

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, 16 November, 1922.

New South Wales.



ANNO TERTIO DECIMO

GEORGII V REGIS.

Act No. 29, 1922.

An Act to validate certain matters; to amend the Local Government Act, 1919, and certain other Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 24th November, 1922.]

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. (1) This Act may be cited as the "Local Govern-
ment (Validation and Amendment) Act, 1922," and shall be read and construed with the Local Government Act, 1919, hereinafter called the Principal Act.

(2)

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

R. B. WALKER,
Chairman of Committees of the Legislative Assembly.

Local Government (Validation and Amendment).

Effect of
validation.

(2) Where any matter is expressed in this Act to be validated, that matter shall be and shall be deemed to have been valid and in accordance with law.

Validation—
main road re-
construction.

2. (1) The action of the Minister for Public Works in entering upon various roads in the county of Cumberland, in carrying out works for the improvement thereof without the consent of certain councils and without complying with the provisions of the Public Works Act, 1912, and in altering the levels of such roads, is hereby validated.

(2) The said Minister may continue to carry out works as aforesaid, and new works upon main roads in the county of Cumberland, and may upon completion hand such works over to the council of the area.

(3) Except in so far as may be necessary for and during the carrying out of such works, this section shall not affect or abrogate the powers and duties of the council in relation to any public road.

Validation—
Lithgow
water rate.

3. The making and levying by the council of the municipality of Lithgow of the water rate made and levied during the year one thousand nine hundred and twenty of one halfpenny in the pound on the unimproved capital value of the land within the municipality of Lithgow which is ratable for water supply, with a minimum rate of ten shillings, are hereby validated.

Validation—
declarations
unstamped.

4. (1) Declarations made under the ordinances relating to the elections of councils, and declarations of office made by persons elected to office under the Principal Act, are hereby validated notwithstanding that such declarations have been or shall hereafter be lodged without first being stamped in accordance with law.

(2) The election of such persons and their acting in the offices to which they were elected and all consequences flowing therefrom shall not be deemed invalid solely because of the non-stamping of such declarations.

Amendment
of Stamp
Duties Act,
1920.

(3) The provisions of the Stamp Duties Act, 1920, relating to the stamping of declarations made under any Act shall not relate to declarations made for any purpose of the Principal Act or of any ordinance by officers or servants of a council or by electors in connection with petitions or elections.

5.

Local Government (Validation and Amendment).

5. Section nineteen of the Principal Act is amended as follows:—In subsection one omit paragraph (a) and insert the following:—

Amendment of s. 19.

- (a) By the council of any area which will be affected by the proposal, or

Alterations of boundaries.

6. Section twenty of the Principal Act is amended as follows:—

Amendment of s. 20.

- (a) After subsection one the following new subsection is inserted—

Altering areas.

(1A) Where areas are altered by—

- (a) taking part of one area and adding it to another area; or

- (b) adding to an area land which is not within an area,

the councils of the areas from which any land is taken or to which any land is added shall respectively be deemed to be the councils of the areas altered by the taking away or addition, and no reconstitution of either council or area shall be necessary;

- (b) in subsection three, after the word “another” insert “or where two areas are being united”;

- (c) in subsection nine, after “the date of” insert “any agreement under subsection four hereof; or”;

- (d) after subsection eleven the following new subsection is inserted, namely:—

(12) Where there is a contract or agreement in existence between the council and any person relating to the performance of a work or service or the granting of a privilege throughout the whole or part of a municipality or shire, and where (by any alteration of boundaries or reconstitution of municipalities or shires) any portion of the area embraced by the contract or agreement is taken from the area of a council which is a party to the contract or agreement and added to the area of another council, the duties, rights, and privileges of such

Local Government (Validation and Amendment).

such first-mentioned council under such contract or agreement shall be limited to the lands which are within its area and are embraced by the contract or agreement; while the corresponding duties, rights, and privileges under the contract or agreement so far as they relate to the portion of the area embraced by the agreement and added to the area of another council shall apply to and in respect of such last-mentioned council, which shall, for this purpose, be deemed to be substituted in the contract or agreement for the council therein named:

Provided that where the original agreement confers a right of purchase or of cancellation upon the council that right shall not without the consent of the other party to the agreement be exercised (after the alteration of boundaries or reconstitution aforesaid) unless both councils exercise it in concert with each other:

Provided also that this subsection may be set aside by agreement between the parties concerned.

Amendment
of s. 55.

7. Section fifty-five of the Principal Act is amended by omitting paragraph (c), and inserting the following proviso to paragraph (b) :—

Provided that any person disqualified under this paragraph may remove the disqualification by lodging with the clerk or returning officer the certificate of a stipendiary or police magistrate to the effect that he has before such magistrate declared, on oath, that he renounces all allegiance, obedience, and adherence to any foreign power.

Amendment
of s. 56.

8. Section fifty-six of the Principal Act is amended by the addition of the following :—

Retention of
qualification
to vote.

(4) A person possessing qualification for enrolment in respect of several parcels of land in a ward or riding but actually enrolled in respect of one parcel of land therein who ceases to hold qualification in respect of that parcel shall not on that account be debarred from voting at an election held

Local Government (Validation and Amendment).

held within twelve months after so ceasing, if he retains a qualifying interest in another parcel in the same ward or riding and so satisfies the returning officer.

9. Section ninety-five of the Principal Act is amended by omitting the proviso to subsection one and inserting the following:—

Delegation of power of appointment.
Amendment of s. 45.

Provided that the council may delegate to the mayor or president the power to make temporary appointments and to remove any person so appointed, and may delegate to the mayor or president or a servant of the council the power to engage and dismiss servants paid at an hourly, daily, or weekly wage; and any delegation so given may be restricted to a particular class of servant or may be general.

10. Section one hundred and ten of the Principal Act is amended in subsection four by the addition thereto of the following proviso:—

Amendment of s. 110.

Provided that in the case of gas and electricity undertakings, serving approximately the same parts of the area, the council may transfer from the funds of either amounts in aid of the funds of the other.

Mutual support between trading undertakings.

11. (1) Section one hundred and twenty-four of the Principal Act is amended in subsection three by omitting "in the year when the loan is raised" and inserting "in the year when the first instalment of interest or repayment or both falls due."

Amendment and validation—Loan rates—s. 124.

(2) The action of certain councils in acting as though the law had been in accordance with the amendment in subsection one hereof is hereby validated.

12. Section one hundred and seventy-seven of the Principal Act is amended by omitting from paragraph (a) the words "of the Governor."

Amendment of s. 177.

13. (1) The Minister may approve and confirm certain loans irregularly obtained by Ku-ring-gai Shire Council and other councils from various ratepayers, and thereupon such loans shall be validated.

Validation—loans from ratepayers.

(2)

Local Government (Validation and Amendment).

Amendment
—new sec.
177A.

(2) The following new section is inserted after section one hundred and seventy-seven of the Principal Act, namely :—

Ratepayers' advances.

Ratepayers'
advances.

177A. The council may, without obtaining approval under section one hundred and seventy-three, accept an advance not exceeding five hundred pounds from a ratepayer for the purpose of carrying out necessary works applied for by the ratepayer: Provided that the loan shall be either free of interest or at a rate not exceeding four per centum per annum simple interest: Provided also that the terms of the loan shall include provision for repayment by yearly or half-yearly instalments spread over not more than ten years: Provided also that the amount so accepted by a council shall not exceed ten per centum of the total revenue of such council for the preceding year. It shall not be compulsory for the council to levy a loan rate in respect of any such loan. The council shall report each such loan, its purpose and terms, to the Minister for record.

Amendment
—new sec.
181A.

14. The Principal Act is amended by the insertion of the following new section after section one hundred and eighty-one :—

Capitalisa-
tion of
interest—
suspension of
loan rates.

181A. A loan proposal may provide—

- (a) for the capitalisation of interest accruing during part or the whole of the term of the construction of works or the expenditure of the loan money, and, in the case of a trading undertaking, during a reasonable additional period to enable the establishment and development of custom;
- (b) for payment of instalments of principal and interest not to commence during part or the whole of such term;
- (c) for the loan rate to be suspended accordingly during part or the whole of such term; and the Governor may when giving his approval (if given) allow or disallow any such provision.

15.

Local Government (Validation and Amendment).

15. Section two hundred and sixty-four of the Principal Act is amended by altering the numbers of the subsections to make them consecutive. Amendment of s. 264.

16. Section two hundred and eighty-three of the Local Government Act, 1919, is amended by adding thereto the following new subsection:— Amendment of s. 283.

(3A) Notwithstanding the provisions of the Metropolitan Water and Sewerage Act of 1880, or the Hunter District Water Supply and Sewerage Act of 1892, the Board of Water Supply and Sewerage, or the Hunter District Water Supply and Sewerage Board, as the case may be, shall, upon application by any council, confirmed by a direction from the Minister for Public Works, provide a suitable depot within the municipality of the applying council with appliances and the necessary attendance and shall permit the emptying of nightsoil pans into the sewers of the Board within that municipality, and shall undertake and supervise the disposal of nightsoil at such depot for the council; and such Board may make a reasonable charge upon the council for the service thus rendered. Nightsoil and sewerage depots for councils.

17. Section two hundred and ninety-eight of the Principal Act is amended in subsection two by the addition after "brigades" of the words "which are certified to it by the New South Wales Ambulance Transport Service Board to be working under and in conformity with the regulations made under the Ambulance Transport Service Act, 1919." Amendment of s. 298. Ambulance transport.

18. Section three hundred and thirty-three of the Principal Act is amended by inserting after paragraph (g) a new paragraph (h) as follows:— Amendment of s. 333.

(h) the drainage of the land, the drains proposed to be constructed, and whether any land and drains are to be vested in the council. Drainage of subdivisions.

19. Section three hundred and fifty-three of the Principal Act is amended by the addition thereto of a new paragraph as follows:— Amendment of s. 353.

(f) life-savers. Expenditure on life-savers.

Local Government (Validation and Amendment).

Amendment
of s. 374.

Adjustment
of water
supply debts
to Crown.

20. Section three hundred and seventy-four of the Principal Act is amended in the following manner:—

- (1) Subsection three is amended by omitting the words "time of the notification hereinafter provided" and inserting in lieu thereof "end of the half-year in which the notification hereinafter provided is published."
- (2) Paragraph (c) of subsection seven is amended by omitting "the period between the notification and the end of the then current half-year and also during each half-year thereafter" and inserting in lieu thereof "each half-year succeeding that in which the notification was published."
- (3) Paragraphs (d) and (e) of subsection seven are omitted.

Amendment
of s. 375.

Default in
payment of
water supply
debts.

21. Section three hundred and seventy-five of the Principal Act is amended by omitting subsection two and inserting the following new subsection in lieu thereof:—

- (2) Where water, sewerage, drainage, or electricity works have been notified as complete and the council has been charged with the care and management of such works and the council makes default in the payment of the sums required to be paid under this Act, or any Acts repealed by this Act, the Governor may notify the minimum local rate in the pound which such council shall make and levy in respect of the maintenance and management of and repayment of capital debt on such works.

Validation
of past
omissions
from notifica-
tions of water
supply and
sewerage
debts.

22. The omission to notify the division of each instalment into principal and interest and the minimum local rate which a council shall levy in respect of the maintenance and management and repayment of costs of works until the capital debt is repaid, shall not be held to invalidate or in any way to affect the operation or effect of any notification already made and otherwise in accordance with the provisions of subsection seven of section three hundred and seventy-four of the Principal Act.

23.

Local Government (Validation and Amendment).

23. Section three hundred and ninety-one of the Principal Act is amended by adding after paragraph (e) a new paragraph as follows:—

Amendment
of s. 391.

- (f) if the occupier of the premises fails to comply with any order or public notice of the council requiring consumers of water to economise its use in time of drought or scarcity of supply.

Cutting off
water.

24. Section three hundred and ninety-eight of the Principal Act is amended as follows:—

Amendment
of s. 398.

- (a) After "drainage reserve" omit the words in parentheses;
(b) insert "by agreement between the owner and the council."

Drainage
reserves
vested in
councils.

25. Section four hundred and twenty of the Principal Act is amended in the following manner:—

Amendment
of s. 420.

Paragraph (b) of subsection one is amended by adding thereto the following:—"Provided that where the length of rails proposed to be laid upon a public place does not exceed two hundred and fifty yards the matter may be dealt with under the next following section instead of under this section."

Trading
franchises.

26. Subsection four of section four hundred and thirty-one of the Principal Act is amended by adding at the end of the subsection the following:—"Provided the animal be still the property of the same owner."

Amendment
of s. 431.
Impounding.

27. Section four hundred and seventy-nine of the Principal Act is omitted and the following is inserted in lieu thereof:—

Amendment
of s. 479.

479. Ordinances may be made to regulate the taking, use, sale, or destruction of fauna and of indigenous ferns, cycads, palms, and indigenous flowering plants generally with a view to their preservation.

Wild flowers.

28. Section four hundred and ninety of the Principal Act is amended by the addition to subsection one of the following:—"and the council may grant a subsidy towards the establishment and maintenance of any such station by any Government or public body."

Amendment
of s. 490.
Aerodromes.

29. Section five hundred and four of the Principal Act is amended by the omission of subsection three.

Expenditure on
purposes not
elsewhere
provided for—
amendment o
s. 504.

30.

*Local Government (Validation and Amendment).*Amendment
of s. 507.**30.** Section five hundred and seven of the Principal Act is amended as follows:—

- (a) Subsections one and two of section five hundred and seven of the Principal Act are omitted and the following subsections are inserted in their place:—

Public
vehicles.

507. (1) A vehicle shall not be plied as a public vehicle unless it is licensed under this Act, and is in charge of a driver licensed under this Act. Licenses under this section may be issued by the council of any area (except an area in which the Metropolitan Traffic Act, 1900, is in force) in respect of vehicles intended to be plied within or both within and outside its area, subject to the further provisions of this section. An application for a license shall be in writing, and shall specify—

- (a) whether it is desired to ply—
- (i) within the area only, but without restriction of route; or
 - (ii) within the area only, upon a specified route; or
 - (iii) within the area and certain adjoining areas, without restriction of route; or
 - (iv) upon a route passing through the area and other adjoining areas; and
- (b) the class of vehicle for which a license is desired, whether cab, omnibus, or delivery van.

(2) (a) Where the application is for a license extending beyond the area of the council to which application is made the council may grant a temporary license for not more than three months: and shall then consult the councils of the other areas affected. If all the councils agree the license applied for may be granted; but if any council disagree or neglect to agree the license may be granted only with respect to that part of the route which is within the areas of the councils which have agreed.

Local Government (Validation and Amendment):

agreed. Upon any council disagreeing or neglecting to agree as aforesaid the applicant may appeal to the court of petty sessions nearest to the office of the council, which so disagrees or neglects, which may hear and determine the matter, having regard to the circumstances of the case and to the public interest, and the order of such court shall be given effect to by the councils.

(b) In considering whether or not a license shall be granted the council shall take into consideration—

- (i) public health, safety, and convenience;
- (ii) the time tables, routes, and fares proposed;

(c) the council may attach to any license such conditions as to time tables and time of journey as to ensure that, where the road conditions are such as to render restriction desirable, there shall not be rival vehicles leaving any particular point at the same time, and there shall not be rival vehicles upon any specially dangerous portion of road at the same time; but the council shall not refuse a license solely with the object of preventing competition.

- (b) Subsection five is amended in the third line after "area" by inserting "to whose council the application is made."

31. Section five hundred and eleven of the Principal Act is amended by the addition of the following new subsections:—

(2) The council shall not grant to any person permission to erect any such monument until the written approval of the Minister has been lodged with the council. Erection of monuments.

(3) Any contract entered into after the first day of January, one thousand nine hundred and twenty-three, for the supply or erection of any monument which is proposed to be erected in a public place or public Approval of design.

Local Government (Validation and Amendment).

public reserve shall be void unless the person who is to supply or erect the monument proves that at the time of the entering into the contract the design and situation had been approved by the Minister.

(4) Any person may sue for the penalty where an offence is committed against this section.

Recovery of penalty.

Repeal of ss. 533, 534. Leasing or purchasing land.

32. Sections five hundred and thirty-three and five hundred and thirty-four of the Principal Act are repealed.

Amendment of s. 537. Protection of national works.

33. Section five hundred and thirty-seven of the Principal Act is amended by omitting subsection six and inserting in lieu thereof the following new subsections:—

(6) For the purpose of the construction, control, protection, maintenance and management of national works, and of roads, bridges, ferries, wharves, or public works of whatever character in the Western Division, and for the purpose of construction and the control and protection during construction of any works carried out by the Minister for Public Works for councils, the said Minister shall have and may exercise and enjoy all the powers and immunities of a council under this Act.

(7) The Minister for Public Works may temporarily or permanently close any national work from the use of the public and may dismantle any structure and dispose of the materials thereof.

(8) Ordinances may be made for or with respect to the construction, control, management, maintenance, and protection of national works, and for or with respect to the regulation, restriction, or suspension of the use by the public of national works. Such ordinances may provide for the collection of fees and charges for the use of any national work other than a road or bridge.

Amendment of s. 539.

34. Section five hundred and thirty-nine of the Principal Act is amended in subsection four by the addition of the following proviso:—

Advances to councils.

Provided that the Minister may on cause shown remit part or the whole of such additional charge in respect of any past or future advance.

Local Government (Validation and Amendment).

35. Section five hundred and sixty-five of the Principal Act is amended by adding at the end of subsection four the following additional proviso:—

Amendment
of s. 565.

Provided also that the limit of borrowing applied by this Act to the councils of areas included in the county district shall not apply to the county council; and that any loan rate which it may be necessary for the county council to make and levy may be made and levied notwithstanding that thereby the individual limit of rating of any council of an area included in the county district may be exceeded, and that a poll may not be demanded in respect of any county council loan proposal, nor in respect of the basis of any county council loan rate.

County
councils not
subject to
ordinary
limits of loans
and rates
of their
constituent
councils.

36. Section five hundred and seventy-seven of the Principal Act is amended in subsection one, paragraph (c), by inserting the word "sitting" between the word "fourteen" and the word "days" at each place where they occur.

Amendment
of s. 577—
laying docu-
ments before
Parliament.

37. Sections six hundred and thirty-two and six hundred and thirty-three of the Principal Act are amended by removal of subsection two from section six hundred and thirty-three and inserting it in section six hundred and thirty-two.

Amendment
of sections
632 and 633.

38. The council of the Byron shire may repeal a local rate levied in the Bangalow urban area in the year one thousand nine hundred and twenty-two, and any moneys paid on account of such rate shall be either refunded or credited to the ratepayer as against other rates due or leviable by the council.

Byron
Shire—
power to
repeal a local
rate.

39. (1) The action of the Waratah Municipal Council in borrowing during one thousand nine hundred and twenty-two a sum of two thousand seven hundred pounds from the Government of the Commonwealth without interest, for the improvement of certain roads, is hereby validated.

Validation—
Waratah
loan.

(2) The council shall each year set aside and invest a sum not less than six hundred and seventy-five pounds to provide for the repayment of the said loan in the year one thousand nine hundred and twenty-six.

In the name and on behalf of His Majesty I assent to this Act.

W. E. DAVIDSON,

Government House,

Governor.

Sydney, 24th November, 1922.

Local Government (Municipalities and Townships) Bill

32. Section 114 is amended by adding at the end of the section the following words:—

Provided that in the case of a township or municipality the council may, if it thinks fit, exclude any land which is not included in the township or municipality as defined in section 113, and may, if it thinks fit, include any land which is not included in the township or municipality as defined in section 113, and may, if it thinks fit, exclude any land which is not included in the township or municipality as defined in section 113, and may, if it thinks fit, include any land which is not included in the township or municipality as defined in section 113.

33. Section 115 is amended by substituting for the words "and the council may, if it thinks fit, exclude any land which is not included in the township or municipality as defined in section 113, and may, if it thinks fit, include any land which is not included in the township or municipality as defined in section 113," the words "and the council may, if it thinks fit, exclude any land which is not included in the township or municipality as defined in section 113, and may, if it thinks fit, include any land which is not included in the township or municipality as defined in section 113."

34. Section 116 is amended by substituting for the words "and the council may, if it thinks fit, exclude any land which is not included in the township or municipality as defined in section 113, and may, if it thinks fit, include any land which is not included in the township or municipality as defined in section 113," the words "and the council may, if it thinks fit, exclude any land which is not included in the township or municipality as defined in section 113, and may, if it thinks fit, include any land which is not included in the township or municipality as defined in section 113."

35. Section 117 is amended by substituting for the words "and the council may, if it thinks fit, exclude any land which is not included in the township or municipality as defined in section 113, and may, if it thinks fit, include any land which is not included in the township or municipality as defined in section 113," the words "and the council may, if it thinks fit, exclude any land which is not included in the township or municipality as defined in section 113, and may, if it thinks fit, include any land which is not included in the township or municipality as defined in section 113."

36. Section 118 is amended by substituting for the words "and the council may, if it thinks fit, exclude any land which is not included in the township or municipality as defined in section 113, and may, if it thinks fit, include any land which is not included in the township or municipality as defined in section 113," the words "and the council may, if it thinks fit, exclude any land which is not included in the township or municipality as defined in section 113, and may, if it thinks fit, include any land which is not included in the township or municipality as defined in section 113."

37. Section 119 is amended by substituting for the words "and the council may, if it thinks fit, exclude any land which is not included in the township or municipality as defined in section 113, and may, if it thinks fit, include any land which is not included in the township or municipality as defined in section 113," the words "and the council may, if it thinks fit, exclude any land which is not included in the township or municipality as defined in section 113, and may, if it thinks fit, include any land which is not included in the township or municipality as defined in section 113."

In the name and on behalf of the Majesty's assent to this Act.

W. E. DAVIDSON,
Governor.

Government House,
Sydney, 21st November, 1922.

LOCAL GOVERNMENT (VALIDATION AND AMENDMENT) BILL.

SCHEDULE showing the Legislative Assembly's disagreement from the Legislative Council's Amendment, referred to in Message of 3 November, 1922, A.M.

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

Page 4, clause 7. *Omit—*

7. Section fifty-five of the Principal Act is amended by adding to paragraph (c) at the end thereof the following words:—"provided that this paragraph shall not apply to a person born in a country which, though subject to or united with Germany or any country allied with Germany at any time during the said war, is not now subject to or united with Germany or any such country."

Amendment
of s. 55.
Franchise to
nationals of
countries
which have
thrown off
German rule.

Reinsert—

7. Section fifty-five of the Principal Act is amended by omitting paragraphs (b) and (c).

Amendment
of s. 55.

LOCAL GOVERNMENT (VALIDATION AND AMENDMENT) BILL.

SCHEDULE of Amendments referred to in Message of 26th October, 1922.

- Page 4. *Omit* clause 7 and *insert* new clause 7.
- Page 6. *Omit* clause 15.
- Page 7, clause 17, 16, line 5. *After* "council" *insert* "confirmed by a direction from
"the Minister for Public Works"
- Page 7, clause 17, 16, lines 7, 8, 9. *Omit* "as convenient as possible to that council,
"taking all the circumstances into consideration" *insert* "within the
"municipality of the applying council"
- Page 7, clause 17, 16, line 12. *After* "Board" *insert* "within that municipality"
- Page 11, clause 31, 30, line 9. *After* "tables" *insert* "routes"
- Page 11. *Insert* new clause 31.
- Page 12. *Omit* clause 32.
- Page 12, clause 31, 33, lines 20 and 21. *Omit* "in subsection six after the word 'control'
"by inserting the word 'protection'" *insert* "by omitting subsection six and
"inserting in lieu thereof the following new subsections:—
- "(6) For the purpose of the construction, control, protection, maintenance and management of national works, and of roads, bridges, ferries, wharves, or public works of whatever character in the Western Division, and for the purpose of construction and the control and protection during construction of any works carried out by the Minister for Public Works for councils, the said Minister shall have and may exercise and enjoy all the powers and immunities of a council under this Act.
- "(7) The Minister for Public Works may temporarily or permanently close any national work from the use of the public and may dismantle any structure and dispose of the materials thereof.
- "(8) Ordinances may be made for or with respect to the construction, control, management, maintenance, and protection of national works, and for or with respect to the regulation, restriction, or suspension of the use by the public of national works. Such ordinances may provide for the collection of fees and charges for the use of any national work other than a road or bridge."
- Page 14, clause 40, 39, line 9. *After* "for" *insert* "the repayment of"

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, 10 October, 1922.

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, 1922.

New South Wales.



ANNO TERTIO DECIMO

GEORGI II V REGIS.

Act No. , 1922.

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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. (1) This Act may be cited as the "Local Government (Validation and Amendment) Act, 1922," and shall be read and construed with the Local Government Act, 1919, hereinafter called the Principal Act.

Short title and interpretation.

67747

6S—A

(2)

NOTE.—The words to be omitted are ruled through ; those to be inserted are printed in black letter.

Local Government (Validation and Amendment).

(2) Where any matter is expressed in this Act to be validated, that matter shall be and shall be deemed to have been valid and in accordance with law. Effect of validation.

2. (1) The action of the Minister for Public Works in entering upon various roads in the county of Cumberland, in carrying out works for the improvement thereof without the consent of certain councils and without complying with the provisions of the Public Works Act, 1912, and in altering the levels of such roads, is hereby validated. Validation—
main road re
construction.

(2) The said Minister may continue to carry out works as aforesaid, and new works upon main roads in the county of Cumberland, and may upon completion hand such works over to the council of the area.

(3) Except in so far as may be necessary for and during the carrying out of such works, this section shall not affect or abrogate the powers and duties of the council in relation to any public road.

3. The making and levying by the council of the municipality of Lithgow of the water rate made and levied during the year one thousand nine hundred and twenty of one halfpenny in the pound on the unimproved capital value of the land within the municipality of Lithgow which is ratable for water supply, with a minimum rate of ten shillings, are hereby validated. Validation—
Lithgow
water rate.

4. (1) Declarations made under the ordinances relating to the elections of councils, and declarations of office made by persons elected to office under the Principal Act, are hereby validated notwithstanding that such declarations have been or shall hereafter be lodged without first being stamped in accordance with law. Validation—
declarations
unstamped.

(2) The election of such persons and their acting in the offices to which they were elected and all consequences flowing therefrom shall not be deemed invalid solely because of the non-stamping of such declarations.

(3) The provisions of the Stamp Duties Act, 1920, relating to the stamping of declarations made under any Act shall not relate to declarations made for any purpose of the Principal Act or of any ordinance by officers or servants of a council or by electors in connection with petitions or elections. Amendment
of Stamp
Duties Act,
1920.

5.

Local Government (Validation and Amendment).

5. Section nineteen of the Principal Act is amended Amendment of s. 19. as follows:—In subsection one omit paragraph (a) and insert the following:—

- 5 (a) By the council of any area which will be Alterations of boundaries. affected by the proposal, or

6. Section twenty of the Principal Act is amended Amendment of s. 20. as follows:—

- (a) After subsection one the following new sub- Altering areas. section is inserted—

10 (1A) Where areas are altered by—

(a) taking part of one area and adding it to another area; or

(b) adding to an area land which is not within an area,

15 the councils of the areas from which any land is taken or to which any land is added shall respectively be deemed to be the councils of the areas altered by the taking away or addition, and no reconstitution of either council or area shall be necessary;

20 (b) in subsection three, after the word “another” insert “or where two areas are being united”;

25 (c) in subsection nine, after “the date of” insert “any agreement under subsection four hereof; or”;

(d) after subsection eleven the following new subsection is inserted, namely:—

30 (12) Where there is a contract or agreement in existence between the council and any person relating to the performance of a work or service or the granting of a privilege throughout the whole or part of a municipality or shire, and where (by any alteration of boundaries or reconstitution of municipalities or shires) any portion of the area embraced by the contract or agreement is taken from the area of a council which is a party to the contract or agreement and added to the area of another council, the duties, rights, and privileges of such first-mentioned council under such contract or agreement shall be limited to the lands which are within its area and are embraced by the

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the

Local Government (Validation and Amendment).

5 the contract or agreement; while the corresponding duties, rights, and privileges under the contract or agreement so far as they relate to the portion of the area embraced by the agreement and added to the area of another council shall apply to and in respect of such last-mentioned council, which shall, for this purpose, be deemed to be substituted in the contract or agreement for the council therein named :

10 Provided that where the original agreement confers a right of purchase or of cancellation upon the council that right shall not without the consent of the other party to the agreement be exercised (after the alteration of boundaries or reconstitution aforesaid) unless both councils exercise it in concert with each other :

15 Provided also that this subsection may be set aside by agreement between the parties concerned.

20 ~~7. Section fifty five of the Principal Act is amended by omitting paragraphs (b) and (e).~~ Amendment of s. 55.

7. Section fifty-five of the Principal Act is amended by adding to paragraph (c) at the end thereof the following words :—“ provided that this paragraph shall not apply to a person born in a country which, though subject to or united with Germany or any country allied with Germany at any time during the said war, is not now subject to or united with Germany or any such country.” Amendment of s. 55. Franchise to nationals of countries which have thrown off German rule.

8. Section fifty-six of the Principal Act is amended by the addition of the following :— Amendment of s. 56.

30 (4) A person possessing qualification for enrolment in respect of several parcels of land in a ward or riding but actually enrolled in respect of one parcel of land therein who ceases to hold qualification in respect of that parcel shall not on that account be debarred from voting at an election held within twelve months after so ceasing, if he retains a qualifying interest in another parcel in the same ward or riding and so satisfies the returning officer. Retention of qualification to vote.

9. Section ninety-five of the Principal Act is amended by omitting the proviso to subsection one and inserting the following :— Delegation of power of appointment. Amendment of s. 95.

45 Provided that the council may delegate to the mayor or president the power to make temporary appointments

Local Government (Validation and Amendment).

appointments and to remove any person so appointed, and may delegate to the mayor or president or a servant of the council the power to engage and dismiss servants paid at an hourly, daily, or weekly wage; and any delegation so given may be restricted to a particular class of servant or may be general.

10. Section one hundred and ten of the Principal Act is amended in subsection four by the addition thereto of the following proviso:—

10 Provided that in the case of gas and electricity undertakings, serving approximately the same parts of the area, the council may transfer from the funds of either amounts in aid of the funds of the other.

Amendment of s. 110.

Mutual support between trading undertakings.

11. (1) Section one hundred and twenty-four of the Principal Act is amended in subsection three by omitting "in the year when the loan is raised" and inserting "in the year when the first instalment of interest or repayment or both falls due."

Amendment and validation—Loan rates—s. 124.

(2) The action of certain councils in acting as though the law had been in accordance with the amendment in subsection one hereof is hereby validated.

12. Section one hundred and seventy-seven of the Principal Act is amended by omitting from paragraph (a) the words "of the Governor."

Amendment of s. 177.

13. (1) The Minister may approve and confirm certain loans irregularly obtained by Kuring-gai Shire Council and other councils from various ratepayers, and thereupon such loans shall be validated.

Validation—loans from ratepayers.

(2) The following new section is inserted after section one hundred and seventy-seven of the Principal Act, namely:—

Amendment—new sec. 177A.

Ratepayers' advances.

177A. The council may, without obtaining approval under section one hundred and seventy-three, accept an advance not exceeding five hundred pounds from a ratepayer for the purpose of carrying out necessary works applied for by the ratepayer: Provided that the loan shall be either free of interest or at a rate not exceeding four per centum per annum simple interest: Provided also that

Ratepayers' advances.

Local Government (Validation and Amendment).

that the terms of the loan shall include provision for repayment by yearly or half-yearly instalments spread over not more than ten years: Provided also that the amount so accepted by a council shall not exceed ten per centum of the total revenue of such council for the preceding year. It shall not be compulsory for the council to levy a loan rate in respect of any such loan. The council shall report each such loan, its purpose and terms, to the Minister for record.

14. The Principal Act is amended by the insertion of the following new section after section one hundred and eighty-one:—

181A. A loan proposal may provide—

- (a) for the capitalisation of interest accruing during part or the whole of the term of the construction of works or the expenditure of the loan money, and, in the case of a trading undertaking, during a reasonable additional period to enable the establishment and development of custom;
- (b) for payment of instalments of principal and interest not to commence during part or the whole of such term;
- (c) for the loan rate to be suspended accordingly during part or the whole of such term; and the Governor may when giving his approval (if given) allow or disallow any such provision.

15. Section two hundred and forty-nine of the Principal Act is amended in paragraph (a) by the omission of "and the approval of the Minister be obtained."

15. Section two hundred and sixty-four of the Principal Act is amended by altering the numbers of the subsections to make them consecutive.

16. Section two hundred and eighty-three of the Local Government Act, 1919, is amended by adding thereto the following new subsection:—

- (3A) Notwithstanding the provisions of the Metropolitan Water and Sewerage Act of 1880,
- Nightsoil and
sewerage
depots for
councils.
- OR

Local Government (Validation and Amendment).

- or the Hunter District Water Supply and Sewerage Act of 1892, the Board of Water Supply and Sewerage, or the Hunter District Water Supply and Sewerage Board, as the case may be, shall, upon application by any council, **confirmed by a direction from the Minister for Public Works**, provide a suitable depot, ~~as convenient as possible to that council, taking all the circumstances into consideration,~~ **within the municipality of the applying council**, with appliances and the necessary attendance and shall permit the emptying of nightsoil pans into the sewers of the Board **within that municipality**, and shall undertake and supervise the disposal of nightsoil at such depot for the council; and such Board may make a reasonable charge upon the council for the service thus rendered.
18. **17.** Section two hundred and ninety-eight of the Principal Act is amended in subsection two by the addition after "brigades" of the words "which are certified to it by the New South Wales Ambulance Transport Service Board to be working under and in conformity with the regulations made under the Ambulance Transport Service Act, 1919." Amendment of s. 298.
Ambulance transport.
19. **18.** Section three hundred and thirty-three of the Principal Act is amended by inserting after paragraph (g) a new paragraph (h) as follows:— Amendment of s. 333.
- (h) the drainage of the land, the drains proposed to be constructed, and whether any land and drains are to be vested in the council. Drainage of subdivisions.
20. **19.** Section three hundred and fifty-three of the Principal Act is amended by the addition thereto of a new paragraph as follows:— Amendment of s. 353.
- (f) life-savers. Expenditure on life-savers.
21. **20.** Section three hundred and seventy-four of the Principal Act is amended in the following manner:— Amendment of s. 374.
- (1) Subsection three is amended by omitting the words "time of the notification hereinafter provided" and inserting in lieu thereof "end of the half-year in which the notification hereinafter provided is published." Adjustment of water supply debts to Crown.

Local Government (Validation and Amendment).

- 5 (2) Paragraph (c) of subsection seven is amended by omitting "the period between the notification and the end of the then current half-year and also during each half-year thereafter" and inserting in lieu thereof "each half-year succeeding that in which the notification was published."
- (3) Paragraphs (d) and (e) of subsection seven are omitted.
- 10 ~~22.~~ **21.** Section three hundred and seventy-five of the Principal Act is amended by omitting subsection two and inserting the following new subsection in lieu thereof:—
- 15 (2) Where water, sewerage, drainage, or electricity works have been notified as complete and the council has been charged with the care and management of such works and the council makes default in the payment of the sums required to be paid under this Act, or any Acts repealed by this Act, the Governor may notify the minimum local rate in the pound which such council shall make and levy in respect of the maintenance and management of and repayment of capital debt on such works.
- 20 (2) Where water, sewerage, drainage, or electricity works have been notified as complete and the council has been charged with the care and management of such works and the council makes default in the payment of the sums required to be paid under this Act, or any Acts repealed by this Act, the Governor may notify the minimum local rate in the pound which such council shall make and levy in respect of the maintenance and management of and repayment of capital debt on such works. Default in payment of water supply debts.
- 25 ~~23.~~ **22.** The omission to notify the division of each instalment into principal and interest and the minimum local rate which a council shall levy in respect of the maintenance and management and repayment of costs of works until the capital debt is repaid, shall not be held to invalidate or in any way to affect the operation or effect of any notification already made and otherwise in accordance with the provisions of subsection seven of section three hundred and seventy-four of the Principal Act. Validation of past omissions from notifications of water supply and sewerage debts.
- 30 (f) if the occupier of the premises fails to comply with any order or public notice of the council requiring consumers of water to economise its use in time of drought or scarcity of supply. Cutting off water.
- 35 ~~24.~~ **23.** Section three hundred and ninety-one of the Principal Act is amended by adding after paragraph (e) a new paragraph as follows:—
- 40 (f) if the occupier of the premises fails to comply with any order or public notice of the council requiring consumers of water to economise its use in time of drought or scarcity of supply. Cutting off water.

Local Government (Validation and Amendment).

25. **24.** Section three hundred and ninety-eight of the Principal Act is amended as follows:—
- (a) After "drainage reserve" omit the words in parentheses;
- 5 (b) insert "by agreement between the owner and the council."
26. **25.** Section four hundred and twenty of the Principal Act is amended in the following manner:—
- 10 Paragraph (b) of subsection one is amended by adding thereto the following:—"Provided that where the length of rails proposed to be laid upon a public place does not exceed two hundred and fifty yards the matter may be dealt with under the next following section instead of under this section."
- 15
27. **26.** Subsection four of section four hundred and thirty-one of the Principal Act is amended by adding at the end of the subsection the following:—"Provided the animal be still the property of the same owner."
- 20
28. **27.** Section four hundred and seventy-nine of the Principal Act is omitted and the following is inserted in lieu thereof:—
- 25 **479.** Ordinances may be made to regulate the taking, use, sale, or destruction of fauna and of indigenous ferns, cycads, palms, and indigenous flowering plants generally with a view to their preservation.
29. **28.** Section four hundred and ninety of the Principal Act is amended by the addition to subsection one of the following:—"and the council may grant a subsidy towards the establishment and maintenance of any such station by any Government or public body."
- 30
30. **29.** Section five hundred and four of the Principal Act is amended by the omission of subsection three.
- 35
31. **30.** Section five hundred and seven of the Principal Act is amended as follows:—
- (a) Subsections one and two of section five hundred and seven of the Principal Act are omitted and
- 68—B the

Drainage reserves vested in councils.
Omission of s. 398.

Amendment of s. 420.

Trading franchises.

Amendment of s. 431.
Impounding.

Amendment of s. 479.

Wild flowers.

Amendment of s. 490.
Aerodromes.

Expenditure on purposes not elsewhere provided for—
amendment of s. 504.

Amendment of s. 507.

Local Government (Validation and Amendment).

the following subsections are inserted in their place:—

- 5 507. (1) A vehicle shall not be plied as a ^{Public} public vehicle unless it is licensed under this ^{vehicles.} Act, and is in charge of a driver licensed under this Act. Licenses under this section may be issued by the council of any area (except an area in which the Metropolitan Traffic Act, 1900, is in force) in respect of vehicles intended to be plied within or both within and outside its area, subject to the further provisions of this section. An application for a license shall be in writing, and shall specify—
- 10 (a) whether it is desired to ply—
- 15 (i) within the area only, but without restriction of route; or
- (ii) within the area only, upon a specified route; or
- 20 (iii) within the area and certain adjoining areas, without restriction of route; or
- (iv) upon a route passing through the area and other adjoining areas; and
- 25 (b) the class of vehicle for which a license is desired, whether cab, omnibus, or delivery van.

- (2) (a) Where the application is for a license extending beyond the area of the council to which application is made the council may grant a temporary license for not more than three months: and shall then consult the councils of the other areas affected. If all the councils agree the license applied for may be granted; but if any council disagree or neglect to agree the license may be granted only with respect to that part of the route which is within the areas of the councils which have agreed. Upon any council disagreeing or neglecting to agree as aforesaid the applicant may appeal to the court of petty sessions nearest to the office of the council which so disagrees or neglects, which may hear and determine
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- 40

Local Government (Validation and Amendment).

determine the matter, having regard to the circumstances of the case and to the public interest, and the order of such court shall be given effect to by the councils.

5 (b) In considering whether or not a license shall be granted the council shall take into consideration—

(i) public health, safety, and convenience;
10 (ii) the time tables, routes, and fares proposed;

(c) the council may attach to any license such conditions as to time tables and time of journey as to ensure that, where the road conditions are such as to render restriction desirable, there shall not be rival vehicles leaving any particular point at the same time, and there shall not be rival vehicles upon any specially dangerous portion of road at the same time; but the council shall not refuse a
15 license solely with the object of preventing competition.

(b) Subsection five is amended in the third line after "area" by inserting "to whose council the application is made."

25 **31.** Section five hundred and eleven of the Principal Act is amended by the addition of the following new subsections :—

(2) The council shall not grant to any person permission to erect any such monument until the
30 written approval of the Minister has been lodged with the council.

(3) Any contract entered into after the first day of January, one thousand nine hundred and twenty-three, for the supply or erection of any monument which is
35 proposed to be erected in a public place or public reserve shall be void unless the person who is to supply or erect the monument proves that at the time of the entering into the contract the design and situation had been approved by the Minister.

40 (4) Any person may sue for the penalty where an offence is committed against this section.

Local Government (Validation and Amendment).

- 32.** (1) Section five hundred and eighteen of the Principal Act is amended in subsection two by the omission of paragraph (a) as follows:—
- 5 (a) to authorise any sale or exchange of land unless the approval of the Governor has been first obtained.
- (2) Section five hundred and nineteen of the Principal Act is amended by the omission of subsection two as follows:—
- 10 (2) Except as elsewhere provided or as prescribed by ordinance the council shall not without the approval of the Governor enter into any lease for a term exceeding two years.
- (3) Section five hundred and twenty of the Principal Act is repealed.
- 15 ~~33.~~ **32.** Sections five hundred and thirty-three and five hundred and thirty-four of the Principal Act are repealed.
- ~~34.~~ **33.** Section five hundred and thirty-seven of the Principal Act is amended in subsection six after the word "control" by inserting the word "protection" by omitting subsection six and inserting in lieu thereof the following new subsections:—
- 20 (6) For the purpose of the construction, control, protection, maintenance and management of national works, and of roads, bridges, ferries, wharves, or public works of whatever character in the Western Division, and for the purpose of construction and the control and protection during construction of
- 30 any works carried out by the Minister for Public Works for councils, the said Minister shall have and may exercise and enjoy all the powers and immunities of a council under this Act.
- 35 (7) The Minister for Public Works may temporarily or permanently close any national work from the use of the public and may dismantle any structure and dispose of the materials thereof.
- 40 (8) Ordinances may be made for or with respect to the construction, control, management, maintenance, and protection of national works, and for or with respect to the regulation, restriction, or suspension

Amendment of s. 518.

Sale or exchange or leasing of land.

Amendment of s. 519.

Repeal of s. 520.

Repeal of ss. 533, 534. Leasing or purchasing land

Amendment of s. 537.

Protection national works.

Local Government (Validation and Amendment).

suspension of the use by the public of national works. Such ordinances may provide for the collection of fees and charges for the use of any national work other than a road or bridge.

5 35. **34.** Section five hundred and thirty-nine of the Principal Act is amended in subsection four by the addition of the following proviso :—

Amendment
of s. 539.

10 Provided that the Minister may on cause shown remit part or the whole of such additional charge in respect of any past or future advance.

Advances to
councils.

15 36. **35.** Section five hundred and sixty-five of the Principal Act is amended by adding at the end of subsection four the following additional proviso :—

Amendment
of s. 565.

20 Provided also that the limit of borrowing applied by this Act to the councils of areas included in the county district shall not apply to the county council; and that any loan rate which it may be necessary for the county council to make and levy may be made and levied notwithstanding that thereby the individual limit of rating of any council of an area included in the county district may be exceeded, and that a poll may not be demanded in respect of any county council loan proposal, nor in respect of the basis of any county council loan rate.

County
councils not
subject to
ordinary
limits of loans
and rates
of their
constituent
councils.

25 37. **36.** Section five hundred and seventy-seven of the Principal Act is amended in subsection one, paragraph (c), by inserting the word "sitting" between the word "fourteen" and the word "days" at each place where they occur.

Amendment
of s. 577—
laying docu-
ments before
Parliament.

30 38. **37.** Sections six hundred and thirty-two and six hundred and thirty-three of the Principal Act are amended by removal of subsection two from section six hundred and thirty-three and inserting it in section six hundred and thirty-two.

Amendment
of sections
632 and 633.

35 39. **38.** The council of the Byron shire may repeal a local rate levied in the Bangalow urban area in the year one thousand nine hundred and twenty-two, and any moneys paid on account of such rate shall be either refunded or credited to the ratepayer as against other rates due or leviable by the council.

Byron
Shire—
power to
repeal a local
rate.

Local Government (Validation and Amendment).

40. **39.** (1) The action of the Waratah Municipal Council in borrowing during one thousand nine hundred and twenty-two a sum of two thousand seven hundred pounds from the Government of the Commonwealth without interest, for the improvement of certain roads, is hereby validated. Validation—
Waratah
loan.

(2) The council shall each year set aside and invest a sum not less than six hundred and seventy-five pounds to provide for the repayment of the said loan in the year one thousand nine hundred and twenty-six.

Sydney: John Spence, Acting Government Printer—1922.

[1s. 1d.]

11-10-22.

1922.

Legislative Council.

Local Government (Validation and Amendment) Bill, 1922.

EXPLANATORY MEMORANDA.

THE objects of this Bill are to validate certain acts of the Government and of Councils, and to amend the Local Government Act in certain respects desired by Councils.

VALIDATIONS.

The principal matters to be validated are as follows:—

- Clause 2. The construction of various main roads by the Government.
- Clause 3. The Lithgow water rate.
- Clause 4. The non-payment of stamp duty on declarations of office made by aldermen and shire councillors.
- Clause 10. The postponement of the levying of loan rates by certain Councils.
- Clause 13. The raising of small loans from ratepayers by certain Councils.
- Clause 23. Certain defects in notifications issued by the Minister for Public Works in connection with country towns water supply works.

THE AMENDMENTS.

Most of the amendments have been asked for by Councils—either individually or at the annual conferences—for the purpose of making the Act fit local needs and circumstances.

The principal amendments are:—

- Clause 5. To permit a Council to petition for territory to be added to its area—(Wagga case).
- Clause 6. To provide for adjustment of existing contracts between contractors and Councils when alterations of boundaries cut across the territory covered by the contracts.
- Clause 7. This clause, when introduced into the Assembly, was drafted so as to remove the disqualification as local government electors of nationals of Schleswig-Holstein, Alsace Lorraine, Czecho-Slovakia, Poland, and other such places which have thrown off German or Austrian, Turkish or Bulgarian rule. Alteration made in the Assembly will, however, restore the franchise to pre-war standard, and give every German a vote.

Clause 8. To prevent a man who owns or occupies several pieces of land in a municipality or shire from being disqualified as an elector because he happens to sell the one piece for which he is enrolled.

Clause 9. To enable Councils to delegate to the shire engineers the power to engage and dismiss men.

Clause 10. To allow a Council, such as Armidale (and possibly also Liverpool, Bathurst, Goulburn, Tamworth, and Lismore), which has gasworks and proposes to establish electricity works also, to utilise the profits of the electricity scheme to meet any losses on the gasworks caused by the competition of its own electricity works.

Clause 11. To allow a Council which is raising a loan (and for that reason is compelled to levy a loan rate) to postpone the levying of the loan rate, so that instead of levying it in the year when the loan is raised it shall be levied in the year when the first instalment falls due. This would usually be in the following year. Needed for Orange and other Councils.

(NOTE.—There is also a provision in Clause 14 to permit Councils to carry this principle a little further.)

Clause 12. To strike out some superfluous words in section 177 of the Act.

Clause 13. To empower Councils to accept small loans from ratepayers for the purpose of carrying out municipal works applied for by the ratepayers.

Clause 14. To enable the Clarence River County Council (and other Councils), when preparing loan proposals (in particular for hydro-electric schemes, &c.), to provide for not paying any instalments of interest and principal during the construction of the works and during the first two or three years, after the construction is finished, while building up the business. The object of this is to avoid levying a loan rate, and postpone the payment of interest and principal until the undertaking may be expected to be doing sufficient business to provide the instalments out of profits. The duty of levying the loan rate will be kept in reserve, and will fall to be carried out if the profits do not materialise.

Clause 15. To repeal the provision requiring Councils to obtain the Minister's approval when they name streets or alter the names.

Clause 16. To correct a typographical or clerical error in the numbering of the subsections of section 264.

Clause 17. To require the Water and Sewerage Board to furnish a Council, upon application, with a suitable site and appliances for emptying sanitary pans into the sewers, where, through the spread of houses, it has become impracticable to find a suitable depôt for burial of this objectionable matter: and to authorise the Board to charge the Council with the cost of the service.

Clause 18. To limit the power given to Councils to subsidise Civil Ambulance Brigades so that only those brigades which are certified by the Ambulance Transport Board to be working in conformity with the rest of the brigades under the regulations shall be eligible for subsidy.

Clause 19. To empower Councils, when considering subdivision plans, to take into consideration the arrangements for draining the land to be subdivided.

Clause 20. To place it beyond doubt that Councils have authority to utilise their corporate funds to provide life-savers on the beaches.

Clause 21. To enable the Minister for Public Works, when completing a country towns water supply scheme, to calculate the interest and instalments to be paid by Councils according to the ordinary half-years ending 30th June and 31st December, instead of in periods dating from the time of the completion of the works.

Clause 22. To bring the section into line with section 374 (1). There the form of words is that the Council is charged with the care and management of such works, and it is proposed to substitute that form of words for the form appearing in section 375 (2) in order to avoid any uncertainties in interpretation,

- Clause 24. To permit a Council to cut off water from premises in cases where the occupiers continue to waste water after notice from the Council, in time of drought or other scarcity. (Parkes.)
- Clause 25. To repeal the provision vesting in the Councils all drainage reserves left in private subdivisions. This provision is feared by the Local Government Association, on behalf of the Councils, as a possible means for private subdividers to foist drainage problems on to the Councils. The Association prefers the provision included in clause 19 of this Bill.
- Clause 26. To permit Councils to give permission to private persons to lay rails in streets for the purpose of private business (such as connections to railway sidings, and the like) for short distances *without* having to carry out the full procedure of section 420 for the granting of trading "franchises," and without having to get the approval of the Governor, or lay the matter before Parliament.
- Clause 27. To provide that the double rates of damages prescribed in the case of an animal which is impounded a second time within three months of the previous impounding shall only be applicable if the animal *is still the property of the same owner*.
- Clause 28. To remove defects in the present section dealing with the preservation of wild flowers and native flora, which covers only flowering plants, but does not cover ferns, cycads (grass-trees and the like), and palms. The present section also only empowers Councils to regulate the "plucking" of the flowers, so that a person who digs the whole plant up or chops it down or otherwise destroys it cannot be reached. Also, at present the section does not enable any action to be taken against persons found selling or using for public decorations the protected plants within the "close" season.
- The clause was amended in the Assembly to provide also against the sale, destruction, &c., of fauna.
- Clause 29. To enable the Ballina Council to make a contribution (as already agreed) towards the cost of the establishment of the Commonwealth aerodrome in that municipality—and similarly with other Councils hereafter as the Commonwealth system of air mail services spreads.
- Clause 30. To remove the necessity for Councils *to obtain the Minister's approval* for expenditure outside the purposes of the Act.
- Clause 31. To amend the provisions relating to the licensing of public vehicles, so as to give different kinds of licenses for cabs, omnibuses, delivery vans, taxi-cabs, &c., and to specify whether the licensed vehicle is limited to a specified route (as in the case of an omnibus), or, in the case of a cab, whether it is limited to the municipal boundaries or may ply outside such boundaries. Also to require the Council, before it gives a license to ply outside as well as within its own boundaries, to consult the Councils whose areas would be affected by the license; and to give due weight to the views of those outside Councils; but at the same time to give the proprietor of the vehicle a right of appeal against an unreasonable decision.
- Clause 32. To remove the necessity for Councils to obtain *the approval of the Governor* before they sell or let on lease any land which they own.
- Clause 33. To remove the necessity for Councils to *obtain the Governor's approval before* they purchase a piece of land worth £1,000 or over, or before they can lease a piece of land for a term exceeding two years.
- Clause 34. To empower the Governor to make Ordinances not only for the "control" of national works (bridges, ferries, &c.) but also for their "protection."
- Clause 35. To empower the Minister to remit a part or the whole of the fine of 10 per cent. which the section makes it mandatory to inflict upon a Council which (having entered into an agreement to repay the cost or a proportion of the cost of certain work) fails to make the payment punctually on the due date. There have been two cases of delay, and in each case the Minister considers it would be reasonable to remit the penalty; but as the section stands he has not the power.

Clause 36. To make clear that the Clarence River County Council (and others in like case) need not take into account the various borrowing limits of each of the Councils of the municipalities and shires included in the County District—it would be impracticable for the County Council to attempt to observe five or seven different Councils' borrowing limits—similarly, the amendment is to make it clear that, if it becomes necessary to levy a loan rate in connection with a County Council's loan, the requisition of the County Council for that loan rate must necessarily over-ride the local limit of rating of any individual Council within the County District.

An amendment was also inserted in the Assembly to provide that a poll shall not be required in connection with any County Council loan proposal or loan rate.

Clause 37. To provide that the fourteen days within which new Ordinances must be laid before Parliament shall be fourteen sitting days of the particular House concerned, and not fourteen ordinary days. It occasionally happens that the House, though in session, may not be sitting during the fortnight following a proclamation, or sitting on only a few days immediately following the gazettal and before there is time to get Gazette slips for the purpose of laying them on the Table. As a consequence of this it has sometimes been necessary for Ordinances to be reproclaimed because the statutory requirement as to laying them before Parliament within fourteen days had not been complied with. The alteration is to avoid the necessity for this additional printing and advertising.

Clause 38. To correct a typographical or clerical error—the subsection has inadvertently been printed in the wrong section.

Clause 39. To enable Byron Shire Council to repeal a local rate levied in the town of Bangalow—the Council finds that it made the boundaries over which it levied the local rate too wide. It desires to repeal the rate, and then re-levy it with fresh boundaries restricted to the township proper.

Clause 40. The Waratah Council obtained a loan, free of interest, from the Commonwealth Government to make roads which were not part of but surrounding a Commonwealth group of War Service Homes. The Council desired to close with the offer at once in order to relieve the serious unemployment and distress in the district, and could not therefore follow the ordinary borrowing procedure, which would have involved delay. A promise was therefore made that the Council's action in accepting the loan without complying with the necessary procedure would be submitted to Parliament for validation.

1922.

Legislative Council

LOCAL GOVERNMENT (VALIDATION AND AMENDMENT)
BILL.

(Amendments to be proposed on recommitment of the Bill.)

Page 4. After clause 6 insert new clause 7:—

7. Section fifty-five of the Principal Act is amended by adding to paragraph (c) at the end thereof the following words:—“provided that this paragraph shall not apply to a person born in a country which, though subject to or united with Germany or any country allied with Germany at any time during the said war, is not now subject to or united with Germany or any such country.”

Amendment of s. 55.

Franchise to nationals of countries which have thrown off German rule.

NOTE.—This was the clause as it stood when originally introduced into the Legislative Assembly. The Assembly was favourable to it, but decided to go further than the clause. The Assembly therefore amended the clause, with a view to restoring the franchise to all ex-enemy aliens who were naturalised. Now that the Legislative Council has rejected the Assembly amendment the original proposal should be restored. Its object is to remove the disqualification as Local Government electors of nationals of Schleswig-Holstein, Alsace Lorraine, Czecho-Slovakia, Poland, and other such places which have thrown off German or Austrian, Turkish, or Bulgarian rule.

Page 11, clause 30. Omit subclauses (2) and (3) and insert the following:—

(2) The council shall not grant to any person permission to erect any such monument until the written approval of the Minister has been lodged with the council.

(3) Any contract entered into after the first day of January, one thousand nine hundred and twenty-three, for the supply or erection of any monument which is proposed to be erected in a public place or public reserve shall be void unless the person who is to supply or erect the monument proves that at the time of the entering into the contract the design and situation had been approved by the Minister.

(4) Any person may sue for the penalty where an offence is committed against this section.

LOCAL GOVERNMENT

THE HISTORY OF THE

LOCAL GOVERNMENT

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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, 10 October, 1922.

New South Wales.



ANNO TERTIO DECIMO

GEORGII V REGIS.

Act No. , 1922.

An Act to validate certain matters; to amend the Local Government Act, 1919, 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. (1) This Act may be cited as the "Local Government (Validation and Amendment) Act, 1922," and shall be read and construed with the Local Government Act, 1919, hereinafter called the Principal Act.

Short title
and interpre-
tation.

Local Government (Validation and Amendment).

(2) Where any matter is expressed in this Act to be validated, that matter shall be and shall be deemed to have been valid and in accordance with law. Effect of validation.

2. (1) The action of the Minister for Public Works in entering upon various roads in the county of Cumberland, in carrying out works for the improvement thereof without the consent of certain councils and without complying with the provisions of the Public Works Act, 1912, and in altering the levels of such roads, is hereby validated. Validation—
main road re-
construction.

(2) The said Minister may continue to carry out works as aforesaid, and new works upon main roads in the county of Cumberland, and may upon completion hand such works over to the council of the area.

(3) Except in so far as may be necessary for and during the carrying out of such works, this section shall not affect or abrogate the powers and duties of the council in relation to any public road.

3. The making and levying by the council of the municipality of Lithgow of the water rate made and levied during the year one thousand nine hundred and twenty of one halfpenny in the pound on the unimproved capital value of the land within the municipality of Lithgow which is ratable for water supply, with a minimum rate of ten shillings, are hereby validated. Validation—
Lithgow
water rate.

4. (1) Declarations made under the ordinances relating to the elections of councils, and declarations of office made by persons elected to office under the Principal Act, are hereby validated notwithstanding that such declarations have been or shall hereafter be lodged without first being stamped in accordance with law. Validation—
declarations
unstamped.

(2) The election of such persons and their acting in the offices to which they were elected and all consequences flowing therefrom shall not be deemed invalid solely because of the non-stamping of such declarations.

(3) The provisions of the Stamp Duties Act, 1920, relating to the stamping of declarations made under any Act shall not relate to declarations made for any purpose of the Principal Act or of any ordinance by officers or servants of a council or by electors in connection with petitions or elections. Amendment
of Stamp
Duties Act,
1920.

Local Government (Validation and Amendment).

5. Section nineteen of the Principal Act is amended as follows:—In subsection one omit paragraph (a) and insert the following:—

Amendment of s. 19.

5 (a) By the council of any area which will be affected by the proposal, or

Alterations of boundaries.

6. Section twenty of the Principal Act is amended as follows:—

Amendment of s. 20.

10 (a) After subsection one the following new subsection is inserted—

Altering areas.

(1A) Where areas are altered by—

(a) taking part of one area and adding it to another area; or

(b) adding to an area land which is not within an area,

15 the councils of the areas from which any land is taken or to which any land is added shall respectively be deemed to be the councils of the areas altered by the taking away or addition, and no reconstitution of either council or area shall be necessary;

20 (b) in subsection three, after the word “another” insert “or where two areas are being united”;

25 (c) in subsection nine, after “the date of” insert “any agreement under subsection four hereof; or”;

(d) after subsection eleven the following new subsection is inserted, namely:—

30 (12) Where there is a contract or agreement in existence between the council and any person relating to the performance of a work or service or the granting of a privilege throughout the whole or part of a municipality or shire, and where (by any alteration of boundaries or reconstitution of municipalities or shires) any portion of the area embraced by the contract or agreement is taken from the area of a council which is a party to the contract or agreement and added to the area of another council, the duties, rights, and privileges of such

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Local Government (Validation and Amendment).

5 such first-mentioned council under such contract or agreement shall be limited to the lands which are within its area and are embraced by the contract or agreement; while the corresponding duties, rights, and privileges under the contract or agreement so far as they relate to the portion of the area embraced by the agreement and added to the area of another council shall apply to and in respect of such last-mentioned council, which shall, for this purpose, be deemed to be substituted in the contract or agreement for the council therein named :

10
15 Provided that where the original agreement confers a right of purchase or of cancellation upon the council that right shall not without the consent of the other party to the agreement be exercised (after the alteration of boundaries or reconstitution aforesaid) unless both councils exercise it in concert with each other :

20 Provided also that this subsection may be set aside by agreement between the parties concerned.

7. Section fifty-five of the Principal Act is amended by omitting paragraphs (b) and (c). Amendment of s. 55.

25 8. Section fifty-six of the Principal Act is amended by the addition of the following :— Amendment of s. 56.

30 (4) A person possessing qualification for enrolment in respect of several parcels of land in a ward or riding but actually enrolled in respect of one parcel of land therein who ceases to hold qualification in respect of that parcel shall not on that account be debarred from voting at an election held within twelve months after so ceasing, if he retains a qualifying interest in another parcel in the same ward or riding and so satisfies the returning officer. Retention of qualification to vote.

35 9. Section ninety-five of the Principal Act is amended by omitting the proviso to subsection one and inserting the following :— Delegation of power of appointment. Amendment of s. 95.

40 Provided that the council may delegate to the mayor or president the power to make temporary appointments

Local Government (Validation and Amendment).

appointments and to remove any person so appointed, and may delegate to the mayor or president or a servant of the council the power to engage and dismiss servants paid at an hourly, daily, or weekly wage; and any delegation so given may be restricted to a particular class of servant or may be general.

10. Section one hundred and ten of the Principal Act is amended in subsection four by the addition thereto of the following proviso:—

Amendment of s. 110.

10 Provided that in the case of gas and electricity undertakings, serving approximately the same parts of the area, the council may transfer from the funds of either amounts in aid of the funds of the other.

Mutual support between trading undertakings.

11. (1) Section one hundred and twenty-four of the Principal Act is amended in subsection three by omitting "in the year when the loan is raised" and inserting "in the year when the first instalment of interest or repayment or both falls due."

Amendment and validation—Loan rates—s. 124.

(2) The action of certain councils in acting as though the law had been in accordance with the amendment in subsection one hereof is hereby validated.

12. Section one hundred and seventy-seven of the Principal Act is amended by omitting from paragraph (a) the words "of the Governor."

Amendment of s. 177.

13. (1) The Minister may approve and confirm certain loans irregularly obtained by Ku-ring-gai Shire Council and other councils from various ratepayers, and thereupon such loans shall be validated.

Validation—loans from ratepayers.

(2) The following new section is inserted after section one hundred and seventy-seven of the Principal Act, namely:—

Amendment—new sec. 177A.

Ratepayers' advances.

177A. The council may, without obtaining approval under section one hundred and seventy-three, accept an advance not exceeding five hundred pounds from a ratepayer for the purpose of carrying out necessary works applied for by the ratepayer: Provided that the loan shall be either free of interest or at a rate not exceeding four per centum per annum simple interest: Provided also that

Ratepayers' advances.

Local Government (Validation and Amendment).

5 that the terms of the loan shall include provision
for repayment by yearly or half-yearly instalments
spread over not more than ten years: Provided
also that the amount so accepted by a council shall
not exceed ten per centum of the total revenue of
such council for the preceding year. It shall not
be compulsory for the council to levy a loan rate
in respect of any such loan. The council shall
report each such loan, its purpose and terms, to the
10 Minister for record.

14. The Principal Act is amended by the insertion of the following new section after section one hundred and eighty-one:—

15 181A. A loan proposal may provide—
(a) for the capitalisation of interest accruing during part or the whole of the term of the construction of works or the expenditure of the loan money, and, in the case of a trading undertaking, during a reasonable additional period to enable the establishment and development of custom;
20 (b) for payment of instalments of principal and interest not to commence during part or the whole of such term;
25 (c) for the loan rate to be suspended accordingly during part or the whole of such term; and the Governor may when giving his approval (if given) allow or disallow any such provision.

30 **15.** Section two hundred and forty-nine of the Principal Act is amended in paragraph (a) by the omission of "and the approval of the Minister be obtained."

35 **16.** Section two hundred and sixty-four of the Principal Act is amended by altering the numbers of the subsections to make them consecutive.

17. Section two hundred and eighty-three of the Local Government Act, 1919, is amended by adding thereto the following new subsection:—

40 (3A) Notwithstanding the provisions of the Metropolitan Water and Sewerage Act of 1880, or

Amendment
—new sec.
181A.

Capitalisa-
tion of
interest—
suspension of
loan rates.

Amendment of
s. 249.
Altering names
of streets.

Amendment
of s. 264.

Amendment
of s. 283.

Nightsoil and
sewerage
depots for
or councils.

Local Government (Validation and Amendment).

- or the Hunter District Water Supply and Sewerage Act of 1892, the Board of Water Supply and Sewerage, or the Hunter District Water Supply and Sewerage Board, as the case may be, shall, upon application by any council, provide a suitable depot, as convenient as possible to that council, taking all the circumstances into consideration, with appliances and the necessary attendance and shall permit the emptying of nightsoil pans into the sewers of the Board, and shall undertake and supervise the disposal of nightsoil at such depot for the council; and such Board may make a reasonable charge upon the council for the service thus rendered.
- 5
- 10
- 15 **18.** Section two hundred and ninety-eight of the Principal Act is amended in subsection two by the addition after "brigades" of the words "which are certified to it by the New South Wales Ambulance Transport Service Board to be working under and in conformity with the regulations made under the Ambulance Transport Service Act, 1919." Amendment of s. 298. Ambulance transport.
- 20 **19.** Section three hundred and thirty-three of the Principal Act is amended by inserting after paragraph (g) a new paragraph (h) as follows :— Amendment of s. 333.
- 25 (h) the drainage of the land, the drains proposed to be constructed, and whether any land and drains are to be vested in the council. Drainage of subdivisions.
- 20.** Section three hundred and fifty-three of the Principal Act is amended by the addition thereto of a new paragraph as follows :— Amendment of s. 353.
- 30 (f) life-savers. Expenditure on life-savers.
- 21.** Section three hundred and seventy-four of the Principal Act is amended in the following manner :— Amendment of s. 374.
- 35 (1) Subsection three is amended by omitting the words "time of the notification hereinafter provided" and inserting in lieu thereof "end of the half-year in which the notification hereinafter provided is published." Adjustment of water supply debts to Crown.
- 40 (2) Paragraph (c) of subsection seven is amended by omitting "the period between the notification and the end of the then current half-year and

Local Government (Validation and Amendment).

and also during each half-year thereafter”
and inserting in lieu thereof “each half-year
succeeding that in which the notification was
published.”

5 (3) Paragraphs (d) and (e) of subsection seven are
omitted.

22. Section three hundred and seventy-five of the
Principal Act is amended by omitting subsection two
and inserting the following new subsection in lieu
10 thereof:—

(2) Where water, sewerage, drainage, or elec-
tricity works have been notified as complete and
the council has been charged with the care and
management of such works and the council makes
15 default in the payment of the sums required to be
paid under this Act, or any Acts repealed by this
Act, the Governor may notify the minimum local
rate in the pound which such council shall make
and levy in respect of the maintenance and
20 management of and repayment of capital debt on
such works.

23. The omission to notify the division of each
instalment into principal and interest and the minimum
local rate which a council shall levy in respect of the
25 maintenance and management and repayment of costs
of works until the capital debt is repaid, shall not be
held to invalidate or in any way to affect the operation
or effect of any notification already made and otherwise
in accordance with the provisions of subsection seven of
30 section three hundred and seventy-four of the Principal
Act.

24. Section three hundred and ninety-one of the
Principal Act is amended by adding after paragraph (e)
a new paragraph as follows:—

35 (f) if the occupier of the premises fails to comply
with any order or public notice of the council
requiring consumers of water to economise its
use in time of drought or scarcity of supply.

25. Section three hundred and ninety-eight of the
40 Principal Act is amended as follows:—

(a) After “drainage reserve” omit the words in
parentheses; (b)

Amendment
of s. 375.

Default in
payment of
water supply
debts.

Validation
of past
omissions
from notifica-
tions of water
supply and
sewerage
debts.

Amendment
of s. 391.

Cutting off
water.

Drainage
reserves vested
in councils.
Omission of
s. 398.

Local Government (Validation and Amendment).

(b) insert "by agreement between the owner and the council."

26. Section four hundred and twenty of the Principal Act is amended in the following manner:—

5 Paragraph (b) of subsection one is amended by adding thereto the following:—"Provided that where the length of rails proposed to be laid upon a public place does not exceed two hundred and fifty yards the matter may be dealt with under the next following section instead of under this section."

27. Subsection four of section four hundred and thirty-one of the Principal Act is amended by adding at the end of the subsection the following:—"Provided the animal be still the property of the same owner."

28. Section four hundred and seventy-nine of the Principal Act is omitted and the following is inserted in lieu thereof:—

20 479. Ordinances may be made to regulate the taking, use, sale, or destruction of fauna and of indigenous ferns, cycads, palms, and indigenous flowering plants generally with a view to their preservation.

29. Section four hundred and ninety of the Principal Act is amended by the addition to subsection one of the following:—"and the council may grant a subsidy towards the establishment and maintenance of any such station by any Government or public body."

30. Section five hundred and four of the Principal Act is amended by the omission of subsection three.

31. Section five hundred and seven of the Principal Act is amended as follows:—

35 (a) Subsections one and two of section five hundred and seven of the Principal Act are omitted and the following subsections are inserted in their place:—

507. (1) A vehicle shall not be plied as a public vehicle unless it is licensed under this Act, and is in charge of a driver licensed under this

Local Government (Validation and Amendment).

5 this Act. Licenses under this section may be issued by the council of any area (except an area in which the Metropolitan Traffic Act, 1900, is in force) in respect of vehicles intended to be plied within or both within and outside its area, subject to the further provisions of this section. An application for a license shall be in writing, and shall specify—

(a) whether it is desired to ply—

10 (i) within the area only, but without restriction of route; or

(ii) within the area only, upon a specified route; or

15 (iii) within the area and certain adjoining areas, without restriction of route; or

(iv) upon a route passing through the area and other adjoining areas; and

20 (b) the class of vehicle for which a license is desired, whether cab, omnibus, or delivery van.

(2) (a) Where the application is for a license extending beyond the area of the council to which application is made the council may grant a temporary license for not more than three months: and shall then consult the councils of the other areas affected. If all the councils agree the license applied for may be granted; but if any council disagree or neglect to agree the license may be granted only with respect to that part of the route which is within the areas of the councils which have agreed. Upon any council disagreeing or neglecting to agree as aforesaid the applicant may appeal to the court of petty sessions nearest to the office of the council which so disagrees or neglects, which may hear and determine the matter, having regard to the circumstances of the case and to the public interest, and the order of such court shall be given effect to by the councils.

(b)

Local Government (Validation and Amendment).

(b) In considering whether or not a license shall be granted the council shall take into consideration—

- 5 (i) public health, safety, and convenience;
 (ii) the time tables and fares proposed;

10 (c) the council may attach to any license such conditions as to time tables and time of journey as to ensure that, where the road conditions are such as to render restriction desirable, there shall not be rival vehicles leaving any particular point at the same time, and there shall not be rival vehicles upon any specially dangerous portion of road at the same time; but the council shall not refuse a license solely with the object of preventing competition.

(b) Subsection five is amended in the third line after "area" by inserting "to whose council the application is made."

20 **32.** (1) Section five hundred and eighteen of the Principal Act is amended in subsection two by the omission of paragraph (a) as follows:—

25 (a) to authorise any sale or exchange of land unless the approval of the Governor has been first obtained.

(2) Section five hundred and nineteen of the Principal Act is amended by the omission of subsection two as follows:—

30 (2) Except as elsewhere provided or as prescribed by ordinance the council shall not without the approval of the Governor enter into any lease for a term exceeding two years.

(3) Section five hundred and twenty of the Principal Act is repealed.

35 **33.** Sections five hundred and thirty-three and five hundred and thirty-four of the Principal Act are repealed.

40 **34.** Section five hundred and thirty-seven of the Principal Act is amended in subsection six after the word "control" by inserting the word "protection."

35.

Local Government (Validation and Amendment).

35. Section five hundred and thirty-nine of the Principal Act is amended in subsection four by the addition of the following proviso:—

Amendment
of s. 539.

5 Provided that the Minister may on cause shown remit part or the whole of such additional charge in respect of any past or future advance.

Advances to
councils.

36. Section five hundred and sixty-five of the Principal Act is amended by adding at the end of subsection four the following additional proviso:—

Amendment
of s. 565.

10 Provided also that the limit of borrowing applied by this Act to the councils of areas included in the county district shall not apply to the county council; and that any loan rate which it may be necessary for the county council to make and levy may be made and levied notwithstanding that thereby the individual limit of rating of any council of an area included in the county district may be exceeded, and that a poll may not be demanded in respect of any county council loan proposal, nor in respect of the basis of any county council loan rate.

County
councils not
subject to
ordinary
limits of loans
and rates
of their
constituent
councils.

37. Section five hundred and seventy-seven of the Principal Act is amended in subsection one, paragraph (c), by inserting the word "sitting" between the word "fourteen" and the word "days" at each place where they occur.

Amendment
of s. 577—
laying docu-
ments before
Parliament.

38. Sections six hundred and thirty-two and six hundred and thirty-three of the Principal Act are amended by removal of subsection two from section six hundred and thirty-three and inserting it in section six hundred and thirty-two.

Amendment
of sections
632 and 633.

39. The council of the Byron shire may repeal a local rate levied in the Bangalow urban area in the year one thousand nine hundred and twenty-two, and any moneys paid on account of such rate shall be either refunded or credited to the ratepayer as against other rates due or leviable by the council.

Byron
Shire—
power to
repeal a local
rate.

40. (1) The action of the Waratah Municipal Council in borrowing during one thousand nine hundred and twenty-two a sum of two thousand seven hundred pounds

Validation
Waratah
loan.

Local Government (Validation and Amendment).

pounds from the Government of the Commonwealth without interest, for the improvement of certain roads, is hereby validated.

(2) The council shall each year set aside and
5 invest a sum not less than six hundred and seventy-five pounds to provide for the said loan in the year one thousand nine hundred and twenty-six.

Sydney: John Spence, Acting Government Printer—1922.

[1s. 1d.]

Local Government (Amendment) Act, 1911

35. The Government of India may, if it thinks fit, direct the Government of any Province to provide for the improvement of certain roads and bridges in that Province, and to pay the cost thereof out of the Provincial Treasury.

36. The Government of India may, if it thinks fit, direct the Government of any Province to provide for the improvement of certain roads and bridges in that Province, and to pay the cost thereof out of the Provincial Treasury.

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