

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

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

Legislative Council Chamber,  
Sydney, 27th October, 1917.

## New South Wales.



ANNO OCTAVO

# GEORGI V REGIS.

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## Act No. 22, 1917.

An Act to amend the Sydney Corporation Act, 1902, the Sydney Corporation (Amendment) Act, 1902, the Sydney Corporation Amendment Act, 1905, and certain other Acts; to provide for band and other musical performances in public parks within the city; and for purposes consequent thereon or incidental thereto. [Assented to, 7th November, 1917.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

- 1.



*Sydney Corporation (Amendment).*

Short title.

**1.** This Act may be cited as the "Sydney Corporation (Amendment) Act, 1917," and shall be construed with the Sydney Corporation Act, 1902, (hereinafter referred to as the Principal Act), the Sydney Corporation (Amendment) Act, 1902, and the Sydney Corporation Amendment Act, 1905.

Amendment of ss. 9, 10, 11, 12, 13, and 14.

**2.** Sections nine, ten, eleven, twelve, thirteen, and fourteen of the Principal Act are amended by substituting for the word "September" the word "May", and for the word "October" the word "June", and for the word "November" the word "July", wherever any such word occurs.

Amendment of s. 34 (2).

**3.** Section thirty-four, subsection two of the Principal Act is amended by omitting the words "Cancel them by striking through the name of every candidate except such", and by substituting therefor the words "place a cross opposite the name of every candidate".

Sec. 36.

**4.** Section thirty-six of the Principal Act is amended by omitting the words "strike through the names of all persons nominated upon such ballot-paper except such as" and substituting therefor the words "place a cross opposite the name of any person nominated upon such ballot-paper".

Sec. 23 (a).  
Sec. 24.

**5.** Section twenty-three subsection (a) of the Sydney Corporation Amendment Act, 1905, is amended by omitting the words "and shall bear interest at a rate not exceeding four per cent. per annum", and inserting in lieu thereof the words "and shall bear interest at a rate fixed by the council, and approved by the Governor", and section twenty-four of the same Act is amended by striking out the word "Principal".

Sec. 23.

**6.** The following new subsection is inserted next after subsection (c) of section twenty-three of the Sydney Corporation Amendment Act, 1905:—

New subsection (ei).

(e1) Notwithstanding the provisions of the preceding subsections, in lieu of issuing debentures in the form and subject to the provisions of the preceding subsections, the council may issue debentures to secure repayment of moneys borrowed by it together with interest thereon by equal yearly or half-yearly instalments, and such debentures shall be in the form of Schedule D1 hereto. **7.**



*Sydney Corporation (Amendment).*

**7.** Section twenty-six of the Sydney Corporation Amendment Act, 1905, is amended by inserting the words "except in the case of debentures issued in pursuance of the provisions of section twenty-three, subsection (c1)," at the commencement thereof. Sec. 26.

**8.** Section nine, subsection one of the Sydney Corporation Amendment Act, 1905, is hereby amended by the omission of the words "one year" and by the insertion in lieu thereof of the words "three years." Sec. 9 (1) of Act of 1905.

**9.** The council may erect and maintain bandstands within any public park in the city, and also provide accommodation for the public to attend at any band or other musical performances in such parks. Bandstands.

The council may engage musicians to give band or other performances at such remuneration or upon such terms as may be agreed upon.

The council may make by-laws providing—

- (a) for payment by persons attending such musical performances in public parks for the use of the accommodation provided by the council, and for the collection of such payment.
- (b) for regulating such performances and the conduct of the same.
- (c) for insuring orderly and good behaviour by all persons attending at such performances or in the vicinity of the same ;
- (d) for the removal from the park of all persons behaving in a disorderly, offensive, or objectionable manner during any such performances ;
- (e) for fixing the penalty (not exceeding ten pounds) for any offence against any by-law under this section.

All expenses incurred in the carrying out of the powers granted to the council by this section may be defrayed from the corporate funds of the council.







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

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

*Legislative Council Chamber,  
Sydney, 25th October, 1917.*

## New South Wales.



ANNO OCTAVO

# GEORGII V REGIS.

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Act No. , 1917.

An Act to amend the Sydney Corporation Act, 1902, the Sydney Corporation (Amendment) Act, 1902, the Sydney Corporation Amendment Act, 1905, and certain other Acts; to provide for the Municipal Council of Sydney accepting money on deposit and paying interest thereon; to provide for band and other musical performances in public parks within the city; and for purposes consequent thereon or incidental thereto.



*Sydney Corporation (Amendment).*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Sydney Corporation (Amendment) Act, 1917," and shall be construed with the Sydney Corporation Act, 1902, (hereinafter referred to as the Principal Act), the Sydney Corporation (Amendment) Act, 1902, and the Sydney Corporation Amendment Act, 1905. Short title.
2. Sections ten, eleven, twelve, thirteen, and fourteen of the Principal Act are amended by substituting for the word "September" the word "May", and for the word "October" the word "June", and for the word "November" the word "July", wherever any such word occurs. Amendment of ss. 10, 11, 12, 13, and 14.
3. Section thirty-four, subsection two of the Principal Act is amended by omitting the words "Cancel them by striking through the name of every candidate except such", and by substituting therefor the words "place a cross opposite the name of every candidate". Amendment of s. 34 (2).
4. Section thirty-six of the Principal Act is amended by omitting the words "strike through the names of all persons nominated upon such ballot-paper except such as" and substituting therefor the words "place a cross opposite the name of any person nominated upon such ballot-paper". Sec. 36.
5. Section twenty-three subsection (a) of the Sydney Corporation (Amendment) Act, 1905, is amended by omitting the words "and shall bear interest at a rate not exceeding four per cent. per annum", and inserting in lieu thereof the words "and shall bear interest at a rate fixed by the council, and approved by the Governor". Sec. 23 (a).
6. The following new subsection is inserted next after subsection (c) of section twenty-three of the Sydney Corporation Amendment Act, 1905:— Sec. 23.
  - (c1) Notwithstanding the provisions of the preceding subsection, in lieu of issuing debentures in the form and subject to the provisions of the preceding subsections, the council may issue

New sub-section (c1).

issue



Sydney Corporation (Amendment).

5 issue debentures to secure repayment of moneys borrowed by it together with interest thereon by equal yearly or half-yearly instalments, and such debentures shall be in the form of Schedule D1 hereto.

7. Section twenty-six of the Sydney Corporation Amendment Act, 1905, is amended by inserting the words "except in the case of debentures issued in pursuance of the provisions of section twenty-three, sub-section (c1)," at the commencement thereof.

8. Section eighty-one of the Principal Act is hereby repealed, and, in lieu thereof, the following subsections are hereby enacted:—

(1) Notwithstanding anything to the contrary in this or any other Act contained, it shall be lawful for the council when and as it shall deem expedient, with the approval of the Governor to be notified as hereinafter provided, to take over any way whether such way be formed or not, and from the date of such notification as aforesaid such way shall be vested in the council as a public way within the meaning of the Principal Act, and shall thenceforth be under the control, management, and direction of the council for all the purposes of the said Act and of any by-laws made thereunder.

(2) Such approval of the Governor shall be notified in the Gazette, and a copy of such Gazette, purporting to be printed by the Government Printer, shall be conclusive evidence of such approval and of the fact that the way therein mentioned is a way within the meaning of this Act.

(3) "Way," as used in this and the next succeeding section of this Act, means way, land, court, square, alley, or portion thereof, within the city, whether a thoroughfare or not.

(4) (i) Where any way which the council proposes to take over has not been levelled, paved, macadamised, drained, or otherwise fully completed to the satisfaction of the council, the council may, either before, or within one year after taking over the said way, level, pave, macadamise, drain, or otherwise fully



*Sydney Corporation (Amendment).*

5 fully complete the same, and all the expenses incurred in so doing shall be paid by the owner of the premises fronting, adjoining, or abutting on the way, or, if there is more than one such owner, by the respective owners of the said premises in such proportions as the council may determine.

(ii) In determining the proportion of such expenses to be paid by the respective owners as aforesaid the council may have regard to the following considerations, that is to say :—

(a) the greater or less degree of benefit to be derived by any premises from such works ;

10 (b) the amount and value of any work on such way already done by the owners or occupiers of any such premises.

15 (5) If within fourteen days after the service upon such owner in the manner prescribed by section two hundred and sixteen of the Principal Act of notice of the amount of such expenses so incurred or determined as aforesaid, such amount is not paid to the City Treasurer, the council shall have the like remedies for recovering the same as in the case of any city rate.

20 (6) Premises shall be deemed to be fronting, adjoining, or abutting on a way, notwithstanding that the said premises have no beneficial use of the levelling, paving, macadamising, draining, or completing of the said way.

25 **9.** Section nine, subsection one of the Sydney Corporation Act, 1905, is hereby amended by the omission of the words "one year" and by the insertion in lieu thereof of the words "five years."

30 **10.** It shall be lawful for the council at any time to accept upon deposit any sum or sums of money offered to it for any term not exceeding twelve months, and to pay interest thereon at a rate to be fixed from time to time by the council, or such lesser rate as may be agreed upon between the council and the person making such deposit.

See Light-bound and Higher Debington, 16, Q.B.D. 577.

Sec. 9 (1) of Act of 1905.

Deposits of money with council.



*Sydney Corporation (Amendment).*

**11.** The council may erect and maintain bandstands within any public park in the city, and also provide accommodation for the public to attend at any band or other musical performances in such parks.

**5** The council may engage musicians to give band or other performances at such remuneration or upon such terms as may be agreed upon.

The council may make by-laws providing—

**10** (a) for payment by persons attending such musical performances in public parks and for the use of the accommodation provided by the council, and for the collection of such payment.

(b) for regulating such performances and the conduct of the same.

**15** (c) for insuring orderly and good behaviour by all persons attending at such performances or in the vicinity of the same ;

(d) for the removal from the park of all persons behaving in a disorderly, offensive, or objectionable manner during any such performances ;

**20** (e) for fixing the penalty (not exceeding ten pounds) for any offence against any by-law under this section.

**25** All expenses incurred in the carrying out of the powers granted to the council by this section may be defrayed from the corporate funds of the council.



*Sydney Corporation (Amendment).*

SCHEDULE D1.

No. Series Debenture £.

ISSUED by the Municipal Council of Sydney under the provisions of the Sydney Corporation (Amendment) Act, 1905 (as amended by the Sydney Corporation Amendment Act, 1917).

*Transferable by Delivery.*

This Debenture was issued by the Municipal Council of Sydney in pursuance of the provisions of the abovementioned Acts, and is to secure to the bearer a total sum of £ payable by equal yearly (half-yearly) sums of £ payable at the Town Hall, Sydney, on the day of in each year up to and inclusive of the year 19 .

Interest upon the principal sum originally lent to the said council is provided for in such payments.

15 Dated this day of A.D. (L.S.) to Lord Mayor. Town Clerk.

20 Entered at the office of the City Treasurer in Register of Debentures, folio City Treasurer.

Sydney: William Applegate Gullick, Government Printer.—1917.

[7d.]

30 9. Section 24A subsection one of the Sydney Corporation Act, 1905, as amended by the Sydney Corporation Amendment Act, 1917, and the words of the words thereof of the for the Municipal Council of Sydney accepting money on deposit and paying interest thereon; to provide for bank and other financial purposes in public parks within the city; and for purposes consequent thereon or incidental thereto.

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A-57-2



Legislative Council.

No. , 1917.

## A BILL

To amend the Sydney Corporation Act, 1902, the Sydney Corporation (Amendment) Act, 1902, the Sydney Corporation Amendment Act, 1905, and certain other Acts ; to provide for the Municipal Council of Sydney accepting money on deposit and paying interest thereon ; to provide for band and other musical performances in public parks within the city ; and for purposes consequent thereon or incidental thereto.

[MR. GARLAND ;—24 October, 1917.]



**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5

Short title.

**1.** This Act may be cited as the "Sydney Corporation (Amendment) Act, 1917," and shall be construed with the Sydney Corporation Act, 1902, (hereinafter referred to as the Principal Act), the Sydney Corporation (Amendment) Act, 1902, and the Sydney Corporation Amendment Act, 1905.

Amendment of ss. 10, 11, 12, 13, and 14.

**2.** Sections ten, eleven, twelve, thirteen, and fourteen of the Principal Act are amended by substituting for the word "September" the word "May", and for the word "October" the word "June", and for the word "November" the word "July", wherever any such word occurs.

Amendment of s. 34 (2).

**3.** Section thirty-four, subsection two of the Principal Act is amended by omitting the words "Cancel them by striking through the name of every candidate except such", and by substituting therefor the words "place a cross opposite the name of every candidate".

Sec. 36.

**4.** Section thirty-six of the Principal Act is amended by omitting the words "strike through the names of all persons nominated upon such ballot-paper except such as" and substituting therefor the words "place a cross opposite the name of every person nominated upon such ballot-paper".

Sec. 23 (a).

**5.** Section twenty-three subsection (a) of the Sydney Corporation (Amendment) Act, 1905, is amended by omitting the words "and shall bear interest at a rate not exceeding four per cent. per annum", and inserting in lieu thereof the words "and shall bear interest at a rate fixed by the council, and approved by the Governor".

Sec. 23.

**6.** The following new subsection is inserted next after subsection (c) of section twenty-three of the Sydney Corporation Amendment Act, 1905:—

New subsection (ci).

(c1) Notwithstanding the provisions of the preceding subsection, in lieu of issuing debentures in the form and subject to the provisions of the preceding subsections, the council may issue



5 issue debentures to secure repayment of moneys borrowed by it together with interest thereon by equal annual or biennial instalments, and such debentures shall be in the form of Schedule D1 hereto.

7. Section twenty-six of the Sydney Corporation Sec. 26. Amendment Act, 1905, is amended by inserting the words "except in the case of debentures issued in pursuance of the provisions of section twenty-three, sub-

10 section (c1)," at the commencement thereof.

8. Section eighty-one of the Principal Act is hereby Sec. 81. repealed, and, in lieu thereof, the following subsections are hereby enacted:—

15 (1) Notwithstanding anything to the contrary in Taking over ways. in this or any other Act contained, it shall be lawful for the council when and as it shall deem expedient, with the approval of the Governor to be notified as hereinafter provided, to take over any

20 way whether such way be formed or not, and from the date of such notification as aforesaid such way shall be vested in the council as a public way within the meaning of the Principal Act, and shall thenceforth be under the control, management, and direction of the council for all the purposes of the

25 said Act and of any by-laws made thereunder.

(2) Such approval of the Governor shall be notified in the Gazette, and a copy of such Gazette, purporting to be printed by the Government Printer, shall be conclusive evidence of such

30 approval and of the fact that the way therein mentioned is a way within the meaning of this Act.

(3) "Way," as used in this and the next succeeding section of this Act, means way, land, court, square, alley, or portion thereof, within the city, whether a thoroughfare or not. cf. 38 & 39 Vic., c. 55, s. 4.

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(4) (i) Where any way which the council proposes to take over has not been levelled, payed, macadamised, drained, or otherwise fully completed to the satisfaction of the council, the council may, either before or within one year after taking over the

40 said way, level, pave, macadamise, drain, or otherwise fully



fully complete the same, and all the expenses incurred in so doing shall be paid by the owner of the premises fronting, adjoining, or abutting on the way, or, if there is more than one such owner, by the respective owners of the said premises in such proportions as the council may determine. 5

cf. 55 & 56  
Vic., c. 57,  
s. 10.

(ii) In determining the proportion of such expenses to be paid by the respective owners as aforesaid the council may have regard to the following considerations, that is to say:— 10

(a) the greater or less degree of benefit to be derived by any premises from such works;

(b) the amount and value of any work on such way already done by the owners or occupiers of any such premises. 15

(5) If within fourteen days after the service upon such owner in the manner prescribed by section two hundred and sixteen of the Principal Act of notice of the amount of such expenses so incurred or determined as aforesaid, such amount is not paid to the City Treasurer, the council shall have the like remedies for recovering the same as in the case of any city rate. 20

See Light-bound and Higher Debington, 56, Q.A.D., 177.

(6) Premises shall be deemed to be fronting, adjoining, or abutting on a way, notwithstanding that the said premises have no beneficial use of the levelling, paving, macadamising, draining, or completing of the said way. 25

Sec. 9 (1) of Act of 1905.

**9.** Section nine, subsection one of the Sydney Corporation Act, 1905, is hereby amended by the omission of the words "one year" and by the insertion in lieu thereof of the words "five years." 30

Deposits of money with council.

**10.** It shall be lawful for the council at any time to accept upon deposit any sum or sums of money offered to it for any term of months or years, and to pay interest thereon at a rate to be fixed from time to time by the council, or such lesser rate as may be agreed upon between the council and the person making such deposit. 35

**11.**



**11.** The council may erect and maintain bandstands **Bandstands.** within any public park in the city, and also provide accommodation for the public to attend at any band or other musical performances in such parks.

5 The council may engage musicians to give band or other performances at such remuneration or upon such terms as may be agreed upon.

The council may make by-laws providing—

10 (a) for payment by persons attending such musical performances in public parks and for the use of the accommodation provided by the council, and for the collection of such payment.

(b) for regulating such performances and the conduct of the same.

15 (c) for insuring orderly and good behaviour by all persons attending at such performances or in the vicinity of the same ;

(d) for the removal from the park of all persons behaving in a disorderly, offensive, or objectionable manner during any such performances ;

20 (e) for fixing the penalty (not exceeding *ten* pounds) for any offence against any by-law under this section.

25 All expenses incurred in the carrying out of the powers granted to the council by this section may be defrayed from the corporate funds of the council.



Sydney Corporation (Amendment).  
**Sydney Corporation (Amendment).**

SCHEDULE D1.

No.                      Series.                      Debenture £.

ISSUED by the Municipal Council of Sydney under the provisions of the Sydney Corporation (Amendment) Act, 1905 (as amended by the Sydney Corporation Amendment Act, 1917). 5

*Transferable by Delivery.*

This Debenture was issued by the Municipal Council of Sydney in pursuance of the provisions of the abovementioned Acts, and is to secure to the bearer a total sum of £                      payable by equal yearly (half-yearly) sums of £                      payable at the Town Hall, Sydney, on the                      day of                      in each year up to and inclusive of the year 19                      .

Interest upon the principal sum originally lent to the said council is provided for in such payments.

Dated this                      day of                      A.D.                      15

(L.S.)                      Lord Mayor.

Town Clerk.

Entered at the office of the City Treasurer in Register of Debentures, folio                      .

City Treasurer.                      20

Sydney: William Applegate Gullick, Government Printer.—1917.

[7d.]

10. It shall be lawful for the council at any time to accept upon deposit any sum or sums of money offered to it for any term of months or years, and to pay interest thereon at a rate to be fixed from time to time by the council, or such lesser rate as may be agreed upon between the council and the person making such deposit.