

324

No. , 1918.

A BILL

To authorise the Municipal Council of Sydney to lay out, construct, and maintain plantations and other ornamental features in public ways, and to regulate the use, by certain hawkers and traders, of public ways; to amend the Acts relating to the Sydney Corporation, the Metropolitan Traffic Act, 1900, and the Metropolitan Traffic (Amendment) Act, 1913; and for purposes consequent thereon or incidental thereto.

325

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 "Sydney Corpora- Short title.
tion (Amendment) Act, 1918," and shall be read with the Sydney Corporation Act, 1902, and the Acts amending the same.

Ornamental plantations, &c.

2. The council may set apart any part of any public Powers of council.
way vested in it, or under its control, for the purpose of laying out, constructing, and maintaining thereon gardens, lawns, plantations, or other ornamental features, and for those purposes may enclose any such part or indicate the boundaries thereof with boundary erections or otherwise.

3. (1) The council may make by-laws— By-laws.

- (a) for the regulation and control of all gardens, lawns, plantations, and ornamental features laid out, constructed, or maintained by it, in any public way vested in it, or under its control ;
- (b) for the prevention of trespass upon, or damage to any part of such gardens, lawns, plantations, or ornamental features, or any trees, flowers, shrubs, or other plants growing thereon.

(2) In any prosecution for the breach of any such by-law, proof that any part of any public way Proof of setting apart not necessary.
(upon which is laid out, constructed, or maintained a garden, lawn, plantation, or other ornamental feature) has been set apart by the council for any of the purposes abovementioned shall not be necessary.

Street hawkers, &c.

4. (1) In addition to the powers conferred by the Principal Act the council may make by-laws—

- (a) regulating the use of streets, roads, and public places by street hawkers and itinerant traders dealing in foodstuffs or flowers, with power to prohibit

prohibit any such persons during particular hours from using any streets, roads, or public places ;

- (b) appointing stands in streets, roads, and public places for such street hawkers and itinerant traders with power to abolish, enlarge, or diminish any such stands ; and limiting the space to be occupied by each person on any such stands and the time during which each such person may remain on any such stand, and the number of persons who may occupy any particular stand ;
- (c) prescribing the charges to be paid for the right to use such stands, with power to vary the charges according to the stand used, and to increase or decrease such charges ; and prescribing the conditions upon which, and the time during which, such stands may be occupied ;
- (d) fixing by priority of application, or by lot, tender, or otherwise, the positions on any such stand which persons are to occupy ;
- (e) prescribing rules to be observed by persons occupying such stands (including rules for securing the cleanliness of carts, trucks, barrows, boxes, baskets, and crates used by such persons, and the wholesomeness and cleanliness of the commodities sold or offered or exposed for sale), and with respect to the conduct of such persons ;
- (f) prescribing the nature and size of hand-trucks, barrows, or other vehicles to be used on such stands, and prohibiting any animal, whether attached to any truck, barrow, or vehicle or not, from standing on any such stand during the time fixed for occupation thereof by street hawkers and itinerant traders ; and
- (g) Providing the form of authority to be issued for occupying such stands, the conditions upon which such authorities are issued and under which they will be permitted to be transferred,
and

and the fee to be paid for a transfer of any such authority; and prohibiting any person who is not named in such an authority or is not a transferee of such an authority duly permitted under the said by-laws from occupying any such stand.

(2) Any by-law made under the power conferred by this section shall, in so far as there is any conflict, supersede any regulation on the same matter made under the provisions of the Metropolitan Traffic Act, 1900, or the Metropolitan Traffic (Amendment) Act, 1913.

(3) The Colonial Secretary may, notwithstanding any such by-law, in writing, direct the removal of any stand, or state which in his opinion interferes with vehicular or pedestrian traffic.

Any person who fails to comply with any such direction shall be liable to a penalty not exceeding *ten* pounds.

General.

5. (1) The council may in by-laws made under this Act impose a penalty not exceeding *ten* pounds for any breach thereof. Such penalties may be recovered before a stipendiary or police magistrate or any two justices in petty sessions.

(2) Such by-laws when approved by the Governor and published in the Gazette shall have the force of law.

