

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,  
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,  
Sydney, October, 1917.

## New South Wales.



ANNO OCTAVO

## GEORGI V REGIS.

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### Act No. /2, 1917.

An Act to amend the Local Government Act, 1906; to authorise the imposition of an annual charge upon pipes, wires, rails, poles, cables, tunnels, or structures in public places, to validate certain charges; 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 the Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act shall be construed with the Local Government Act, 1906, and may be cited as the "Local Government (Amending) Act, 1917." 2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

*(Signed) Daniel Lewin.*

Chairman of Committees of the Legislative Assembly.

*Local Government (Amending).*

**2.** Section two hundred and nine of the Local Government Act, 1906, is repealed, and the following section inserted in its stead:—

Amendment  
of s. 209,  
Local  
Government  
Act, 1906.

209. (1) In any case where before or after the commencement of this Act, any rail, pipe, wire, pole, cable, tunnel, or structure, has (whether under the authority of any statute or otherwise) been laid, erected, suspended, constructed, or placed upon, under, or over any public place, in any area, the council may make a fair annual charge upon the person for the time being in possession, occupation, or enjoyment of such rail, pipe, wire, pole, cable, tunnel, or structure, in respect thereof. Such annual charge may be made, levied, and recovered in accordance with the provisions of this Act relating to the making, levying, and recovery of rates.

(2) The fair annual charge shall be based upon the nature and extent of the benefit enjoyed by the person concerned.

(3) If any person is aggrieved by the amount of such annual charge, he may appeal therefrom to the court of petty sessions for the district in which the council's office is situated, and such court shall settle the amount of such annual charge.

Should either party be dissatisfied with the amount settled by the court of petty sessions, he may within a period of twenty-one days from such finding appeal to a judge of the district court for the district within which the council's office is situated, which appeal shall be by way of rehearing, and the decision of such judge shall be final and binding on both parties.

(4) Nothing in this section shall be deemed to apply to the Crown.

**3.** Every charge made prior to the commencement of this Act purporting to have been made under section two hundred and nine of the Local Government Act, 1906, and in respect of which the amount thereof has been settled either by agreement or by a competent tribunal, shall be deemed to have been and to be of equal validity as if it had been made under this Act.

Validation of  
previous  
charges.

*Redacted signature*

LOCAL GOVERNMENT (AMENDING) BILL.

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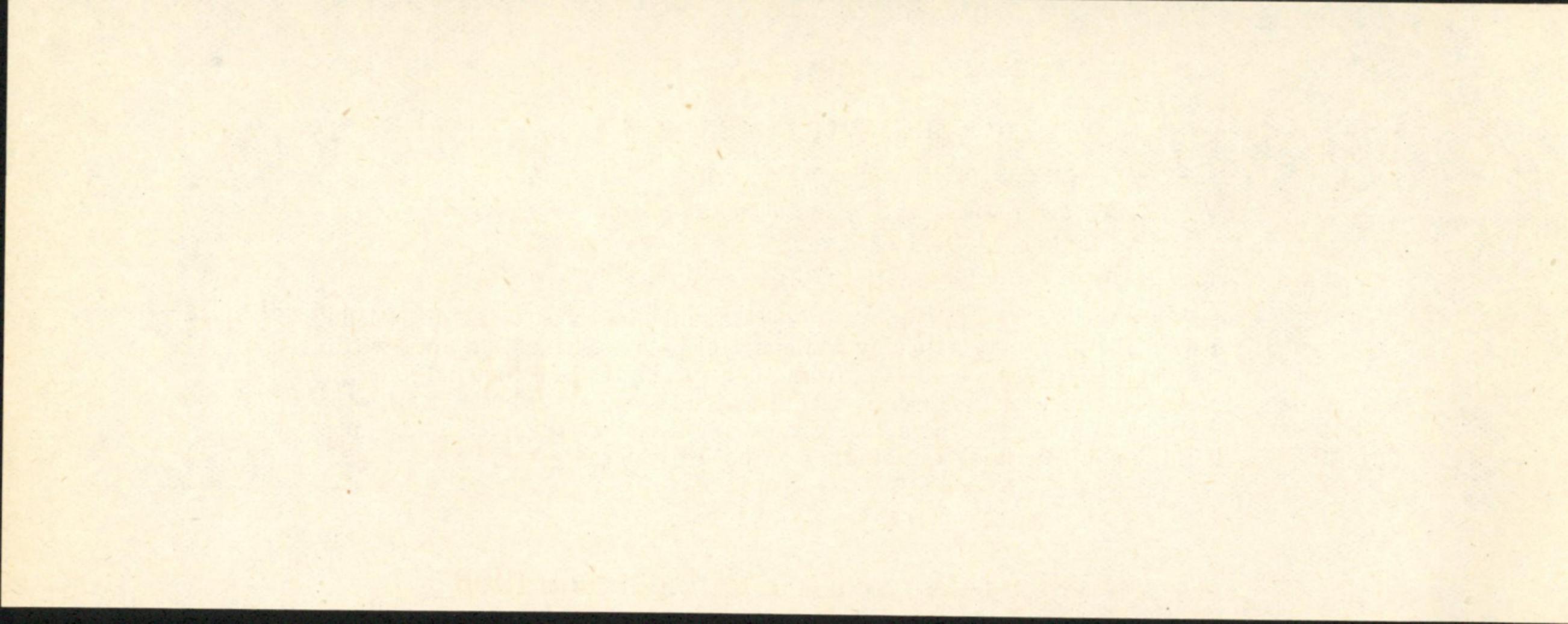
*SCHEDULE of the Amendments referred to in Message of 26th October, 1917.*

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Page 2, clause 2; line 25. *Omit* “ finally ”

Page 2, clause 2. At end of subclause (3) *add* “ Should either party be dissatisfied  
“ with the amount settled by the court of petty sessions, he may within  
“ a period of twenty-one days from such finding appeal to a judge of the  
“ district court for the district within which the council’s office is situated,  
“ which appeal shall be by way of re-hearing, and the decision of such  
“ judge shall be final and binding on both parties.”

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*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 25 October, 1917.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 26th October, 1917.*

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10           council may make a fair annual charge upon the person for the time being in possession, occupation, or enjoyment of such rail, pipe, wire, pole, cable, tunnel, or structure, in respect thereof. Such  
15           annual charge may be made, levied, and recovered in accordance with the provisions of this Act relating to the making, levying, and recovery of rates.

          (2) The fair annual charge shall be based upon the nature and extent of the benefit enjoyed  
20           by the person concerned.

          (3) If any person is aggrieved by the amount of such annual charge, he may appeal therefrom to the court of petty sessions for the district in which the council's office is situated, and  
25           such court shall finally settle the amount of such annual charge.

          Should either party be dissatisfied with the amount settled by the court of petty sessions, he may within a period of twenty-one days from such  
30           finding appeal to a judge of the district court for the district within which the council's office is situated, which appeal shall be by way of re-hearing, and the decision of such judge shall be final and binding on both parties.

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