

New South Wales.



ANNO QUINTO DECIMO

GEORGI V REGIS.

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Act No. 7, 1924.

An Act to amend the Sydney Corporation Act, 1902, and certain other Acts; and for purposes connected therewith. [Assented to, 17th September, 1924.]

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

PART I.

PRELIMINARY.

**1.** This Act may be cited as the "Sydney Short title. Corporation (Amendment) Act, 1924," and shall be construed with the Sydney Corporation Act, 1902, and

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any

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any Acts amending the same. The Sydney Corporation Act, 1902, as so amended, is hereinafter called the Principal Act.

Division of  
Act into  
Parts.

**2.** This Act is divided into Parts, as follows :—

PART I.—PRELIMINARY—*ss.* 1, 2.

PART II.—REDISTRIBUTION OF WARDS—*s.* 3.

PART III.—MISCELLANEOUS AMENDMENTS—*ss.*  
4-14.

PART IV.—GENERAL—*ss.* 15-17.

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PART II.

[REDISTRIBUTION OF WARDS.

Amendment of  
Act 35 of 1902.  
Sec. 3.

**3.** The Principal Act is amended as follows :—

(a) By omitting from the definition of “wards” in section three the word “twelve”;

(b) by inserting after section eight the following new Part :—

New Part  
IIA.

PART IIA.

REDISTRIBUTION OF CITY INTO WARDS.

Distribution  
of wards.

8A. (1) As soon as may be practicable after the passing of the Sydney Corporation (Amendment) Act, 1924, the city shall be redistributed into thirteen wards.

(2) The wards shall be known respectively as Bourke, Macquarie, Fitzroy, Belmore, Cook, Phillip, Lang, Gipps, Bligh, Flinders, Denison, Pymont, and Camperdown wards.

Appointment  
of commis-  
sioners.

8B. (1) The Governor shall, by commission under the Great Seal, appoint three persons, to be called the Municipal Council of Sydney Redistribution Commissioners, to be commissioners for the purpose of the redistribution.

(2)

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(2) The commissioners so to be appointed shall include the judge of the Land and Valuation Court, and the persons who for the time being hold the offices of metropolitan district surveyor and town clerk respectively.

(3) The names of the persons so appointed shall be published in the Gazette.

8c. (1) The office of a commissioner shall be tenable for the period named in such commission, and, if necessary, for such extended period, to be named in a further commission, as the Governor may deem proper for the completion of the redistribution.

Duration of office, &c.  
cf. Act No. 41, 1912, s. 7.

(2) The office of a commissioner shall be vacated if for any cause he ceases to possess the qualification for appointment mentioned in the last preceding section.

8d. At any sitting of the commissioners the judge so appointed shall, when present, be chairman; and in his absence the commissioners shall appoint one of themselves to be chairman as occasion may require.

Chairman.

8e. The commissioners may, subject to the provisions of this Act, make rules for the conduct of their proceedings, but no such rule shall have any force until the same has been approved by the Governor.

Rules.  
Act No. 41, 1912, s. 9.

8f. At all meetings of the commissioners two shall form a quorum; and in the event of an equality of votes the chairman shall have a casting vote in addition to his original vote.

Quorum :  
casting vote  
of chairman.  
*Ibid.* s. 10.

8g. (1) It shall be the duty of the commissioners, and they are hereby directed to redistribute the city into wards for the purposes of this Act, and to arrive at their determination within fourteen days after the commencement of their sittings.

Distribution of wards by commissioners.  
cf. Act No. 41, 1912, s. 13.

(2) The commissioners shall report to the Governor the names and boundaries of the wards determined by them.

Report by commissioners to be proclaimed.

(3) *Ibid.* s. 15.

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(3) The Governor shall in a proclamation published in the Gazette set out the names of such wards and the boundaries thereof, and upon such publication those wards shall be the wards of the city.

8H. The Colonial Secretary shall forthwith after the publication of such proclamation cause to be deposited in the office of the Surveyor-General at the Department of Lands, Sydney, and in the office of the city surveyor, a properly authenticated map of every ward named and described in such proclamation.

8I. (1) The redistribution shall be made in accordance with the provisions of this section.

(2) Each ward shall have such an area that after the redistribution the number of persons qualified for enrolment as citizens for such ward shall, subject to the margin of allowance, be one-thirteenth of the total number of persons enrolled as citizens for the respective wards of the city.

(3) The margin of allowance shall not exceed ten per centum above or below the number obtained by dividing by thirteen the total number of persons enrolled as citizens for the respective wards of the city.

(4) In carrying out the redistribution due consideration shall be given to existing boundaries of wards, to community or diversity of interest, lines of communication, and physical features.

(5) The commissioners shall give consideration to any report furnished by the Royal Commissioner appointed under letters patent of the nineteenth day of August, one thousand nine hundred and twenty-four, to inquire into and report upon the best method of redistributing the city into wards, and may, in arriving at their determination, adopt any proposal contained in such report, with such variations, if any, as they may deem proper.

8J.

Maps of  
wards to be  
deposited.

Act No. 41,  
1912, s. 17(1).

Basis of  
distribution.

*Ibid.* s. 17 (2).

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8J. The Governor may, by proclamation published in the Gazette before or after the time at or during or within which anything may or shall be done in pursuance of this Part of this Act, alter or extend such time, or may validate anything done after such time, or done irregularly in matter of form.

power of Governor to vary or extend times, &c.  
cf. Act No. 86, 1902, s. 3 (2).

8K. The provisions of the Royal Commissions Act, 1923, shall apply to the Municipal Council of Sydney Redistribution Commissioners in carrying out the redistribution, and such commissioners may accordingly take evidence as to the matters entrusted to them.

Evidence may be taken by commissioners.  
Act No. 41, 1912, s. 19.

8L. (1) The redistribution shall not affect the operation of section twenty-two of the Sydney Corporation (Amendment) Act, 1908, and the council shall in accordance with that section continue to levy for the term therein stated the special rate upon all ratable lands comprised in Camperdown Ward as described in Schedule B to the proclamation made in pursuance of the Sydney Corporation (Amendment) Act, 1908, and published in the Government Gazette, number one hundred and twenty, of the eighth day of September, one thousand nine hundred and nine.

Redistribution not to affect s. 22 of Act No. 27, 1908.

(2) Upon the publication in the Gazette of the proclamation referred to in subsection three of section 8G of this Act, the provisions of section eight of this Act, subsection three of section fourteen of the Sydney Corporation (Amendment) Act, 1908, and subsections two and five of section fifteen of the Sydney Corporation (Amendment) Act, 1924, shall cease to have effect.

Consequential repeals.

8M. (1) Within seven days after the date of the publication in the Gazette of the proclamation referred to in subsection three of section 8G of this Act, the chamber magistrate of the Central Police Court shall adjust the citizens' rolls as prepared during the year one thousand

Adjustment of rolls.

nine

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nine hundred and twenty-four in the manner following, that is to say, he shall select from the roll for each ward the name of every person who, by reason of any alteration in the boundaries of the ward is no longer entitled to be enrolled on the roll for that ward, and shall transfer the names of such persons to the roll for the ward for which they are respectively entitled to be enrolled.

(2) Such chamber magistrate shall forthwith cause a fair copy to be made of the roll as so adjusted for each ward, and after certifying to the correctness of the same shall forward it to the town clerk, and such copy shall be the roll for the ward until a new roll is prepared, and shall be prima facie evidence that the roll has been duly made and of the correctness of the contents thereof.

(3) Such chamber magistrate may appoint such and so many members of the police force or other persons as he may think fit to assist him in carrying out the duties imposed upon him by this section.

PART III.

MISCELLANEOUS AMENDMENTS.

**4.** The Principal Act is further amended as follows:—

(1) In section nine—

(a) by omitting all words from the commencement of the section down to but not including the words “severally the owner” where occurring in paragraph (a) of subsection one, and by inserting the following in lieu thereof:—

“(1) The following persons if of the age of twenty-one years or upwards shall be entitled to be placed on the citizens’ roll for any ward:—

(a) Any person, male or female, being a natural born or naturalised British subject

cf. Act 35,  
1902, s. 16.

Amendment of  
Act No. 35, 1902.  
Sec. 9.

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- subject who on the first day of May of the year in which a roll is to be prepared as hereinafter provided is”;
- (b) by omitting from paragraph (b) of subsection one all words following the words “first day” down to but not including the words “in joint or several occupation” and by inserting in lieu thereof the words “of May of the year in which a roll is to be prepared as hereinafter provided”;
- (c) by omitting from paragraph (c) of subsection one all words following the words “first day” down to but not including the words “occupied jointly” and by inserting in lieu thereof the words “of May of the year in which a roll is to be prepared as hereinafter provided”;
- (2) by omitting from subsection one of section ten, Sec. 10. all words from the commencement of the subsection down to and including the words “the stipendiary magistrates” where first occurring, and inserting in lieu thereof the words “on or before the first day of May in every year in which an election of aldermen is to be held, the stipendiary magistrates”;
- (3) by omitting from subsection one of section Sec. 11. eleven all words from the commencement of the subsection down to and including the words “make out a list” and inserting in lieu thereof the words “The collectors appointed for each ward shall in the months of May and June in every such year, make out a list”;
- (4) by omitting from subsection one of section Sec. 12. twelve all words following the words “last preceding section” and inserting in lieu thereof the words “from the first to the thirty-first day of August in each such year”;
- (5) (a) by omitting from subsection one of section Sec. 13. thirteen all words from the commencement of the subsection down to and including the words “whose name is not on such list”

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list” and inserting in lieu thereof the words “at any time after the first and before the thirty-first day of August in any such year, any person whose name is not on such list”;

(b) by omitting from subsection two of section thirteen all words from the commencement of the subsection down to and including the words “the said chamber magistrate” and inserting in lieu thereof the words “as soon as possible after the said thirty-first day of August, the said chamber magistrate”;

Sec. 14.

(6) by omitting from subsection one of section fourteen all words from the commencement of the subsection down to and including the words “revision courts” and inserting in lieu thereof the words “During the month of September in every such year revision courts”;

(7) by inserting after section seventeen the following new section:—

Governor  
may vary  
times and  
validate  
irregularities.  
1902 No. 86,  
s. 3 (2).

17A. The Governor may by proclamation in the Gazette before or after the time at or during or within which anything may or shall be done in pursuance of this Part, alter or extend such time, or may validate anything done after such time or done irregularly in matter of form;

Sec. 17.

(8) by omitting from section seventeen the proviso to subsection three.

*Consequential amendments.*

Act No. 86,  
1902.

(9) (a) The Sydney Corporation (Amendment) Act, 1902, is hereby repealed.

Act No. 39,  
1905, s. 3.

(b) The Sydney Corporation Amendment Act, 1905, is amended by omitting section three.

Act No. 22,  
1917, s. 2.

(c) The Sydney Corporation (Amendment) Act, 1917, is amended by omitting section two.



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5. The Principal Act is further amended as follows:— Amendment of Act No 35, 1902.

- (a) By inserting after subsection three of section Sec. 2.  
two the following new subsection:—

(4) Unless otherwise expressly provided cf. Act No. 41, 1919, s. 10 (1).  
nothing in this Act or in any Act amending this Act, shall affect any of the provisions of the Public Health Act, 1902, the Pure Food Act, 1908, or any Act amending or replacing those Acts, or take away powers vested in any person or body by any of such Acts or by any by-laws or regulations made thereunder.

- (b) In section three— Sec. 3.

(i) by inserting in the definition of the word “cattle” after the word “horses” the words “asses, mules”;

(ii) by inserting in their appropriate alphabetical order the following definitions:—

“Common lodging house” means any house, edifice, building or other structure, permanent or otherwise (not being premises licensed under the Liquor Act, 1912) in which persons are harboured or lodged for hire, for a single night, or for less than a week at one time, or part of which is let or may be let for any term less than a week at one time.

“Restaurant” or “eating house” includes any premises where meals or refreshment may be obtained by any person on payment therefor, but does not include premises licensed under the Liquor Act, 1912.

“Boarding house” means any house, edifice, building, or other structure, permanent or otherwise, and any part of the same  
(not

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(not being premises licensed under the Liquor Act, 1912) in which more than three persons, exclusive of the family of the proprietor thereof, are lodged or boarded for hire for a term of one week or upwards;

Sec. 24.

(c) by inserting at the end of section twenty-four the following proviso:—

cf. Local  
Government  
Act, 1919,  
s. 30 (5).

Provided that a person shall not be disqualified for a civic office or be liable to a penalty by reason only of having a direct or indirect pecuniary interest in any agreement with the council for or with respect to—

- (a) the publication of advertisements in a newspaper of which he is the owner or part owner; or
- (b) the supply to him by the council of any service in like manner and subject to the like conditions applicable in the case of persons who are not aldermen; or
- (c) the performance by the council at his expense of work in connection with public ways or sanitation; or
- (d) the occupation of public ways by him during the erection of buildings; or
- (e) the making good by him without payment of any damage to public ways caused by him, or the payment by him to the council of the cost of making good such damage; or
- (f) the renting of any land from the council by him in any case where the agreement was made before his election; or
- (g) the renting by him from the council of a building hall or room for the purpose of holding a meeting or entertainment therein; or
- (h) the payment to or by the council of any claim in respect of a dividing fence; or

(i)

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- (i) the settlement by him of any claim he may have against the council for compensation in respect of property in which he has an interest upon the resumption of the same by the council under its statutory powers.

6. The Principal Act is further amended as follows:— Amendment of Principal Act.

- (a) By omitting section forty and by inserting the following section in lieu thereof:— Substituted s. 40.

40. (1) Before any person claiming to vote shall be permitted to vote he shall make and subscribe before the presiding officer a declaration in the form contained in the Ninth Schedule to this Act. Declaration by voter.

(2) The presiding officer may, and at the request of any scrutineer shall, put to any person claiming to vote all or any of the following questions:—

(a) Are you the person whose name appears as number on the citizens' roll for this ward?

(b) Are you of the full age of twenty-one years?

(c) Have you already voted either here or elsewhere at this election?

(d) Are you disqualified from voting?

(3) Every person wilfully making a false answer to any such question, or wilfully making a false declaration under this section, shall be deemed guilty of a misdemeanour.

(4) No person shall be allowed to vote unless he makes such declaration and (if asked) answers such questions satisfactorily.

(5) If any person refuses to answer fully any question put to him by the presiding officer, or by his answer shows that he is not entitled to vote, his claim to vote shall be rejected;

- (b) by the repeal of section sixty-six;

Repeal of s. 66.

(c)

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New sections. (c) by inserting after section seventy-five the following new sections :—

Colonnading. 75A. (1) Without limitation of any other power conferred by this or any other Act the council may widen any public way by including in the carriage-way the whole or a part of the footway, and acquiring from an owner of abutting land any land required for the whole or a part of a new footway, subject to a reservation of specified rights in favour of the owner.

cf. Act  
No. 41, 1919,  
s. 261.

(2) Any land required for widening a public way in accordance with this section may be acquired, subject to a reservation of such of the following rights in favour of the owner as the council may at or before the time of acquisition determine, that is to say—

(a) a right to the ownership, possession, occupation and use of any existing building, room or cellar, so far as the same is at a specified height or depth above or below the level of the new footway, and subject to the right of the council to make such structural alterations as may be required ;

(b) a right to erect any building in accordance with the provisions of any Act relating to the erection of buildings in the city at a specified height above the level of the new footway, and to own, possess, occupy and use the same ;

(c) a right of support for any building coming within clause (a) or clause (b) of this subsection.

Realign-  
ment.  
cf. *Ibid.*  
s. 262.

75B. (1) The council may cause any aligned public way to be realigned under the Public Roads Act, 1902, in order to widen the way.

(2) Any realignment under this section may be carried into effect by the acquisition under this Act or any amendment thereof of the necessary land, or under the succeeding provisions

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provisions of this section relating to the realignment method of acquiring land, or by a combination of these methods.

(3) Where the council proposes to apply the realignment method of acquisition to any lands affected by a realignment it shall serve notice accordingly upon the owners of lands affected; and until such notice is served the interests of such owners shall not be affected by the realignment.

(4) A plan showing the realignment shall be lodged by the council in the office of the Registrar-General.

(5) Under the realignment method compensation for any injurious effects suffered by reason of such realignment may be claimed, but shall be limited to payment of the value of the land taken from any owner by reason of the realignment, together with the damage, if any, caused by the severing of the land from other land of the owner, and such value and damage shall be ascertained and such compensation shall be payable as at the date when such land is cleared of buildings and obstructions by the owner or lessee, whether for the purpose of rebuilding to the new alignment or not, and, subject to the provisions of this section, from that date the land shall vest in the council for a public way. Compensation.

(6) In ascertaining the compensation effect shall be given by way of abatement to any enhancement by reason of the widening of the public way in the value of the interests of the owners in any land adjoining the land taken.

(7) Where any public way is realigned, and where the realignment method is applied, the owner of any land or building or work affected by such realignment shall not construct, build, place, reconstruct, rebuild, replace or repair any building or work, or portion of a building or work, standing upon the land between the old alignment and the new: Prohibition of construction or substantial repair of buildings and works.

Provided

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Provided that the council may approve the execution of minor and not substantial repairs in order to permit of the reasonable preservation of any existing building or work, but not so as to violate the intention of this section.

Power to purchase or resume for realignment.

(8) Whether or not the council has elected to apply the realignment method it may at any time, and notwithstanding any such election, decide to purchase or resume any or all of the lands affected by the realignment.

When the land forms part of the road.

(9) Notwithstanding the provisions of the Public Roads Act, 1902, the land between the old alignment and the new shall not form part of the way until the council has acquired title to such land, and has notified the fact in the Gazette, or a dedication thereof as a public way has been effected.

(10) In any case where compensation may be claimed under this section, such claim, in case of dispute, shall be made and determined in the same manner as a claim for compensation for the resumption of land under the provisions of the Sydney Corporation Amendment Act, 1905, and any Act amending the same;

New section.

(d) by inserting after section eighty-one the following new section:—

Taking over ways.

81A. (1) Where it is expedient for public use, convenience, or safety or for preventing unsightly or insanitary conditions that any way should be under the control, management, and direction of the Council, the Council may, notwithstanding any provision to the contrary in this or any other Act, take over the way in accordance with this section.

(2) The way shall not be so taken over unless the approval of the Governor is first obtained.

(3) Before the approval of the Governor is given, the Council shall give notice that it intends to take over the way, to the owners of premises

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premises fronting, adjoining, or abutting on the way, and any such owner may within one month lodge any objection with the Minister for consideration by the Governor.

(4) The approval of the Governor shall be notified in the Gazette, and a copy of such Gazette purporting to be printed by the Government Printer shall be conclusive evidence of the approval, and that it is expedient within the meaning of subsection one of this section that the way should be under the control, management, and direction of the Council, and that the provisions of subsection three of this section have been duly complied with.

(5) From the date of the notification the way shall vest in the council as a public way, and shall thenceforth be under the control, management, and direction of the Council for all purposes of this Act and of any by-law made thereunder.

(6) Where the way has not been levelled, paved, macadamised, drained, or otherwise fully completed to the satisfaction of the Council, the Council may, either before or within one year after taking over the way, level, pave, macadamise, drain, or otherwise fully complete the same, and all the expenses incurred in so doing shall be paid by the owner of the premises fronting, adjoining, or abutting on the way, or if there is more than one such owner, by the respective owners of the premises in such proportions as the Council may determine.

(7) In determining the proportion of such expenses to be paid by the respective owners, the Council shall have regard to the benefit to be derived by any premises from such works, and to the amount and value of any work done on or in respect of the way by the owners or occupiers of any such premises.

(8)

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(8) If within fourteen days after the service upon any such owner of notice of the amount of the expenses so incurred or determined, such amount is not paid to the City Treasurer, the Council shall have the like remedies for recovering the same as in the case of any city rate.

(9) For the purposes of this section "way" means way, lane, court, square, or alley or portion thereof within the city used as a thoroughfare or as a means of access to the properties of two or more owners, but does not include any land of which the owner is known to the Council, or of which the owner can be ascertained from an official search under section one hundred and ninety-seven of the Conveyancing Act, 1919.

(10) This section applies to any way whether formed or not, and whether existing before or after the commencement of the Sydney Corporation (Amendment) Act, 1924 ;

Sec. 84.

- (e) (i) by omitting from subsection one of section eighty-four the words "city surveyor" and inserting in lieu thereof the words "city building surveyor" ;
- (ii) by omitting subsection two of section eighty-four and inserting the following subsection in lieu thereof:—

(2) If such owner or tenant does not comply with the requirements of such notice within the time therein specified, to the satisfaction of the said surveyor, the said surveyor may cause all or so much of such required works, as he may deem necessary, to be done, and all the expenses thereof shall be paid by the owner or tenant to the council ;

- (iii) by inserting at the end of section eighty-four the following new subsection:—

(5) For the purposes of this section or for any of the other purposes of this Act,

or

Demolition of  
dangerous  
walls.



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or whenever otherwise he deems it necessary, the city building surveyor or the city surveyor may close any street or portion of a street in the city for such time as he thinks fit :

Provided that the closing shall be reported to the council at its next meeting, and the council may at any time give such directions to the city building surveyor or the city surveyor as it thinks necessary or proper for preventing or minimising inconvenience or interference with business.

**7.** The Principal Act is further amended as follows:—

(a) By inserting after section one hundred and nine the following new sections:—

109A. The council may set apart any part of any public way vested in it, or under its control, for the purpose of laying out, constructing, and maintaining thereon gardens, lawns, plantations, or other ornamental features, and for those purposes may enclose any such part or indicate the boundaries thereof with boundary erections or otherwise.

109B. (1) No person other than an employee of the council, or a person acting under the authority of the council, shall take up, relay, or otherwise interfere with any of the footways or crossings of any public way in the city, unless he is authorised so to do by or under the provisions of this or any other Act.

(2) Any person who commits a breach of the provisions of this section shall be liable to a penalty not exceeding five pounds.

109C. (1) In any case where an opening has been made in a public way in the city by or on behalf of any person, and the city surveyor is of opinion that—

(a) there is delay in the refilling of the opening, or the reinstatement of the public way; or

(b)

Amendment  
of Act No.  
35, 1902.

New sections.

Power to lay  
out planta-  
tions, &c., on  
public ways.

Footways and  
crossings.

Reinstatement  
of  
openings in  
public ways.

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- (b) the opening has been improperly or insufficiently filled in; or
- (c) the reinstatement has been inefficiently carried out; or
- (d) such filling in and reinstatement have not been carried out and completed with similar materials and in a similar manner to the portion of the public way adjoining the said opening so as to make the same uniform,

the city surveyor may cause such opening to be filled in and the reinstatement made or remade with such materials and in such manner as he may think fit so as to make the same uniform with the portion of the public way adjoining.

(2) The costs incurred by the city surveyor in executing any work under the power contained in subsection one hereof shall be charged against and shall on demand be payable to the council by the person by whom or on whose behalf the opening was made; and in default of payment the council may recover the amount from such person in any court of competent jurisdiction as a debt due by such person to the council.

(3) In this section "person" includes a statutory body representing the Crown and any company or body corporate.

(4) In this section "statutory body representing the Crown" includes any public body proclaimed under this Act as a statutory body representing the Crown;

- (b) in section two hundred, by inserting after paragraph (z) of subsection one the following new paragraph:—

(aa) the regulation and control of all gardens, lawns, plantations, and ornamental features laid out, constructed, or maintained by the council in any public way vested in the council or under its control  
and

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and the prevention of trespass upon or damage to any part of such gardens, lawns, plantations, or ornamental features, or any trees, flowers, shrubs, or other plants growing thereon ;

- (c) by inserting in subsection five of section one hundred and ten immediately after the words "Public Instruction Act of 1880" the words "or certified schools under the Public Instruction Act (Amendment) Act, 1916, or any playground used in connection with any such school." Sec. 110 (5).

**8.** (1) The Principal Act is further amended as follows :— Amendment of Act No. 35, 1902.

- (a) By inserting after section one hundred and fifty the following new sections :— New sections.

150A. (1) The council may upon any land in the city (not being portion of a public way) now or hereafter vested in or under the control of or dedicated to the council for any purpose, including any land used as a public park, provide, erect, establish, maintain, control, and manage public gymnasias, children's playgrounds, drill grounds, sports grounds for athletics, tennis courts and recreation grounds, and may from time to time let on temporary hiring or license any such tennis court, sports or recreation ground, upon such terms and conditions as it thinks fit. Gymnasias.

(2) Subject to the provisions of the Metropolitan Traffic Act, 1900, the Metropolitan Traffic (Amendment) Act, 1913, and any regulations made thereunder, the council may erect and maintain and let on lease or license, upon such terms and conditions as the council thinks fit, newspaper kiosks and stands for the purpose of selling newspapers, fruit, flowers, tobacco, or any other commodity within the city prescribed by by-laws made in that behalf.

150B.

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*Sydney Corporation (Amendment).*


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## Kiosks.

150B. The council may in any park in the city of which the council is trustee provide, erect, establish, maintain, control, and manage kiosks, refreshment rooms, dressing-rooms, conveniences, and other buildings, and chairs and seats, and may let the same or any of them for such periods and upon such terms and conditions as the council may think fit.

## Cartage.

150C. The council may provide for and carry on cartage from and to the council's markets.

## Rolls of honor.

150D. The council may provide, erect, or place in the Town Hall any roll of honor, photograph, painting, decorative fixture or permanent fitting or decoration of a commemorative nature.

## Mortuaries.

cf. Act  
No. 41, 1919,  
s. 451.

150E. The council may license, control, and regulate mortuaries within the city for the temporary repose of the dead pending burial or cremation, and may provide, control, and carry on public mortuaries.

Funeral undertakers.  
*Ibid.* s. 452.

150F. The council may license, control, and regulate within the city—

- (a) funeral undertakers; and
- (b) vehicles supplied by funeral undertakers for the use of mourners at funerals.

Boarding-houses,  
barbers'  
shops, &c.

cf. *Ibid.*  
s. 451.

150G. The council may license, control, and regulate within the city—

- (a) boarding-houses;
- (b) houses let in lodgings;
- (c) barbers' shops and any premises used for the business of hairdressing or shaving.

Laundries,  
&c.

cf. *Ibid.*  
s. 298.

150H. The council may provide, control, and regulate—

- (a) wash-houses and laundries;
- (b) disinfecting chambers;
- (c) lethal chambers for dogs and other animals;
- (d) hostels and common lodging-houses for both sexes or for either sex.

150I.

*Sydney Corporation (Amendment).*

150I. The council may subsidise civil ambulance brigades 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, and may allow any such brigade to use and occupy any land vested in the council on such terms and conditions as the council may deem proper.

Ambulance  
brigades.

150J. (1) The council may license, control, and regulate premises for the storage or sale of meat, fish, fruit, or any article of human food prescribed by the Governor by proclamation published in the Gazette.

Power of council  
to license  
premises used  
for sale of meat,  
&c.  
cf. Local  
Government  
Act, s. 290 (a)  
and s. 292.

(2) For the purposes of this section—

- (a) meat shall be deemed to include beef, mutton, lamb, ham, bacon, pork, poultry, rabbit, game, and all such flesh or other edible parts of any animal as are used for human food, but not tinned goods ;
- (b) fish shall be deemed to include crustaceans but not tinned goods or oysters ;
- (c) fruit shall not be deemed to include tinned or bottled goods.

150K. (1) The council may license, control, and regulate premises for the manufacture and sale of ice cream and similar products.

Manufacture  
of ice cream,  
&c.

(2) Nothing in this section shall affect any of the provisions of the Factories and Shops Act, 1912, or any Act amending or replacing that Act.

150L. The council may provide and subsidise maternity and infant welfare centres ;

Maternity and  
infant welfare  
centres.

- (b) in subsection one of section two hundred by inserting after paragraph (aa) as inserted by this Act the following new paragraphs :—

Consequential  
amendment.  
Act No. 41,  
1919, s. 200.

(bb) the regulation, control, and management of any of the matters mentioned in sections 150A, 150B, 150C, and 150H of this Act ;

(cc)

*Sydney Corporation (Amendment).*

(cc) the licensing, control, and regulation of any of the persons and matters mentioned in sections 150E, 150F, 150G, 150J, 150K, and 150L of this Act;

(dd) the fixing of fees and charges in respect of any of the matters mentioned in sections 150A, 150B, 150C, 150E, 150F, 150G, 150H, 150J, 150K, and 150L of this Act;

Sec. 190 (3).

(c) by omitting from subsection three of section one hundred and ninety the words "and all other expenses not herein otherwise provided for" and by inserting in lieu thereof the words "and all costs, charges, and expenses incurred in carrying out the powers, authorities, duties and functions of the council, and not otherwise provided for ;

Sec. 188.

(d) by inserting in section one hundred and eighty-eight after the words "health officer" the words "or any other officer or servant authorised by the council either generally or for the particular case."

*Consequential amendments.*

Act No. 16, 1906, s. 13.

(2) The Sydney Corporation Amendment Act, 1906, is amended by omitting section thirteen.

Act No. 39, 1905, s. 12.

(3) The Sydney Corporation Amendment Act, 1905, is amended in subsection one of section twelve by omitting paragraph (m) as inserted by section twelve of the Sydney Corporation Amendment Act, 1906.

Amendment of Act No. 35, 1902.

**9.** The Principal Act is further amended as follows:—

New section.

(a) By inserting after section one hundred and eighty-five the following new section:—

Various further powers.

185A. (1) The council may—

cf. Act No. 41, 1919, s. 289.

(a) control and regulate the situation, character, construction, alteration, maintenance, cleansing and use of furnaces and chimneys so as to prevent as far as possible the formation of smoke; require the alteration of furnaces and chimneys

*Sydney Corporation (Amendment).*

chimneys for that purpose; and for the purposes of this paragraph, furnaces connected with one chimney shall be deemed to be one furnace;

- (b) control and regulate the emission, discharge or escape from any premises of smoke, fumes, steam, vapour, dust, oil, waste water or waste products;
- (c) control and regulate the use of premises so as to prevent objectionable noises thereon, or noises thereon at unreasonable hours;
- (d) control and regulate noises in or near any public place, and in particular noise from the exhaust gas of internal combustion engines other than the engines of motor vehicles;
- (e) control and regulate the keeping of animals, and in particular, pigs, pigeons, and poultry on premises;
- (f) control and regulate the erection of stables on premises; cf. L.G. Act, 1919, s. 281 (2) (m).
- (g) require buildings and rooms to be properly ventilated; cf. *Ibid.* s. 281 (2) (j).
- (h) require premises to be made proof against rats, and to be kept free from rats; cf. *Ibid.* s. 281 (2) (c).
- (i) prevent the pollution of water and watercourses, whether natural or artificial; *Ibid.* s. 259.
- (j) demolish any building with respect to which a closing order has under the Public Health Act, 1902 (as amended by section sixteen of the Public Health (Amendment) Act, 1915), been duly made, unless within three months after the service of the closing order or within such further time as the council may allow, the building has to the satisfaction of the council been rendered fit for human habitation or occupation. cf. *Ibid.* s. 281 (2) (l).

*Sydney Corporation (Amendment).*

L.G. Act,  
1919, s. 301.

(2) Where the council requires any structural work or alteration to be done or made upon any premises under this section, the owner of the premises shall be primarily liable to comply with the requirement:

Provided that the council may require the occupier of the premises to do the work or make the alteration in default of compliance by the owner, and in any such case the occupier shall comply with the requirement, and shall be entitled to recover from the owner the cost incurred by such compliance, unless such work or alteration has been rendered necessary by the act or default of the occupier.

(3) Nothing in this section shall be deemed to extend to any premises of the Crown;

Amendment.  
Act No. 35,  
1902, s. 175.

(b) by inserting in section one hundred and seventy-five after paragraph (j) the following new paragraphs:—

(k) requiring premises in the city to be made proof against rats and to be kept free from rats;

(l) prescribing and compelling the carrying out of structural alterations in furnaces and chimneys for the purpose of preventing the emission of smoke;

(m) requiring and regulating the ventilation of existing buildings;

New sections.

(c) by inserting after section two hundred and eight the following new sections:—

Offences  
under this  
Act.

cf. Act No.  
41, 1919,  
s. 632.

208A. (1) Where any matter or thing is by or under this Act directed or forbidden to be done, or where the council or any person is authorised by this Act to direct any matter or thing to be done, or to forbid any matter or thing to be done, and such matter or thing if so directed to be done remains undone, or if so forbidden to be done is done, then in every such case every person offending against such direction or prohibition shall be guilty of an offence under this Act. (2)



*Sydney Corporation (Amendment).*

(2) The council may at its discretion prior or subsequently to or in lieu of prosecuting for such offence do any such matter or thing, and recover the costs and expenses thereof from such person in any court of competent jurisdiction.

208B. Every person guilty of an offence under this Act shall for every such offence be liable to the penalty expressly imposed, and if no penalty is so imposed, to a penalty not exceeding twenty pounds, and to a further daily penalty not exceeding five pounds. Penalty. cf. Act No. 41, 1919, s. 633.

**10.** The Principal Act is further amended as follows:— Amendment of Act No. 35 of 1902.

(a) By inserting the words "or town clerk" after the word "mayor" in subsection four of section one hundred and ninety; Sec. 190.

(b) (i) by omitting from subsection one of section one hundred and ninety-two the words "Treasury inspectors" and by inserting in lieu thereof the words "inspectors of public accounts"; Sec. 192.

(ii) by adding after subsection three of section one hundred and ninety-two the following new subsection:—

(4) The council shall each year pay into the Treasury such sum as is fixed by the Colonial Secretary towards the amount payable by the Crown in respect of the salaries of the inspectors of public accounts above referred to.

**11.** The Principal Act is further amended in subsection one of section two hundred— Amendment of Act 35 of 1902.

(a) By inserting after paragraph (dd) as inserted by this Act the following new paragraphs:— Sec. 200.

(ee) the licensing, control, and regulation of restaurants, cafes, tea-rooms, eating-houses, and the like; cf. L.G. Act, No. 41, 1919, s. 290 (c) and (d).

(ff)

*Sydney Corporation (Amendment).*

cf. Act  
No. 41, 1919,  
s. 303 (m).

- (ff) the preparation, keeping, and serving of food in hotels, restaurants, cafes, tea-rooms, eating-houses, and the like ;
- (gg) requiring any person who is engaged in the preparation, distribution, sale, carriage, or delivery of articles of human food, and is reported to be suffering from a disease proclaimed as an infectious disease under the Dairies Supervision Act, 1901, to submit to a medical examination by a medical practitioner on behalf of the council and prohibiting such persons from being so engaged while suffering from any such disease ;
- (hh) regulating the payment out of the city fund of moneys in respect of the conveyance of aldermen and officers of the council to their homes after late sittings of the council ;

cf. *Ibid.*  
s. 303 (p).

- (ii) the keeping clean of lavatories provided in hotels, shops and the like, for the use of visitors, customers, or persons resorting to the premises, and the supply, use, and cleanliness of towels, soap, and other accessories therein ;

(b) by omitting the letters “(aa)” in paragraph (aa) and inserting in lieu thereof the letters “(jj).”

Amendment of  
Act No. 35, 1902.

**12.** The Principal Act is further amended as follows :—

New s. 213A.

- (a) By inserting after section two hundred and thirteen the following new section :—

213A. (1) Any servant of the council or member of the police force who finds a person committing a breach of the provisions of this Act or of the by-laws made hereunder shall—

Demanding  
name of  
offender.  
cf. Local  
Government  
Act, 1919,  
s. 644.

- (a) demand from the person his name and place of abode ; and
- (b) report the offence and the name and place of abode of the person to the council as soon as may be practicable.

(2)

*Sydney Corporation (Amendment).*

(2) Any person who upon demand made as aforesaid—

- (a) refuses to state his name or place of abode; or
- (b) states a name or place of abode which in the opinion of the servant of the council or the member of the police force making the demand is false,

may without any other warrant than this Act be apprehended by the servant of the council or by the member of the police force and taken before any court of summary jurisdiction, there to be dealt with according to law.

(3) Any person who upon demand made as aforesaid—

- (a) refuses to state his name or place of abode; or
- (b) states a false name or place of abode, shall be liable to a penalty not exceeding ten pounds.

(4) In the case of a servant of the council, subsection two of this section shall apply only to a servant who is a special constable or to whom the council by resolution decides that the subsection is to apply;

- (b) by inserting after section two hundred and seventeen the following new sections:—

218. The council may, by its officers, employees, or workmen enter upon any lands, whether public or private, in the city for purposes connected with the construction, maintenance, or renewal of drains for carrying off stormwater from public ways:

Power of  
entry on  
private  
lands.

Provided that in the exercise of the powers conferred by this section the council shall cause as little detriment and inconvenience and do as little damage as possible and shall make full compensation to persons for damage sustained by them by reason or in consequence of

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*Sydney Corporation (Amendment).*


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of the exercise of such powers. The amount of such compensation shall, unless agreed upon, be determined by arbitration or by action at law at the election of the person claiming compensation :

Provided further that the council may in all cases set up by way of defence or in mitigation of damages, as the case may be, that the person claiming compensation has by his own act, neglect, or default caused or contributed to the damage in respect of which he claims to be compensated.

Joint action  
by council  
with councils  
of other  
areas.

cf. Local  
Government  
Act, 1919,  
s. 521.

219. (1) The council may enter into agreements with the councils of any areas constituted under the Local Government Act, 1919, for the carrying out jointly of works or undertakings authorised by any Act, or for the joint performance of duties or exercise of powers under any Act for the mutual benefit of the city and such area.

(2) Such agreements may provide for the control, regulation, maintenance, and management of such works and undertakings, or for the control, regulation, and management of the performance of such duties, or exercise of such powers either by the councils themselves jointly or by a joint committee composed of members of the councils.

(3) The council may in such agreements delegate to such committee such of its powers as are specifically mentioned therein.

Agreements  
to alter  
boundaries.

220. (1) The council may, with the approval of the Governor, enter into agreements with the council of any area constituted under the Local Government Act, 1919, and adjoining the city for the alteration of boundaries between the city and any such area by taking part or parts of the city and adding the same to the area, or by taking part or parts of the area and adding the same to the city.

For

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*Sydney Corporation (Amendment).*

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For the purposes of this subsection "adjoining" means abutting or only separated by a public reserve, road, river, watercourse, or tidal or non-tidal water, or other like division.

(2) Upon any such agreement being entered into the Governor shall, by proclamation published in the Gazette, set forth—

(a) in Schedule A to such proclamation, the amended boundaries of the city, so as to include therein or exclude therefrom, as the case may be, any land added to or taken from the city in pursuance of any agreement referred to in the last preceding subsection. Such amended boundaries shall take the place of the boundaries set out in any prior Act or proclamation ;

(b) in Schedule B to such proclamation, the amended boundaries of any ward or wards of the city, so as to include therein or exclude therefrom, as the case may be, any land or portion thereof so added to or taken from the city;

(c) in Schedule C to such proclamation, the boundaries of the land so added to or taken from the city.

(3) The boundaries set forth in Schedule A to such proclamation shall be the boundaries of the city, and where reference is made to the city in this Act, or in any Act, by-law, or regulation in force at the date of such proclamation, the same shall be deemed to refer and shall apply to and have operation within the city as bounded in manner set forth in that Schedule.

(4) The boundaries set forth in Schedule B to such proclamation shall be the boundaries of the ward or wards named in that Schedule.

*Sydney Corporation (Amendment).*

Charges and fees fixed by by-law or resolution.  
cf. Local Government Act, 1919, s. 167.

221. (1) In the following cases, that is to say, in any case where under the provisions of any Act, regulation, or by-law the council—

(a) supplies any service product or commodity; or

(b) makes any registration; or

(c) grants any license; or

(d) gives any permission; or

(e) furnishes any information; or

(f) admits to any building or enclosure; or

(g) receives any application for its approval,

the council may fix charges or fees therefor by by-law or resolution, and may demand and recover such charges and fees.

(2) In any such by-law or resolution provision may be made requiring a deposit or prepayment in respect of such charge or fee.

(3) This section shall be deemed to include the supply of any service product or commodity to the Crown.

(4) Nothing in this section shall authorise any charge or fee contrary to the provisions of any Act, regulation, or by-law.

*Amendment of Sydney Corporation Amendment Act, 1905.*

Amendment of Act 39, 1905.

**13.** The Sydney Corporation Amendment Act, 1905, as amended by subsequent Acts, is amended as follows:—

Sec. 12 (1).

(a) (i) By adding at the end of paragraph (h) of subsection one of section twelve the following words:—“and prescribing rules to be observed by persons occupying such stands and stalls (including rules for securing the cleanliness of carts, trucks, barrows, baskets, boxes, and crates used by such persons, and the wholesomeness and cleanliness of the commodities sold or offered or exposed for sale), and with respect to the conduct of such persons”;

(ii)

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*Sydney Corporation (Amendment).*

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(ii) by inserting at the end of subsection one of section twelve the following new paragraphs:—

(n) requiring and regulating the provision and maintenance of baths and wash-tubs in dwelling-houses in the city;

(o) regulating and prohibiting the use for habitation of rooms built below the level of the footways of public ways in the city;

(p) regulating, controlling, and prohibiting the stacking or storing of timber, firewood, casks, barrels, and other inflammable material;

(q) regulating and prohibiting private tips or dumps for spoil or refuse;

(r) requiring and regulating the removal of spoil or other waste material by owners, lessees, or occupiers;

(s) requiring and regulating the fencing of vacant lands to prevent unsightly or insanitary conditions arising by the dumping of spoil and refuse thereon;

(t) requiring and regulating the cleansing of facades of buildings fronting a public way in the city;

(u) regulating the floor space and size of rooms in flats in the city;

(v) regulating and controlling the construction, maintenance, and repair of awnings in the city; and in particular and without limiting the generality of this paragraph—

(i) prescribing the type or types of awnings and the materials to be used therein;

(ii) regulating the position of awnings;

(iii) permitting, regulating, or prohibiting the display of advertisements on awnings;

(iv)

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*Sydney Corporation (Amendment).*


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- (iv) providing for the display of public notices on awnings;
- (v) prohibiting persons from erecting awnings without first obtaining the approval in writing of the city building surveyor and the city surveyor;
- (vi) requiring the removal of awnings and prescribing the circumstances in which the council may require the removal of awnings;
- (w) regulating and controlling the display of bills, placards, and advertisements in the city, and prohibiting persons from displaying or causing to be displayed in the city any bills, placards, or advertisements in places not appointed by the council for the purpose;

Sec. 16.

- (b) in section sixteen by inserting after the words "and any land required" the words "for the purpose of children's playgrounds, or";

Sec. 20.

- (c) in section twenty by omitting paragraph (e);

New section  
20A.

- (d) by inserting after section twenty the following new section:—

Registrar-  
General to  
grant  
certificates  
of title in  
respect of  
resumed  
properties.

20A. (1) Where any land is resumed by the council, the provisions of this section shall have effect.

(2) A copy of the Gazette notification declaring the land to be so resumed, certified under the seal of the council, shall be lodged with the Registrar-General, who shall, upon the application of the council, and upon payment of the fees prescribed by regulation made under the Conveyancing Act, 1919, issue to the council a certificate of title under the Real Property Act, 1900, to the land described in the notification, without causing any examination or report to be made as to the title



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*Sydney Corporation (Amendment).*

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title to the land and without considering such title, except so far as may be necessary to give effect to the provisions of subsection three of this section.

(3) In dealing with the application it shall not be necessary to locate the boundaries of the Crown grant (if any) of the land, but it shall be sufficient if the Registrar-General is satisfied with respect to any certificate of title proposed to be issued by him in pursuance of this section that the land to be comprised in the certificate is included in the resumed land.

(4) Where the land or any part thereof is comprised in a Crown grant or certificate of title already registered under the Real Property Act, 1900, the Registrar-General shall, before issuing a certificate of title under this section, cancel the existing grant or certificate of title so far as regards such land or part.

(5) If the grant or certificate of title is in the possession of some person other than the council and such person declines to deliver it up for cancellation when required in writing by the Registrar-General so to do, the grant or certificate of title shall be deemed to be wrongfully retained within the meaning of section one hundred and thirty-six of the Real Property Act, 1900.

(6) In any certificate of title issued in pursuance of this section the land may be described in the terms of or by reference to the notice of resumption.

(7) No contribution to the assurance fund shall be payable under the Nineteenth Schedule to the Real Property Act, 1900, upon the issue of any such certificate of title.

(8) This section shall apply to land resumed before or after the commencement of the Sydney Corporation (Amendment) Act, 1924;



*Sydney Corporation (Amendment).*

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

Dated this                      day of                      A.D.

(L.S.)                      Lord Mayor.                      City Treasurer.  
    Town Clerk.

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

City Treasurer.

(3) Section twenty-two of the City of Sydney Improvement Act, 1879, is amended by omitting the words "the surveyor" and by inserting in lieu thereof the words "by the surveyor, he or any officer authorised to act on his behalf for this purpose."

Amendment  
of City of  
Sydney  
Improvement  
Act, 1879,  
s. 22.

## PART IV.

## GENERAL.

**15.** (1) The land described in the Schedule to this Act shall be included within and form part of the city, and shall be subject to any Acts, by-laws, and regulations affecting the city.

Certain land  
included  
within the  
city.

(2) The land so included in the city shall form part of Camperdown ward of the city.

(3) The Governor shall, by proclamation published in the Gazette, set forth—

Boundaries  
of the city.

(a) in Schedule I to such proclamation the extended boundaries of the city so as to include therein the land described in the Schedule to this Act, and such boundaries shall take the place of the boundaries set out in Schedule A to the proclamation made in pursuance of section fourteen of the Sydney Corporation (Amendment) Act, 1908, and published in the Government Gazette number one hundred and twenty, of the eighth day of September, one thousand nine hundred and nine;

(b)

*Sydney Corporation (Amendment).*

- (b) in Schedule II to such proclamation the extended boundaries of Camperdown ward so as to include therein the land described in the Schedule to this Act, and such boundaries shall take the place of the boundaries set out in Schedule B to the proclamation made in pursuance of section fourteen of the Sydney Corporation (Amendment) Act, 1908, and published in the Government Gazette number one hundred and twenty, of the eighth day of September, one thousand nine hundred and nine.

The proclamation to be made in pursuance of this subsection may be made and published at any time after the passing of this Act.

(4) The boundaries set forth in Schedule I to the proclamation to be made in pursuance of this section shall be the boundaries of the city, and where reference is made to the city in this Act, or in any Act, by-law, or regulation in force at the commencement of this Act, the same shall be deemed to refer and shall apply to and have operation within the city as bounded in manner set forth in that Schedule.

(5) The boundaries set forth in Schedule II to the proclamation to be made in pursuance of this section shall be the boundaries of Camperdown ward.

Amendment  
of Act No. 35.  
1902.

**16.** (1) The Principal Act is further amended by omitting section one hundred and forty-one and by inserting in lieu thereof the following section:—

Power of  
leasing.

141. (1) The council may grant a lease of any premises or any part thereof held by or belonging to the council.

(2) The lease shall reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case.

(3) The term of the lease shall not exceed—

(a) in the case of a building lease, ninety-nine years;

(b) in any other case, twenty-one years.

(4)

*Sydney Corporation (Amendment).*

(4) Where the lease is for a term exceeding two years the lease shall not be granted except upon competition either by public auction or tender.

(5) No lease granted by the council prior to the commencement of the Sydney Corporation (Amendment) Act, 1924, shall be held to be invalid merely on the ground that the term of such lease exceeds twenty-one years.

(2) The Sydney Corporation Amendment Act, 1905, is amended—

(a) by the repeal of section ten;

(b) by the repeal of paragraph (h) of subsection one of section twenty-two.

Amendment  
of Act No. 39,  
1905.

Sec. 10.

Sec. 22.

**17.** Notwithstanding the provisions of any other Act the rate of interest payable upon compensation for land acquired by the council by resumption or by the realignment method or by any compulsory purchase shall be six per centum per annum.

Rate of  
interest on  
resumptions.

## THE SCHEDULE.

*Land included in the city.*

ALL that piece or parcel of land situate in the parish of Petersham, county of Cumberland, and State of New South Wales, being part of Newtown-road (late City-road): Commencing at the intersection of the centre of George-street West with the centre of Bay-street; and bounded thence westerly by part of the southern boundary of the municipality of Glebe to its intersection with the centre of Newtown-road (late City-road); thence south-westerly by the centre of that road by the boundary of the city of Sydney, as proclaimed in Government Gazette of the eighth day of September, one thousand nine hundred and nine, to its intersection with the centre of Cleveland-street; thence easterly by part of the northern boundary of the municipality of Darlington along the centre of that street to its intersection with the prolongation south-westerly of the south-eastern building-line of Newtown-road aforesaid; thence north-easterly by that prolongation and that building-line of Newtown-road to the southern building-line of George-street West aforesaid; and thence again north-easterly by a line to the point of commencement.

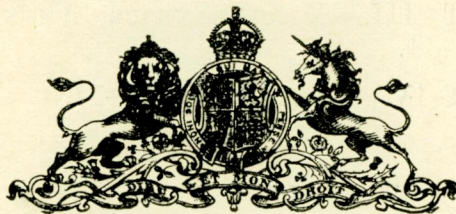


*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

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

*Legislative Assembly Chamber,  
Sydney, 11 September, 1924.*

## New South Wales.



ANNO QUINTO DECIMO

# GEORGI V REGIS.

\*\*\*\*\*

## Act No. 7, 1924.

An Act to amend the Sydney Corporation Act, 1902, and certain other Acts; and for purposes connected therewith. [Assented to, 17th September, 1924.]

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

### PART I.

#### PRELIMINARY.

**1.** This Act may be cited as the "Sydney Corporation (Amendment) Act, 1924," and shall be construed with the Sydney Corporation Act, 1902, and any

*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.*

*Sydney Corporation (Amendment).*

any Acts amending the same. The Sydney Corporation Act, 1902, as so amended, is hereinafter called the Principal Act.

Division of  
Act into  
Parts.

**2.** This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY—ss. 1, 2.

PART II.—REDISTRIBUTION OF WARDS—s. 3.

PART III.—MISCELLANEOUS AMENDMENTS—ss.  
4-14.

PART IV.—GENERAL—ss. 15-17.

## PART II.

## REDISTRIBUTION OF WARDS.

Amendment  
Act 25 of 1902.  
Sec. 3.

**3.** The Principal Act is amended as follows:—

- (a) By omitting from the definition of "wards" in section three the word "twelve";
- (b) by inserting after section eight the following new Part:—

New Part  
IIA.

## PART IIA.

## REDISTRIBUTION OF CITY INTO WARDS.

Distribution  
of wards.

8A. (1) As soon as may be practicable after the passing of the Sydney Corporation (Amendment) Act, 1924, the city shall be redistributed into thirteen wards.

(2) The wards shall be known respectively as Bourke, Macquarie, Fitzroy, Belmore, Cook, Phillip, Lang, Gipps, Bligh, Flinders, Denison, Pyrmont, and Camperdown wards.

Appointment  
of commis-  
sioners.

8B. (1) The Governor shall, by commission under the Great Seal, appoint three persons, to be called the Municipal Council of Sydney Redistribution Commissioners, to be commissioners for the purpose of the redistribution.

(2)



*Sydney Corporation (Amendment).*

(2) The commissioners so to be appointed shall include the judge of the Land and Valuation Court, and the persons who for the time being hold the offices of metropolitan district surveyor and town clerk respectively.

(3) The names of the persons so appointed shall be published in the Gazette.

8c. (1) The office of a commissioner shall be tenable for the period named in such commission, and, if necessary, for such extended period, to be named in a further commission, as the Governor may deem proper for the completion of the redistribution. Duration of office, &c. cf. Act No. 41, 1912, s. 7.

(2) The office of a commissioner shall be vacated if for any cause he ceases to possess the qualification for appointment mentioned in the last preceding section.

8d. At any sitting of the commissioners the judge so appointed shall, when present, be chairman; and in his absence the commissioners shall appoint one of themselves to be chairman as occasion may require. Chairman.

8e. The commissioners may, subject to the provisions of this Act, make rules for the conduct of their proceedings, but no such rule shall have any force until the same has been approved by the Governor. Rules. Act No. 41, 1912, s. 9.

8f. At all meetings of the commissioners two shall form a quorum; and in the event of an equality of votes the chairman shall have a casting vote in addition to his original vote. Quorum: casting vote of chairman. Ibid. s. 10.

8g. (1) It shall be the duty of the commissioners, and they are hereby directed to redistribute the city into wards for the purposes of this Act, and to arrive at their determination within fourteen days after the commencement of their sittings. Distribution of wards by commissioners. cf. Act No. 41, 1912, s. 13.

(2) The commissioners shall report to the Governor the names and boundaries of the wards determined by them. Report by commissioners to be proclaimed. Ibid. s. 15.

(3)

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*Sydney Corporation (Amendment).*


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(3) The Governor shall in a proclamation published in the Gazette set out the names of such wards and the boundaries thereof, and upon such publication those wards shall be the wards of the city.

SH. The Colonial Secretary shall forthwith after the publication of such proclamation cause to be deposited in the office of the Surveyor-General at the Department of Lands, Sydney, and in the office of the city surveyor, a properly authenticated map of every ward named and described in such proclamation.

SI. (1) The redistribution shall be made in accordance with the provisions of this section.

(2) Each ward shall have such an area that after the redistribution the number of persons qualified for enrolment as citizens for such ward shall, subject to the margin of allowance, be one-thirteenth of the total number of persons enrolled as citizens for the respective wards of the city.

(3) The margin of allowance shall not exceed ten per centum above or below the number obtained by dividing by thirteen the total number of persons enrolled as citizens for the respective wards of the city.

(4) In carrying out the redistribution due consideration shall be given to existing boundaries of wards, to community or diversity of interest, lines of communication, and physical features.

(5) The commissioners shall give consideration to any report furnished by the Royal Commissioner appointed under letters patent of the nineteenth day of August, one thousand nine hundred and twenty-four, to inquire into and report upon the best method of redistributing the city into wards, and may, in arriving at their determination, adopt any proposal contained in such report, with such variations, if any, as they may deem proper.

8J.

Maps of  
wards to be  
deposited.  
Act No. 41,  
1912, s. 17 (1).

Basis of  
distribution.  
*Ibid.* s. 17 (2).

*Sydney Corporation (Amendment).*

8J. The Governor may, by proclamation published in the Gazette before or after the time at or during or within which anything may or shall be done in pursuance of this Part of this Act, alter or extend such time, or may validate anything done after such time, or done irregularly in matter of form.

Power of Governor to vary or extend times, &c. of Act No. 86, 1902, s. 3 (2).

8K. The provisions of the Royal Commissions Act, 1923, shall apply to the Municipal Council of Sydney Redistribution Commissioners in carrying out the redistribution, and such commissioners may accordingly take evidence as to the matters entrusted to them.

Evidence may be taken by commissioners. Act No. 41, 1912, s. 19.

8L. (1) The redistribution shall not affect the operation of section twenty-two of the Sydney Corporation (Amendment) Act, 1908, and the council shall in accordance with that section continue to levy for the term therein stated the special rate upon all ratable lands comprised in Camperdown Ward as described in Schedule B to the proclamation made in pursuance of the Sydney Corporation (Amendment) Act, 1908, and published in the Government Gazette, number one hundred and twenty, of the eighth day of September, one thousand nine hundred and nine.

Redistribution not to affect s. 22 of Act No. 27, 1908.

(2) Upon the publication in the Gazette of the proclamation referred to in subsection three of section 8G of this Act, the provisions of section eight of this Act, subsection three of section fourteen of the Sydney Corporation (Amendment) Act, 1908, and subsections two and five of section fifteen of the Sydney Corporation (Amendment) Act, 1924, shall cease to have effect.

Consequential repeals.

8M. (1) Within seven days after the date of the publication in the Gazette of the proclamation referred to in subsection three of section 8G of this Act, the chamber magistrate of the Central Police Court shall adjust the citizens' rolls as prepared during the year one thousand

Adjustment of rolls.

nine

*Sydney Corporation (Amendment).*

nine hundred and twenty-four in the manner following, that is to say, he shall select from the roll for each ward the name of every person who, by reason of any alteration in the boundaries of the ward is no longer entitled to be enrolled on the roll for that ward, and shall transfer the names of such persons to the roll for the ward for which they are respectively entitled to be enrolled.

cf. Act 35,  
1902, s. 16

(2) Such chamber magistrate shall forthwith cause a fair copy to be made of the roll as so adjusted for each ward, and after certifying to the correctness of the same shall forward it to the town clerk, and such copy shall be the roll for the ward until a new roll is prepared, and shall be prima facie evidence that the roll has been duly made and of the correctness of the contents thereof.

(3) Such chamber magistrate may appoint such and so many members of the police force or other persons as he may think fit to assist him in carrying out the duties imposed upon him by this section.

## PART III.

## MISCELLANEOUS AMENDMENTS.

Amendment of  
Act No. 35, 1902  
Sec. 9.

## 4. The Principal Act is further amended as follows:—

(1) In section nine—

(a) by omitting all words from the commencement of the section down to but not including the words “severally the owner” where occurring in paragraph (a) of subsection one, and by inserting the following in lieu thereof:—

“(1) The following persons if of the age of twenty-one years or upwards shall be entitled to be placed on the citizens’ roll for any ward:—

(a) Any person, male or female, being a natural born or naturalised British subject

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*Sydney Corporation (Amendment).*

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- subject who on the first day of May of the year in which a roll is to be prepared as hereinafter provided is”;
- (b) by omitting from paragraph (b) of subsection one all words following the words “first day” down to but not including the words “in joint or several occupation” and by inserting in lieu thereof the words “of May of the year in which a roll is to be prepared as hereinafter provided”;
- (c) by omitting from paragraph (c) of subsection one all words following the words “first day” down to but not including the words “occupied jointly” and by inserting in lieu thereof the words “of May of the year in which a roll is to be prepared as hereinafter provided”;
- (2) by omitting from subsection one of section ten, Sec. 10. all words from the commencement of the subsection down to and including the words “the stipendiary magistrates” where first occurring, and inserting in lieu thereof the words “on or before the first day of May in every year in which an election of aldermen is to be held, the stipendiary magistrates”;
- (3) by omitting from subsection one of section Sec. 11. eleven all words from the commencement of the subsection down to and including the words “make out a list” and inserting in lieu thereof the words “The collectors appointed for each ward shall in the months of May and June in every such year, make out a list”;
- (4) by omitting from subsection one of section Sec. 12. twelve all words following the words “last preceding section” and inserting in lieu thereof the words “from the first to the thirty-first day of August in each such year”;
- (5) (a) by omitting from subsection one of section Sec. 13. thirteen all words from the commencement of the subsection down to and including the words “whose name is not on such list”

*Sydney Corporation (Amendment).*

list" and inserting in lieu thereof the words "at any time after the first and before the thirty-first day of August in any such year, any person whose name is not on such list";

(b) by omitting from subsection two of section thirteen all words from the commencement of the subsection down to and including the words "the said chamber magistrate" and inserting in lieu thereof the words "as soon as possible after the said thirty-first day of August, the said chamber magistrate";

Sec. 14.

- (6) by omitting from subsection one of section fourteen all words from the commencement of the subsection down to and including the words "revision courts" and inserting in lieu thereof the words "During the month of September in every such year revision courts";
- (7) by inserting after section seventeen the following new section:—

Governor  
may vary  
times and  
validate  
irregularities.  
1902 No. 86,  
s. 3 (2).

17A. The Governor may by proclamation in the Gazette before or after the time at or during or within which anything may or shall be done in pursuance of this Part, alter or extend such time, or may validate anything done after such time or done irregularly in matter of form;

Sec. 17.

- (8) by omitting from section seventeen the proviso to subsection three.

*Consequential amendments.*

Act No. 86,  
1902.

- (9) (a) The Sydney Corporation (Amendment) Act, 1902, is hereby repealed.

Act No. 39,  
1905, s. 3.

- (b) The Sydney Corporation Amendment Act, 1905, is amended by omitting section three.

Act No. 22,  
1917, s. 2.

- (c) The Sydney Corporation (Amendment) Act, 1917, is amended by omitting section two.

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*Sydney Corporation (Amendment).*

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**5.** The Principal Act is further amended as follows:— Amendment f  
Act No. 35, 1902.

(a) By inserting after subsection three of section Sec. 2.  
two the following new subsection:—

(4) Unless otherwise expressly provided cf. Act  
No. 41, 1919,  
s. 10 (1).  
nothing in this Act or in any Act amending  
this Act, shall affect any of the provisions of  
the Public Health Act, 1902, the Pure Food  
Act, 1908, or any Act amending or replacing  
those Acts, or take away powers vested in any  
person or body by any of such Acts or by any  
by-laws or regulations made thereunder.

(b) In section three— Sec. 3.

(i) by inserting in the definition of the word  
“cattle” after the word “horses” the  
words “asses, mules”;

(ii) by inserting in their appropriate alpha-  
betical order the following definitions:—

“Common lodging house” means  
any house, edifice, building or  
other structure, permanent or  
otherwise (not being premises  
licensed under the Liquor Act,  
1912) in which persons are har-  
boured or lodged for hire, for a  
single night, or for less than a  
week at one time, or part of  
which is let or may be let for  
any term less than a week at one  
time.

“Restaurant” or “eating house”  
includes any premises where  
meals or refreshment may be  
obtained by any person on  
payment therefor, but does not  
include premises licensed under  
the Liquor Act, 1912.

“Boarding house” means any house,  
edifice, building, or other  
structure, permanent or other-  
wise, and any part of the same  
(not

*Sydney Corporation (Amendment).*

(not being premises licensed under the Liquor Act, 1912) in which more than three persons, exclusive of the family of the proprietor thereof, are lodged or boarded for hire for a term of one week or upwards;

Sec. 24.

(c) by inserting at the end of section twenty-four the following proviso:—

cf. Local  
Government  
Act, 1919,  
s. 30 (5).

Provided that a person shall not be disqualified for a civic office or be liable to a penalty by reason only of having a direct or indirect pecuniary interest in any agreement with the council for or with respect to—

- (a) the publication of advertisements in a newspaper of which he is the owner or part owner; or
- (b) the supply to him by the council of any service in like manner and subject to the like conditions applicable in the case of persons who are not aldermen; or
- (c) the performance by the council at his expense of work in connection with public ways or sanitation; or
- (d) the occupation of public ways by him during the erection of buildings; or
- (e) the making good by him without payment of any damage to public ways caused by him, or the payment by him to the council of the cost of making good such damage; or
- (f) the renting of any land from the council by him in any case where the agreement was made before his election; or
- (g) the renting by him from the council of a building hall or room for the purpose of holding a meeting or entertainment therein; or
- (h) the payment to or by the council of any claim in respect of a dividing fence;

(i)



*Sydney Corporation (Amendment).*

- (i) the settlement by him of any claim he may have against the council for compensation in respect of property in which he has an interest upon the resumption of the same by the council under its statutory powers.

**6.** The Principal Act is further amended as follows:— Amendment of Principal Act.

- (a) By omitting section forty and by inserting the following section in lieu thereof:— Substituted s. 40.

40. (1) Before any person claiming to vote shall be permitted to vote he shall make and subscribe before the presiding officer a declaration in the form contained in the Ninth Schedule to this Act. Declaration by voter.

(2) The presiding officer may, and at the request of any scrutineer shall, put to any person claiming to vote all or any of the following questions:—

- (a) Are you the person whose name appears as \_\_\_\_\_ number \_\_\_\_\_ on the citizens' roll for this ward ?
- (b) Are you of the full age of twenty-one years ?
- (c) Have you already voted either here or elsewhere at this election ?
- (d) Are you disqualified from voting ?

(3) Every person wilfully making a false answer to any such question, or wilfully making a false declaration under this section, shall be deemed guilty of a misdemeanour.

(4) No person shall be allowed to vote unless he makes such declaration and (if asked) answers such questions satisfactorily.

(5) If any person refuses to answer fully any question put to him by the presiding officer, or by his answer shows that he is not entitled to vote, his claim to vote shall be rejected ;

- (b) by the repeal of section sixty-six ;

Repeal of s. 66.

(c)

*Sydney Corporation (Amendment).*

New sections.

(c) by inserting after section seventy-five the following new sections:—

Colonnading.  
cf. Act  
No. 41, 1919,  
s. 261.

75A. (1) Without limitation of any other power conferred by this or any other Act the council may widen any public way by including in the carriage-way the whole or a part of the footway, and acquiring from an owner of abutting land any land required for the whole or a part of a new footway, subject to a reservation of specified rights in favour of the owner.

(2) Any land required for widening a public way in accordance with this section may be acquired, subject to a reservation of such of the following rights in favour of the owner as the council may at or before the time of acquisition determine, that is to say—

- (a) a right to the ownership, possession, occupation and use of any existing building, room or cellar, so far as the same is at a specified height or depth above or below the level of the new footway, and subject to the right of the council to make such structural alterations as may be required;
- (b) a right to erect any building in accordance with the provisions of any Act relating to the erection of buildings in the city at a specified height above the level of the new footway, and to own, possess, occupy and use the same;
- (c) a right of support for any building coming within clause (a) or clause (b) of this subsection.

Realign-  
ment.  
cf. Act  
No. 41, 1919,  
s. 262.

75B. (1) The council may cause any aligned public way to be realigned under the Public Roads Act, 1902, in order to widen the way.

(2) Any realignment under this section may be carried into effect by the acquisition under this Act or any amendment thereof of the necessary land, or under the succeeding provisions

*Sydney Corporation (Amendment).*

provisions of this section relating to the realignment method of acquiring land, or by a combination of these methods.

(3) Where the council proposes to apply the realignment method of acquisition to any lands affected by a realignment it shall serve notice accordingly upon the owners of lands affected; and until such notice is served the interests of such owners shall not be affected by the realignment.

(4) A plan showing the realignment shall be lodged by the council in the office of the Registrar-General.

(5) Under the realignment method compensation for any injurious effects suffered by reason of such realignment may be claimed, but shall be limited to payment of the value of the land taken from any owner by reason of the realignment, together with the damage, if any, caused by the severing of the land from other land of the owner, and such value and damage shall be ascertained and such compensation shall be payable as at the date when such land is cleared of buildings and obstructions by the owner or lessee, whether for the purpose of rebuilding to the new alignment or not, and, subject to the provisions of this section, from that date the land shall vest in the council for a public way.

(6) In ascertaining the compensation effect shall be given by way of abatement to any enhancement by reason of the widening of the public way in the value of the interests of the owners in any land adjoining the land taken.

(7) Where any public way is realigned, and where the realignment method is applied, the owner of any land or building or work affected by such realignment shall not construct, build, place, reconstruct, rebuild, replace or repair any building or work, or portion of a building or work, standing upon the land between the old alignment and the new:

Provided

Compensation.

Prohibition of construction or substantial repair of buildings and works.

*Sydney Corporation (Amendment).*

Provided that the council may approve the execution of minor and not substantial repairs in order to permit of the reasonable preservation of any existing building or work, but not so as to violate the intention of this section.

Power to purchase or resume for realignment.

(8) Whether or not the council has elected to apply the realignment method it may at any time, and notwithstanding any such election, decide to purchase or resume any or all of the lands affected by the realignment.

When the land forms part of the road.

(9) Notwithstanding the provisions of the Public Roads Act, 1902, the land between the old alignment and the new shall not form part of the way until the council has acquired title to such land, and has notified the fact in the Gazette, or a dedication thereof as a public way has been effected.

(10) In any case where compensation may be claimed under this section, such claim, in case of dispute, shall be made and determined in the same manner as a claim for compensation for the resumption of land under the provisions of the Sydney Corporation Amendment Act, 1905, and any Act amending the same;

New section.

(d) by inserting after section eighty-one the following new section:—

Taking over ways.

81A. (1) Where it is expedient for public use, convenience, or safety or for preventing unsightly or insanitary conditions that any way should be under the control, management, and direction of the Council, the Council may, notwithstanding any provision to the contrary in this or any other Act, take over the way in accordance with this section.

(2) The way shall not be so taken over unless the approval of the Governor is first obtained.

(3) Before the approval of the Governor is given, the Council shall give notice that it intends to take over the way, to the owners of premises

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*Sydney Corporation (Amendment).*

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premises fronting, adjoining, or abutting on the way, and any such owner may within one month lodge any objection with the Minister for consideration by the Governor.

(4) The approval of the Governor shall be notified in the Gazette, and a copy of such Gazette purporting to be printed by the Government Printer shall be conclusive evidence of the approval, and that it is expedient within the meaning of subsection one of this section that the way should be under the control, management, and direction of the Council, and that the provisions of subsection three of this section have been duly complied with.

(5) From the date of the notification the way shall vest in the council as a public way, and shall thenceforth be under the control, management, and direction of the Council for all purposes of this Act and of any by-law made thereunder.

(6) Where the way has not been levelled, paved, macadamised, drained, or otherwise fully completed to the satisfaction of the Council, the Council may, either before or within one year after taking over the way, level, pave, macadamise, drain, or otherwise fully complete the same, and all the expenses incurred in so doing shall be paid by the owner of the premises fronting, adjoining, or abutting on the way, or if there is more than one such owner, by the respective owners of the premises in such proportions as the Council may determine.

(7) In determining the proportion of such expenses to be paid by the respective owners, the Council shall have regard to the benefit to be derived by any premises from such works, and to the amount and value of any work done on or in respect of the way by the owners or occupiers of any such premises.

(8)

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*Sydney Corporation (Amendment).*


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(8) If within fourteen days after the service upon any such owner of notice of the amount of the expenses so incurred or determined, such amount is not paid to the City Treasurer, the Council shall have the like remedies for recovering the same as in the case of any city rate.

(9) For the purposes of this section "way" means way, lane, court, square, or alley or portion thereof within the city used as a thoroughfare or as a means of access to the properties of two or more owners, but does not include any land of which the owner is known to the Council, or of which the owner can be ascertained from an official search under section one hundred and ninety-seven of the Conveyancing Act, 1919.

(10) This section applies to any way whether formed or not, and whether existing before or after the commencement of the Sydney Corporation (Amendment) Act, 1924;

Sec. 84.

- (e) (i) by omitting from subsection one of section eighty-four the words "city surveyor" and inserting in lieu thereof the words "city building surveyor";
- (ii) by omitting subsection two of section eighty-four and inserting the following subsection in lieu thereof:—

Demolition of dangerous walls.

(2) If such owner or tenant does not comply with the requirements of such notice within the time therein specified, to the satisfaction of the said surveyor, the said surveyor may cause all or so much of such required works, as he may deem necessary, to be done, and all the expenses thereof shall be paid by the owner or tenant to the council;

- (iii) by inserting at the end of section eighty-four the following new subsection:—

(5) For the purposes of this section or for any of the other purposes of this Act,

or

*Sydney Corporation (Amendment).*

or whenever otherwise he deems it necessary, the city building surveyor or the city surveyor may close any street or portion of a street in the city for such time as he thinks fit :

Provided that the closing shall be reported to the council at its next meeting, and the council may at any time give such directions to the city building surveyor or the city surveyor as it thinks necessary or proper for preventing or minimising inconvenience or interference with business.

**7.** The Principal Act is further amended as follows:—

(a) By inserting after section one hundred and nine the following new sections:—

109A. The council may set apart any part of any public way vested in it, or under its control, for the purpose of laying out, constructing, and maintaining thereon gardens, lawns, plantations, or other ornamental features, and for those purposes may enclose any such part or indicate the boundaries thereof with boundary erections or otherwise.

109B. (1) No person other than an employee of the council, or a person acting under the authority of the council, shall take up, relay, or otherwise interfere with any of the footways or crossings of any public way in the city, unless he is authorised so to do by or under the provisions of this or any other Act.

(2) Any person who commits a breach of the provisions of this section shall be liable to a penalty not exceeding five pounds.

109C. (1) In any case where an opening has been made in a public way in the city by or on behalf of any person, and the city surveyor is of opinion that—

(a) there is delay in the refilling of the opening, or the reinstatement of the public way; or

(b)

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*Sydney Corporation (Amendment).*


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- (b) the opening has been improperly or insufficiently filled in; or
- (c) the reinstatement has been inefficiently carried out; or
- (d) such filling in and reinstatement have not been carried out and completed with similar materials and in a similar manner to the portion of the public way adjoining the said opening so as to make the same uniform,

the city surveyor may cause such opening to be filled in and the reinstatement made or remade with such materials and in such manner as he may think fit so as to make the same uniform with the portion of the public way adjoining.

(2) The costs incurred by the city surveyor in executing any work under the power contained in subsection one hereof shall be charged against and shall on demand be payable to the council by the person by whom or on whose behalf the opening was made; and in default of payment the council may recover the amount from such person in any court of competent jurisdiction as a debt due by such person to the council.

(3) In this section "person" includes a statutory body representing the Crown and any company or body corporate.

(4) In this section "statutory body representing the Crown" includes any public body proclaimed under this Act as a statutory body representing the Crown;

- (b) in section two hundred, by inserting after paragraph (z) of subsection one the following new paragraph:—

(aa) the regulation and control of all gardens, lawns, plantations, and ornamental features laid out, constructed, or maintained by the council in any public way vested in the council or under its control and

Consequential  
amendment.  
Sec. 200.



*Sydney Corporation (Amendment).*

and the prevention of trespass upon or damage to any part of such gardens, lawns, plantations, or ornamental features, or any trees, flowers, shrubs, or other plants growing thereon ;

- (c) by inserting in subsection five of section one hundred and ten immediately after the words "Public Instruction Act of 1880" the words "or certified schools under the Public Instruction Act (Amendment) Act, 1916, or any playground used in connection with any such school." Sec. 110 (5).

**8.** (1) The Principal Act is further amended as follows :— Amendment of Act No. 35, 1902.

- (a) By inserting after section one hundred and fifty the following new sections :— New sections.

150A. (1) The council may upon any land in the city (not being portion of a public way) now or hereafter vested in or under the control of or dedicated to the council for any purpose, including any land used as a public park, provide, erect, establish, maintain, control, and manage public gymnasias, children's playgrounds, drill grounds, sports grounds for athletics, tennis courts and recreation grounds, and may from time to time let on temporary hiring or license any such tennis court, sports or recreation ground, upon such terms and conditions as it thinks fit. Gymnasia.

(2) Subject to the provisions of the Metropolitan Traffic Act, 1900, the Metropolitan Traffic (Amendment) Act, 1913, and any regulations made thereunder, the council may erect and maintain and let on lease or license, upon such terms and conditions as the council thinks fit, newspaper kiosks and stands for the purpose of selling newspapers, fruit, flowers, tobacco, or any other commodity within the city prescribed by by-laws made in that behalf.

150B.

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*Sydney Corporation (Amendment).*


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Kiosks.

150B. The council may in any park in the city of which the council is trustee provide, erect, establish, maintain, control, and manage kiosks, refreshment rooms, dressing-rooms, conveniences, and other buildings, and chairs and seats, and may let the same or any of them for such periods and upon such terms and conditions as the council may think fit.

Cartage.

150C. The council may provide for and carry on cartage from and to the council's markets.

Rolls of honor.

150D. The council may provide, erect, or place in the Town Hall any roll of honor, photograph, painting, decorative fixture or permanent fitting or decoration of a commemorative nature.

Mortuaries.

cf. Act  
No. 41, 1919,  
s. 451.

150E. The council may license, control, and regulate mortuaries within the city for the temporary repose of the dead pending burial or cremation, and may provide, control, and carry on public mortuaries.

Funeral  
undertakers.  
*Ibid.* s. 452.

150F. The council may license, control, and regulate within the city—

- [(a) funeral undertakers; and
- (b) vehicles supplied by funeral undertakers for the use of mourners at funerals.

Boarding-  
houses,  
barbers'  
shops, &c.  
cf. *Ibid.*  
s. 451.

150G. The council may license, control, and regulate within the city—

- (a) boarding-houses;
- (b) houses let in lodgings;
- (c) barbers' shops and any premises used for the business of hairdressing or shaving.

Laundries,  
&c.  
cf. *Ibid.*  
s. 298.

150H. The council may provide, control, and regulate—

- (a) wash-houses and laundries;
- (b) disinfecting chambers;
- (c) lethal chambers for dogs and other animals;
- (d) hostels and common lodging-houses for both sexes or for either sex.

150I.

*Sydney Corporation (Amendment).*

150i. The council may subsidise civil ambulance brigades 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, and may allow any such brigade to use and occupy any land vested in the council on such terms and conditions as the council may deem proper.

150j. (1) The council may license, control, and regulate premises for the storage or sale of meat, fish, fruit, or any article of human food prescribed by the Governor by proclamation published in the Gazette.

Ambulance  
brigades.

Power of council  
to license  
premises used  
for sale of meat,  
&c.

cf. Local  
Government  
Act, s. 290 (a)  
and s. 292.

(2) For the purposes of this section—

- (a) meat shall be deemed to include beef, mutton, lamb, ham, bacon, pork, poultry, rabbit, game, and all such flesh or other edible parts of any animal as are used for human food, but not tinned goods;
- (b) fish shall be deemed to include crustaceans but not tinned goods or oysters;
- (c) fruit shall not be deemed to include tinned or bottled goods.

150k. (1) The council may license, control, and regulate premises for the manufacture and sale of ice cream and similar products.

Manufacture  
of ice cream,  
&c.

(2) Nothing in this section shall affect any of the provisions of the Factories and Shops Act, 1912, or any Act amending or replacing that Act.

150l. The council may provide and subsidise maternity and infant welfare centres;

Maternity and  
infant welfare  
centres.

- (b) in subsection one of section two hundred by inserting after paragraph (aa) as inserted by this Act the following new paragraphs:—

Consequential  
amendment.  
Act No. 41,  
1919, s. 200.

- (bb) the regulation, control, and management of any of the matters mentioned in sections 150A, 150B, 150C, and 150H of this Act;

(cc)

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*Sydney Corporation (Amendment).*


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- (cc) the licensing, control, and regulation of any of the persons and matters mentioned in sections 150E, 150F, 150G, 150J, 150K, and 150L of this Act;
- (dd) the fixing of fees and charges in respect of any of the matters mentioned in sections 150A, 150B, 150C, 150E, 150F, 150G, 150H, 150J, 150K, and 150L of this Act;
- Sec. 190 (3). (c) by omitting from subsection three of section one hundred and ninety the words "and all other expenses not herein otherwise provided for" and by inserting in lieu thereof the words "and all costs, charges, and expenses incurred in carrying out the powers, authorities, duties and functions of the council, and not otherwise provided for ;
- Sec. 188. (d) by inserting in section one hundred and eighty-eight after the words "health officer" the words "or any other officer or servant authorised by the council either generally or for the particular case."

*Consequential amendments.*

Act No. 16, 1906, s. 13. (2) The Sydney Corporation Amendment Act, 1906, is amended by omitting section thirteen.

Act No. 39, 1905, s. 12. (3) The Sydney Corporation Amendment Act, 1905, is amended in subsection one of section twelve by omitting paragraph (m) as inserted by section twelve of the Sydney Corporation Amendment Act, 1906.

Amendment of Act No. 35, 1902. **9.** The Principal Act is further amended as follows:—

New section. (a) By inserting after section one hundred and eighty-five the following new section:—

Various further powers. cf. Act No. 41, 1919, s. 289. 185A. (1) The council may—

(a) control and regulate the situation, character, construction, alteration, maintenance, cleansing and use of furnaces and chimneys so as to prevent as far as possible the formation of smoke; require the alteration of furnaces and chimneys

*Sydney Corporation (Amendment).*

- chimneys for that purpose; and for the purposes of this paragraph, furnaces connected with one chimney shall be deemed to be one furnace;
- (b) control and regulate the emission, discharge or escape from any premises of smoke, fumes, steam, vapour, dust, oil, waste water or waste products;
- (c) control and regulate the use of premises so as to prevent objectionable noises thereon, or noises thereon at unreasonable hours;
- (d) control and regulate noises in or near any public place, and in particular noise from the exhaust gas of internal combustion engines other than the engines of motor vehicles;
- (e) control and regulate the keeping of animals, and in particular, pigs, pigeons, and poultry on premises;
- (f) control and regulate the erection of stables on premises; cf. L.G. Act, 1919, s. 281 (2) (m).
- (g) require buildings and rooms to be properly ventilated; cf. L.G. Act, 1919, s. 281 (2) (j).
- (h) require premises to be made proof against rats, and to be kept free from rats; cf. *Ibid.* s. 281 (2) (e).
- (i) prevent the pollution of water and watercourses, whether natural or artificial; *Ibid.* s. 289.
- (j) demolish any building with respect to which a closing order has under the Public Health Act, 1902 (as amended by section sixteen of the Public Health (Amendment) Act, 1915), been duly made, unless within three months after the service of the closing order or within such further time as the council may allow, the building has to the satisfaction of the council been rendered fit for human habitation or occupation. cf. *Ibid.* s. 281 (2) (l).

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*Sydney Corporation (Amendment).*

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*Ibid.* s. 301.

(2) Where the council requires any structural work or alteration to be done or made upon any premises under this section, the owner of the premises shall be primarily liable to comply with the requirement:

Provided that the council may require the occupier of the premises to do the work or make the alteration in default of compliance by the owner, and in any such case the occupier shall comply with the requirement, and shall be entitled to recover from the owner the cost incurred by such compliance, unless such work or alteration has been rendered necessary by the act or default of the occupier.

(3) Nothing in this section shall be deemed to extend to any premises of the Crown;

Amendment.  
Act No. 35,  
1902, s. 175.

(b) by inserting in section one hundred and seventy-five after paragraph (j) the following new paragraphs:—

(k) requiring premises in the city to be made proof against rats and to be kept free from rats;

(l) prescribing and compelling the carrying out of structural alterations in furnaces and chimneys for the purpose of preventing the emission of smoke;

(m) requiring and regulating the ventilation of existing buildings;

New sections.

(c) by inserting after section two hundred and eight the following new sections:—

Offences  
under this  
Act.  
cf. Act No.  
41, 1919,  
s. 632.

208A. (1) Where any matter or thing is by or under this Act directed or forbidden to be done, or where the council or any person is authorised by this Act to direct any matter or thing to be done, or to forbid any matter or thing to be done, and such matter or thing if so directed to be done remains undone, or if so forbidden to be done is done, then in every such case every person offending against such direction or prohibition shall be guilty of an offence under this Act. (2)

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*Sydney Corporation (Amendment).*

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(2) The council may at its discretion prior or subsequently to or in lieu of prosecuting for such offence do any such matter or thing, and recover the costs and expenses thereof from such person in any court of competent jurisdiction.

208B. Every person guilty of an offence under this Act shall for every such offence be liable to the penalty expressly imposed, and if no penalty is so imposed, to a penalty not exceeding twenty pounds, and to a further daily penalty not exceeding five pounds. Penalty. cf. *Ibid.* s. 633.

**10.** The Principal Act is further amended as follows:— Amendment of Act No. 35 of 1902.

(a) By inserting the words "or town clerk" after the word "mayor" in subsection four of section one hundred and ninety; Sec. 190.

(b) (i) by omitting from subsection one of section one hundred and ninety-two the words "Treasury inspectors" and by inserting in lieu thereof the words "inspectors of public accounts"; Sec. 192.

(ii) by adding after subsection three of section one hundred and ninety-two the following new subsection:—

(4) The council shall each year pay into the Treasury such sum as is fixed by the Colonial Secretary towards the amount payable by the Crown in respect of the salaries of the inspectors of public accounts above referred to.

**11.** The Principal Act is further amended in subsection one of section two hundred— Amendment of Act 35 of 1902.

(a) By inserting after paragraph (dd) as inserted by this Act the following new paragraphs:— Sec. 200.

(ee) the licensing, control, and regulation of restaurants, cafes, tea-rooms, eating-houses, and the like; cf. L.G. Act, No. 41, 1919, s. 290 (c) and (d).

(ff)

*Sydney Corporation (Amendment).*

cf. Act  
No. 41, 1919,  
s. 303 (m).

- (ff) the preparation, keeping, and serving of food in hotels, restaurants, cafes, tea-rooms, eating-houses, and the like ;
- (gg) requiring any person who is engaged in the preparation, distribution, sale, carriage, or delivery of articles of human food, and is reported to be suffering from a disease proclaimed as an infectious disease under the Dairies Supervision Act, 1901, to submit to a medical examination by a medical practitioner on behalf of the council and prohibiting such persons from being so engaged while suffering from any such disease ;
- (hh) regulating the payment out of the city fund of moneys in respect of the conveyance of aldermen and officers of the council to their homes after late sittings of the council ;

cf. Act  
No. 41, 1919,  
s. 303 (p).

- (ii) the keeping clean of lavatories provided in hotels, shops and the like, for the use of visitors, customers, or persons resorting to the premises, and the supply, use, and cleanliness of towels, soap, and other accessories therein ;
- (b) by omitting the letters “(aa)” in paragraph (aa) and inserting in lieu thereof the letters “(jj).”

Amendment of  
Act No. 35, 1902.

**12.** The Principal Act is further amended as follows :—

New s. 213A.

- (a) By inserting after section two hundred and thirteen the following new section :—

213A. (1) Any servant of the council or member of the police force who finds a person committing a breach of the provisions of this Act or of the by-laws made hereunder shall—

Demanding  
name of  
offender.  
cf. Local  
Government  
Act, 1919,  
s. 644.

- (a) demand from the person his name and place of abode ; and
- (b) report the offence and the name and place of abode of the person to the council as soon as may be practicable.

(2)



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*Sydney Corporation (Amendment).*

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(2) Any person who upon demand made as aforesaid—

- (a) refuses to state his name or place of abode; or
- (b) states a name or place of abode which in the opinion of the servant of the council or the member of the police force making the demand is false,

may without any other warrant than this Act be apprehended by the servant of the council or by the member of the police force and taken before any court of summary jurisdiction, there to be dealt with according to law.

(3) Any person who upon demand made as aforesaid—

- (a) refuses to state his name or place of abode; or
  - (b) states a false name or place of abode,
- shall be liable to a penalty not exceeding ten pounds.

(4) In the case of a servant of the council, subsection two of this section shall apply only to a servant who is a special constable or to whom the council by resolution decides that the subsection is to apply;

- (b) by inserting after section two hundred and seventeen the following new sections:—

218. The council may, by its officers, employees, or workmen enter upon any lands, whether public or private, in the city for purposes connected with the construction, maintenance, or renewal of drains for carrying off stormwater from public ways:

Provided that in the exercise of the powers conferred by this section the council shall cause as little detriment and inconvenience and do as little damage as possible and shall make full compensation to persons for damage sustained by them by reason or in consequence of

Power of  
entry on  
private  
lands.

*Sydney Corporation (Amendment).*

of the exercise of such powers. The amount of such compensation shall, unless agreed upon, be determined by arbitration or by action at law at the election of the person claiming compensation :

Provided further that the council may in all cases set up by way of defence or in mitigation of damages, as the case may be, that the person claiming compensation has by his own act, neglect, or default caused or contributed to the damage in respect of which he claims to be compensated.

Joint action  
by council  
with councils  
of other  
areas.  
cf. Local  
Government  
Act, 1919,  
s. 521.

219. (1) The council may enter into agreements with the councils of any areas constituted under the Local Government Act, 1919, for the carrying out jointly of works or undertakings authorised by any Act, or for the joint performance of duties or exercise of powers under any Act for the mutual benefit of the city and such area.

(2) Such agreements may provide for the control, regulation, maintenance, and management of such works and undertakings, or for the control, regulation, and management of the performance of such duties, or exercise of such powers either by the councils themselves jointly or by a joint committee composed of members of the councils.

(3) The council may in such agreements delegate to such committee such of its powers as are specifically mentioned therein.

Agreements  
to alter  
boundaries.

220. (1) The council may, with the approval of the Governor, enter into agreements with the council of any area constituted under the Local Government Act, 1919, and adjoining the city for the alteration of boundaries between the city and any such area by taking part or parts of the city and adding the same to the area, or by taking part or parts of the area and adding the same to the city.

For

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*Sydney Corporation (Amendment).*

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For the purposes of this subsection "adjoining" means abutting or only separated by a public reserve, road, river, watercourse, or tidal or non-tidal water, or other like division.

(2) Upon any such agreement being entered into the Governor shall, by proclamation published in the Gazette, set forth—

- (a) in Schedule A to such proclamation, the amended boundaries of the city, so as to include therein or exclude therefrom, as the case may be, any land added to or taken from the city in pursuance of any agreement referred to in the last preceding subsection. Such amended boundaries shall take the place of the boundaries set out in any prior Act or proclamation ;
- (b) in Schedule B to such proclamation, the amended boundaries of any ward or wards of the city, so as to include therein or exclude therefrom, as the case may be, any land or portion thereof so added to or taken from the city ;
- (c) in Schedule C to such proclamation, the boundaries of the land so added to or taken from the city.

(3) The boundaries set forth in Schedule A to such proclamation shall be the boundaries of the city, and where reference is made to the city in this Act, or in any Act, by-law, or regulation in force at the date of such proclamation, the same shall be deemed to refer and shall apply to and have operation within the city as bounded in manner set forth in that Schedule.

(4) The boundaries set forth in Schedule B to such proclamation shall be the boundaries of the ward or wards named in that Schedule.

*Sydney Corporation (Amendment).*

Charges and fees fixed by by-law or resolution.  
cf. Local Government Act, 1919, s. 167.

221. (1) In the following cases, that is to say, in any case where under the provisions of any Act, regulation, or by-law the council—

(a) supplies any service product or commodity; or

(b) makes any registration; or

(c) grants any license; or

(d) gives any permission; or

(e) furnishes any information; or

(f) admits to any building or enclosure; or

(g) receives any application for its approval, the council may fix charges or fees therefor by by-law or resolution, and may demand and recover such charges and fees.

(2) In any such by-law or resolution provision may be made requiring a deposit or prepayment in respect of such charge or fee.

(3) This section shall be deemed to include the supply of any service product or commodity to the Crown.

(4) Nothing in this section shall authorise any charge or fee contrary to the provisions of any Act, regulation, or by-law.

*Amendment of Sydney Corporation Amendment Act, 1905.*

Amendment of Act 39, 1905.

**13.** The Sydney Corporation Amendment Act, 1905, as amended by subsequent Acts, is amended as follows:—

Sec. 12 (1).

(a) (i) By adding at the end of paragraph (h) of subsection one of section twelve the following words:—“and prescribing rules to be observed by persons occupying such stands and stalls (including rules for securing the cleanliness of carts, trucks, barrows, baskets, boxes, and crates used by such persons, and the wholesomeness and cleanliness of the commodities sold or offered or exposed for sale), and with respect to the conduct of such persons”;

(ii)

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*Sydney Corporation (Amendment).*

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(ii) by inserting at the end of subsection one of section twelve the following new paragraphs:—

- (n) requiring and regulating the provision and maintenance of baths and wash-tubs in dwelling-houses in the city;
- (o) regulating and prohibiting the use for habitation of rooms built below the level of the footways of public ways in the city;
- (p) regulating, controlling, and prohibiting the stacking or storing of timber, firewood, casks, barrels, and other inflammable material;
- (q) regulating and prohibiting private tips or dumps for spoil or refuse;
- (r) requiring and regulating the removal of spoil or other waste material by owners, lessees, or occupiers;
- (s) requiring and regulating the fencing of vacant lands to prevent unsightly or insanitary conditions arising by the dumping of spoil and refuse thereon;
- (t) requiring and regulating the cleansing of facades of buildings fronting a public way in the city;
- (u) regulating the floor space and size of rooms in flats in the city;
- (v) regulating and controlling the construction, maintenance, and repair of awnings in the city; and in particular and without limiting the generality of this paragraph—
  - (i) prescribing the type or types of awnings and the materials to be used therein;
  - (ii) regulating the position of awnings;
  - (iii) permitting, regulating, or prohibiting the display of advertisements on awnings;

(iv)

*Sydney Corporation (Amendment).*

- (iv) providing for the display of public notices on awnings;
- (v) prohibiting persons from erecting awnings without first obtaining the approval in writing of the city building surveyor and the city surveyor;
- (vi) requiring the removal of awnings and prescribing the circumstances in which the council may require the removal of awnings;
- (w) regulating and controlling the display of bills, placards, and advertisements in the city, and prohibiting persons from displaying or causing to be displayed in the city any bills, placards, or advertisements in places not appointed by the council for the purpose;

Sec. 16.

- (b) in section sixteen by inserting after the words "and any land required" the words "for the purpose of children's playgrounds, or";

Sec. 20.

- (c) in section twenty by omitting paragraph (e);

New section  
20A.

- (d) by inserting after section twenty the following new section:—

Registrar-  
General to  
grant  
certificates  
of title in  
respect of  
resumed  
properties.

20A. (1) Where any land is resumed by the council, the provisions of this section shall have effect.

(2) A copy of the Gazette notification declaring the land to be so resumed, certified under the seal of the council, shall be lodged with the Registrar-General, who shall, upon the application of the council, and upon payment of the fees prescribed by regulation made under the Conveyancing Act, 1919, issue to the council a certificate of title under the Real Property Act, 1900, to the land described in the notification, without causing any examination or report to be made as to the title

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*Sydney Corporation (Amendment).*

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title to the land and without considering such title, except so far as may be necessary to give effect to the provisions of subsection three of this section.

(3) In dealing with the application it shall not be necessary to locate the boundaries of the Crown grant (if any) of the land, but it shall be sufficient if the Registrar-General is satisfied with respect to any certificate of title proposed to be issued by him in pursuance of this section that the land to be comprised in the certificate is included in the resumed land.

(4) Where the land or any part thereof is comprised in a Crown grant or certificate of title already registered under the Real Property Act, 1900, the Registrar-General shall, before issuing a certificate of title under this section, cancel the existing grant or certificate of title so far as regards such land or part.

(5) If the grant or certificate of title is in the possession of some person other than the council and such person declines to deliver it up for cancellation when required in writing by the Registrar-General so to do, the grant or certificate of title shall be deemed to be wrongfully retained within the meaning of section one hundred and thirty-six of the Real Property Act, 1900.

(6) In any certificate of title issued in pursuance of this section the land may be described in the terms of or by reference to the notice of resumption.

(7) No contribution to the assurance fund shall be payable under the Nineteenth Schedule to the Real Property Act, 1900, upon the issue of any such certificate of title.

(8) This section shall apply to land resumed before or after the commencement of the Sydney Corporation (Amendment) Act, 1924;

(e)

*Sydney Corporation (Amendment).*

Sec. 22 (1).

Power to exchange lands.

(e) (i) in subsection one of section twenty-two by inserting the following new paragraph :—

(i) exchange the whole or any portion of any such land for any other land, upon such terms and conditions as the council may deem fit, including the payment or receipt of money for equality of exchange, but no such exchange may be made by the council unless the Governor's approval of the proposed exchange and of the terms and conditions thereof has been first obtained ;

(ii) in subsection two of section twenty-two by inserting after the word "sold" the words "or exchanged."

Amendment of Act 39 of 1905, s. 23.

**14.** (1) Paragraph (c) of section twenty-three of the Sydney Corporation Amendment Act, 1905, is amended by omitting the words "and be signed by the Lord Mayor and Town Clerk and countersigned by the City Treasurer" and inserting in lieu thereof the words "and be signed by the City Treasurer and either the Lord Mayor or the Town Clerk."

Consequential amendment, Act 22, 1917, Schedule.

(2) The Schedule D1 to the Sydney Corporation (Amendment) Act, 1917, is omitted, and the following new Schedule is inserted in the Sydney Corporation Amendment Act, 1905, immediately after Schedule D to that Act:—

SCHEDULE D1.

No. Series Debenture £  
ISSUED by the Municipal Council of Sydney under the provisions of the Sydney Corporation Amendment Act, 1905 (as amended by subsequent Acts).

TRANSFERABLE BY DELIVERY.

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

Interest



*Sydney Corporation (Amendment).*

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

Dated this                      day of                      A.D.

(L.S.)      Lord Mayor.                      City Treasurer.  
                    Town Clerk.

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

City Treasurer.

(3) Section twenty-two of the City of Sydney <sup>Amendment</sup> Improvement Act, 1879, is amended by omitting the <sup>of City of</sup> words "the surveyor" and by inserting in lieu thereof <sup>Sydney</sup> the words "by the surveyor, he or any officer authorised <sup>Improvement</sup> <sup>Act, 1879, s. 22.</sup> to act on his behalf for this purpose."

## PART IV.

## GENERAL.

**15.** (1) The land described in the Schedule to this <sup>Certain land</sup> Act shall be included within and form part of the <sup>included</sup> city, and shall be subject to any Acts, by-laws, and <sup>within the</sup> regulations affecting the city.

(2) The land so included in the city shall form part of Camperdown ward of the city.

(3) The Governor shall, by proclamation pub- <sup>Boundaries</sup> lished in the Gazette, set forth— <sup>of the city.</sup>

(a) in Schedule I to such proclamation the extended boundaries of the city so as to include therein the land described in the Schedule to this Act, and such boundaries shall take the place of the boundaries set out in Schedule A to the proclamation made in pursuance of section fourteen of the Sydney Corporation (Amendment) Act, 1908, and published in the Government Gazette number one hundred and twenty, of the eighth day of September, one thousand nine hundred and nine;

(b)

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*Sydney Corporation (Amendment).*

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- (b) in Schedule II to such proclamation the extended boundaries of Camperdown ward so as to include therein the land described in the Schedule to this Act, and such boundaries shall take the place of the boundaries set out in Schedule B to the proclamation made in pursuance of section fourteen of the Sydney Corporation (Amendment) Act, 1908, and published in the Government Gazette number one hundred and twenty, of the eighth day of September, one thousand nine hundred and nine.

The proclamation to be made in pursuance of this subsection may be made and published at any time after the passing of this Act.

(4) The boundaries set forth in Schedule I to the proclamation to be made in pursuance of this section shall be the boundaries of the city, and where reference is made to the city in this Act, or in any Act, by-law, or regulation in force at the commencement of this Act, the same shall be deemed to refer and shall apply to and have operation within the city as bounded in manner set forth in that Schedule.

(5) The boundaries set forth in Schedule II to the proclamation to be made in pursuance of this section shall be the boundaries of Camperdown ward.

Amendment  
of Act No. 35.  
1902.

**16.** (1) The Principal Act is further amended by omitting section one hundred and forty-one and by inserting in lieu thereof the following section:—

Power of  
leasing.

141. (1) The council may grant a lease of any premises or any part thereof held by or belonging to the council.

(2) The lease shall reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case.

(3) The term of the lease shall not exceed—

(a) in the case of a building lease, ninety-nine years;

(b) in any other case, twenty-one years.

(4)

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*Sydney Corporation (Amendment).*

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(4) Where the lease is for a term exceeding two years the lease shall not be granted except upon competition either by public auction or tender.

(5) No lease granted by the council prior to the commencement of the Sydney Corporation (Amendment) Act, 1924, shall be held to be invalid merely on the ground that the term of such lease exceeds twenty-one years.

(2) The Sydney Corporation Amendment Act, 1905, is amended—

(a) by the repeal of section ten;

(b) by the repeal of paragraph (h) of subsection one of section twenty-two.

Amendment  
of Act No. 39,  
1905.

Sec. 10.

Sec. 22.

**17.** Notwithstanding the provisions of any other Act the rate of interest payable upon compensation for land acquired by the council by resumption or by the realignment method or by any compulsory purchase shall be six per centum per annum.

Rate of  
interest on  
resumptions.

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THE SCHEDULE.

*Land included in the city.*

ALL that piece or parcel of land situate in the parish of Petersham, county of Cumberland, and State of New South Wales, being part of Newtown-road (late City-road): Commencing at the intersection of the centre of George-street West with the centre of Bay-street; and bounded thence westerly by part of the southern boundary of the municipality of Glebe to its intersection with the centre of Newtown-road (late City-road); thence south-westerly by the centre of that road by the boundary of the city of Sydney, as proclaimed in Government Gazette of the eighth day of September, one thousand nine hundred and nine, to its intersection with the centre of Cleveland-street; thence easterly by part of the northern boundary of the municipality of Darlington along the centre of that street to its intersection with the prolongation south-westerly of the south-eastern building-line of Newtown-road aforesaid; thence north-easterly by that prolongation and that building-line of Newtown-road to the southern building-line of George-street West aforesaid; and thence again north-easterly by a line to the point of commencement.

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

W. P. CULLEN,

*By Deputation from His Excellency the Governor.*

*Government House,*

*Sydney, 17th September, 1924.*

Section 1. The Board of Education of the City of New York shall have the honor to certify to the Board of Regents of the University of the State of New York the names of the persons who have been elected to the office of member of the Board of Education of the City of New York for the term ending on the 31st day of December, 1911.

Section 2. The Board of Education of the City of New York shall have the honor to certify to the Board of Regents of the University of the State of New York the names of the persons who have been elected to the office of member of the Board of Education of the City of New York for the term ending on the 31st day of December, 1911.

THE SCHEDULE

Section 3. The Board of Education of the City of New York shall have the honor to certify to the Board of Regents of the University of the State of New York the names of the persons who have been elected to the office of member of the Board of Education of the City of New York for the term ending on the 31st day of December, 1911.

In witness whereof, I have hereunto set my hand and the seal of the City of New York, this 1st day of September, 1911.

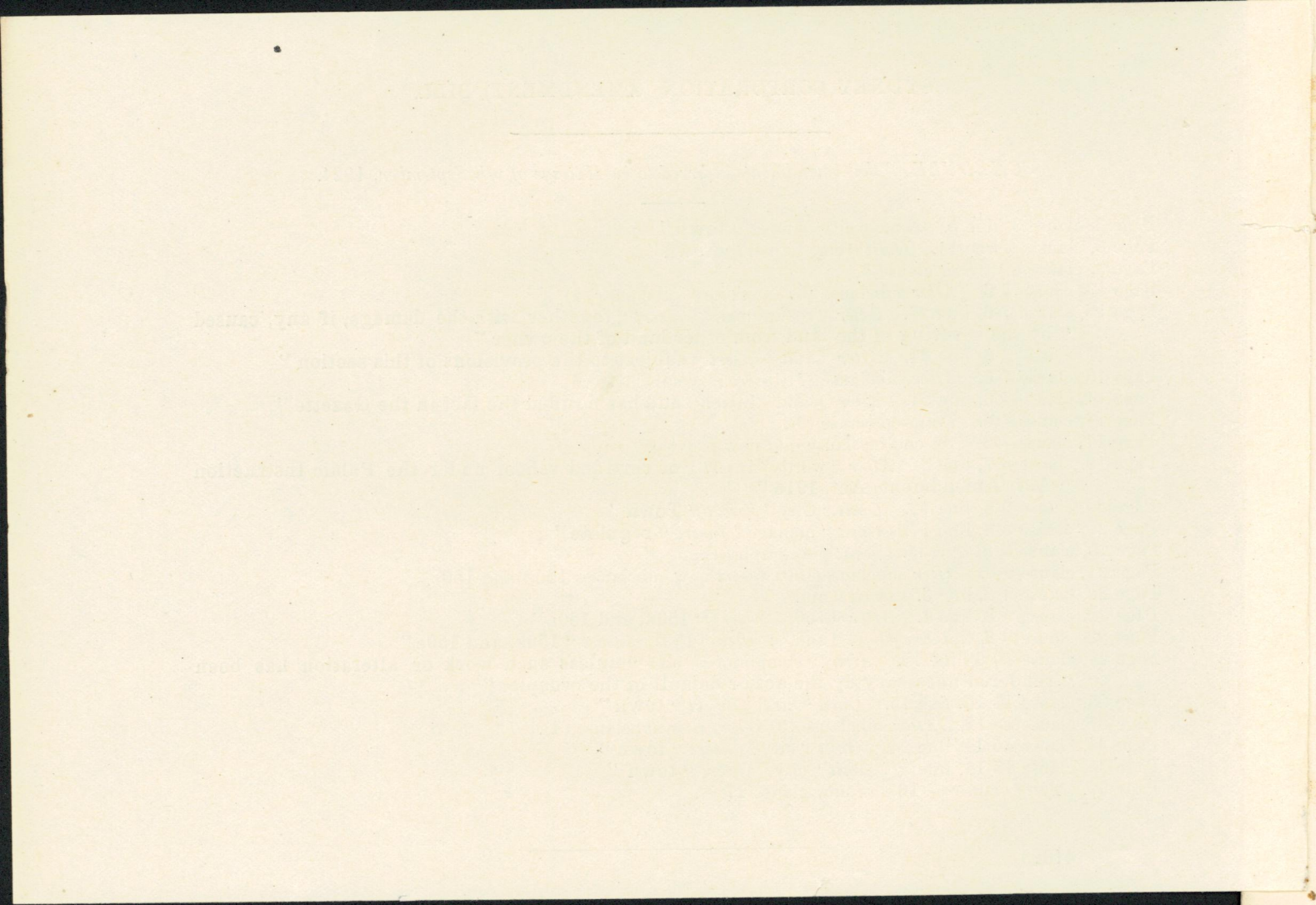
W. R. QUINN, Mayor of the City of New York.

City of New York, September 1st, 1911.

SYDNEY CORPORATION (AMENDMENT) BILL.

*SCHEDULE of the Amendments referred to in Message of 9th September, 1924.*

- Page 3, clause 3, line 5. *Omit "city" insert "town"*
- Page 6, clause 3, line 14. *Omit "city" insert "town"*
- Page 9, clause 5. *Omit clause 5.*
- Page 13, clause 7 6. *After subclause (3) insert new subclause (4).*
- Page 13, clause 7 6, line 26. *After "realignment" insert "together with the damage, if any, caused by the severing of the land from other land of the owner"*
- Page 13, clause 7 6, line 34. *After "and" insert "subject to the provisions of this section"*
- Page 13, clause 7 6. *After subclause (5) insert new subclause (6).*
- Page 14, clause 7 6, line 24. *After "land" insert "and has notified the fact in the Gazette"*
- Page 16, clause 7 6. *Omit subclause (9).*
- Page 17, clause 7 6. *At end of clause add new proviso.*
- Page 19, clause 8 7, line 8. *After "words" insert "or certified school under the Public Instruction Act (Amendment) Act, 1916"*
- Page 20, clause 9 8, line 12. *Omit "City" insert "Town"*
- Page 20, clause 9 8, line 17. *Omit "manage" insert "regulate"*
- Page 20, clause 9 8, line 35. *Omit paragraph (a).*
- Page 21, clause 9 8. *After subclause 150J insert new subclauses 150K and 150L.*
- Page 22, clause 9 8, line 3. *Omit "and"*
- Page 22, clause 9 8, line 4. *After "150J" insert "150K, and 150L"*
- Page 22, clause 9 8, line 8. *Omit "and"; after "150J" insert "150K, and 150L"*
- Page 24, clause 10 9, line 12. *After "compliance" add "unless such work or alteration has been rendered necessary by the act or default of the occupier"*
- Page 25, clause 11 10, line 15. *Omit "city" insert "town"*
- Page 27, clause 13 12. *After subclause (3) insert new subclause (4).*
- Page 34, clause 15 14, line 24. *Omit "city" insert "town"*
- Page 35, clause 15 14, line 5. *Omit "city" insert "town"*
- Page 37. *After clause 17 16 add new clause 17.*



*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, 28 August, 1924.*

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

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

*Legislative Council Chamber,  
Sydney, 9th September, 1924.*

## New South Wales.



ANNO QUINTO DECIMO

# GEORGII V REGIS.

\*\*\*\*\*

Act No. , 1924.

An Act to amend the Sydney Corporation Act, 1902, and certain other Acts; and for purposes connected therewith.

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

### PART I.

#### PRELIMINARY.

**1.** This Act may be cited as the "Sydney Corporation (Amendment) Act, 1924," and shall be construed with the Sydney Corporation Act, 1902, and

4162:

35—A

any

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

*Sydney Corporation (Amendment).*

any Acts amending the same. The Sydney Corporation Act, 1902, as so amended, is hereinafter called the Principal Act.

2. This Act is divided into Parts, as follows:—

Division of Act into Parts.

5 PART I.—PRELIMINARY—ss. 1, 2.

PART II.—REDISTRIBUTION OF WARDS—s. 3.

PART III.—MISCELLANEOUS AMENDMENTS—ss. 4-14.

PART IV.—GENERAL—ss. 15-17.

10

PART II.

REDISTRIBUTION OF WARDS.

3. The Principal Act is amended as follows:—

Amendment Act 35 of 1902.

(a) By omitting from the definition of "wards" in section three the word "twelve";

Sec. 3.

15 (b) by inserting after section eight the following new Part:—

New Part IIA.

PART IIA.

REDISTRIBUTION OF CITY INTO WARDS.

20

8A. (1) As soon as may be practicable after the passing of the Sydney Corporation (Amendment) Act, 1924, the city shall be redistributed into thirteen wards.

Distribution of wards.

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(2) The wards shall be known respectively as Bourke, Macquarie, Fitzroy, Belmore, Cook, Phillip, Lang, Gipps, Bligh, Flinders, Denison, Pyrmont, and Camperdown wards.

30

8B. (1) The Governor shall, by commission under the Great Seal, appoint three persons, to be called the Municipal Council of Sydney Redistribution Commissioners, to be commissioners for the purpose of the redistribution.

Appointment of commissioners.

(2)



*Sydney Corporation (Amendment).*

(2) The commissioners so to be appointed shall include the judge of the Land and Valuation Court, and the persons who for the time being hold the offices of metropolitan district surveyor and city town clerk respectively.

(3) The names of the persons so appointed shall be published in the Gazette.

8c. (1) The office of a commissioner shall be tenable for the period named in such commission, and, if necessary, for such extended period, to be named in a further commission, as the Governor may deem proper for the completion of the redistribution.

Duration of office, &c.  
cf. Act No. 41, 1912, s. 7.

(2) The office of a commissioner shall be vacated if for any cause he ceases to possess the qualification for appointment mentioned in the last preceding section.

8d. At any sitting of the commissioners the judge so appointed shall, when present, be chairman; and in his absence the commissioners shall appoint one of themselves to be chairman as occasion may require.

Chairman.

8e. The commissioners may, subject to the provisions of this Act, make rules for the conduct of their proceedings, but no such rule shall have any force until the same has been approved by the Governor.

Rules.  
Act No. 41, 1912, s. 9.

8f. At all meetings of the commissioners two shall form a quorum; and in the event of an equality of votes the chairman shall have a casting vote in addition to his original vote.

Quorum :  
casting vote of chairman.  
*Ibid.* s. 10.

8g. (1) It shall be the duty of the commissioners, and they are hereby directed to redistribute the city into wards for the purposes of this Act, and to arrive at their determination within fourteen days after the commencement of their sittings.

Distribution of wards by commissioners.  
cf. Act No. 41, 1912, s. 13.

(2) The commissioners shall report to the Governor the names and boundaries of the wards determined by them.

Report by commissioners to be proclaimed.  
*Ibid.* s. 15.

(3) *Ibid.* s. 15.

*Sydney Corporation (Amendment).*

(3) The Governor shall in a proclamation published in the Gazette set out the names of such wards and the boundaries thereof, and upon such publication those wards shall be the wards of the city.

5           8H. The Colonial Secretary shall forthwith after the publication of such proclamation cause to be deposited in the office of the Surveyor-General at the Department of Lands, Sydney, and in the office of the city surveyor, a properly authenticated map of every ward named and described in such proclamation.

Maps of  
wards to be  
deposited.  
Act No. 4  
1912, s. 17 (1)

10           8I. (1) The redistribution shall be made in accordance with the provisions of this section.

Basis of  
distribution.  
*Ibid.* s. 17 (2).

15           (2) Each ward shall have such an area that after the redistribution the number of persons qualified for enrolment as citizens for such ward shall, subject to the margin of allowance, be one-thirteenth of the total number of persons enrolled as citizens for the respective wards of the city.

20           (3) The margin of allowance shall not exceed ten per centum above or below the number obtained by dividing by thirteen the total number of persons enrolled as citizens for the respective wards of the city.

25           (4) In carrying out the redistribution due consideration shall be given to existing boundaries of wards, to community or diversity of interest, lines of communication, and physical features.

30           (5) The commissioners shall give consideration to any report furnished by the Royal Commissioner appointed under letters patent of the nineteenth day of August, one thousand nine hundred and twenty-four, to inquire into and report upon the best method of redistributing the city into wards, and may, in arriving at their determination, adopt any proposal contained in such report, with such variations, if any, as they may deem proper.

35           8J.

40

*Sydney Corporation (Amendment).*

8J. The Governor may, by proclamation published in the Gazette before or after the time at or during or within which anything may or shall be done in pursuance of this Part of this Act, alter or extend such time, or may validate anything done after such time, or done irregularly in matter of form.

Power of Governor to vary or extend times, &c. cf. Act No. 86, 1902, s. 3 (2).

8K. The provisions of the Royal Commissions Act, 1923, shall apply to the Municipal Council of Sydney Redistribution Commissioners in carrying out the redistribution, and such commissioners may accordingly take evidence as to the matters entrusted to them.

Evidence may be taken by commissioners. Act No. 41, 1912, s. 19.

8L. (1) The redistribution shall not affect the operation of section twenty-two of the Sydney Corporation (Amendment) Act, 1908, and the council shall in accordance with that section continue to levy for the term therein stated the special rate upon all ratable lands comprised in Camperdown Ward as described in Schedule B to the proclamation made in pursuance of the Sydney Corporation (Amendment) Act, 1908, and published in the Government Gazette, number one hundred and twenty, of the eighth day of September, one thousand nine hundred and nine.

Redistribution not to affect s. 22 of Act No. 27, 1908.

(2) Upon the publication in the Gazette of the proclamation referred to in subsection three of section 8G of this Act, the provisions of section eight of this Act, subsection three of section fourteen of the Sydney Corporation (Amendment) Act, 1908, and subsections two and five of section sixteen of the Sydney Corporation (Amendment) Act, 1924, shall cease to have effect.

Consequential repeals.

8M. (1) Within seven days after the date of the publication in the Gazette of the proclamation referred to in subsection three of section 8G of this Act, the chamber magistrate of the Central Police Court shall adjust the citizens' rolls as prepared during the year one thousand nine

Adjustment of rolls.

*Sydney Corporation (Amendment).*

5 nine hundred and twenty-four in the manner following, that is to say, he shall select from the roll for each ward the name of every person who, by reason of any alteration in the boundaries of the ward is no longer entitled to be enrolled on the roll for that ward, and shall transfer the names of such persons to the roll for the ward for which they are respectively entitled to be enrolled.

10 (2) Such chamber magistrate shall forth- with cause a fair copy to be made of the roll as so adjusted for each ward, and after certifying to the correctness of the same shall forward it to the city town clerk, and such copy shall be the roll for the ward until a new roll is prepared, and shall be prima facie evidence that the roll has been duly made and of the correctness of the contents thereof.

15  
20 (3) Such chamber magistrate may appoint such and so many members of the police force or other persons as he may think fit to assist him in carrying out the duties imposed upon him by this section.

## PART III.

## MISCELLANEOUS AMENDMENTS.

25 **4.** The Principal Act is further amended as follows:—

(1) In section nine—

(a) by omitting all words from the commencement of the section down to but not including the words "severally the owner" where occurring in paragraph (a) of subsection one, and by inserting the following in lieu thereof:—

30  
35 " (1) The following persons if of the age of twenty-one years or upwards shall be entitled to be placed on the citizens' roll for any ward:—

(a) Any person, male or female, being a natural born or naturalised British subject

Amendment of  
Act No. 35, 1902,  
s. 16.  
Sec. 9.

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*Sydney Corporation (Amendment).*

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- subject who on the first day of May of the year in which a roll is to be prepared as hereinafter provided is";
- 5 (b) by omitting from paragraph (b) of subsection one all words following the words "first day" down to but not including the words "in joint or several occupation" and by inserting in lieu thereof the words "of May of the year in which a roll is to be prepared as hereinafter provided";
- 10 (c) by omitting from paragraph (c) of subsection one all words following the words "first day" down to but not including the words "occupied jointly" and by inserting in lieu thereof the words "of May of the year in which a roll is to be prepared as hereinafter provided";
- 15 (2) by omitting from subsection one of section ten, Sec. 10. all words from the commencement of the subsection down to and including the words "the stipendiary magistrates" where first occurring, and inserting in lieu thereof the words "on or before the first day of May in every year in which an election of aldermen is to be held, the stipendiary magistrates";
- 20 (3) by omitting from subsection one of section Sec. 11. eleven all words from the commencement of the subsection down to and including the words "make out a list" and inserting in lieu thereof the words "The collectors appointed for each ward shall in the months of May and June in every such year, make out a list";
- 25 (4) by omitting from subsection one of section Sec. 12. twelve all words following the words "last preceding section" and inserting in lieu thereof the words "from the first to the thirty-first day of August in each such year";
- 30 (5) (a) by omitting from subsection one of section Sec. 13. thirteen all words from the commencement of the subsection down to and including the words "whose name is not on such
- 35 list"
- 40

*Sydney Corporation (Amendment).*

- list" and inserting in lieu thereof the words "at any time after the first and before the thirty-first day of August in any such year, any person whose name is not on such list";
- 5
- (b) by omitting from subsection two of section thirteen all words from the commencement of the subsection down to and including the words "the said chamber magistrate" and inserting in lieu thereof the words "as soon as possible after the said thirty-first day of August, the said chamber magistrate";
- 10
- (6) by omitting from subsection one of section fourteen all words from the commencement of the subsection down to and including the words "revision courts" and inserting in lieu thereof the words "During the month of September in every such year revision courts";
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- (7) by inserting after section seventeen the following new section:—
- 20
- 17A. The Governor may by proclamation in the Gazette before or after the time at or during or within which anything may or shall be done in pursuance of this Part, alter or extend such time, or may validate anything done after such time or done irregularly in matter of form;
- 25
- (8) by omitting from section seventeen the proviso to subsection three.
- 30

*Consequential amendments.*

- (9) (a) The Sydney Corporation (Amendment) Act, 1902, is hereby repealed. Act No. 86, 1902.
- 35
- (b) The Sydney Corporation Amendment Act, 1905, is amended by omitting section three. Act No. 39, 1905, s. 3.
- (c) The Sydney Corporation (Amendment) Act, 1917, is amended by omitting section two. Act No. 22, 1917, s. 2.

*Sydney Corporation (Amendment).*

5. (1) The Principal Act and subsequent Acts amending the same are amended by omitting the words "Town Hall" and "town clerk" wherever occurring, and by inserting in lieu thereof respectively the words "City Hall" and "city clerk."

(2) A reference to the Town Hall or town clerk of the Municipal Council of Sydney in any regulation or by-law made under the authority of any of such Acts, shall be read as a reference to the City Hall or the city clerk, as the case may be.

6. 5. The Principal Act is further amended as follows:—

(a) By inserting after subsection three of section two the following new subsection:—

(4) Unless otherwise expressly provided nothing in this Act or in any Act amending this Act, shall affect any of the provisions of the Public Health Act, 1902, the Pure Food Act, 1908, or any Act amending or replacing those Acts, or take away powers vested in any person or body by any of such Acts or by any by-laws or regulations made thereunder.

(b) In section three—

(i) by inserting in the definition of the word "cattle" after the word "horses" the words "asses, mules";

(ii) by inserting in their appropriate alphabetical order the following definitions:—

"Common lodging house" means any house, edifice, building or other structure, permanent or otherwise (not being premises licensed under the Liquor Act, 1912) in which persons are harboured or lodged for hire, for a single night, or for less than a week at one time, or part of which is let or may be let for any term less than a week at one time.

"Restaurant"

*Sydney Corporation (Amendment).*

“Restaurant” or “eating house” includes any premises where meals or refreshment may be obtained by any person on payment therefor, but does not include premises licensed under the Liquor Act, 1912.

“Boarding house” means any house, edifice, building, or other structure, permanent or otherwise, and any part of the same (not being premises licensed under the Liquor Act, 1912) in which more than three persons, exclusive of the family of the proprietor thereof, are lodged or boarded for hire for a term of one week or upwards;

(c) by inserting at the end of section twenty-four Sec. 24. the following proviso:—

Provided that a person shall not be disqualified for a civic office or be liable to a penalty by reason only of having a direct or indirect pecuniary interest in any agreement with the council for or with respect to—

- (a) the publication of advertisements in a newspaper of which he is the owner or part owner; or
- (b) the supply to him by the council of any service in like manner and subject to the like conditions applicable in the case of persons who are not aldermen; or
- (c) the performance by the council at his expense of work in connection with public ways or sanitation; or
- (d) the occupation of public ways by him during the erection of buildings; or
- (e) the making good by him without payment of any damage to public ways caused by him, or the payment by him to the council of the cost of making good such damage; or
- (f)

of. Local Government Act, 1919, s. 30 (5).



*Sydney Corporation (Amendment).*

- (f) the renting of any land from the council by him in any case where the agreement was made before his election ; or
- 5 (g) the renting by him from the council of a building hall or room for the purpose of holding a meeting or entertainment therein ; or
- (h) the payment to or by the council of any claim in respect of a dividing fence ; or
- 10 (i) the settlement by him of any claim he may have against the council for compensation in respect of property in which he has an interest upon the resumption of the same by the council under its statutory powers.
- 15

7. **6.** The Principal Act is further amended as follows :— Amendment of Principal Act. Substituted s. 40.

- (a) By omitting section forty and by inserting the following section in lieu thereof :—

20 40. (1) Before any person claiming to vote shall be permitted to vote he shall make and subscribe before the presiding officer a declaration in the form contained in the Ninth Schedule to this Act. Declaration by voter.

25 (2) The presiding officer may, and at the request of any scrutineer shall, put to any person claiming to vote all or any of the following questions :—

- 30 (a) Are you the person whose name appears as \_\_\_\_\_ number \_\_\_\_\_ on the citizens' roll for this ward ?
- (b) Are you of the full age of twenty-one years ?
- 35 (c) Have you already voted either here or elsewhere at this election ?
- (d) Are you disqualified from voting ?

40 (3) Every person wilfully making a false answer to any such question, or wilfully making a false declaration under this section, shall be deemed guilty of a misdemeanour.

(4)

*Sydney Corporation (Amendment).*

(4) No person shall be allowed to vote unless he makes such declaration and (if asked) answers such questions satisfactorily.

5 (5) If any person refuses to answer fully any question put to him by the presiding officer, or by his answer shows that he is not entitled to vote, his claim to vote shall be rejected ;

(b) by the repeal of section sixty-six ;

Repeal of s. 66.

10 (c) by inserting after section seventy-five the following new sections :—

New sections.

15 75A. (1) Without limitation of any other power conferred by this or any other Act the council may widen any public way by including in the carriage-way the whole or a part of the footway, and acquiring from an owner of abutting land any land required for the whole or a part of a new footway, subject to a reservation of specified rights in favour of the owner.

Colonnading.

cf. Act  
No. 41, 1919,  
s. 261.

20 (2) Any land required for widening a public way in accordance with this section may be acquired, subject to a reservation of such of the following rights in favour of the owner as the council may at or before the time of acquisition determine, that is to say—

25 (a) a right to the ownership, possession, occupation and use of any existing building, room or cellar, so far as the same is at a specified height or depth above or below the level of the new footway, and subject to the right of the council to make such structural alterations as may be required ;

30 (b) a right to erect any building in accordance with the provisions of any Act relating to the erection of buildings in the city at a specified height above the level of the new footway, and to own, possess, occupy and use the same ;

35 (c) a right of support for any building coming within clause (a) or clause (b) of this subsection.

75B.

*Sydney Corporation (Amendment).*

75B. (1) The council may cause any aligned public way to be realigned under the Public Roads Act, 1902, in order to widen the way. Realignment. cf. Act No. 41, 1919, s. 252.

5 (2) Any realignment under this section may be carried into effect by the acquisition under this Act or any amendment thereof of the necessary land, or under the succeeding provisions of this section relating to the realignment method of acquiring land, or by  
10 a combination of these methods.

(3) Where the council proposes to apply the realignment method of acquisition to any lands affected by a realignment it shall serve notice accordingly upon the owners of  
15 lands affected; and until such notice is served the interests of such owners shall not be affected by the realignment.

(4) A plan showing the realignment shall be lodged by the council in the office of  
20 the Registrar-General.

(4 5) Under the realignment method Compensation. compensation for any injurious effects suffered by reason of such realignment may be claimed, but shall be limited to payment of the value  
25 of the land taken from any owner by reason of the realignment, together with the damage, if any, caused by the severing of the land from other land of the owner, and such value and damage shall be ascertained and such com-  
30 pensation shall be payable as at the date when such land is cleared of buildings and obstructions by the owner or lessee, whether for the purpose of rebuilding to the new alignment or not, and, subject to the provisions of this section, from that date the land shall vest in the council  
35 for a public way.

(6) In ascertaining the compensation effect shall be given by way of abatement to  
40 any enhancement by reason of the widening of the public way in the value of the interests of the owners in any land adjoining the land taken.

*Sydney Corporation (Amendment).*

(5 7) Where any public way is realigned, and where the realignment method is applied, the owner of any land or building or work affected by such realignment shall not construct, build, place, reconstruct, rebuild, replace or repair any building or work, or portion of a building or work, standing upon the land between the old alignment and the new : Prohibition of construction or substantial repair of buildings and works.

5  
10 Provided that the council may approve the execution of minor and not substantial repairs in order to permit of the reasonable preservation of any existing building or work, but not so as to violate the intention of this section.

(6 8) Whether or not the council has elected to apply the realignment method it may at any time, and notwithstanding any such election, decide to purchase or resume any or all of the lands affected by the realignment. Power to purchase or resume for realignment.

(7 9) Notwithstanding the provisions of the Public Roads Act, 1902, the land between the old alignment and the new shall not form part of the way until the council has acquired title to such land, and has notified the fact in the Gazette, or a dedication thereof as a public way has been effected. When the land forms part of the road.

(8 10) In any case where compensation may be claimed under this section, such claim, in case of dispute, shall be made and determined in the same manner as a claim for compensation for the resumption of land under the provisions of the Sydney Corporation Amendment Act, 1905, and any Act amending the same ;

(d) by inserting after section eighty-one the following new section :— New section.

35  
40 81A. (1) Where it is expedient for public use, convenience, or safety or for preventing unsightly or insanitary conditions that any way should be under the control, management, and direction of the Council, the Council may, notwithstanding any provision to the contrary in this or any other Act, take over the way in accordance with this section. Taking over ways.

45 (2) The way shall not be so taken over unless the approval of the Governor is first obtained. (3)

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*Sydney Corporation (Amendment).*

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5 (3) Before the approval of the Governor is given, the Council shall give notice that it intends to take over the way, to the owners of premises fronting, adjoining, or abutting on the way, and any such owner may within one month lodge any objection with the Minister for consideration by the Governor.

10 (4) The approval of the Governor shall be notified in the Gazette, and a copy of such Gazette purporting to be printed by the Government Printer shall be conclusive evidence of the approval, and that it is expedient within the meaning of subsection one of this section that the way should be under the control, management, and direction of the Council, and that the provisions of subsection three of this section have been duly complied with.

20 (5) From the date of the notification the way shall vest in the council as a public way, and shall thenceforth be under the control, management, and direction of the Council for all purposes of this Act and of any by-law made thereunder.

25 (6) Where the way has not been levelled, paved, macadamised, drained, or otherwise fully completed to the satisfaction of the Council, the Council may, either before or within one year after taking over the way, level, pave, macadamise, drain, or otherwise fully complete the same, and all the expenses incurred in so doing shall be paid by the owner of the premises fronting, adjoining, or abutting on the way, or if there is more than one such owner, by the respective owners of the premises in such proportions as the Council may determine.

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35  
40 (7) In determining the proportion of such expenses to be paid by the respective owners, the Council shall have regard to the benefit to be derived by any premises from such works, and to the amount and value of any work done on or in respect of the way by the owners or occupiers of any such premises.

(8)

*Sydney Corporation (Amendment).*

(8) If within fourteen days after the service upon any such owner of notice of the amount of the expenses so incurred or determined, such amount is not paid to the City Treasurer, the Council shall have the like remedies for recovering the same as in the case of any city rate.

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

(~~10~~ 9) For the purposes of this section "way" means way, lane, court, square, or alley or portion thereof within the city used as a thoroughfare or as a means of access to the properties of two or more owners, but does not include any land of which the owner is known to the Council, or of which the owner can be ascertained from an official search under section one hundred and ninety-seven of the Conveyancing Act, 1919.

(~~11~~ 10) This section applies to any way whether formed or not, and whether existing before or after the commencement of the Sydney Corporation (Amendment) Act, 1924;

(c) (i) by omitting from subsection one of section Sec. 84. eighty-four the words "city surveyor" and inserting in lieu thereof the words "city building surveyor";

(ii) by omitting subsection two of section eighty-four and inserting the following subsection in lieu thereof:—

(2) If such owner or tenant does not comply with the requirements of such notice within the time therein specified, to the satisfaction of the said surveyor, the said surveyor may cause all or so much of such required works, as he may deem necessary, to be done, and all the expenses thereof shall be paid by the owner or tenant to the council; (iii)

*Sydney Corporation (Amendment).*

(iii) by inserting at the end of section eighty-four the following new subsection:—

(5) For the purposes of this section or for any of the other purposes of this Act, or whenever otherwise he deems it necessary, the city building surveyor or the city surveyor may close any street or portion of a street in the city for such time as he thinks fit:

Provided that the closing shall be reported to the council at its next meeting, and the council may at any time give such directions to the city building surveyor or the city surveyor as it thinks necessary or proper for preventing or minimising inconvenience or interference with business.

8. 7. The Principal Act is further amended as follows:—

Amendment  
of Act No.  
35, 1902.

(a) By inserting after section one hundred and nine the following new sections:—

New sections

109A. The council may set apart any part of any public way vested in it, or under its control, for the purpose of laying out, constructing, and maintaining thereon gardens, lawns, plantations, or other ornamental features, and for those purposes may enclose any such part or indicate the boundaries thereof with boundary erections or otherwise.

Power to lay  
out planta-  
tions, &c., on  
public ways.

109B. (1) No person other than an employee of the council, or a person acting under the authority of the council, shall take up, relay, or otherwise interfere with any of the footways or crossings of any public way in the city, unless he is authorised so to do by or under the provisions of this or any other Act.

Footways and  
crossings.

(2) Any person who commits a breach of the provisions of this section shall be liable to a penalty not exceeding five pounds.

109C. (1) In any case where an opening has been made in a public way in the city by or on behalf of any person, and the city surveyor is of opinion that—

Reinstatement  
of  
openings in  
public ways.

(a) there is delay in the refilling of the opening, or the reinstatement of the public way; or

(b)

*Sydney Corporation (Amendment).*

- (b) the opening has been improperly or insufficiently filled in; or  
 (c) the reinstatement has been inefficiently carried out; or  
 5 (d) such filling in and reinstatement have not been carried out and completed with similar materials and in a similar manner to the portion of the public way adjoining the said opening so as to  
 10 make the same uniform,

the city surveyor may cause such opening to be filled in and the reinstatement made or remade with such materials and in such manner as he may think fit so as to make the  
 15 same uniform with the portion of the public way adjoining.

(2) The costs incurred by the city surveyor in executing any work under the power contained in subsection one hereof shall be charged against and shall on demand be payable to the council by the person by whom  
 20 or on whose behalf the opening was made; and in default of payment the council may recover the amount from such person in any court of competent jurisdiction as a debt due by such  
 25 person to the council.

(3) In this section "person" includes a statutory body representing the Crown and any company or body corporate.

30 (4) In this section "statutory body representing the Crown" includes any public body proclaimed under this Act as a statutory body representing the Crown;

(b) in section two hundred, by inserting after  
 35 paragraph (z) of subsection one the following new paragraph:—

(aa) the regulation and control of all gardens, lawns, plantations, and ornamental features laid out, constructed, or maintained by the council in any public way vested in the council or under its control  
 40 and

Consequential amendment.  
 Sec. 200.



*Sydney Corporation (Amendment).*

and the prevention of trespass upon or damage to any part of such gardens, lawns, plantations, or ornamental features, or any trees, flowers, shrubs, or other plants growing thereon ;

5

- (c) by inserting in subsection five of section one hundred and ten immediately after the words "Public Instruction Act of 1880" the words "or certified school under the Public Instruction Act (Amendment) Act, 1916, or any playground used in connection with any such school."

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9. 8. (1) The Principal Act is further amended as follows :—

Amendment of Act No. 35, 1902.

15

- (a) By inserting after section one hundred and fifty the following new sections :—

New sections.

20

25

150A. (1) The council may upon any land in the city (not being portion of a public way) now or hereafter vested in or under the control of or dedicated to the council for any purpose, including any land used as a public park, provide, erect, establish, maintain, control, and manage public gymnasias, children's playgrounds, drill grounds, sports grounds for athletics, tennis courts and recreation grounds, and may from time to time let on temporary hiring or license any such tennis court, sports or recreation ground, upon such terms and conditions as it thinks fit.

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(2) Subject to the provisions of the Metropolitan Traffic Act, 1900, the Metropolitan Traffic (Amendment) Act, 1913, and any regulations made thereunder, the council may erect and maintain and let on lease or license, upon such terms and conditions as the council thinks fit, newspaper kiosks and stands for the purpose of selling newspapers, fruit, flowers, tobacco, or any other commodity within the city prescribed by by-laws made in that behalf.

150B.

*Sydney Corporation (Amendment).*

5 150B. The council may in any park in the city of which the council is trustee provide, erect, establish, maintain, control, and manage kiosks, refreshment rooms, dressing-rooms, conveniences, and other buildings, and chairs and seats, and may let the same or any of them for such periods and upon such terms and conditions as the council may think fit. Kiosks.

10 150C. The council may provide for and carry on cartage from and to the council's markets. Cartage.

15 150D. The council may provide, erect, or place in the City Town Hall any roll of honor, photograph, painting, decorative fixture or permanent fitting or decoration of a commemorative nature. Rolls of honor.

20 150E. The council may license, control, and manage regulate mortuaries within the city for the temporary repose of the dead pending burial or cremation, and may provide, control, and carry on public mortuaries. Mortuaries.  
cf. Act  
No. 41, 1919,  
s. 451.

25 150F. The council may license, control, and regulate within the city— Funeral  
undertakers.  
*Ibid.* s. 452.

- (a) funeral undertakers; and  
(b) vehicles supplied by funeral undertakers for the use of mourners at funerals.

30 150G. The council may license, control, and regulate within the city— Boarding-  
houses,  
barbers'  
shops, &c.  
cf. *Ibid.*  
s. 451.

- (a) boarding-houses;  
(b) houses let in lodgings;  
(c) barbers' shops and any premises used for the business of hairdressing or shaving.

35 150H. The council may provide, control, and regulate— Maternity  
and infant  
welfare, &c.  
cf. *Ibid.*  
s. 298.

- (a) ~~maternity and infant welfare centres;~~  
(b) a wash-houses and laundries;  
(c) disinfecting chambers;  
(d) lethal chambers for dogs and other animals;  
(e) d) hostels and common lodging-houses for both sexes or for either sex.

150I.

*Sydney Corporation (Amendment).*

150I. The council may subsidise civil ambulance brigades 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, and may allow any such brigade to use and occupy any land vested in the council on such terms and conditions as the council may deem proper.

150J. (1) The council may license, control, and regulate premises for the storage or sale of meat, fish, fruit, or any article of human food prescribed by the Governor by proclamation published in the Gazette.

- (2) For the purposes of this section—
- (a) meat shall be deemed to include beef, mutton, lamb, ham, bacon, pork, poultry, rabbit, game, and all such flesh or other edible parts of any animal as are used for human food, but not tinned goods;
  - (b) fish shall be deemed to include crustaceans but not tinned goods or oysters;
  - (c) fruit shall not be deemed to include tinned or bottled goods.

150K. (1) The council may license, control, and regulate premises for the manufacture and sale of ice cream and similar products.

(2) Nothing in this section shall affect any of the provisions of the Factories and Shops Act, 1912, or any Act amending or replacing that Act.

150L. The council may provide and subsidise maternity and infant welfare centres;

- (b) in subsection one of section two hundred by inserting after paragraph (aa) as inserted by this Act the following new paragraphs:—

(bb) the regulation, control, and management of any of the matters mentioned in sections 150A, 150B, 150C, and 150H of this Act;

(cc)

Ambulance brigades.

Power of council to license premises used for sale of meat, &c.

cf. Local Government Act, s. 290 (a) and s. 292.

Consequential amendment. Act No. 41. 1919, s. 200.

*Sydney Corporation (Amendment).*

- (cc) the licensing, control, and regulation of any of the persons and matters mentioned in sections 150E, 150F, 150G, and 150J, **150K**, and **150L** of this Act;
- 5 (dd) the fixing of fees and charges in respect of any of the matters mentioned in sections 150A, 150B, 150C, 150E, 150F, 150G, 150H, and 150J, **150K**, and **150L** of this Act;
- 10 (c) by omitting from subsection three of section Sec. 190 (3). one hundred and ninety the words "and all other expenses not herein otherwise provided for" and by inserting in lieu thereof the words
- 15 "and all costs, charges, and expenses incurred in carrying out the powers, authorities, duties and functions of the council, and not otherwise provided for ;
- (d) by inserting in section one hundred and eighty- Sec. 188. eight after the words "health officer" the words "or any other officer or servant authorised by the council either generally or for the particular case."
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*Consequential amendments.*

(2) The Sydney Corporation Amendment Act, Act No. 16, 1906, s. 13. 1906, is amended by omitting section thirteen.

(3) The Sydney Corporation Amendment Act, Act No. 39, 1905, s. 12. 1905, is amended in subsection one of section twelve by omitting paragraph (m) as inserted by section twelve of the Sydney Corporation Amendment Act, 1906.

30 ~~10.~~ **9.** The Principal Act is further amended as follows :— Amendment of Act No. 35, 1902.

(a) By inserting after section one hundred and eighty-five the following new section :— New section.

185A. (1) The council may—

- 35 (a) control and regulate the situation, character, construction, alteration, maintenance, cleansing and use of furnaces and chimneys so as to prevent as far as possible the formation of smoke ;
- 40 require the alteration of furnaces and chimneys
- Various further powers. cf. Act No. 41, 1919, s. 289.

*Sydney Corporation (Amendment).*

- chimneys for that purpose; and for the purposes of this paragraph, furnaces connected with one chimney shall be deemed to be one furnace;
- 5 (b) control and regulate the emission, discharge or escape from any premises of smoke, fumes, steam, vapour, dust, oil, waste water or waste products;
- 10 (c) control and regulate the use of premises so as to prevent objectionable noises thereon, or noises thereon at unreasonable hours;
- 15 (d) control and regulate noises in or near any public place, and in particular noise from the exhaust gas of internal combustion engines other than the engines of motor vehicles;
- (e) control and regulate the keeping of animals, and in particular, pigs, pigeons, and poultry on premises;
- 20 (f) control and regulate the erection of stables on premises; cf. L.G. Act, 1919, s. 281 (2) (m).
- (g) require buildings and rooms to be properly ventilated; cf. L.G. Act, 1919, s. 281 (2) (j).
- 25 (h) require premises to be made proof against rats, and to be kept free from rats; cf. *Ibid.* s. 281 (2) (c).
- (i) prevent the pollution of water and watercourses, whether natural or artificial; *Ibid.* . 289.
- 30 (j) demolish any building with respect to which a closing order has under the Public Health Act, 1902 (as amended by section sixteen of the Public Health (Amendment) Act, 1915), been duly made, unless within three months after the service of the closing order or within such further time as the council may allow, the building has to the satisfaction of the council been rendered fit for human habitation or occupation. cf. *Ibid.* s. 281 (2) (1).
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*Sydney Corporation (Amendment).*

(2) Where the council requires any *Ibid.* s. 301.  
structural work or alteration to be done or  
made upon any premises under this section,  
the owner of the premises shall be primarily  
liable to comply with the requirement:

5            Provided that the council may require the  
occupier of the premises to do the work or  
make the alteration in default of compliance  
10          by the owner, and in any such case the  
occupier shall comply with the requirement,  
and shall be entitled to recover from the owner  
the cost incurred by such compliance, **unless**  
**such work or alteration has been rendered**  
**necessary by the act or default of the occupier.**

15          (3) Nothing in this section shall be  
deemed to extend to any premises of the  
Crown;

(b) by inserting in section one hundred and *Amendment.*  
seventy-five after paragraph (j) the following *Act No. 35,*  
20          new paragraphs:— *1902, s. 175.*

(k) requiring premises in the city to be  
made proof against rats and to be kept  
free from rats;

25          (l) prescribing and compelling the carrying  
out of structural alterations in furnaces  
and chimneys for the purpose of pre-  
venting the emission of smoke;

(m) requiring and regulating the ventilation  
of existing buildings;

30          (c) by inserting after section two hundred and *New sections.*  
eight the following new sections:—

35          208A. (1) Where any matter or thing is by  
or under this Act directed or forbidden to be *Offences*  
done, or where the council or any person is *under this*  
authorised by this Act to direct any matter or *Act.*  
thing to be done, or to forbid any matter or *cf. Act No.*  
35          thing to be done, and such matter or thing if *41, 1919,*  
so directed to be done remains undone, or if so *s. 632.*  
forbidden to be done is done, then in every  
40          such case every person offending against such  
direction or prohibition shall be guilty of an  
offence under this Act. (2)

*Sydney Corporation (Amendment).*

(2) The council may at its discretion prior or subsequently to or in lieu of prosecuting for such offence do any such matter or thing, and recover the costs and expenses thereof from such person in any court of competent jurisdiction.

208B. Every person guilty of an offence under this Act shall for every such offence be liable to the penalty expressly imposed, and if no penalty is so imposed, to a penalty not exceeding twenty pounds, and to a further daily penalty not exceeding five pounds.

11. **10.** The Principal Act is further amended as follows:—

(a) By inserting the words "or city town clerk" after the word "mayor" in subsection four of section one hundred and ninety;

(b) (i) by omitting from subsection one of section one hundred and ninety-two the words "Treasury inspectors" and by inserting in lieu thereof the words "inspectors of public accounts";

(ii) by adding after subsection three of section one hundred and ninety-two the following new subsection:—

(1) The council shall each year pay into the Treasury such sum as is fixed by the Colonial Secretary towards the amount payable by the Crown in respect of the salaries of the inspectors of public accounts above referred to.

12. **11.** The Principal Act is further amended in subsection one of section two hundred—

(a) By inserting after paragraph (dd) as inserted by this Act the following new paragraphs:—

(ee) the licensing, control, and regulation of restaurants, cafes, tea-rooms, eating-houses, and the like;

(ff)

*Sydney Corporation (Amendment).*

- (ff) the preparation, keeping, and serving of food in hotels, restaurants, cafes, tea-rooms, eating-houses, and the like ;
- 5 (gg) requiring any person who is engaged in the preparation, distribution, sale, carriage, or delivery of articles of human food, and is reported to be suffering from a disease proclaimed as an infectious disease under the Dairies Supervision Act, 1901, to submit to a medical examination by a medical practitioner on behalf of the council and prohibiting such persons from being so engaged while suffering from any such disease ;
- 10 (hh) regulating the payment out of the city fund of moneys in respect of the conveyance of aldermen and officers of the council to their homes after late sittings of the council ;
- 15 (ii) the keeping clean of lavatories provided in hotels, shops and the like, for the use of visitors, customers, or persons resorting to the premises, and the supply, use, and cleanliness of towels, soap, and other accessories therein ;
- 20 (b) by omitting the letters “(aa)” in paragraph (aa) and inserting in lieu thereof the letters “(jj).”
- 25
13. **12.** The Principal Act is further amended as follows:—
- 30 as Amendment of Act No. 35, 1902.
- (a) By inserting after section two hundred and thirteen the following new section:—
- 213A. (1) Any servant of the council or member of the police force who finds a person committing a breach of the provisions of this Act or of the by-laws made hereunder shall—
- 35 (a) demand from the person his name and place of abode ; and
- (b) report the offence and the name and place of abode of the person to the council as soon as may be practicable.
- 40



*Sydney Corporation (Amendment).*

(2) Any person who upon demand made as aforesaid—

(a) refuses to state his name or place of abode; or

5 (b) states a name or place of abode which in the opinion of the servant of the council or the member of the police force making the demand is false,

10 may without any other warrant than this Act be apprehended by the servant of the council or by the member of the police force and taken before any court of summary jurisdiction, there to be dealt with according to law.

15 (3) Any person who upon demand made as aforesaid—

(a) refuses to state his name or place of abode; or

20 (b) states a false name or place of abode, shall be liable to a penalty not exceeding ten pounds.

25 (4) In the case of a servant of the council, subsection two of this section shall apply only to a servant who is a special constable or to whom the council by resolution decides that the subsection is to apply;

(b) by inserting after section two hundred and New sections. seventeen the following new sections:—

30 218. The council may, by its officers, Power of entry on private lands. employees, or workmen enter upon any lands, whether public or private, in the city for purposes connected with the construction, maintenance, or renewal of drains for carrying off stormwater from public ways:

35 Provided that in the exercise of the powers conferred by this section the council shall cause as little detriment and inconvenience and do as little damage as possible and shall make full compensation to persons for damage sustained by them by reason or in consequence of

*Sydney Corporation (Amendment).*

of the exercise of such powers. The amount of such compensation shall, unless agreed upon, be determined by arbitration or by action at law at the election of the person claiming compensation:

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Provided further that the council may in all cases set up by way of defence or in mitigation of damages, as the case may be, that the person claiming compensation has by his own act, neglect, or default caused or contributed to the damage in respect of which he claims to be compensated.

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219. (1) The council may enter into agreements with the councils of any areas constituted under the Local Government Act, 1919, for the carrying out jointly of works or undertakings authorised by any Act, or for the joint performance of duties or exercise of powers under any Act for the mutual benefit of the city and such area.

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(2) Such agreements may provide for the control, regulation, maintenance, and management of such works and undertakings, or for the control, regulation, and management of the performance of such duties, or exercise of such powers either by the councils themselves jointly or by a joint committee composed of members of the councils.

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(3) The council may in such agreements delegate to such committee such of its powers as are specifically mentioned therein.

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220. (1) The council may, with the approval of the Governor, enter into agreements with the council of any area constituted under the Local Government Act, 1919, and adjoining the city for the alteration of boundaries between the city and any such area by taking part or parts of the city and adding the same to the area, or by taking part or parts of the area and adding the same to the city.

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*Sydney Corporation (Amendment).*

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For the purposes of this subsection "adjoining" means abutting or only separated by a public reserve, road, river, watercourse, or tidal or non-tidal water, or other like division.

5 (2) Upon any such agreement being entered into the Governor shall, by proclamation published in the Gazette, set forth—

10 (a) in Schedule A to such proclamation, the amended boundaries of the city, so as to include therein or exclude therefrom, as the case may be, any land added to or taken from the city in pursuance of any agreement referred to in the last preceding subsection. Such amended boundaries shall take the place of the boundaries set out in any prior Act or proclamation ;

15 (b) in Schedule B to such proclamation, the amended boundaries of any ward or wards of the city, so as to include therein or exclude therefrom, as the case may be, any land or portion thereof so added to or taken from the city ;

20 (c) in Schedule C to such proclamation, the boundaries of the land so added to or taken from the city.

25 (3) The boundaries set forth in Schedule A to such proclamation shall be the boundaries of the city, and where reference is made to the city in this Act, or in any Act, by-law, or regulation in force at the date of such proclamation, the same shall be deemed to refer and shall apply to and have operation within the city as bounded in manner set forth in that Schedule.

30 (4) The boundaries set forth in Schedule B to such proclamation shall be the boundaries of the ward or wards named in that Schedule.

*Sydney Corporation (Amendment).*

221. (1) In the following cases, that is to say, in any case where under the provisions of any Act, regulation, or by-law the council—

Charges and fees fixed by by-law or resolution.

5 (a) supplies any service product or commodity; or

cf. Local Government Act, 1919, s. 167.

(b) makes any registration; or

(c) grants any license; or

(d) gives any permission; or

(e) furnishes any information; or

10 (f) admits to any building or enclosure; or

(g) receives any application for its approval,

the council may fix charges or fees therefor by by-law or resolution, and may demand and recover such charges and fees.

15 (2) In any such by-law or resolution provision may be made requiring a deposit or prepayment in respect of such charge or fee.

20 (3) This section shall be deemed to include the supply of any service product or commodity to the Crown.

(4) Nothing in this section shall authorise any charge or fee contrary to the provisions of any Act, regulation, or by-law.

25 *Amendment of Sydney Corporation Amendment Act, 1905.*

44- **13.** The Sydney Corporation Amendment Act, 1905, as amended by subsequent Acts, is amended as follows:—

Amendment of Act 39, 1905.

30 (a) (i) By adding at the end of paragraph (h) of subsection one of section twelve the following words:—“and prescribing rules to be observed by persons occupying such stands and stalls (including rules for securing the cleanliness of carts, trucks, barrows, baskets,

35 boxes, and crates used by such persons, and the wholesomeness and cleanliness of the commodities sold or offered or exposed for sale), and with respect to the conduct of such persons”;

(ii)

*Sydney Corporation (Amendment).*

(ii) by inserting at the end of subsection one of section twelve the following new paragraphs:—

- 5 (n) requiring and regulating the provision and maintenance of baths and wash-tubs in dwelling-houses in the city ;
- 10 (o) regulating and prohibiting the use for habitation of rooms built below the level of the footways of public ways in the city ;
- (p) regulating, controlling, and prohibiting the stacking or storing of timber, firewood, casks, barrels, and other inflammable material ;
- 15 (q) regulating and prohibiting private tips or dumps for spoil or refuse ;
- (r) requiring and regulating the removal of spoil or other waste material by owners, lessees, or occupiers ;
- 20 (s) requiring and regulating the fencing of vacant lands to prevent unsightly or insanitary conditions arising by the dumping of spoil and refuse thereon ;
- 25 (t) requiring and regulating the cleansing of facades of buildings fronting a public way in the city ;
- (u) regulating the floor space and size of rooms in flats in the city ;
- 30 (v) regulating and controlling the construction, maintenance, and repair of awnings in the city ; and in particular and without limiting the generality of this paragraph—
- 35 (i) prescribing the type or types of awnings and the materials to be used therein ;
- (ii) regulating the position of awnings ;
- 40 (iii) permitting, regulating, or prohibiting the display of advertisements on awnings ;
- (iv)

*Sydney Corporation (Amendment).*

- 5 (iv) providing for the display of public notices on awnings ;
- (v) prohibiting persons from erecting awnings without first obtaining the approval in writing of the city building surveyor and the city surveyor ;
- 10 (vi) requiring the removal of awnings and prescribing the circumstances in which the council may require the removal of awnings ;
- 15 (w) regulating and controlling the display of bills, placards, and advertisements in the city, and prohibiting persons from displaying or causing to be displayed in the city any bills, placards, or advertisements in places not appointed by the council for the purpose ;
- 20 (b) in section sixteen by inserting after the words Sec. 16. "and any land required" the words "for the purpose of children's playgrounds, or" ;
- (c) in section twenty by omitting paragraph (e) ; Sec. 20.
- 25 (d) by inserting after section twenty the following New section 20A. new section :—
- 20A. (1) Where any land is resumed by the council, the provisions of this section shall have effect. Registrar-General to grant certificates of title in respect of resumed properties.
- 30 (2) A copy of the Gazette notification declaring the land to be so resumed, certified under the seal of the council, shall be lodged with the Registrar-General, who shall, upon the application of the council, and upon payment of the fees prescribed by regulation made under the Conveyancing Act, 1919, issue to the council a certificate of title under the Real Property Act, 1900, to the land described in the notification, without causing any examination or report to be made as to the
- 35 title

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*Sydney Corporation (Amendment).*

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title to the land and without considering such title, except so far as may be necessary to give effect to the provisions of subsection three of this section.

5 (3) In dealing with the application it shall not be necessary to locate the boundaries of the Crown grant (if any) of the land, but it shall be sufficient if the Registrar-General is satisfied with respect to any certificate of title  
10 proposed to be issued by him in pursuance of this section that the land to be comprised in the certificate is included in the resumed land.

15 (4) Where the land or any part thereof is comprised in a Crown grant or certificate of title already registered under the Real Property Act, 1900, the Registrar-General shall, before issuing a certificate of title under this section, cancel the existing grant or certificate of title so far as regards such land or part.

20 (5) If the grant or certificate of title is in the possession of some person other than the council and such person declines to deliver it up for cancellation when required in writing by the Registrar-General so to do, the grant or  
25 certificate of title shall be deemed to be wrongfully retained within the meaning of section one hundred and thirty-six of the Real Property Act, 1900.

30 (6) In any certificate of title issued in pursuance of this section the land may be described in the terms of or by reference to the notice of resumption.

35 (7) No contribution to the assurance fund shall be payable under the Nineteenth Schedule to the Real Property Act, 1900, upon the issue of any such certificate of title.

40 (8) This section shall apply to land resumed before or after the commencement of the Sydney Corporation (Amendment) Act, 1924;

*Sydney Corporation (Amendment).*

(e) (i) in subsection one of section twenty-two Sec. 22 (1).  
by inserting the following new para-  
graph :—

5 (i) exchange the whole or any portion of Power to exchange lands.  
any such land for any other land, upon  
such terms and conditions as the  
council may deem fit, including the  
10 payment or receipt of money for  
equality of exchange, but no such  
exchange may be made by the coun-  
cil unless the Governor's approval of  
the proposed exchange and of the  
terms and conditions thereof has  
been first obtained ;

15 (ii) in subsection two of section twenty-two  
by inserting after the word "sold" the  
words "or exchanged."

15. **14.** (1) Paragraph (c) of section twenty-three of Amendment of Act 39 of 1905, s. 23.  
the Sydney Corporation Amendment Act, 1905, is  
20 amended by omitting the words "and be signed by the  
Lord Mayor and Town Clerk and countersigned by the  
City Treasurer" and inserting in lieu thereof the words  
"and be signed by the City Treasurer and either the  
Lord Mayor or the City Town Clerk."

25 (2) The Schedule D1 to the Sydney Corporation Conse-quential amendment, Act 22, 1917, Schedule.  
(Amendment) Act, 1917, is omitted, and the following  
new Schedule is inserted in the Sydney Corporation  
Amendment Act, 1905, immediately after Schedule D  
to that Act:—

30 SCHEDULE D1.

No. Series Debenture £

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

35 TRANSFERABLE BY DELIVERY.

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

Interest





*Sydney Corporation (Amendment).*

(b) in Schedule II to such proclamation the extended boundaries of Camperdown ward so as to include therein the land described in the Schedule to this Act, and such boundaries shall take the place of the boundaries set out in Schedule B to the proclamation made in pursuance of section fourteen of the Sydney Corporation (Amendment) Act, 1908, and published in the Government Gazette number one hundred and twenty, of the eighth day of September, one thousand nine hundred and nine.

The proclamation to be made in pursuance of this subsection may be made and published at any time after the passing of this Act.

(4) The boundaries set forth in Schedule I to the proclamation to be made in pursuance of this section shall be the boundaries of the city, and where reference is made to the city in this Act, or in any Act, by-law, or regulation in force at the commencement of this Act, the same shall be deemed to refer and shall apply to and have operation within the city as bounded in manner set forth in that Schedule.

(5) The boundaries set forth in Schedule II to the proclamation to be made in pursuance of this section shall be the boundaries of Camperdown ward.

17. **16.** (1) The Principal Act is further amended by omitting section one hundred and forty-one and by inserting in lieu thereof the following section:—

30 141. (1) The council may grant a lease of any premises or any part thereof held by or belonging to the council.

(2) The lease shall reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case.

(3) The term of the lease shall not exceed—

(a) in the case of a building lease, ninety-nine years;

(b) in any other case, twenty-one years.

(4)

Amendment  
of Act No. 35.  
1902.

Power of  
leasing.

*Sydney Corporation (Amendment).*

(4) Where the lease is for a term exceeding two years the lease shall not be granted except upon competition either by public auction or tender.

5 (5) No lease granted by the council prior to the commencement of the Sydney Corporation (Amendment) Act, 1924, shall be held to be invalid merely on the ground that the term of such lease exceeds twenty-one years.

10 (2) The Sydney Corporation Amendment Act, 1905, is amended—

(a) by the repeal of section ten ;

(b) by the repeal of paragraph (h) of subsection one of section twenty-two.

Amendment  
of Act No. 39,  
1905.

Sec. 10.

Sec. 22.

15 **17.** Notwithstanding the provisions of any other Act the rate of interest payable upon compensation for land acquired by the council by resumption or by the realignment method or by any compulsory purchase shall be six per centum per annum.

20

## THE SCHEDULE.

*Land included in the city.*

ALL that piece or parcel of land situate in the parish of Petersham, county of Cumberland, and State of New South Wales, being part of Newtown-road (late City-road): Commencing at the intersection of

25 the centre of George-street West with the centre of Bay-street ; and bounded thence westerly by part of the southern boundary of the municipality of Glebe to its intersection with the centre of Newtown-road (late City-road) ; thence south-westerly by the centre of that road by the boundary of the city of Sydney, as proclaimed in

30 Government Gazette of the eighth day of September, one thousand nine hundred and nine, to its intersection with the centre of Cleveland-street ; thence easterly by part of the northern boundary of the municipality of Darlington along the centre of that street to its intersection with the prolongation south-westerly of the south-

35 eastern building-line of Newtown-road aforesaid ; thence north-easterly by that prolongation and that building-line of Newtown-road to the southern building-line of George-street West aforesaid ; and thence again north-easterly by a line to the point of commencement.

Sydney: Alfred James Kent, Government Printer—1924.

[2s. 6d.]

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Schedule (continued)

1924.

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Legislative Council.

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## Sydney Corporation (Amendment) Act, 1924.

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### EXPLANATORY NOTE.

THIS is a Bill to amend the Sydney Corporation Act, 1902, and Acts amending the same.

The principal matters dealt with in the Bill are :—

1. The redistribution and redefinition of the wards of the City.
  2. Certain machinery amendments as to the collection and revision of the rolls not altering in any way the existing franchise.
  3. Certain provisions taken from the Local Government Act, 1919, with slight modifications, with reference to matters which are not to disqualify an alderman.
  4. Various additional powers mainly taken from the Local Government Act, 1919, as to widening and realignment of streets, control of certain classes of lanes, demolition of dangerous walls, plantations in streets, control of footways, and the reinstatement of public ways, the provision of gymnasia, kiosks, dressing-rooms, &c., in parks, the regulation of mortuaries, undertakers, boarding-houses, barbers' shops, &c., the provision of maternity centres, the prevention of smoke and similar nuisances, powers as to stormwater drains, the regulation of awnings, and numerous other powers to regulate matters concerning public health and convenience with extended authority to make by-laws.
  5. Provision to include within the city a small portion of land described in the Schedule and which at present appears to be in an anomalous position, and for redefining the city boundaries consequent on this inclusion.
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THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

REPORT OF THE PHYSICS DEPARTMENT

FOR THE YEAR 1954-1955

CHICAGO, ILLINOIS

1955

PHYSICS DEPARTMENT

UNIVERSITY OF CHICAGO

CHICAGO, ILLINOIS

*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, 28 August, 1924.*

## New South Wales.



ANNO QUINTO DECIMO

# GEORGII V REGIS.

\*\*\*\*\*

Act No. , 1924.

An Act to amend the Sydney Corporation Act, 1902, and certain other Acts; and for purposes connected therewith.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of 5 the same, as follows:—

### PART I.

#### PRELIMINARY.

**1.** This Act may be cited as the "Sydney <sup>Short title,</sup> Corporation (Amendment) Act, 1924," and shall be 10 construed with the Sydney Corporation Act, 1902, and any

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*Sydney Corporation (Amendment).*

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any Acts amending the same. The Sydney Corporation Act, 1902, as so amended, is hereinafter called the Principal Act.

**2.** This Act is divided into Parts, as follows:—

Division of  
Act into  
Parts.

- 5**    PART I.—PRELIMINARY—*ss.* 1, 2.  
       PART II.—REDISTRIBUTION OF WARDS—*s.* 3.  
       PART III.—MISCELLANEOUS AMENDMENTS—*ss.*  
           4-15.  
       PART IV.—GENERAL—*ss.* 16, 17.
- 

**10**

PART II.

REDISTRIBUTION OF WARDS.

**3.** The Principal Act is amended as follows:—

Amendment of  
Act 35 of 1902.  
Sec. 3.

- 15**    [(a) By omitting from the definition of “wards”  
           in section three the word “twelve”;  
       (b) by inserting after section eight the following  
       new Part:—

New Part  
IIA.

PART IIA.

REDISTRIBUTION OF CITY INTO WARDS.

**20**    8A. (1) As soon as may be practicable after  
       the passing of the Sydney Corporation (Amend-  
       ment) Act, 1924, the city shall be redistri-  
       buted into thirteen wards.

Distribution  
of wards.

**25**    (2) The wards shall be known respec-  
       tively as Bourke, Macquarie, Fitzroy, Belmore,  
       Cook, Phillip, Lang, Gipps, Bligh, Flinders,  
       Denison, Pyrmont, and Camperdown wards.

**30**    8B. (1) The Governor shall, by commission  
       under the Great Seal, appoint three persons,  
       to be called the Municipal Council of Sydney  
       Redistribution Commissioners, to be commis-  
       sioners for the purpose of the redistribution.

Appointment  
of commis-  
sioners.

(2)



*Sydney Corporation (Amendment).*

(2) The commissioners so to be appointed shall include the judge of the Land and Valuation Court, and the persons who for the time being hold the offices of metropolitan district surveyor and city clerk respectively.

(3) The names of the persons so appointed shall be published in the Gazette.

8c. (1) The office of a commissioner shall be tenable for the period named in such commission, and, if necessary, for such extended period, to be named in a further commission, as the Governor may deem proper for the completion of the redistribution.

Duration of office, &c.  
cf. Act No. 41, 1912, s. 7.

(2) The office of a commissioner shall be vacated if for any cause he ceases to possess the qualification for appointment mentioned in the last preceding section.

8d. At any sitting of the commissioners the judge so appointed shall, when present, be chairman; and in his absence the commissioners shall appoint one of themselves to be chairman as occasion may require.

Chairman.

8e. The commissioners may, subject to the provisions of this Act, make rules for the conduct of their proceedings, but no such rule shall have any force until the same has been approved by the Governor.

Rules.  
Act No. 41, 1912, s. 9.

8f. At all meetings of the commissioners two shall form a quorum; and in the event of an equality of votes the chairman shall have a casting vote in addition to his original vote.

Quorum :  
casting vote of chairman.  
*Ibid.* s. 10.

8g. (1) It shall be the duty of the commissioners, and they are hereby directed to redistribute the city into wards for the purposes of this Act, and to arrive at their determination within fourteen days after the commencement of their sittings.

Distribution of wards by commissioners.  
cf. Act No. 41, 1912, s. 13.

(2) The commissioners shall report to the Governor the names and boundaries of the wards determined by them.

Report by commissioners to be proclaimed.

(3) *Ibid.* s. 15.

*Sydney Corporation (Amendment).*

(3) The Governor shall in a proclamation published in the Gazette set out the names of such wards and the boundaries thereof, and upon such publication those wards shall be the wards of the city.

5

8H. The Colonial Secretary shall forthwith after the publication of such proclamation cause to be deposited in the office of the Surveyor-General at the Department of Lands, Sydney, and in the office of the city surveyor, a properly authenticated map of every ward named and described in such proclamation.

10

8I. (1) The redistribution shall be made in accordance with the provisions of this section.

15

(2) Each ward shall have such an area that after the redistribution the number of persons qualified for enrolment as citizens for such ward shall, subject to the margin of allowance, be one-thirteenth of the total number of persons enrolled as citizens for the respective wards of the city.

20

(3) The margin of allowance shall not exceed ten per centum above or below the number obtained by dividing by thirteen the total number of persons enrolled as citizens for the respective wards of the city.

25

(4) In carrying out the redistribution due consideration shall be given to existing boundaries of wards, to community or diversity of interest, lines of communication, and physical features.

30

(5) The commissioners shall give consideration to any report furnished by the Royal Commissioner appointed under letters patent of the nineteenth day of August, one thousand nine hundred and twenty-four, to inquire into and report upon the best method of redistributing the city into wards, and may, in arriving at their determination, adopt any proposal contained in such report, with such variations, if any, as they may deem proper.

35

40

8J.

*Sydney Corporation (Amendment).*

5 8J. The Governor may, by proclamation published in the Gazette before or after the time at or during or within which anything may or shall be done in pursuance of this Part of this Act, alter or extend such time, or may validate anything done after such time, or done irregularly in matter of form.

Power of Governor to vary or extend times, &c. of Act No. 86, 1902, s. 3 (2).

10 8K. The provisions of the Royal Commissions Act, 1923, shall apply to the Municipal Council of Sydney Redistribution Commissioners in carrying out the redistribution, and such commissioners may accordingly take evidence as to the matters entrusted to them.

Evidence may be taken by commissioners. Act No. 41, 1912, s. 19.

15 8L. (1) The redistribution shall not affect the operation of section twenty-two of the Sydney Corporation (Amendment) Act, 1908, and the council shall in accordance with that section continue to levy for the term therein stated the special rate upon all ratable lands comprised in Camperdown Ward as described in Schedule B to the proclamation made in pursuance of the Sydney Corporation (Amendment) Act, 1908, and published in the Government Gazette, number one hundred and twenty, of the eighth day of September, one thousand nine hundred and nine.

Redistribution not to affect s. 22 of Act No. 27, 1908.

20  
25  
30 (2) Upon the publication in the Gazette of the proclamation referred to in subsection three of section 8G of this Act, the provisions of section eight of this Act, subsection three of section fourteen of the Sydney Corporation (Amendment) Act, 1908, and subsections two and five of section sixteen of the Sydney Corporation (Amendment) Act, 1924, shall cease to have effect.

Consequential repeals.

35 8M. (1) Within seven days after the date of the publication in the Gazette of the proclamation referred to in subsection three of section 8G of this Act, the chamber magistrate of the Central Police Court shall adjust the citizens' rolls as prepared during the year one thousand nine

Adjustment of rolls.

*Sydney Corporation (Amendment).*

5 nine hundred and twenty-four in the manner following, that is to say, he shall select from the roll for each ward the name of every person who, by reason of any alteration in the boundaries of the ward is no longer entitled to be enrolled on the roll for that ward, and shall transfer the names of such persons to the roll for the ward for which they are respectively entitled to be enrolled.

10 (2) Such chamber magistrate shall forth- with cause a fair copy to be made of the roll as so adjusted for each ward, and after certifying to the correctness of the same shall forward it to the city clerk, and such copy shall be the roll for the ward until a new roll is prepared, and shall be prima facie evidence that the roll has been duly made and of the correctness of the contents thereof.

15 (3) Such chamber magistrate may appoint such and so many members of the police force or other persons as he may think fit to assist him in carrying out the duties imposed upon him by this section.

## PART III.

## MISCELLANEOUS AMENDMENTS.

25 **4.** The Principal Act is further amended as follows:— Amendment Act No. 35, 1902. Sec. 9.

(1) In section nine—

30 (a) by omitting all words from the commencement of the section down to but not including the words "severally the owner" where occurring in paragraph (a) of subsection one, and by inserting the following in lieu thereof:—

35 "(1) The following persons if of the age of twenty-one years or upwards shall be entitled to be placed on the citizens' roll for any ward:—

(a) Any person, male or female, being a natural born or naturalised British subject

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*Sydney Corporation (Amendment).*

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- subject who on the first day of May  
of the year in which a roll is to be  
prepared as hereinafter provided is ”;
- 5 (b) by omitting from paragraph (b) of subsection  
one all words following the words “first  
day” down to but not including the words  
“in joint or several occupation” and by  
inserting in lieu thereof the words “of  
10 May of the year in which a roll is to be  
prepared as hereinafter provided ”;
- (c) by omitting from paragraph (c) of subsection  
one all words following the words  
“first day” down to but not including the  
15 words “occupied jointly” and by inserting  
in lieu thereof the words “of May of the  
year in which a roll is to be prepared as  
hereinafter provided ”;
- 20 (2) by omitting from subsection one of section ten, Sec. 10.  
all words from the commencement of the sub-  
section down to and including the words “the  
stipendiary magistrates” where first occurring,  
and inserting in lieu thereof the words “on or  
before the first day of May in every year in  
25 which an election of aldermen is to be held,  
the stipendiary magistrates ”;
- (3) by omitting from subsection one of section Sec. 11.  
eleven all words from the commencement of  
the subsection down to and including the  
30 words “make out a list” and inserting in lieu  
thereof the words “The collectors appointed  
for each ward shall in the months of May and  
June in every such year, make out a list ”;
- (4) by omitting from subsection one of section Sec. 12.  
twelve all words following the words “last  
35 preceding section” and inserting in lieu  
thereof the words “from the first to the  
thirty-first day of August in each such year ”;
- (5) (a) by omitting from subsection one of section Sec. 13.  
thirteen all words from the commencement  
40 of the subsection down to and including  
the words “whose name is not on such  
list”

*Sydney Corporation (Amendment).*

- list" and inserting in lieu thereof the words "at any time after the first and before the thirty-first day of August in any such year, any person whose name is not on such list";
- 5
- (b) by omitting from subsection two of section thirteen all words from the commencement of the subsection down to and including the words "the said chamber magistrate" and inserting in lieu thereof the words "as soon as possible after the said thirty-first day of August, the said chamber magistrate";
- 10
- (6) by omitting from subsection one of section fourteen all words from the commencement of the subsection down to and including the words "revision courts" and inserting in lieu thereof the words "During the month of September in every such year revision courts";
- 15
- (7) by inserting after section seventeen the following new section:—
- 20
- 17A. The Governor may by proclamation in the Gazette before or after the time at or during or within which anything may or shall be done in pursuance of this Part, alter or extend such time, or may validate anything done after such time or done irregularly in matter of form;
- 25
- (8) by omitting from section seventeen the proviso to subsection three.
- 30

*Consequential amendments.*

- (9) (a) The Sydney Corporation (Amendment) Act, 1902, is hereby repealed. Act No. 86, 1902.
- (b) The Sydney Corporation Amendment Act, 1905, is amended by omitting section three. Act No. 39, 1905, s. 3.
- 35
- (c) The Sydney Corporation (Amendment) Act, 1917, is amended by omitting section two. Act No. 22, 1917, s. 2.

*Sydney Corporation (Amendment).*

5. (1) The Principal Act and subsequent Acts amending the same are amended by omitting the words "Town Hall" and "town clerk" wherever occurring, and by inserting in lieu thereof respectively the words "City Hall" and "city clerk."

Amendment of various Acts.

(2) A reference to the Town Hall or town clerk of the Municipal Council of Sydney in any regulation or by-law made under the authority of any of such Acts, shall be read as a reference to the City Hall or the city clerk, as the case may be.

6. The Principal Act is further amended as follows:—

Amendment of Act No. 35, 1902.

(a) By inserting after subsection three of section two the following new subsection:—

Sec. 2.

(4) Unless otherwise expressly provided nothing in this Act or in any Act amending this Act, shall affect any of the provisions of the Public Health Act, 1902, the Pure Food Act, 1908, or any Act amending or replacing those Acts, or take away powers vested in any person or body by any of such Acts or by any by-laws or regulations made thereunder.

cf. Act No. 41, 1919, s. 10 (1).

(b) In section three—

Sec. 3.

(i) by inserting in the definition of the word "cattle" after the word "horses" the words "asses, mules";

(ii) by inserting in their appropriate alphabetical order the following definitions:—

"Common lodging house" means any house, edifice, building or other structure, permanent or otherwise (not being premises licensed under the Liquor Act, 1912) in which persons are harboured or lodged for hire, for a single night, or for less than a week at one time, or part of which is let or may be let for any term less than a week at one time.

"Restaurant"

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*Sydney Corporation (Amendment).*

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5 "Restaurant" or "eating house"  
includes any premises where  
meals or refreshment may be  
obtained by any person on  
payment therefor, but does not  
include premises licensed under  
the Liquor Act, 1912.

10 "Boarding house" means any house,  
edifice, building, or other  
structure, permanent or other-  
wise, and any part of the same  
(not being premises licensed  
under the Liquor Act, 1912) in  
15 which more than three persons,  
exclusive of the family of the  
proprietor thereof, are lodged or  
boarded for hire for a term of  
one week or upwards;

20 (c) by inserting at the end of section twenty-four Sec. 24.  
the following proviso:—

25 Provided that a person shall not be dis-  
qualified for a civic office or be liable to a cf. Local  
Government  
Act, 1919,  
s. 30 (5). penalty by reason only of having a direct or  
indirect pecuniary interest in any agreement  
with the council for or with respect to—

- 30 (a) the publication of advertisements in a  
newspaper of which he is the owner  
or part owner; or
- (b) the supply to him by the council of any  
service in like manner and subject to  
the like conditions applicable in the case  
of persons who are not aldermen; or
- 35 (c) the performance by the council at his  
expense of work in connection with  
public ways or sanitation; or
- (d) the occupation of public ways by him  
during the erection of buildings; or
- 40 (e) the making good by him without pay-  
ment of any damage to public ways  
caused by him, or the payment by him  
to the council of the cost of making  
good such damage; or (f)



*Sydney Corporation (Amendment).*

- 5 (f) the renting of any land from the council by him in any case where the agreement was made before his election ; or
- (g) the renting by him from the council of a building hall or room for the purpose of holding a meeting or entertainment therein ; or
- 10 (h) the payment to or by the council of any claim in respect of a dividing fence ; or
- 15 (i) the settlement by him of any claim he may have against the council for compensation in respect of property in which he has an interest upon the resumption of the same by the council under its statutory powers.

7. The Principal Act is further amended as follows :— Amendment of Principal Act.

- (a) By omitting section forty and by inserting the following section in lieu thereof :— Substituted s. 40.

20 40. (1) Before any person claiming to vote shall be permitted to vote he shall make and subscribe before the presiding officer a declaration in the form contained in the Ninth Schedule to this Act. Declaration by voter.

25 (2) The presiding officer may, and at the request of any scrutineer shall, put to any person claiming to vote all or any of the following questions :—

- 30 (a) Are you the person whose name appears as number on the citizens' roll for this ward ?
- (b) Are you of the full age of twenty-one years ?
- 35 (c) Have you already voted either here or elsewhere at this election ?
- (d) Are you disqualified from voting ?

40 (3) Every person wilfully making a false answer to any such question, or wilfully making a false declaration under this section, shall be deemed guilty of a misdemeanour.

(4)

*Sydney Corporation (Amendment).*

(4) No person shall be allowed to vote unless he makes such declaration and (if asked) answers such questions satisfactorily.

5

(5) If any person refuses to answer fully any question put to him by the presiding officer, or by his answer shows that he is not entitled to vote, his claim to vote shall be rejected ;

(b) by the repeal of section sixty-six ;

Repeal of s. 66.

10

(c) by inserting after section seventy-five the following new sections :—

New sections.

15

75A. (1) Without limitation of any other power conferred by this or any other Act the council may widen any public way by including in the carriage-way the whole or a part of the footway, and acquiring from an owner of abutting land any land required for the whole or a part of a new footway, subject to a reservation of specified rights in favour of the owner.

Colonnading.

cf. Act  
No. 41, 1919,  
s. 261.

20

(2) Any land required for widening a public way in accordance with this section may be acquired, subject to a reservation of such of the following rights in favour of the owner as the council may at or before the time of acquisition determine, that is to say—

25

(a) a right to the ownership, possession, occupation and use of any existing building, room or cellar, so far as the same is at a specified height or depth above or below the level of the new footway, and subject to the right of the council to make such structural alterations as may be required ;

30

(b) a right to erect any building in accordance with the provisions of any Act relating to the erection of buildings in the city at a specified height above the level of the new footway, and to own, possess, occupy and use the same ;

35

40

(c) a right of support for any building coming within clause (a) or clause (b) of this subsection.

75B.

*Sydney Corporation (Amendment).*

75B. (1) The council may cause any aligned public way to be realigned under the Public Roads Act, 1902, in order to widen the way. Realignment. cf. Act No. 41, 1919, s. 262.

5 (2) Any realignment under this section may be carried into effect by the acquisition under this Act or any amendment thereof of the necessary land, or under the succeeding provisions of this section relating to the realignment method of acquiring land, or by  
10 a combination of these methods.

(3) Where the council proposes to apply the realignment method of acquisition to any lands affected by a realignment it shall serve notice accordingly upon the owners of  
15 lands affected; and until such notice is served the interests of such owners shall not be affected by the realignment.

(4) Under the realignment method compensation for any injurious effects suffered  
20 by reason of such realignment may be claimed, but shall be limited to payment of the value of the land taken from any owner by reason of the realignment, and such value shall be  
25 ascertainable and such compensation shall be payable as at the date when such land is cleared of buildings and obstructions by the owner or lessee, whether for the purpose of rebuilding to the new alignment or not, and from that date the land shall vest in the council  
30 for a public way.

(5) Where any public way is realigned, and where the realignment method is applied, the owner of any land or building or work  
35 affected by such realignment shall not construct, build, place, reconstruct, rebuild, replace or repair any building or work, or portion of a building or work, standing upon the land between the old alignment and the new:

40 Provided that the council may approve the execution of minor and not substantial repairs

*Sydney Corporation (Amendment).*

in order to permit of the reasonable preservation of any existing building or work, but not so as to violate the intention of this section.

5 (6) Whether or not the council has elected to apply the realignment method it may at any time, and notwithstanding any such election, decide to purchase or resume any or all of the lands affected by the re-alignment. Power to purchase or resume for realignment.

10 (7) Notwithstanding the provisions of the Public Roads Act, 1902, the land between the old alignment and the new shall not form part of the way until the council has acquired title to such land, or a dedication thereof as a public way has been effected. When the land forms part of the road.

15 (8) In any case where compensation may be claimed under this section, such claim, in case of dispute, shall be made and determined in the same manner as a claim for compensation for the resumption of land under the provisions of the Sydney Corporation Amendment Act, 1905, and any Act amending the same ;

20 (d) by inserting after section eighty-one the following new section :— New section.

25 81A. (1) Where it is expedient for public use, convenience, or safety or for preventing unsightly or insanitary conditions that any way should be under the control, management, and direction of the Council, the Council may, notwithstanding any provision to the contrary in this or any other Act, take over the way in accordance with this section. Taking over ways.

30 (2) The way shall not be so taken over unless the approval of the Governor is first obtained.

35 (3) Before the approval of the Governor is given, the Council shall give notice that it intends to take over the way, to the owners of premises fronting, adjoining, or abutting on the way, and any such owner may within one month lodge any objection with the Minister for consideration by the Governor. (4)

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*Sydney Corporation (Amendment).*

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3  
10 (4) The approval of the Governor shall be notified in the Gazette, and a copy of such Gazette purporting to be printed by the Government Printer shall be conclusive evidence of the approval, and that it is expedient within the meaning of subsection one of this section that the way should be under the control, management, and direction of the Council, and that the provisions of subsection three of this section have been duly complied with.

15 (5) From the date of the notification the way shall vest in the council as a public way, and shall thenceforth be under the control, management, and direction of the Council for all purposes of this Act and of any by-law made thereunder.

20 (6) Where the way has not been levelled, paved, macadamised, drained, or otherwise fully completed to the satisfaction of the Council, the Council may, either before or within one year after taking over the way, level, pave, macadamise, drain, or otherwise fully complete the same, and all the expenses incurred in so doing shall be paid by the owner of the premises fronting, adjoining, or abutting on the way, or if there is more than one such owner, by the respective owners of the premises in such proportions as the Council may determine.

25  
30 (7) In determining the proportion of such expenses to be paid by the respective owners, the Council shall have regard to the benefit to be derived by any premises from such works, and to the amount and value of any work done on or in respect of the way by the owners or occupiers of any such premises.

35  
40 (8) If within fourteen days after the service upon any such owner of notice of the amount of the expenses so incurred or determined, such amount is not paid to the City Treasurer, the Council shall have the like remedies for recovering the same as in the case of any city rate. (9)

*Sydney Corporation (Amendment).*

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

10 (10) For the purposes of this section "way" means way, lane, court, square, or alley or portion thereof within the city used as a thoroughfare or as a means of access to the properties of two or more owners, but does not include any land of which the owner is known to the Council, or of which the owner can be ascertained from an official search under section one hundred and ninety-seven of the Conveyancing Act, 1919.

15 (11) This section applies to any way whether formed or not, and whether existing before or after the commencement of the Sydney Corporation (Amendment) Act, 1924;

20 (e) (i) by omitting from subsection one of section Sec. 84. eighty-four the words "city surveyor" and inserting in lieu thereof the words "city building surveyor";

25 (ii) by omitting subsection two of section eighty-four and inserting the following subsection in lieu thereof:—

30 (2) If such owner or tenant does not comply with the requirements of such notice within the time therein specified, to the satisfaction of the said surveyor, the said surveyor may cause all or so much of such required works, as he may deem necessary, to be done, and all the expenses thereof shall be paid by the owner or tenant to the council;

35 (iii) by inserting at the end of section eighty-four the following new subsection:—

40 (5) For the purposes of this section or for any of the other purposes of this Act, or whenever otherwise he deems it necessary, the city building surveyor or the city surveyor

Demolition of dangerous walls.

*Sydney Corporation (Amendment).*

surveyor may close any street or portion of a street in the city for such time as he thinks fit.

8. The Principal Act is further amended as follows:—

(a) By inserting after section one hundred and nine the following new sections:—

10 109A. The council may set apart any part of any public way vested in it, or under its control, for the purpose of laying out, constructing, and maintaining thereon gardens, lawns, plantations, or other ornamental features, and for those purposes may enclose any such part or indicate the boundaries thereof with boundary erections or otherwise.

15 109B. (1) No person other than an employee of the council, or a person acting under the authority of the council, shall take up, relay, or otherwise interfere with any of the footways or crossings of any public way in the city, unless he is authorised so to do by or under the provisions of this or any other Act.

20 (2) Any person who commits a breach of the provisions of this section shall be liable to a penalty not exceeding five pounds.

25 109C. (1) In any case where an opening has been made in a public way in the city by or on behalf of any person, and the city surveyor is of opinion that—

- 30 (a) there is delay in the refilling of the opening, or the reinstatement of the public way; or
- 35 (b) the opening has been improperly or insufficiently filled in; or
- (c) the reinstatement has been inefficiently carried out; or
- 40 (d) such filling in and reinstatement have not been carried out and completed with similar materials and in a similar manner to the portion of the public way adjoining the said opening so as to make the same uniform,

*Sydney Corporation (Amendment).*

the city surveyor may cause such opening to be filled in and the reinstatement made or remade with such materials and in such manner as he may think fit so as to make the same uniform with the portion of the public way adjoining.

(2) The costs incurred by the city surveyor in executing any work under the power contained in subsection one hereof shall be charged against and shall on demand be payable to the council by the person by whom or on whose behalf the opening was made; and in default of payment the council may recover the amount from such person in any court of competent jurisdiction as a debt due by such person to the council.

(3) In this section "person" includes a statutory body representing the Crown and any company or body corporate.

(4) In this section "statutory body representing the Crown" includes any public body proclaimed under this Act as a statutory body representing the Crown;

(b) in section two hundred, by inserting after paragraph (z) of subsection one the following new paragraph:—

Consequential amendment.  
Sec. 200.

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

(c) by inserting in subsection five of section one hundred and ten immediately after the words "Public Instruction Act of 1880" the words "or any playground used in connection with any such school."



*Sydney Corporation (Amendment).*

9. (1) The Principal Act is further amended as follows :— Amendment of Act No. 35, 1902.

(a) By inserting after section one hundred and fifty the following new sections :— New sections.

5           150A. (1) The council may upon any land in the city (not being portion of a public way) now or hereafter vested in or under the control of or dedicated to the council for any purpose, including any land used as a public park, provide, erect, establish, maintain, control, and manage public gymnasias, children's playgrounds, drill grounds, sports grounds for athletics, tennis courts and recreation grounds, and may from time to time let on temporary hiring or license any such tennis court, sports or recreation ground, upon such terms and conditions as it thinks fit. Gymnasias.

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(2) Subject to the provisions of the Metropolitan Traffic Act, 1900, the Metropolitan Traffic (Amendment) Act, 1913, and any regulations made thereunder, the council may erect and maintain and let on lease or license, upon such terms and conditions as the council thinks fit, newspaper kiosks and stands for the purpose of selling newspapers, fruit, flowers, tobacco, or any other commodity within the city prescribed by by-laws made in that behalf.

20

25

30           150B. The council may in any park in the city of which the council is trustee provide, erect, establish, maintain, control, and manage kiosks, refreshment rooms, dressing-rooms, conveniences, and other buildings, and chairs and seats, and may let the same or any of them for such periods and upon such terms and conditions as the council may think fit. Kiosks.

35

150c. The council may provide for and carry on cartage from and to the council's markets. Cartage.

40           150D. The council may provide, erect, place in the City Hall any roll of honor, photograph, painting, decorative fixture or permanent fitting or decoration of a commemorative nature. Rolls of honor.

150E.

*Sydney Corporation (Amendment).*

- 5 150E. The council may license, control, and manage mortuaries within the city for the temporary repose of the dead pending burial or cremation, and may provide, control, and carry on public mortuaries. Mortuaries.  
cf. Act  
No. 41, 1919,  
s. 451.
- 10 150F. The council may license, control, and regulate within the city— Funeral  
undertakers.  
*Ibid.* s. 452.
- (a) funeral undertakers; and
- (b) vehicles supplied by funeral undertakers for the use of mourners at funerals.
- 15 150G. The council may license, control, and regulate within the city— Boarding-  
houses,  
barbers'  
shops, &c.  
cf. *Ibid.*  
s. 451.
- (a) boarding-houses;
- (b) houses let in lodgings;
- (c) barbers' shops and any premises used for the business of hairdressing or shaving.
- 20 150H. The council may provide, control, and regulate— Maternity  
and infant  
welfare, &c.  
cf. *Ibid.*  
s. 298.
- (a) maternity and infant welfare centres;
- (b) wash-houses and laundries;
- (c) disinfecting chambers;
- (d) lethal chambers for dogs and other animals;
- 25 (e) hostels and common lodging-houses for both sexes or for either sex.
- 30 150I. The council may subsidise civil ambulance brigades 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, and may allow any such brigade to use and occupy any land vested in the council on such terms and conditions as the council may deem proper. Ambulance  
brigades.
- 35 150J. (1) The council may license, control, and regulate premises for the storage or sale of meat, fish, fruit, or any article of human food prescribed by the Governor by proclamation published in the Gazette. Power of council  
to license  
premises used  
for sale of meat,  
&c.  
cf. Local  
Government  
Act, s. 290 (a)  
and s. 292.
- 40

*Sydney Corporation (Amendment).*

(2) For the purposes of this section—

- 5 (a) meat shall be deemed to include beef, mutton, lamb, ham, bacon, pork, poultry, rabbit, game, and all such flesh or other edible parts of any animal as are used for human food, but not tinned goods ;
- (b) fish shall be deemed to include crustaceans but not tinned goods or oysters ;
- 10 (c) fruit shall not be deemed to include tinned or bottled goods ;
- (b) in subsection one of section two hundred by inserting after paragraph (aa) as inserted by this Act the following new paragraphs :— Consequential amendment. Act No. 41, 1919, s. 200.
- 15 (bb) the regulation, control, and management of any of the matters mentioned in sections 150A, 150B, 150C, and 150H of this Act ;
- (cc) the licensing, control, and regulation of any of the persons and matters mentioned in sections 150E, 150F, 150G, and 150J of this Act ;
- 20 (dd) the fixing of fees and charges in respect of any of the matters mentioned in sections 150A, 150B, 150C, 150E, 150F, 150G, 150H, and 150J of this Act ;
- 25 (c) by omitting from subsection three of section one hundred and ninety the words “and all other expenses not herein otherwise provided for” and by inserting in lieu thereof the words “and all costs, charges, and expenses incurred in carrying out the powers, authorities, duties and functions of the council, and not otherwise provided for ;” Sec. 190 (3).
- 30 (d) by inserting in section one hundred and eighty-eight after the words “health officer” the words “or any other officer or servant authorised by the council either generally or for the particular case.” Sec. 188.
- 35

*Consequential*

*Sydney Corporation (Amendment).**Consequential amendments.*

(2) The Sydney Corporation Amendment Act, Act No. 16, 1906, is amended by omitting section thirteen, s. 13.

(3) The Sydney Corporation Amendment Act, Act No. 39, 1905, is amended in subsection one of section twelve by omitting paragraph (m) as inserted by section twelve of the Sydney Corporation Amendment Act, 1906, s. 12.

**10.** The Principal Act is further amended as follows:—

10 (a) By inserting after section one hundred and eighty-five the following new section:—

185A. (1) The council may—

- 15 (a) control and regulate the situation, character, construction, alteration, maintenance, cleansing and use of furnaces and chimneys so as to prevent as far as possible the formation of smoke; require the alteration of furnaces and chimneys for that purpose; and for the purposes of this paragraph, furnaces connected with one chimney shall be deemed to be one furnace;
- 20 (b) control and regulate the emission, discharge or escape from any premises of smoke, fumes, steam, vapour, dust, oil, waste water or waste products;
- 25 (c) control and regulate the use of premises so as to prevent objectionable noises thereon, or noises thereon at unreasonable hours;
- 30 (d) control and regulate noises in or near any public place, and in particular noise from the exhaust gas of internal combustion engines other than the engines of motor vehicles;
- 35 (e) control and regulate the keeping of animals, and in particular, pigs, pigeons, and poultry on premises;
- 40 (f) control and regulate the erection of stables on premises;

Amendment of Act No. 35, 1902.  
New section.

Various further powers. cf. Act No. 41, 1919, s. 289.

cf. L.G. Act, 1919, s. 281 (2) (m).

(g)

*Sydney Corporation (Amendment).*

- (g) require buildings and rooms to be properly ventilated ; cf. L.G. Act, 1919, s. 281 (2) (j).
- 5 (h) require premises to be made proof against rats, and to be kept free from rats ; cf. *Ibid.* s. 281 (2) (e).
- (i) prevent the pollution of water and watercourses, whether natural or artificial ; *Ibid.* s. 289.
- 10 (j) demolish any building with respect to which a closing order has under the Public Health Act, 1902 (as amended by section sixteen of the Public Health (Amendment) Act, 1915), been duly made, unless within three months after the service of the closing order or within such further time as the council may allow, the building has to the satisfaction of the council been rendered fit for human habitation or occupation. cf. *Ibid.* s. 281 (2) (1)
- 15
- 20 (2) Where the council requires any structural work or alteration to be done or made upon any premises under this section, the owner of the premises shall be primarily liable to comply with the requirement : *Ibid.* s. 301.
- 25 Provided that the council may require the occupier of the premises to do the work or make the alteration in default of compliance by the owner, and in any such case the occupier shall comply with the requirement, and shall be entitled to recover from the owner the cost incurred by such compliance.
- 30 (3) Nothing in this section shall be deemed to extend to any premises of the Crown ;
- 35 (b) by inserting in section one hundred and seventy-five after paragraph (j) the following new paragraphs :— Amendment. Act No. 35, 1902, s. 175.
- 40 (k) requiring premises in the city to be made proof against rats and to be kept free from rats ,

(1)

*Sydney Corporation (Amendment).*

- (l) prescribing and compelling the carrying out of structural alterations in furnaces and chimneys for the purpose of preventing the emission of smoke;
- 5 (m) requiring and regulating the ventilation of existing buildings;

(c) by inserting after section two hundred and eight the following new sections:— New sections.

10 208A. (1) Where any matter or thing is by or under this Act directed or forbidden to be done, or where the council or any person is authorised by this Act to direct any matter or thing to be done, or to forbid any matter or thing to be done, and such matter or thing if so directed to be done remains undone, or if so forbidden to be done is done, then in every such case every person offending against such direction or prohibition shall be guilty of an offence under this Act. Offences under this Act. cf. Act No. 41, 1919, s. 632.

15 (2) The council may at its discretion prior or subsequently to or in lieu of prosecuting for such offence do any such matter or thing, and recover the costs and expenses thereof from such person in any court of competent jurisdiction.

20 208B. Every person guilty of an offence under this Act shall for every such offence be liable to the penalty expressly imposed, and if no penalty is so imposed, to a penalty not exceeding twenty pounds, and to a further daily penalty not exceeding five pounds. Penalty. cf. *Ibid.* s. 633.

25 **11.** The Principal Act is further amended as follows:— Amendment of Act No. 35 of 1902.

- 30 (a) By inserting the words "or city clerk" after the word "mayor" in subsection four of section one hundred and ninety; Sec. 190.
- 35 (b) (i) by omitting from subsection one of section one hundred and ninety-two the words "Treasury inspectors" and by inserting in lieu thereof the words "inspectors of public accounts"; Sec. 192.

40

(ii)

*Sydney Corporation (Amendment).*

(ii) by adding after subsection three of section one hundred and ninety-two the following new subsection:—

5 (4) The council shall each year pay into the Treasury such sum as is fixed by the Colonial Secretary towards the amount payable by the Crown in respect of the salaries of the inspectors of public accounts above referred to.

10 **12.** The Principal Act is further amended in sub-  
section one of section two hundred—

(a) By inserting after paragraph (dd) as inserted  
by this Act the following new paragraphs:—

15 (ee) the licensing, control, and regulation of  
restaurants, cafes, tea-rooms, eating-  
houses, and the like;

(ff) the preparation, keeping, and serving  
of food in hotels, restaurants, cafes, tea-  
rooms, eating-houses, and the like;

20 (gg) requiring any person who is engaged  
in the preparation, distribution, sale,  
carriage, or delivery of articles of human  
food, and is reported to be suffering

25 from a disease proclaimed as an infec-  
tious disease under the Dairies Super-  
vision Act, 1901, to submit to a medical  
examination by a medical practitioner  
on behalf of the council and prohibiting  
such persons from being so engaged  
while suffering from any such disease;

30 (hh) regulating the payment out of the city  
fund of moneys in respect of the con-  
veyance of aldermen and officers of the  
council to their homes after late sittings  
of the council;

35 (ii) the keeping clean of lavatories provided  
in hotels, shops and the like, for the  
use of visitors, customers, or persons  
resorting to the premises, and the  
supply, use, and cleanliness of towels,  
40 soap, and other accessories therein;

(b)

*Sydney Corporation (Amendment).*

(b) by omitting the letters “(aa)” in paragraph (aa) and inserting in lieu thereof the letters “(jj).”

**13.** The Principal Act is further amended as Amendment of Act No. 35, 1902.  
5 follows:—

(a) By inserting after section two hundred and New s. 213A.  
thirteen the following new section:—

10 213A. (1) Any servant of the council or Demanding name of offender.  
member of the police force who finds a person cf. Local Government Act, 1919, s. 644.  
committing a breach of the provisions of this Act or of the by-laws made hereunder shall—

(a) demand from the person his name and place of abode; and

15 (b) report the offence and the name and place of abode of the person to the council as soon as may be practicable.

(2) Any person who upon demand made as aforesaid—

20 (a) refuses to state his name or place of abode; or

(b) states a name or place of abode which in the opinion of the servant of the council or the member of the police force making the demand is false,

25 may without any other warrant than this Act be apprehended by the servant of the council or by the member of the police force and taken before any court of summary jurisdiction, there to be dealt with according to law.

30 (3) Any person who upon demand made as aforesaid—

(a) refuses to state his name or place of abode; or

35 (b) states a false name or place of abode, shall be liable to a penalty not exceeding ten pounds;

(b) by inserting after section two hundred and New sections.  
seventeen the following new sections:—

40 218. The council may, by its officers, Power of entry on private lands.  
employees, or workmen enter upon any lands, whether public or private, in the city for purposes



*Sydney Corporation (Amendment).*

purposes connected with the construction, maintenance, or renewal of drains for carrying off stormwater from public ways :

5            Provided that in the exercise of the powers conferred by this section the council shall cause as little detriment and inconvenience and do as little damage as possible and shall make full compensation to persons for damage sustained by them by reason or in consequence of the exercise of such powers. The amount of such compensation shall, unless agreed upon, be determined by arbitration or by action at law at the election of the person claiming compensation :

10  
15            Provided further that the council may in all cases set up by way of defence or in mitigation of damages, as the case may be, that the person claiming compensation has by his own act, neglect, or default caused or contributed to the damage in respect of which he claims to be compensated.

20  
25            219. (1) The council may enter into agreements with the councils of any areas constituted under the Local Government Act, 1919, for the carrying out jointly of works or undertakings authorised by any Act, or for the joint performance of duties or exercise of powers under any Act for the mutual benefit of the city and such area.

Joint action by council with councils of other areas. cf. Local Government Act, 1919, s. 521.

30            (2) Such agreements may provide for the control, regulation, maintenance, and management of such works and undertakings, or for the control, regulation, and management of the performance of such duties, or exercise of such powers either by the councils themselves jointly or by a joint committee composed of members of the councils.

35  
40            (3) The council may in such agreements delegate to such committee such of its powers as are specifically mentioned therein.

*Sydney Corporation (Amendment).*

220. (1) The council may, with the approval of the Governor, enter into agreements with the council of any area constituted under the Local Government Act, 1919, and adjoining the city for the alteration of boundaries between the city and any such area by taking part or parts of the city and adding the same to the area, or by taking part or parts of the area and adding the same to the city.

Agreements  
to alter  
boundaries.

For the purposes of this subsection "adjoining" means abutting or only separated by a public reserve, road, river, watercourse, or tidal or non-tidal water, or other like division.

(2) Upon any such agreement being entered into the Governor shall, by proclamation published in the Gazette, set forth—

(a) in Schedule A to such proclamation, the amended boundaries of the city, so as to include therein or exclude therefrom, as the case may be, any land added to or taken from the city in pursuance of any agreement referred to in the last preceding subsection. Such amended boundaries shall take the place of the boundaries set out in any prior Act or proclamation ;

(b) in Schedule B to such proclamation, the amended boundaries of any ward or wards of the city, so as to include therein or exclude therefrom, as the case may be, any land or portion thereof so added to or taken from the city ;

(c) in Schedule C to such proclamation, the boundaries of the land so added to or taken from the city.

(3) The boundaries set forth in Schedule A to such proclamation shall be the boundaries of the city, and where reference is made to the city in this Act, or in any Act, by-law, or regulation in force at the date of such proclamation, the same shall be deemed to

*Sydney Corporation (Amendment).*

to refer and shall apply to and have operation within the city as bounded in manner set forth in that Schedule.

5 (4) The boundaries set forth in Schedule B to such proclamation shall be the boundaries of the ward or wards named in that Schedule.

10 221. (1) In the following cases, that is to say, in any case where under the provisions of any Act, regulation, or by-law the council—

- (a) supplies any service product or commodity; or  
 (b) makes any registration; or  
 (c) grants any license; or  
 15 (d) gives any permission; or  
 (e) furnishes any information; or  
 (f) admits to any building or enclosure; or  
 (g) receives any application for its approval,

20 the council may fix charges or fees therefor by by-law or resolution, and may demand and recover such charges and fees.

(2) In any such by-law or resolution provision may be made requiring a deposit or prepayment in respect of such charge or fee.

25 (3) This section shall be deemed to include the supply of any service product or commodity to the Crown.

30 (4) Nothing in this section shall authorise any charge or fee contrary to the provisions of any Act, regulation, or by-law.

*Amendment of Sydney Corporation Amendment Act, 1905.*

35 **14.** The Sydney Corporation Amendment Act, 1905, as amended by subsequent Acts, is amended as follows:—

- (a) (i) By adding at the end of paragraph (h) of subsection one of section twelve the following words:—“and prescribing rules to be observed by persons occupying such stands and stalls (including rules for securing the cleanliness

Charges and fees fixed by by-law or resolution.  
 cf. Local Government Act, 1919, s. 167.

Amendment of Act 30, 1905.

Sec. 12 (1).

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*Sydney Corporation (Amendment).*

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- cleanliness of carts, trucks, barrows, baskets, boxes, and crates used by such persons, and the wholesomeness and cleanliness of the commodities sold or offered or exposed for sale), and with respect to the conduct of such persons”;
- 5 (ii) by inserting at the end of subsection one of section twelve the following new paragraphs:—
- 10 (n) requiring and regulating the provision and maintenance of baths and wash-tubs in dwelling-houses in the city;
- (o) regulating and prohibiting the use for habitation of rooms built below the level of the footways of public ways in the city;
- 15 (p) regulating, controlling, and prohibiting the stacking or storing of timber, firewood, casks, barrels, and other inflammable material;
- 20 (q) regulating and prohibiting private tips or dumps for spoil or refuse;
- (r) requiring and regulating the removal of spoil or other waste material by owners, lessees, or occupiers;
- 25 (s) requiring and regulating the fencing of vacant lands to prevent unsightly or insanitary conditions arising by the dumping of spoil and refuse thereon;
- 30 (t) requiring and regulating the cleansing of facades of buildings fronting a public way in the city;
- (u) regulating the floor space and size of rooms in flats in the city;
- 35 (v) regulating and controlling the construction, maintenance, and repair of awnings in the city; and in particular and without limiting the generality of this paragraph—
- 40 (i) prescribing the type or types of awnings and the materials to be used therein; (ii)

*Sydney Corporation (Amendment).*

- 5 (ii) regulating the position of awnings ;
- (iii) permitting, regulating, or prohibiting the display of advertisements on awnings ;
- 10 (iv) providing for the display of public notices on awnings ;
- (v) prohibiting persons from erecting awnings without first obtaining the approval in writing of the city building surveyor and the city surveyor ;
- 15 (vi) requiring the removal of awnings and prescribing the circumstances in which the council may require the removal of awnings ;
- 20 (w) regulating and controlling the display of bills, placards, and advertisements in the city, and prohibiting persons from displaying or causing to be displayed in the city any bills, placards, or advertisements in places not appointed by the council for the purpose ;
- 25 (b) in section sixteen by inserting after the words "and any land required" the words "for the purpose of children's playgrounds, or" ; Sec. 16.
- (c) in section twenty by omitting paragraph (e) ; Sec. 20.
- 30 (d) by inserting after section twenty the following new section :—
- 20A. (1) Where any land is resumed by the council, the provisions of this section shall have effect.
- 35 (2) A copy of the Gazette notification declaring the land to be so resumed, certified under the seal of the council, shall be lodged with the Registrar-General, who shall, upon the application of the council, and upon payment of the fees prescribed by regulation made under the Conveyancing Act, 1919, issue to the council a certificate of title under the Real
- New section 20 A  
Registrar-General to grant certificates of title in respect of resumed properties.

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*Sydney Corporation (Amendment).*

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5 Real Property Act, 1900, to the land described  
in the notification, without causing any  
examination or report to be made as to the  
title to the land and without considering such  
title, except so far as may be necessary to give  
effect to the provisions of subsection three of  
this section.

10 (3) In dealing with the application it  
shall not be necessary to locate the boundaries  
of the Crown grant (if any) of the land, but it  
shall be sufficient if the Registrar-General is  
satisfied with respect to any certificate of title  
proposed to be issued by him in pursuance of  
this section that the land to be comprised in  
15 the certificate is included in the resumed land.

(4) Where the land or any part thereof  
is comprised in a Crown grant or certificate of  
title already registered under the Real Property  
Act, 1900, the Registrar-General shall, before  
20 issuing a certificate of title under this section,  
cancel the existing grant or certificate of title  
so far as regards such land or part.

(5) If the grant or certificate of title is  
in the possession of some person other than the  
council and such person declines to deliver it  
up for cancellation when required in writing by  
the Registrar-General so to do, the grant or  
certificate of title shall be deemed to be wrong-  
fully retained within the meaning of section  
30 one hundred and thirty-six of the Real Property  
Act, 1900.

(6) In any certificate of title issued in  
pursuance of this section the land may be  
described in the terms of or by reference to the  
notice of resumption.  
35

(7) No contribution to the assurance  
fund shall be payable under the Nineteenth  
Schedule to the Real Property Act, 1900, upon  
the issue of any such certificate of title.

40 (8) This section shall apply to land  
resumed before or after the commencement of  
the Sydney Corporation (Amendment) Act,  
1924; (e)

*Sydney Corporation (Amendment).*

(e) (i) in subsection one of section twenty-two Sec. 22 (1).  
by inserting the following new para-  
graph :—

5 (i) exchange the whole or any portion of Power to exchange lands.  
any such land for any other land, upon  
such terms and conditions as the  
council may deem fit, including the  
10 payment or receipt of money for  
equality of exchange, but no such  
exchange may be made by the coun-  
cil unless the Governor's approval of  
the proposed exchange and of the  
terms and conditions thereof has  
been first obtained ;

15 (ii) in subsection two of section twenty-two  
by inserting after the word "sold" the  
words "or exchanged."

15 **15.** (1) Paragraph (c) of section twenty-three of Amendment of Act 39 of 1905, s. 23.  
the Sydney Corporation Amendment Act, 1905, is  
20 amended by omitting the words "and be signed by the  
Lord Mayor and Town Clerk and countersigned by the  
City Treasurer" and inserting in lieu thereof the words  
"and be signed by the City Treasurer and either the  
Lord Mayor or the City Clerk."

25 (2) The Schedule D1 to the Sydney Corporation Conse-quential amendment, Act 22, 1917, Schedule.  
(Amendment) Act, 1917, is omitted, and the following  
new Schedule is inserted in the Sydney Corporation  
Amendment Act, 1905, immediately after Schedule D  
to that Act:—

30 SCHEDULE D1.

No. Series Debenture £

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

35 TRANSFERABLE BY DELIVERY.

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

35—C

Interest





*Sydney Corporation (Amendment).*

(b) in Schedule II to such proclamation the extended boundaries of Camperdown ward so as to include therein the land described in the Schedule to this Act, and such boundaries shall take the place of the boundaries set out in Schedule B to the proclamation made in pursuance of section fourteen of the Sydney Corporation (Amendment) Act, 1908, and published in the Government Gazette number one hundred and twenty, of the eighth day of September, one thousand nine hundred and nine.

The proclamation to be made in pursuance of this subsection may be made and published at any time after the passing of this Act.

(4) The boundaries set forth in Schedule I to the proclamation to be made in pursuance of this section shall be the boundaries of the city, and where reference is made to the city in this Act, or in any Act, by-law, or regulation in force at the commencement of this Act, the same shall be deemed to refer and shall apply to and have operation within the city as bounded in manner set forth in that Schedule.

(5) The boundaries set forth in Schedule II to the proclamation to be made in pursuance of this section shall be the boundaries of Camperdown ward.

**17.** (1) The Principal Act is further amended by omitting section one hundred and forty-one and by inserting in lieu thereof the following section :—

Amendmen  
of Act No. 35,  
1902.

141. (1) The council may grant a lease of any premises or any part thereof held by or belonging to the council.

Power of  
leasing.

(2) The lease shall reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case.

(3) The term of the lease shall not exceed—

(a) in the case of a building lease, ninety-nine years;

(b) in any other case, twenty-one years.

(4)

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*Sydney Corporation (Amendment).*

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- (4) Where the lease is for a term exceeding two years the lease shall not be granted except upon competition either by public auction or tender.
- 5 (5) No lease granted by the council prior to the commencement of the Sydney Corporation (Amendment) Act, 1924, shall be held to be invalid merely on the ground that the term of such lease exceeds twenty-one years.
- 10 (2) The Sydney Corporation Amendment Act, 1905, is amended—
- Amendment  
of Act No. 39,  
1905.
- Sec. 10.
- Sec. 22.
- (a) by the repeal of section ten;
- (b) by the repeal of paragraph (h) of subsection one of section twenty-two.

15

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THE SCHEDULE.

*Land included in the city.*

- ALL that piece or parcel of land situate in the parish of Petersham, county of Cumberland, and State of New South Wales, being part of Newtown-road (late City-road): Commencing at the intersection of
- 20 the centre of George-street West with the centre of Bay-street; and bounded thence westerly by part of the southern boundary of the municipality of Glebe to its intersection with the centre of Newtown-road (late City-road); thence south-westerly by the centre of that road by the boundary of the city of Sydney, as proclaimed in
- 25 Government Gazette of the eighth day of September, one thousand nine hundred and nine, to its intersection with the centre of Cleveland-street; thence easterly by part of the northern boundary of the municipality of Darlington along the centre of that street to its intersection with the prolongation south-westerly of the south-
- 30 eastern building-line of Newtown-road aforesaid; thence north-easterly by that prolongation and that building-line of Newtown-road to the southern building-line of George-street West aforesaid; and thence again north-easterly by a line to the point of commencement.