and Lanes Act, 1902.
Stage Carriages Act, 1899.
Stage Carriages Act Amendment Act of 1903.
Impounding Act, 1898.
Dedication by User Limitation, 1902.
Police Offences, 1901 (Part).
Police Offences Amendment, 1908 (Part).
Fire Brigades Act, 1909.
Careless Use of Fire, 1901.
Careless Use of Fire (Amendment) 1906.
Dog and Goat Act, 1898.
Native Dog Destruction and Poisoned Baits Act, 1902.
Pastures Protection Act, 1902.
Pastures Protection Amendment Act, 1904.
Pastures Protection (Amendment) Act, 1906.
Hawkers and Pedlers Act, 1901.
Wharfage and Tonnage Rates Act, 1902.
Public Parks Act, 1902 (Part).
Public Trusts Act, 1897 (Part).
Common Regulation Act, 1898.
Inclosed Lands Protection Act, 1901.
Survey Marks Act, 1902.
Theatres and Public Halls Act, 1908.

Armidale

Armidale Water Supply Works Act, 1894.
Armidale Water Supply Works Act Amendment Act, 1895.
Broken Hill and District Water Supply Act of 1889.
Broken Hill and District Water Supply Act Amendment Act of 1892.
Broken Hill Water Supply Act of 1890.
Broken Hill and Umberumberka Water Supply Act, 1906.
Junee Water Supply Works Act of 1893.
Junee Water Supply Works Act Amendment Act of 1894.
Lithgow Water Supply Works Act of 1894.
Tamworth Water Supply Works Act, 1894.
Tamworth Water Supply Act, 1896.
Wollongong Water Supply Works Act, 1900.
Newcastle sewerage Act, 1902.
Parramatta Sewerage and Drainage Act, 1905.
Bathurst Market Act of 1864.
Blayney Municipal Enabling Act, 1890.
Borough of Balmain Electric Lighting Act, 1906.
Borough of Balmain Wharfs Act, 1887.
Borough of Lithgow Validating Act, 1898.
Borough of Newcastle Electric Lighting Act, 1892.
Borough of Randwick and Paddington Act, 1884.
Borough of Redfern Electric Lighting Act, 1895.
Borough of Willoughby Naming Act, 1890.
Broken Hill Abattoirs, Markets, and Cattle Sale-yards Act, 1900.
Church and Perkins Streets Newcastle Act, 1887.
Cudgegong Town Hall Act, 1882.
Glebe Borough Act, 1878.
Glen Innes Markets Leasing Act, 1886.
Goulburn Water Supply Charges Act, 1893.
Hunter's Hill and Ryde Municipalities Act, 1890.
Hunter-street, Newcastle Extension Act, 1889.
Leichhardt Council Chambers (Mortgage) Act, 1888.
Lismore Markets and Cattle Sale-yards Act, 1904.
Moruya Municipal Council Enabling Act, 1896.
Newcastle (Borough of) Leasing and Improvement Act, 1881.
Nyngan Town Hall Mortgage Act, 1897.
Orange Town Hall Site Sale Act, 1879.
Oxford-street Improvement Act, 1894.
Parramatta Church-street Amended Alignment Act, 1888.
Parramatta Market Act, 1866.
Parramatta Town Hall Act, 1879.
Penrith Water and Gas Supply Act, 1886.
Balmain Cemetery Act of 1881.
Camperdown Cemetery Trust Act of 1871.

Cataract

Cataract and Nepean Bridges Act, 1851.
 Cataract and Nepean Bridges Act, 1852.
 Cook's River Bridge Act, 1854.
 Penrith Nepean Bridge Act, 1850.
 Penrith Nepean Bridge Company's Act, 1851.
 Penrith Nepean Bridge Company's Amendment Act, 1854.
 Pyrmont Bridge Company Act, 1855.
 Pyrmont Bridge Company Act of 1855 and 1858.
 Pyrmont Bridge Company Supplementary Act, 1861.
 Richmond Bridge Company's Act, 1857.
 Wagga Wagga Bridge Company's Act of 1861.
 Wahgunyah Murray Bridge Company's Act of 1861.

6. (1) Notwithstanding such repeal, and save so far as otherwise expressly provided by this Act,— Savings as to officers, ordinances, rates, &c.

- (a) the mayor and aldermen of the council of a municipality in office at the commencement of this Act, and the president and councillors of a shire in office at such commencement, shall remain in office, and this Act shall apply to them; and such mayor and aldermen, and such president and councillors, while in office, shall be the council of the area, and the existence of each council as a corporate body shall be deemed to be continuous. Mayors, aldermen.
- (b) all proclamations and notifications made under the Shires Act, 1905, Local Government Extension Act, 1906, Local Government Act, 1906, Local Government (Loans) Act, 1907, and Local Government (Amending) Act, 1908, shall be proclamations and notifications under this Act; Proclamations and notifications.
- (c) all ordinances and regulations in force at the commencement of this Act shall be ordinances and regulations under this Act; and all by-laws in force at such commencement shall continue in force, but may at any time be repealed by the Governor under this Act; Ordinances and regulations and by-laws, continued.
- (d) all rates, charges, and sums of money which under the Acts hereby repealed are, at the commencement of this Act, due or payable to or leviable by or for any existing municipality, or shire, shall be paid to and may be received, levied, and recovered by the council for the time being of the area under this Act, and shall remain a charge on property under this Act; Rates to be due as if this Act had not passed.
- (e) all rights and liabilities acquired and incurred, and all contracts and undertakings entered into, all securities lawfully given, and all actions, suits, and proceedings pending at the commencement of this Act, shall respectively be vested and attach, and may be enforced, realized, carried on, and prosecuted Rights, liabilities, contracts, &c., to vest and attach.

prosecuted as if this Act had not passed; and no such action, suit, or proceeding shall abate or be discontinued, or be prejudicially affected by the operation of this Act;

- (f) such repeal shall not, except as herein expressly provided, affect the incorporation by any Act of any of the enactments so repealed. Saving as to incorporation.

(2) Save so far as there is anything in this Act inconsistent therewith, this Act shall apply to all matters and things made, done, or commenced under the Acts hereby repealed, and at the commencement of this Act of any force or effect or capable of acquiring any force or effect by virtue of the Acts hereby repealed, as if this Act had been in force at the time they were made, done, or commenced, and they were made, done, or commenced hereunder. This Act to apply to things done under Acts repealed.

7. (1) Where, at the commencement of the Local Government Act, 1906, an "existing municipality" (as defined in that Act), or its council or the members thereof, were trustees of any lands, park, common, or cemetery under any Act of Parliament, or by virtue of any deed of trust, the council of the corresponding municipality constituted under the said Act shall be deemed to have been, on such commencement, charged with the care, control, and management of such land, park, common, or cemetery; and the assets and liabilities of the said trust shall be deemed to have been, on such commencement, transferred to such last-mentioned council.

(2) Where any such last-mentioned council exists at the commencement of this Act the provisions of the last preceding subsection shall apply to the corresponding council as continued under this Act, and such council so continued shall exercise such care, control, and management, and shall hold such land, park, common, or cemetery, subject to the provisions of this Act.

(3) In the case of land held for any of the aforesaid purposes under any private deed of trust the council charged by this Act with the care, control, and management thereof shall be guided by the terms of such deed.

(4) Nothing in this section shall affect the operation of section of this Act.

8. (1) Unless otherwise expressly provided, nothing in this Act shall operate so as to repeal any of the provisions of the Metropolitan Traffic Act, 1910, Country Towns Water and Sewerage Act of 1880, the Metropolitan Water and Sewerage Act of 1880, the Hunter District Water Supply and Sewerage Act of 1892, the Water and Drainage Act, 1902, the Sydney Corporation Act, 1902, the Sydney Harbour Trust Act, 1900, the Public Health Act, 1902, or any Act amending any of those Acts, or to take away powers vested in any person or body by any of the said Acts, or any by-laws or regulations made thereunder. Certain Acts not affected.

(2) Except where expressly provided, nothing in this Act shall apply to or affect the city of Sydney. City of Sydney.

9. All references in the Public Health Act, 1902, Public Health (Night-soil Removal) Act, 1902, the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, or in the Noxious Trades Act, 1902, to a local authority or to a municipality or its council, or to an officer of such authority, municipality, or council, shall apply to a shire or its council, or the officer or servant of a shire or its council. References in any such Acts to by-laws shall be taken to include also reference to ordinances under this Act. Application of Acts to shires.

10. (1) In any Act, regulations, or by-laws, references to existing municipalities and their councils and servants shall apply to municipalities and the councils and servants of municipalities constituted by or under this Act. References in other Acts.

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

PART III.

CITIES.

11. (1) Cities proclaimed before the commencement of this Act shall be cities as under this Act. Proclamation of cities.

(2) The Governor, by proclamation, may constitute as a city a municipality which—

- (a) has, during the five municipal financial years next preceding such proclamation, had an average population of at least twenty thousand persons; and
- (b) has during the said period had an average gross municipal revenue from all sources of at least twenty thousand pounds; and
- (c) is an independent centre of population and is not a suburb, whether residential, industrial, commercial, or maritime, of any other municipality or centre of population.

PART

PART IV.

CONSTITUTION OF AREAS.

DIVISION 1.—*Shires.*

12. The shires constituted under the Shires Act, 1905, or the Local Government Act, 1906, shall be shires under this Act, having the boundaries and bearing the names respectively defined and given to them under the said Acts. The shires constituted.

DIVISION 2.—*Municipalities.*

13. The municipalities constituted under the Local Government Act, 1906, shall be municipalities under this Act, having the boundaries and bearing the names respectively defined and given to them under the said Act or under any Act preceding the said Act. Existing municipalities constituted and incorporated. Extension, s. 9.

DIVISION 3.—*Shires and municipalities.*

14. The Governor may alter the name of any shire or municipality and of its council. Or Re-naming areas.

15. Every area shall consist of adjoining areas. Areas to be continuous.

PART V.

CONSTITUTION OF NEW SHIRES OR MUNICIPALITIES IN THE WESTERN DIVISION.

16. This Part shall not come into operation unless and until a resolution is passed by both Houses of Parliament to the effect that the time has arrived when, in the interests of the community, the advantages of local self-government should be extended to the Western Division, nor unless and until such resolution has received the approval of the Governor.

17. Any part of the Western Division which is not included within a shire or municipality may be constituted a shire or municipality, by proclamation of the Governor with such boundaries and under such name as the Governor may decide.

18. Any part of the Western Division which is not included within a shire or municipality may be added, by proclamation by the Governor, to any shire or municipality which it adjoins, whether such shire or municipality is within the Western Division or not.

PART

PART VI.

ALTERATION OF BOUNDARIES.

19. The Governor may at any time, by proclamation, alter the boundaries of any shire or municipality, or re-proclaim the description of the boundaries of any such area, where it appears to him expedient so to do, in order to remove any doubt as to such boundaries; and, thereupon, the boundaries of such area shall be as so proclaimed or re-proclaimed.

20. The Governor may at any time, by proclamation add any land which is not within any shire or municipality (other than land in the Western Division) to any such area which such land adjoins.

21. (1) The Governor may at any time, by proclamation, take a portion of territory from any shire or municipality, and add it to any other shire or municipality to which such portion adjoins, and if he is satisfied that such action will not substantially prejudice the interests of any creditor of any such area it shall not be necessary to make any apportionment of assets and liabilities in connection with such alteration.

(2) Where the Governor deems necessary, in connection with any alteration of boundaries under this section, he may by proclamation apportion the liabilities of the area whose territory has been reduced between the areas affected by the alteration, and may order the payment by any area to any other area of such sum as may be specified either in one amount or by instalments spread over a specified number of years, and may order the payment of interest on the amount of the debt thus existing from time to time, and may fix the rate per centum of such interest, having regard to the circumstances of the case. In such cases the council of the area so ordered to pay may levy a "local rate" (of such amount and for such time as may be necessary to pay such debt and interest) within the territory so added to such area. The Governor may, in order to enable such council to pay such debt, authorise it to borrow money upon the security of a "local loan rate," which shall, if the council borrows, be levied upon such added territories, and shall be sufficient to pay the interest upon, and to repay the principal of, such borrowings within the term for which they are borrowed.

22. (1) Any land on the boundary of but not within an area Land on boundary of area. as constituted shall be deemed, with any building or structure thereon, to be included in the shire or municipality, if—

- (a) it has at any time been reclaimed from tidal waters; or,
- (b) it is situate under tidal waters or on the shore, or on or below high-water mark, or below the margin of any tidal waters, and—
 - (i) is privately owned; or
 - (ii)

- (ii) there is thereon any jetty, wharf, pier, or building ; or
- (iii) the Governor by proclamation declares that the land shall form part of the shire or municipality.

(2) For the purposes of this section "tidal waters" includes the waters of the sea or of any lake, estuary, river, bay, or lagoon in which the tide ebbs and flows.

23. Where, at any time, the average income of a municipality from rates under this and any other Act has for three years been less than one thousand five hundred pounds per annum, such municipality may be dissolved and its territory may be added to one or more adjoining areas, by proclamation by the Governor, without reconstitution. Thereupon the Governor may apportion the assets, liabilities, property, moneys, and rights of the municipality so dissolved among the areas to which such territory is added ; and for that purpose may direct securities to be transferred and given ; and in order to enable the councils of such areas to pay such liabilities may authorise them to borrow money upon the security of "local loan rates," which shall, if the councils borrow, be levied upon such added territories, and shall be sufficient to pay the interest upon and repay the principal of such borrowings within the term for which they are borrowed.

24. For the purposes of this Part, the city of Sydney shall be deemed to be a "municipality" or "area" under this Act, and this Part shall apply thereto.

25. Where under this Part a portion or the whole of one area is added to another area, the territory so added shall, pending an alteration of the wards or ridings of any such area, be deemed to be taken from the ward or riding of the first-mentioned area in which it was situate, and to be in such manner as the council may tentatively determine, added to and form part of the ward or riding of such other area which it immediately adjoins.

26. Every proclamation under this Part shall have effect on the day of publication thereof, except where the Governor in such proclamation fixes a day for such purposes, whereupon such reconstitution shall have effect from such day.

PART VII.

RECONSTRUCTION OF AREAS.

DIVISION 1.—*Shires and municipalities.*

27. The Governor may at any time, by proclamation—

- (a) unite two or more adjoining areas :
- (b) convert a municipality into a shire or a shire into a municipality ;
- (c) divide an area into two or more areas, or divide two or more adjoining areas into a different number and description of areas ;

Reconstitution by uniting, dividing, altering, or converting areas.

and may reconstitute the new areas so formed as municipalities or shires, and give names to such areas and their councils.

28. (1) Before any area is reconstituted three months' notice shall be given in the Gazette, and attention shall be called thereto by advertisement in some locally circulating newspaper, and any council, ratepayer, or creditor of any area may within the period of such notice make written representations for or against the proposed reconstitution.

Objections to reconstitution. Extension, s. 14 (3).

(2) Where the proposed reconstitution is to unite two or more adjoining areas, such notice shall state that a poll may be demanded by not less than one third in number of the ratepayers on the poll of ratepayers of any such area, and, if any valid demand be so made within the period of such notice, a separate poll of ratepayers shall be taken in each such area, and such union shall not be carried out unless at each such poll a majority of the votes are cast in favour of such union.

(3) Notwithstanding that no objection may have been made to any proposed boundaries mentioned in such notice, the Governor may, before or in the proclamation of such reconstitution, make such variations in such boundaries as he may consider desirable.

Adjustments of boundaries.

29. Where areas are united, the reconstituted area shall be the successor in law to all the assets, liabilities, property, moneys, and rights of the areas so united. The council of the reconstituted area shall levy a local loan rate upon the territory of each of the areas as existing prior to reconstitution for the purpose of paying the interest on and repaying the principal of the unpaid loans of such previously existing area, and shall continue to levy such loan until such interest and principal are paid. The Governor may authorise such council to borrow upon the security of such local loan rate for the purpose of repaying any such loan ; and thereupon such local loan rate, if it be not already of such amount as will suffice for this purpose, shall be raised to such amount as will provide for the payment of interest and for the repayment of the principal within the term of such last-mentioned borrowing.

30.

30. Where a municipality is converted into a shire or a shire into a municipality, the corporate body of the area as reconstituted shall be deemed to have a continuous existence, and the assets, liabilities, property, moneys, and rights of the area existing before reconstitution shall appertain to the reconstituted area.

31. Where a municipality is converted into a shire, the Governor may authorise the council of such shire to borrow money, for the purpose of repaying the loans of the previously existing municipality, upon the security of a loan rate, or a local loan rate, as the case may be, which shall be levied in respect of such loan, and shall be sufficient to pay the interest upon and to repay the principal of such loan within the term for which it is borrowed.

32. (1) Where an area is divided into two or more areas, or where two or more areas are divided into a different number and description of areas, the Governor may apportion the assets, liabilities, property, moneys, and rights of such areas as existing before reconstitution among the areas as reconstituted; and for that purpose may direct securities to be transferred and given.

(2) In any such case as aforesaid the Governor may authorise the council of any area as reconstituted, whether municipality or shire, for the purpose of paying any liability so apportioned to it, to borrow upon the security of a loan rate or local loan rate, as the case may be, which shall, if such council borrow, be levied in respect of such loan, and shall be sufficient to pay the interest upon and to repay the principal of such borrowings within the term for which they are borrowed.

PART VIII.

PROVISIONAL GOVERNMENT OF SHIRES OR MUNICIPALITIES ON

FIRST CONSTITUTION, OR ON RECONSTITUTION.

33. (1) Where a shire or municipality is first constituted under this Act, the Governor may appoint a temporary council of five members, who shall appoint a certificated clerk, and shall direct and supervise the preparation of rolls of electors, and make all necessary arrangements for the election of the first council.

(2) Such election shall be held on a day fixed by the Governor.

(3) Such temporary council may employ whatever temporary assistance may be required to carry out the work entrusted to them.

(4) The expenses of the temporary council may, if approved by the Minister, be paid from the Consolidated Revenue Fund.

(5)

(5) The Minister may also, in such case, authorise the Department of Public Works to continue to maintain all works and services under its control until a date fixed by him not later than three months after such first election of a council. On such date all such works and services as by this Act are to be provided, controlled, maintained, or managed by the council shall pass to the jurisdiction of such council.

34. Where a shire is converted into a municipality or a municipality into a shire, the members of the council of the area before reconstitution shall continue to be members of the council of the reconstituted area.

35. Where areas are united or divided, and reconstituted, the Governor may appoint persons to be members of a provisional council which may exercise all the powers of a council but shall hold office only until the election of their successors, and such election shall be held on such day as the Minister may decide, and notify in the Gazette.

36. The council of a reconstituted area may recover rates, charges, and sums of money which were due to any previously existing council, and have, on reconstitution, become assets of such first-mentioned council, and may continue proceedings instituted by such previously existing council; and any charge laid upon land in respect of any rates included in such assets shall remain a charge on such land notwithstanding such reconstitution.

37. Where any area is reconstituted any proclamation which was made with respect to the territories included therein, or part thereof, before such reconstitution, approving of fees or charges fixed by the council for the performance of any services, shall apply to such territories or part thereof pending the fixing of fees or charges by the council of the reconstituted area; but shall, in any case, cease to apply on the expiration of six calendar months from the date of reconstitution.

38. The provisional council of a reconstituted area may adopt as the first valuation of such area the valuations in force at the time of such reconstitution; and may require the person or council, which has the custody of the valuation book containing the record of such valuation, to furnish full particulars of such valuation, so far as it relates to land situated in the reconstituted area. Such particulars shall be furnished within thirty days of written demand therefor; and in default such person or council shall be liable to a penalty not exceeding *fifty* pounds.

39. The provisional council of a reconstituted area shall cause rolls of electors and ratepayers of such area to be prepared, exhibited, and revised forthwith upon the reconstitution coming into effect: and thereafter the provisions of this Act as to rolls and supplementary rolls of electors and ratepayers shall apply to such area and its council.

40.

40. Every reconstitution shall have effect on the day of publication of the proclamation thereof, except where the Governor, in such proclamation, fixes a day for such purpose, whereupon such reconstitution shall have effect from such day.

PART IX.

DIVISION OF AREAS INTO ELECTORATES, CALLED RIDINGS AND WARDS.

DIVISION 1.—*Shires—Ridings.*

41. (1) The Governor shall by proclamation divide shires into electorates, which shall be called ridings. Division into ridings.

(2) Any division of shires into ridings in force at the commencement of this Act shall be a division under this Act.

(3) The Governor may by notification alter any such division: Provided that such alteration shall not affect the representation of the shire on its council until the next following general election of the council. Governor may make or alter divisions.

(4) Before making any such alteration the prescribed notice shall be given, and the council, or any person representing at least fifty electors of the shire, shall be heard in manner to be prescribed. Notice.

DIVISION 2.—*Municipalities—Wards.*

42. (1) It shall be optional but not compulsory for the Governor, by proclamation, to divide municipalities into electorates, which shall be called wards. Division into wards.

(2) Any division of municipalities into wards in force at the commencement of this Act shall be a division under this Act.

(3) The Governor may by notification alter or abolish any such division under this Act, and at any time after abolishing any such division may re-divide the municipality: Provided that— Alteration, abolition and re-creation of wards.

(a) such alteration, abolition, or re-division, shall not affect the representation of the municipality on its council until the next following general election of the council;

(b) before so altering or abolishing any division, or making a fresh division, the prescribed notice shall be given, and the council, or any person representing at least fifty electors of the municipality, shall be heard in the manner prescribed; Preliminaries to alteration of wards.

(c) before so abolishing any such division the Governor shall, on the request of one hundred or more of the electors of the municipality, remit to a poll of electors the question whether such division shall be abolished. The council shall thereupon Procedure before abolishing wards. Poll of electors.
fix

fix and notify as prescribed a day on which such poll shall be held, and the same shall be held accordingly. If at such poll a majority of those voting at the poll is opposed to the abolition of such division, the division shall not be abolished then or within twelve months thereafter.

PART X.

CONSTITUTION OF COUNCILS.

DIVISION 1.—Shires.

43. (1) Every shire shall be governed by a council, the members of which shall be called councillors. Shire governed by council. Shires, s. 18 (1) (2)

(2) The councillors shall, except where otherwise provided, be elected by the electors. To be elected.

(3) A councillor may resign his office by written notice delivered to the president or shire clerk. Resignations,

44. (1) The number of councillors for each shire shall be as determined by the Governor. Such number shall not be less than six nor more than nine.

(2) The respective ridings of a shire shall be represented on the council by an equal number of councillors. Representation of ridings.

45. A council may out of the general fund of the shire pay to its members reasonable allowances as a contribution towards their actual out-of-pocket expenses in travelling to and from meetings of the council, or on the business and at the request of the council. Such allowances shall not be paid in excess of such actual out-of-pocket expenses, and shall not exceed an amount calculated according to the prescribed scale. Expenses of councillors. Shires, s. 18 (6).

46. A council may, out of the general fund of the shire, grant an annual allowance, or allowances, to any person holding the office of or acting as its president, for his expenses. The maximum amount of such allowance or allowances shall be fifty pounds in each year, in addition to expenses payable under the last preceding section. Remuneration of president. Shires s. 18 (5). Extension, s. 50. Maximum.

47. (1) The first election of a council for a shire after its constitution shall be held on a day to be fixed and proclaimed by the Governor. First election of shire council. Shires s. 20 (1).

(2) The expenses incurred by the returning-officer in connection with such first election may, if the Minister approve, be paid from the Consolidated Revenue Fund. Expenses of first election of shire council. Shires, s. 19 (4).

DIVISION

DIVISION 2.—*Municipalities.*

48. (1) Every municipality shall be governed by a council, Municipality governed by council.
the members of which shall be called aldermen.

(2) The aldermen shall, except where otherwise provided, Extension, s. 51.
be elected by the electors. To be elected.

(3) An alderman may resign his office by written notice Resignations.
delivered to the mayor or town clerk.

49. (1) The number of aldermen shall be as determined before Number of members of council.
or after the commencement of this Act by the Governor. Such Extension, s. 51.
number shall not be less than six nor more than twelve, except in the
case of the existing municipality of North Sydney, where such number
shall not be less than six nor more than fifteen; and except in the case
of the union of two or more municipalities, when the Governor may,
in his discretion, determine that the council of the united areas shall
consist of any number greater than twelve but not greater than
eighteen aldermen.

(2) The respective wards of a municipality shall be
represented on the council by an equal number of aldermen.

50. (1) Allowances or travelling expenses shall not be paid by No allowances to aldermen.
the council to its aldermen. Extension, s. 51.

(2) The council may determine whether any and what Remuneration of mayor.
remuneration shall be allowed any person executing the office of mayor.

51. (1) The first election of a council for a municipality after Extension, s. 51.
its constitution shall be held on a day to be fixed and proclaimed by
the Governor.

(2) The expenses incurred by the returning-officer in
connection with such first election may, if the Minister approve, be
paid from the Consolidated Revenue Fund.

DIVISION 3.—*Shires and municipalities.*

52. (1) One of the councillors of each shire shall be the President of shire.
president, and shall, except where otherwise prescribed by ordinance, Shires, s. 18 (1) (2).
preside when present at meetings of the council. A president may
resign his office by written notice delivered to the shire clerk.

(2) One of the aldermen of each municipality shall be the Mayor of municipality.
mayor, and shall, except where otherwise prescribed by ordinance, Shires, s. 18 (1).
preside when present at meetings of the council. A mayor may resign Extension, s. 15.
his office by written notice delivered to the town clerk.

(3) Within a calendar month after the constitution of a Election of president or mayor.
council a president or mayor shall be elected by the council from its Shires, s. 21 (1).
members in the manner prescribed. Extension, s. 51.

(4)

(4) On the last day of February in each year every president or mayor then in office shall retire, provided that, if his successor be elected during but before such last day of February, he shall retire forthwith upon such election. Retirement of president or mayor. Shires, s. 21 (3).

(5) In each year wherein the triennial election of a council is to take place, the president or mayor in office before such election shall, if he be re-elected as councillor or alderman, continue in office as president or mayor until he retires in accordance with the last preceding subsection. If he be not so re-elected, he shall cease to be president or mayor on ceasing to be councillor or alderman, and an extraordinary vacancy in the office of president or mayor shall be deemed to have occurred.
