

New South Wales.



ANNO SEPTIMO DECIMO

GEORGI V REGIS.

Act No. 33, 1927.

An Act to extend the franchise in local government areas; and for this and other purposes to amend the Local Government Act, 1919, and certain other Acts; to validate certain notifications, proclamations, and certain other matters; to repeal the Municipal District of Wrightville Naming Act of 1902; and for purposes connected therewith. [Assented to, 21st March, 1927.]

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

1. This Act may be cited as the "Local Government (Amendment) Act, 1927," and shall be read and construed with the Local Government Act, 1919, and any Acts amending the same. Short title.

Local Government (Amendment).

The Local Government Act, 1919, as so amended is in this Act called the Principal Act.

Amendment of
Act No. 41, 1919,
Part I.

Sec. 4.
Omission of
definition of
"Minister."

Sec. 4.
(Sub-
division.)

2. Part I of the Principal Act is amended as follows:—

- (a) by omitting from section four the definition of "Minister";
- (b) by omitting from the definition in section four of "Subdivision, subdivide, and similar expressions," the words "not being lots or portions in a Crown or private subdivision made before or after the commencement of this Act"; and by inserting at the end of the same definition the following new paragraphs:—
 - "or (c) any division of land upon disposal by the Crown made either before or after the commencement of this Act; or
 - (d) any division of land in accordance with the boundaries of lots in any subdivision lawfully made either before or after the commencement of this Act."

Sec. 10.
(Acts not
affected.)

- (c) by omitting from section ten the words "Height of Buildings Act, 1912," "Weights and Measures Act, 1916," and "Metropolitan Water and Sewerage Act of 1880," and by inserting in lieu thereof respectively the words "Height of Buildings (Metropolitan Police District) Act, 1912," "Weights and Measures Act, 1915," and "Metropolitan Water, Sewerage, and Drainage Act, 1924";
- (d) by inserting in the same section after the words "the Liquor Act, 1912,"—"the Explosives Act, 1905, the Inflammable Liquid Act, 1915."

Amendment of
Act No. 41, 1919,
Part III.

Sec. 16.
(Alteration
of areas.)

3. (1) Part III of the Principal Act is amended as follows:—

- (a) In section sixteen—
 - (i) by inserting at the end of paragraph (a) the following words:—"or where the part taken is in the Western Division, without adding it to another area";

(ii)

Local Government (Amendment).

- (ii) by inserting in paragraph (e) after the word "areas" the words "or areas and parts of areas";
- (b) in section nineteen by omitting paragraph (c) of subsection one and inserting a new paragraph as follows:—
- Sec. 19.
(Proposals for alteration.)
- (c) in a case where part of an area is proposed to be separated from one and attached to another area or is proposed to be created a separate area—by fifty electors of that part or by any number of electors not less than one-third of those enrolled in respect of land situated in that part; or
- (c) (i) by inserting in subsection (1A) of section twenty after the words "not within an area" the letter and words "or (c) taking land from any one or more areas for the purpose of constituting such land a separate shire or municipality";
- (ii) by omitting from subsection two of the same section the words "Where land is taken from one area and added to another" and inserting the following words in lieu thereof:—"Where it is proposed to exercise the powers of paragraphs (a), (b), (e), or (f) of section sixteen and where the powers of paragraphs (c) or (d) of section sixteen have been exercised the following provisions of this section shall have effect: Provided that where it is proposed to exercise the powers of paragraphs (a) or (b) or (f) of section sixteen";
- (iii) by omitting subsection three;
- (iv) by omitting from subsection five the words "do not confer or cannot agree" and inserting the words "have not agreed within a period of three months from the date of the Minister's requisition";
- (v)

Local Government (Amendment).

(v) by omitting from subsection six the words "and their creditors" and by inserting in lieu thereof the words "or the councils and their creditors (if any)";

(vi) by omitting from subsections six and seven of section twenty the words "in the Governor's proclamation" and by inserting in lieu thereof the words "in a proclamation";

Sec. 20 12).

(vii) by omitting subsection twelve of section twenty and by inserting in lieu thereof the following new subsection:—

(12) (a) Where there is a contract or agreement in existence between the council and any person relating to the performance of a work or service or the granting of a privilege throughout the whole or part of a municipality or shire, and any alteration of the area is made under this Part the following provisions shall have effect as from the date of the alteration:—

(i) Where any portion of the area embraced by the contract or agreement is taken from the area of a council which is a party to the contract or agreement and added to the area of another council, or constituted a separate shire or municipality, the duties, rights, privileges, and liabilities of such first-mentioned council under such contract or agreement shall be limited to the land which is within its area and is embraced by the contract or agreement; while the corresponding duties, rights, privileges, and liabilities under the contract or agreement so far as they relate to the portion of the area embraced by the contract or agreement and added to the area of another council or constituted a separate shire or municipality shall apply to
and

Local Government (Amendment).

and in respect of the other council or the council of the new area as the case may be.

(ii) Where by dividing or uniting areas or parts the area of a council which is a party to the contract or agreement is abolished and a new area or areas are constituted, the duties, rights, privileges, and liabilities of such first-mentioned council shall apply to and in respect of the council in whose area the land embraced by the contract or agreement is included, or if such land is included in two or more new areas, such duties, rights, privileges, and liabilities shall apply to and in respect of each of the councils of such areas with respect to the portion of the land included in its area.

(iii) In every such case the duties, rights, privileges, and liabilities under the contract or agreement of the other party or parties thereto shall continue in full force and effect in relation only to the councils or council in whose areas or area the land embraced by the contract or agreement is included, and such councils or council as the case may be shall be deemed to be substituted in the contract or agreement for the council therein named so far as such land or portion thereof is included in its area.

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

(c)

Local Government (Amendment).

(c) This subsection may be set aside by agreement between the parties concerned.

(d) This subsection shall be deemed to have come into force on the first day of January, one thousand nine hundred and twenty.

New s. 20A.
Application
of
ordinances.

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

20A. (1) Where areas are altered by—

- (a) taking part of one area and adding it to another area ; or
- (b) adding to an area land which is not within an area ; or
- (c) taking land from one or more areas and constituting such land a separate shire or municipality,

then as from the date specified in that behalf in the proclamation, or if no date is so specified as from the date of the publication in the Gazette of the proclamation, the following provisions shall have effect :—

- (i) The ordinances which shall thereafter apply to the part added and to the area as so altered are the ordinances for the time being in force in the area to which the part was so added, and ordinances which for the time being apply to towns, villages, and urban areas in such area shall apply to towns, villages, and urban areas in the part added.
- (ii) The ordinances in force in the area from which a part is taken shall continue until repealed, varied, or amended under this Act to apply within the remainder of that area.

(2) This section shall be deemed to have come into operation on the first day of January, one thousand nine hundred and twenty.

(e)

Local Government (Amendment).

- (e) (i) by inserting in subsection one of section twenty-one after the word "proclamation" where it firstly occurs the words "or proclamations"; Sec. 21 (1). (Proclamations.)
- (ii) by inserting in the same subsection after paragraph (q) the following new paragraph:—
- (q1) prescribe in the case of the constitution of an area in accordance with paragraphs (c), (d), (e), or (f) of section sixteen what ordinances are to be in force in the area so constituted or any part thereof, and such ordinances so prescribed shall be in force in such area or part; and
- (iii) by inserting in subsection two of the same section before the words "such proclamation" the word "any."

(2) Paragraph (d) of section six of the Local Government (Validation and Amendment) Act, 1922, is hereby repealed. Repeal of s. 6 (d) of Act No. 29, 1922.

4. Part IV of the Principal Act is amended—

- (a) by inserting at the end of paragraph (a) of subsection one of section twenty-eight the words "or the meetings of any committee of the council"; Sec. 28 (1). (Travelling expenses.)
- (b) by inserting at the end of subsection five of section thirty the following new paragraph:—
- (k) 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 damage thereto by the council under its statutory powers or for compensation for the resumption thereof for the purposes of the council; Sec. 30 (5). (Disqualification for civic office.)
- (c) (i) by inserting in subsection two of section thirty-three after the word "appointment" the following words:—"or in the event of his being absent from the State at the time of his election or appointment, within fourteen
- Sec. 33. (Election.)

Local Government (Amendment).

fourteen days after his return to the State if such return is within sixty days of the election or appointment”;

(ii) by omitting from the same subsection all words after the words “extraordinary vacancy”;

Sec. 49 (f).
(Ordinances.)

(d) by inserting in paragraph (f) of section forty-nine after the word “relations” the words “or any of their wives’ or husbands’ relations.”

Amendment o
Part V of Act
No. 41, 1919.
(Franchise.)

5. (1) Part V of the Principal Act is amended—

Sec. 51 (1).

(a) by omitting subsection one of section fifty-one and inserting new subsection as follows:—

Meaning of
requisite
qualification.

(1) In order to have the requisite qualification of an elector in respect of a ward or riding a person must, on the day prescribed for enrolment, be either an owner or ratepaying lessee of ratable land in the ward or riding, or an occupier of land in the ward or riding.

Sec. 54.
(Qualification
of occupier.)

(b) by omitting paragraphs (d), (e), (f), (g), and (h) of section fifty-four and inserting new paragraph (d) as follows:—

(d) upon such prescribed day he is residing or has his principal place of abode on land, whether ratable or not, in the ward or riding and has continuously during the period of six months next preceding such prescribed day resided or had his principal place of abode in the area:

Sec. 55 (b).
(Aliens.)

(c) by omitting paragraph (b) of section fifty-five including the proviso inserted by section seven of the Local Government (Validation and Amendment) Act, 1922;

Sec. 56.
(Persons
entitled to
vote.)

(d) (i) by omitting from subsection two of section fifty-six the words “ward or riding” and inserting the word “area”;

(ii) by omitting subsection three of the same section.

Local Government (Amendment).

(2) Section seven of the Local Government (Validation and Amendment) Act, 1922, is hereby repealed. Repeal of Act No. 9, 1922, s. 7.

6. (1) Part V of the Principal Act is further amended— Amendment of Act No. 41, 1919, Parts V and VI.

(a) (i) by omitting from subsection one of section seventy-two the words "the election" and by inserting in lieu thereof the words "any ordinary election, or on and from the day of nomination at any extraordinary election"; Sec. 72. (Uncontested election.)

(ii) by omitting from subsection two of the same section the words "the election" where those words secondly occur and inserting in lieu thereof the words "any ordinary election, or on and from the day of nomination at any extraordinary election";

(b) by omitting the proviso to section eighty-two and by inserting the following proviso in lieu thereof:— Sec. 82. (Compulsory polls.)

Provided that in the case of the votes being equal the question shall be undetermined, and that if the decision of the poll is against the proposal voted upon the same question or one substantially the same shall not be again submitted to a poll for a period of at least one year.

(2) Part VI of the Principal Act is amended—

(a) by omitting from section eighty-eight the words "make an appointment" and inserting in lieu thereof the words "appoint and employ a town or shire clerk"; Sec. 88. (Certificated clerks.)

(b) by omitting from subsection two of section ninety the words "the council shall if during the last preceding year its income from all sources other than a gas or electricity undertaking exceeded the sum of fifteen thousand pounds" and by inserting in lieu thereof the following words:—"the employment of an engineer" Sec. 90 (2). (Engineers.)

Local Government (Amendment).

engineer shall be optional with the council except that in cases where the aggregate income of the council in respect of—

- (a) the General Fund;
- (b) the Water Supply Local Fund (if any);
- (c) the Sewerage Local Fund (if any);
- (d) any special and/or local fund for the building of roads or bridges or engineering works (other than electrical engineering)

exceeds the sum of fifteen thousand pounds, the council shall”;

Sec. 99 (1).
(Dismissal
of certain
servants.)
New ss. (8).

- (c) (i) by inserting in subsection one of section ninety-nine after the word “inspectors” the words “gas managers”;
- (ii) by omitting subsection eight of the same section and by inserting in lieu thereof the following new subsection:—

(8) The person holding the inquiry shall have the powers conferred by the Royal Commissions Act, 1923, on a commissioner appointed under Division 1 of Part II of that Act and the said Act, section thirteen and Division 2 of Part II excepted, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

7. Part VII of the Principal Act is amended as follows:—

Amendment of
Part VII of Act
No. 41, 1919.
(Finance.)
Sec. 121.
New ss. (1A).

- (a) by inserting next after subsection one of section one hundred and twenty-one the following new subsection:—

Local rate.

(1A) For or towards meeting any liability transferred to the council of a municipality or shire consequently upon the alteration of the boundaries of the area, the council may make and levy a local rate on the unimproved capital value or on the improved capital value of the ratable land added to the area.

(b)

Local Government (Amendment).

(b) by omitting subsection two of section one hundred and twenty-three and inserting new subsection two as follows:—

(2) The council shall in the manner prescribed define a lighting district within which such rate shall be levied.

(c) (i) (a) by inserting in subsection six of section one hundred and twenty-four after the word "service" the words "or any additions or extensions thereto";

(b) by inserting in the same subsection after the words "in respect of the loan" the words "or loans";

(c) by inserting in the same subsection after the word "rate" wherever occurring the words "or rates";

(ii) by omitting from subsection ten of section one hundred and twenty-four the words "if the Minister consent";

(iii) by inserting at the end of the same section the following new subsections:—

(13) Where a loan is or has been raised for the construction or reconstruction of a main road as defined by the Main Roads Act, 1924, and the Main Roads Board of New South Wales has granted the council a subsidy for or towards the payment of interest on or the repayment of principal of such loan the Minister may grant permission to the council to reduce or to refrain from levying the loan rate during the continuance of the subsidy.

(14) Where a loan is raised for meeting any liabilities transferred to the council consequently upon the alteration of the boundaries of the area, the loan rate may at the discretion of the council be levied as a local loan rate only on the ratable land added to the area.

(d)

Local Government (Amendment).

Sec. 132.
(Ratable
Land.)

- (d) (i) by omitting from paragraph (d) of subsection one of section one hundred and thirty-two the word "solely";
- (ii) by omitting paragraph (h) of the same subsection and by inserting in lieu thereof the following new paragraph:—

(h) land which is occupied by or used in connection with a church or other building used or occupied for public worship or as a rectory vicarage presbytery manse or parsonage in connection with such church or building; and

- (iii) by inserting at the end of the same subsection the following new paragraph:—

and

- (j) any school registered under the Bursary Endowment Act, 1912, and any certified school under the Public Instruction (Amendment) Act, 1916, and any playground belonging to or used in connection with any such school.

Sec. 133(2).
(Appeal.)

- (e) (i) by omitting from subsection two of section one hundred and thirty-three the words "is not ratable or that it is not ratable to any particular rate" and by inserting in lieu thereof the words "or some part thereof is not ratable or not ratable to any particular rate";

Sec. 133(15).

- (ii) by inserting at the end of subsection five of the same section the following paragraph:—

Where the Court determines that part only of the land is ratable, the Court shall determine the value of that part.

Sec. 135(b).
(Consequential
amendment,
see Act 1921
No. 10, s. 23
(8)).

- (f) by omitting paragraph (b) of section one hundred and thirty-five;

(g)

Local Government (Amendment).

(g) by inserting at the beginning of subsection two of section one hundred and thirty-seven the following words:—"Subject to the provisions of section one hundred and forty-one";

Sec. 137 (2).
(Temporary valuation provisions.)

(h) by inserting at the end of section one hundred and thirty-nine the following new subsection:—

Land becoming not ratable,
Sec. 139 (9).

(9) Where land which was ratable becomes not ratable, part of the rate paid thereon proportionate to the period of the year during which the land is not ratable shall be refunded by the council.

(i) by omitting section one hundred and forty-one and by inserting in lieu thereof the following new section:—

141. (1) Where any rate is levied on the unimproved capital value of land held for pastoral or agricultural purposes under lease from the Crown under any Act dealing with Crown lands (including homestead selections) or under the Hay Irrigation Act, 1902, or the Wentworth Irrigation Act (1890), or which is held under lease or permit (other than a grazing permit for a term less than twelve months) under the Forestry Act, 1916, the unimproved capital value for the purpose of such rate shall, subject to this Act, be the sum ascertained by calculation as follows:—

Sec. 141.

Rating of Crown leases.

Rating of Crown leases and permits.

(a) in the case of a lease which carries no right of conversion ultimately into a freehold tenure or of a permit—twenty times the amount of the rent payable under the lease or permit during the year next preceding that in which the calculation is made;

(b) in the case of all other leases—during the first ten years of the lease dating from the grant thereof—twenty times the amount of the rent payable under the

the

Local Government (Amendment).

the lease during the year next preceding that in which the calculation is made; and during the remainder of the lease —thirty times the amount of such rent;

- (c) where a lease or permit was not in force during the preceding year the rent for the current year shall be used in the calculation.

(2) The lessee of any such land may at any time before the first day of November in any year elect that instead of the rate being levied on the unimproved capital value ascertained as set out in the preceding subsection, it shall be levied on the unimproved capital value of land valued in accordance with the law as if the holder of the lease or homestead selection were the owner of the fee simple:

Provided that upon any election being duly made by a lessee under this section the election shall be binding upon him for a period of five years; at the expiration of which he may again elect, and so on at intervals of five years:

Provided further that in any case where an election is duly made under this section, the council shall, in levying any rate on the unimproved capital value, give effect to such election.

In this subsection "lessee" includes the holder of a permit, and "lease" has a corresponding meaning.

(3) Where no such election has been made, a notice of valuation shall not be deemed to be invalid merely on account of the notice not including a statement of the unimproved capital value of the land ascertained in accordance with Schedule Three of this Act.

This subsection shall extend and be deemed from the commencement of this Act to have extended to areas in which the provisions of Schedule Three of this Act are in force.

(j)

Local Government (Amendment).

(j) by omitting subsection three of section one hundred and forty-nine and by inserting the following subsection in lieu thereof :—

(3) Nothing in this section shall affect or extend to any person who is the holder of a lease or purchase from the Crown or from the council, made before or after the passing of the Local Government (Amendment) Act, 1927, where the lease is granted or purchase made after the rate is levied, whether the land has been previously held under a lease or purchase from the Crown or from the council or not.

(k) by inserting after section one hundred and fifty-one new section as follows :—

151A. (1) This section shall apply to any case where a lessee has agreed with the owner or with the mesne lessee from whom he immediately holds to pay municipal or local government rates, whether under those designations or under any words of description which would include rates made under this Act, but shall only apply where such agreement was made after—

(a) the first day of January, one thousand nine hundred and eight, in the case of land within any municipality ;

(b) the first day of January, one thousand nine hundred and seven, in the case of land within any shire.

(2) Where from any such agreement it appears that such agreement was intended to provide for the payment of a proportion and not the whole of the rates, and where such agreement does not provide a method of arriving at such proportion, any party to such agreement may make application to the Valuer-General to make a fair and equitable adjustment of the proportion of such rates which in the opinion of the Valuer-General should be paid under the agreement.

(3)

Local Government (Amendment).

(3) The adjustment shall be made by the Valuer-General according to the respective interests of the parties in the land as unimproved for the purposes of the general rate or any rate levied on the unimproved capital value, and as improved in the case of any rate levied on the improved capital value.

(4) The cost of such adjustment shall be paid by the person applying therefor and shall be fixed by the Valuer-General.

(5) Every adjustment so made by the Valuer-General shall be final and conclusive and shall not be subject to appeal, and the agreement shall be read as if the amount determined by the Valuer-General to be payable in respect of the part comprised in the agreement had originally been inserted therein.

(6) A certificate of the adjustment purporting to be signed by the Valuer-General or his deputy shall be prima facie evidence of the adjustment.

(1) by inserting the following new subsection after subsection four of section one hundred and fifty-seven:—

(5) Where a lease has been granted or is granted by the Crown under the provisions of subsection two of section 70B of the Mining Act, 1906, the lease shall for the purpose of this section be deemed to have been granted by the owner of the land leased.

(m) by omitting from section one hundred and sixty-one the words “unless proceedings for the recovery thereof have failed, or the approval of the Minister to the abandonment or writing off has been obtained” and by inserting in lieu thereof the words “except in accordance with an ordinance in that behalf, and then only upon the certificate of the auditor of the council that the abandonment or writing off is in accordance with such ordinance”;

(n)

Sec. 157.

Mining
lessees, &c.,
division of
liability.

Dover, &c.,
Co.
v. Cessnock,
6 L.G.R.
119.

Sec. 161.

(Abandon-
ment of
rates.)

Local Government (Amendment).

(n) by inserting at the end of section one hundred and sixty-five the following new paragraph:—

Sec. 165.
(Ordinances.)

(c) the class of cases in which, and the circumstances in which, rates may be abandoned or written off.

(o) by omitting from subsection one of section one hundred and sixty-seven the words “ordinance by resolution of the council” and by inserting in lieu thereof the words “charge or fee so fixed, then the charge or fee may be fixed by resolution of the council subject to the maximum (if any) prescribed by ordinance”;

Sec. 167 (1).
(Charges for services.)

(p) by omitting subsection two of section one hundred and seventy-three and by inserting in lieu thereof the following new subsection:—

Sec. 173 (2).
(Ways of borrowing.)

(2) Except as provided in section one hundred and seventy-four a council shall not borrow unless the loan has been previously authorised, that is to say the approval of the Governor has been obtained.

Application for such approval or for the authority of the Minister referred to in section one hundred and seventy-four shall be made by the council in the prescribed manner.

(q) by omitting section one hundred and seventy-four and by inserting the following new section:—

Sec. 174.

174. (1) The council may borrow by way of limited overdraft for any purpose which the council is authorised to create or expend any fund (other than a trust fund) or for any purpose for which moneys raised by ordinary loan may be applied.

Purposes of overdraft.

(2) Subject to this section the amount which may be borrowed by the council by way of overdraft shall not exceed one-third of the income of the fund concerned, that is to say:—

Limit of overdraft.

(a) one-third of the income as shown by the latest year's accounts; or

(b)

Local Government (Amendment).

(b) if the fund was not in existence for the whole of the preceding year, one-third of the income as estimated in the published estimates of the council for the year in which the overdraft is obtained.

(3) If the council find it necessary for any specially urgent reason to borrow by way of overdraft in excess of the amount indicated in subsection two of this section it may apply to the Minister, who may give authority accordingly up to but not exceeding one-half the previous year's income or estimated income, as the case may be, but any such authority shall be subject to conditions requiring the council to reduce the overdraft to not more than one-third of a year's income of the fund within a term of years specified in the authority, not exceeding five years in any case.

(4) No greater sum shall be borrowed under this section than the amount stated in a certificate of the auditor of the council as being the sum which may be borrowed within the limits imposed by this section or the authority of the Minister.

Sec. 175.
(Security of
overdraft.)

- (r) (i) by omitting from subsection one of section one hundred and seventy-five the words "the certificate of limit of overdraft is issued" and by inserting in lieu thereof the words "the money is borrowed";
- (ii) by inserting in subsection two of the same section after the word "certificate" where that word first occurs the words "of the auditor of the council";
- (iii) by omitting from the same subsection the words "issue of the certificate" and by inserting in lieu thereof the word "borrowing";
- (s) by omitting section 177A and the short heading preceding that section;

Sec. 177A.
(Substituted
section.)

(t)

Local Government (Amendment).

- (t) by inserting next after section one hundred and seventy-eight the following short heading and section :— (Ratepayers' advances.)

Ratepayers' advances.

178A. (1) Subject to this section the council may, without obtaining any approval under section one hundred and seventy-three, accept an advance not exceeding five hundred pounds from a ratepayer for the purpose of carrying out necessary works applied for by the ratepayer. Advances for works applied for by ratepayer

(2) The loan shall be either free of interest or at a rate not exceeding four per centum per annum simple interest.

(3) The terms of the loan shall include provision for repayment by yearly or half-yearly instalments spread over not more than ten years.

(4) The council shall not accept any such advance if the amount proposed to be accepted when added to other amounts then owing by the council under this section exceeds ten per centum of the total revenue of such council for the preceding year.

(5) It shall not be compulsory for the council to levy a loan rate in respect of any such loan.

(6) The council shall report each such loan, its purpose and terms, to the Minister for record.

- (u) by inserting at the end of subsection nine of section one hundred and eighty the following proviso :— Sec. 180 (9). (Shire special loans.)

“Provided that where the council satisfies the Governor that a net income will probably be or has already been derived from any loan work or service after making full provision for the depreciation of the assets and payment of

Local Government (Amendment).

of interest and instalments of repayment or reserve in respect of the loan, the Governor may direct that such loan or part thereof shall not be taken into account in calculating the council's limit of borrowing under this section."

Sec. 181 (8).
(Special
loans.)

(v) by inserting at the end of subsection eight of section one hundred and eighty-one the following words:—"Where the proposal has been so altered the council shall notify the altered proposal unless the Minister certifies that the alteration is not of a substantial nature";

New s. 181c.

(w) by inserting next after section 181B the following new section:—

County of
Cumberland
main roads.

181c. (1) The Governor may grant approval to a council to borrow for the construction of a main road in the county of Cumberland if the council has first obtained the approval of the Main Roads Board of New South Wales to such construction and an undertaking from the board to defray the interest and repay the loan.

(2) In such case it shall not be necessary for the council to carry out the procedure required by section one hundred and eighty or section one hundred and eighty-one of this Act as a condition precedent to borrowing, except to make application thereunder for the Governor's approval.

(3) In any such case it shall not be necessary for the council to levy a loan rate.

(4) Any such loan shall not be taken into account in ascertaining whether the council's borrowings are within the limit provided by this Act.

(5) This section shall be deemed to have come into operation on the first day of January, one thousand nine hundred and twenty-five.

(x)

Local Government (Amendment).

- (x) by inserting at the end of paragraph (a) of section one hundred and eighty-four the following proviso:—

Sec. 184.
(Limits of borrowing.)

“ Provided that where the council satisfies the Governor that a net income will probably be or has already been derived from any loan work or service after making full provision for the depreciation of the assets and payment of interest and instalments of repayment or reserve in respect of the loan, the Governor may direct that such loan or part thereof shall not be taken into account in calculating the council's limit of borrowing under this section.”

- (y) (i) by omitting from subsection three of section two hundred and eleven the words

Sec. 211 (3).
(Auditors.)

“ but may be cancelled by the Governor at any time and an appointment may be made for the unexpired portion of the one-year's term ”;

- (ii) by omitting subsection four of the same section;

Sec. 211 (4).
Ibid.

- (iii) by omitting from subsection nine of the same section the words “ in addition to certifying as aforesaid ” and by inserting in lieu thereof the words “ in respect of each audit.”

Sec. 211 (9).
(Audit.)

8. Part IX of the Principal Act is amended—

Amendment of
Part IX of Act
No. 41, 1919,
(Public roads.)

- (a) by inserting after section two hundred and thirty-three a new section as follows:—

New s. 233A.

233A. (1) Where any bridge or level crossing over any private railway or any railway bridge has been constructed before or after the commencement of this Act by any person, firm, or company, whether under the authority of any Act or not, the following provisions shall have effect:—

Private
railways,
bridges, and
street
crossings.

- (a) The owner of the railway shall, so long as the bridge and the roadway thereover or level crossing or the roadway under the bridge is left open for traffic, keep the

the

Local Government (Amendment).

the bridge, level crossing, or overbridge and the roadway under such overbridge in a proper state of repair to the satisfaction of the council.

See s 632
pos .

(b) The council may at any time by notice direct the owner of the railway to reconstruct or repair any such bridge, level crossing, or overbridge, or the roadway under such overbridge.

(c) Such owner may upon giving the prescribed notice close and fence off such bridge or level crossing or the roadway under such overbridge so as to prevent traffic thereon for such time as is necessary to enable the requirements of the council to be carried out.

(d) Any dispute between a council and the owner of such railway as to any matter arising under this section shall be settled in the same manner as is provided in section two hundred and seventy-three of this Act for the settlement of a difference between a council and the Railway Commissioners for New South Wales.

(e) The provisions of this subsection shall be subject to any agreement made between the council or its predecessor and the owner or his predecessors in title.

(2) The provisions of subsection one of this section shall not apply to any bridge, level crossing, or overbridge constructed by any person, firm, or company under the provisions of section five hundred and two of this Act.

(3) Where not more than two years before the commencement of the Local Government (Amendment) Act, 1927, the council has reconstructed or repaired any such bridge,

Local Government (Amendment).

bridge, level crossing, or overbridge or the roadway under such overbridge for the purpose of putting the same in a proper state of repair, the owner of the railway shall be liable for the cost of such reconstruction or repair, and the council may recover such cost from such owner in any court of competent jurisdiction.

- (b) by inserting at the end of subsection one of section two hundred and forty-three the following words:—“The portion of a footway which is at the intersection of two public roads shall be deemed to be opposite and adjacent to the land nearest thereto which is bounded by the two public roads”; Sec. 243 (1). (Footways.)
- (c) by inserting in section two hundred and forty-five after the words “any person by” the words “whom or by”; Sec. 245. (Extraordinary traffic.)
- (d) by inserting at the end of subsection one of section two hundred and fifty-one the following words:—“It shall not be necessary for a council when exercising such powers to notify in the Gazette its intention to grant permission to erect a public gate”; Sec. 251 (1). (Public gates.)
- (e) by inserting in the proviso to subsection five of section two hundred and sixty-two after the word “repairs” the words “and improvements,” and by inserting in the same proviso after the word “preservation” the words “and temporary use”; Sec. 262 (5). (Realignment.)
- (f) by inserting at the end of section two hundred and seventy-one the following new subsection:— Sec. 271. (Works under Water Act, 1912.)

(3) For the purposes of this section the word “trust” shall be deemed to include a drainage union constituted under the provisions of the Water Act, 1912, or any Act thereby repealed. Drainage union.

(g)

Local Government (Amendment).

- New s. 276A. (g) by inserting next after section two hundred and seventy-six the following new section :—
- Leasing unnecessary roads, 276A. The council may (after public notice and hearing any objector who lodges objection within one month) lease to any adjoining land-owner for not more than five years at any one time any public road or part thereof which the council considers is not needed for present public use.
- Any such lease shall contain a provision for the determination of the lease by the council upon six months' notice to the lessee.
- Sec. 277 (g). (h) by omitting from paragraph (g) of section two hundred and seventy-seven the words and figures "Neglected Children and Juvenile Offenders Act, 1905" and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";
- (Ordinances.)
- Amendment of Part X of Act No. 41, 1919. (Public health and convenience.)
9. (1) Part X of the Principal Act is amended—
- Sec. 279. (a) by inserting in section two hundred and seventy-nine after the word "health" the word "safety";
- (General powers.)
- Sec. 281 (2) (b) (i) by inserting in subsection two of section two hundred and eighty-one at the end of paragraph (l) the following words :—"in any such case the council may remove and sell the materials, and after deducting the expenses incident to the demolition, removal, and sale, pay over the balance (if any) to the owner. If such proceeds do not cover the expense the amount of the deficiency may be recovered by the council from the owner in any court of competent jurisdiction";
- (Sanitation.)
- (ii) by inserting in the same subsection after paragraph (m) the following new paragraph :—
- (n) require that a dwelling on land ratable to a sewerage rate in connection with any
- Ibid.* (2) (n).
- Baths and washtubs.

Local Government (Amendment).

any public system of sewerage shall be provided with a suitable bath and washtubs.

- (c) by omitting subsections six, seven, and eight of section two hundred and eighty-three; Sec. 283. (Night-soil and garbage removal.)
- (d) by inserting at the end of section two hundred and eighty-nine the following new paragraphs:—
- (h) control and regulate the depositing upon any land of any material likely to cause a public nuisance or to give rise to a condition which will endanger public health, or material likely to attract or tend to attract vermin to such land, or to form suitable harbourage for vermin; Tipping rubbish.
- (i) direct the removal of walls or buildings which in the opinion of the council have become ruinous and may become dangerous to the public, or may remove such walls or buildings, at the expense of the owner thereof; Unsafe walls, &c.
- (j) regulate and control the use of firearms within the boundaries of any city, town, village, or urban area; Firearms.
- (k) regulate and control the keeping and use of inflammable or explosive compounds or materials in any city, town, village, or urban area; Inflammable substances.
- (l) where land is used as a private lane, right-of-way, or means of access to two or more properties, by notice in writing require the owners of the properties served thereby to drain the lane, right-of-way or means of access, or to remove therefrom any matter or thing which may, in the opinion of the council, cause any insanitary or objectionable condition thereon; Private lanes.

(m)

Local Government (Amendment).

Quarries,
mines, &c.

- (m) require quarries, clay-pits, sand-pits, disused mines, dams or waterholes on any land likely to be a danger to the public to be enclosed by a sufficient fence to the satisfaction of the council; or where the council considers that in the circumstances fencing is not a sufficient precaution require the owner of any quarry, clay-pit, sand-pit, disused mine, dam or waterhole to empty the same of water, or to fill in or cover the same to the satisfaction of the council within a time stated by the council.

Any such owner may within the time and in the manner prescribed by rules of court appeal to a district court judge having jurisdiction within the area against the requirement of the council.

Such judge may determine whether the requirement of the council is reasonable in all the circumstances of the case and whether it shall or shall not be carried out either in its entirety or with modifications and may extend the time within which anything is to be done. The costs of the appeal shall be in the discretion of the judge.

If costs are awarded they may be recovered in like manner to costs awarded in a judgment of the district court.

Sec. 298 (2).
(Life-saving
clubs.)

- (e) by inserting in subsection two of section two hundred and ninety-eight after the words "the council" the words "may subsidise life-saving clubs and";

(Conse-
quential
amendments.)

- (f) (i) by inserting in the heading of the same Part after the words "Public Health" the word "Safety";
(ii) by inserting in the subheading of Division 5 of the same Part after the word "health" the word "safety."

(2)

Local Government (Amendment).

(2) Part I of the Principal Act is amended by inserting in section three after the words "Public Health" the word "Safety," (Consequential amendments.)

10. Part XI of the Principal Act is amended—

- (a) by omitting from paragraph (b) of subsection two of section three hundred and five the words "or villages" and by inserting in lieu thereof the words "villages or portions of a shire"; Amendment of Part XI of Act No. 41, 1919. Sec. 305 (2). (Regulation of building.)
- (b) by omitting subsection two of section three hundred and nine, and by inserting the following subsection in lieu thereof:— Sec. 309. (Residential districts.)

(2) Nothing in this section shall preclude the continuance of the use of any building for any purpose for which the same was used immediately before the date of the proclamation aforesaid, or the alteration, enlargement, rebuilding or extension of any building used for any such purpose whether or not such alteration, enlargement, rebuilding or extension involve the use of adjoining land which immediately before the date of the proclamation was in the same ownership or for such other purpose as the council thinks reasonable in the circumstances.

- (c) by inserting at the end of section three hundred and thirteen the following new paragraph:— Sec. 313. (Erection of buildings.)

(i) height, materials, stability, design, and position of fences (if any) to be erected on or on the boundaries of the allotment on which the building is to be erected.

- (d) by inserting next after section three hundred and sixteen the following new section:— New sec. 316A.

316A. When a plan has been approved by a council, fencing or other structures not shown upon the plan shall not at any time, without the consent of the council, be erected so as to restrict the use in connection with the building of the unoccupied area of the allotment. Alteration of fencing.

(c)

Local Government (Amendment).

Sec. 318.

- (e) by inserting at the end of paragraph seven of section three hundred and eighteen the following words:—"and regulating generally the erection of fences on or on the boundaries of any land and the height, materials, stability, design, and position of existing fences on or on the boundaries of any land."

Amendment of
Part XII of Act
No. 41, 1919.
(Town
planning.)

11. Part XII of the Principal Act is amended—

Sec. 327.
(Plans.)

- (a) by omitting from paragraph (c) of subsection two of section three hundred and twenty-seven the words "the signatures of all necessary parties";

Sec. 333.
(Limit
removed.)

- (b) by omitting from the proviso to section three hundred and thirty-three, paragraph (a) thereof;

Sec. 334 (5).
(Pipes in
roads.)
Ibid. (6).

- (c) (i) by omitting subsection five of section three hundred and thirty-four ;
(ii) by omitting paragraph (b) of subsection six of the same section and by inserting the following new paragraph:—

(b) in a shire, unless at the time of the proposed subdivision the land is within the area served by the water or gas supply of any village, town, or urban area or within the area to be served by any such supply under construction or about to be constructed at the time of the subdivision.

Sec. 339.

- (d) by inserting at the end of section three hundred and thirty-nine the following new subsection:—

Saving.

(2) A contravention of this or any other section of this Part shall not invalidate or be deemed to have invalidated any instrument intended to affect or evidence the title to any land.

(e)

Local Government (Amendment).

(e) by inserting after section three hundred and forty the following new sections :—

340A. (1) Where in the subdivision of land provision is made for public garden and recreation space, such space shall be conveyed or transferred to the council if the council at any time so requires.

New secs.
340A, 340B.
(Reserves.)
Public
garden and
recreation
spaces.

(2) This section shall apply where such provision was made in a subdivision effected prior to the commencement of the Local Government (Amendment) Act, 1927, as well as to cases in which it is made after such commencement.

340B. (1) Where in the subdivision of land provision is made for a drainage reserve, such reserve shall be conveyed or transferred to the council if the council at any time so requires.

Drainage
reserves.
See ss. 332
(c), 333 (h),
398.

(2) This section shall extend to subdivisions made since the passing of the Local Government (Validation and Amendment) Act, 1922, as well as to subdivisions made after the passing of the Local Government (Amendment) Act, 1927.

12. Part XIV of the Principal Act is amended—

Amendment of
Part XIV of Act
No. 41, 1919.
(Water,
sewerage, &c.)
Sec. 374 (3).

(a) (i) by omitting subsection three of section three hundred and seventy-four and inserting the following subsection :—

(3) As soon as practicable after such notification as aforesaid the Minister for Public Works shall certify under his hand the amount which has been expended on such works together with interest, at a rate or rates as provided in this section accrued from the time of expenditure of each sum included in such amount up to the end of the half year in which the notification as provided in subsection seven of this section is published.

(ii)

Local Government (Amendment).

Sec. 374 (3A).

- (ii) by inserting after subsection three of section three hundred and seventy-four the following new subsection:—

(3A) In any case where the certificate does not include all amounts expended or to be expended on any work, the Minister for Public Works shall, when the total amount expended shall have been ascertained, finally certify under his hand the whole of the amount expended upon such works.

Such final certificate shall include the amount of any previous certificate less the amount of any principal repaid or due to the end of the half-year in which the final certificate is given and shall also include any amount not previously included together with interest thereon at the rate or rates as provided in this section calculated from the time of expenditure of each sum included therein up to the end of the half year in which the notification as provided in subsection seven of this section is published.

Sec. 374 (6).

- (iii) by omitting subsection six of section three hundred and seventy-four and inserting the following subsection:—

(6) The amount of any such certificate or final certificate subject to any such partial remission as aforesaid when notified by the Governor as provided in this section, shall be the capital debt of the council to the Treasurer.

An earlier certificate shall be superseded by a final certificate at the expiration of the half-year in which such final certificate is given, but not sooner.

Sec. 374 (7).

- (iv) by adding after the word "interest" in paragraph (c) of subsection seven of section three hundred and seventy-four the words "at a rate as provided in this section";

(v)

Local Government (Amendment).

- (v) by omitting subsection eight of section three hundred and seventy-four and inserting the following subsection:—

(8) (a) The Governor shall by proclamation as soon as may be after the commencement of the Local Government (Amendment) Act, 1927, for periods prior to the thirtieth day of June, one thousand nine hundred and twenty-six, and, as soon as may be after the thirtieth day of June in each and every year for periods after such commencement, fix the rate of interest to be charged on amounts expended in any such period.

c. 374 (8).
Interest—
Fixation of
rate
cf. C.T.W.
& S. (Amend-
ment) Act,
1905, s. 29.

(b) The rate so to be fixed for each period shall reasonably approximate to the percentage cost of moneys borrowed by the Government of New South Wales in the twelve months immediately prior to that period for which the rate of interest is fixed.

(c) The rates to be adopted for the purposes of certificates to be made under the provisions of subsections three and (3A) of this section and subsection three of section three hundred and seventy-seven shall be the rates proclaimed in accordance with paragraph (a) of this subsection.

(d) The rates to be adopted for purposes of paragraph (c) of subsection seven of this section and paragraph (b) of subsection four of section three hundred and seventy-seven shall be determined having regard to the several rates proclaimed in accordance with paragraph (a) of this subsection for any periods during the construction of the works, and also to the amount expended in each of the said periods.

(e) For the purposes of this subsection the expression "period" shall be deemed

Local Government (Amendment).

- deemed to mean the period of twelve months commencing on the first day of July in any year.
- Sec. 374 (10). (vi) by inserting at the end of the same section the following new subsection :—
- Validation of past certificates and notifications. (10) Every certificate of the Minister for Public Works and every notification by the Governor purporting to have been given or made under this section before the commencement of the Local Government (Amendment) Act, 1927, shall be deemed to have been given or made in accordance with the provisions of this Act, notwithstanding any failure of compliance with the provisions thereof, and every such notification by the Governor of the capital debt of a council for water, sewerage, drainage, or electricity works shall be deemed in all respects whatsoever to have been and to be valid.
- Sec. 375 (1). (b) by omitting from subsection one of section three hundred and seventy-five the words "carried by the Treasurer to a Loan Trust Fund" and by inserting the words "paid to the General Sinking Fund constituted under the State Debt and Sinking Fund Act, 1904";
- Sec. 377. (c) by omitting section three hundred and seventy-seven and by inserting the following new section in lieu thereof :—
- Partly constructed works. 377. (1) When any work partly constructed by the Minister for Public Works but not completed is in his opinion so far constructed as to be of use to the council he may report that fact to the Governor.
- (2) The Governor may notify that the council shall take over any partly constructed work and the care and management thereof.
- (3) The said Minister may certify the amount actually expended in such construction, and the amount so certified, together with interest in accordance with section three hundred

Local Government (Amendment).

hundred and seventy-four of this Act, shall upon the certificate being notified become a debt due by the council to the Treasurer.

Such interest shall be calculated from the time of the expenditure of each sum included in such amount up to the end of the half-year in which the notification provided for in this section is published.

(4) Upon receipt of such certificate the Governor may notify—

- (a) the period not exceeding in any case one hundred years in which the debt is to be paid; such period shall be fixed with regard to the nature and durability of the work; and
- (b) the instalment which shall be paid by the council during each half-year succeeding that in which the notification is published in order to repay such debt with interest.

(5) The council shall in respect of any indebtedness under this section be liable for payment thereof in the same way as if works had been notified as complete in accordance with provisions of section three hundred and seventy-four of this Act.

(6) Like action may be taken from time to time, and the provisions of this section shall apply when the work has been further constructed and before completion.

(7) When any work has been notified as having been finally completed and the capital debt on the completed work and the period for repayment fixed and the half-yearly instalment has been notified, the provisions of this section shall be superseded by the foregoing provisions of this Part.

(8) In finally computing the capital debt credit shall be given to the council for payments under this section in respect of works notified before actual completion.

(d)

Local Government (Amendment).

Sec. 378 (1).

(d) by adding at the end of subsection one of section three hundred and seventy-eight the following proviso:—

Stormwater drainage.

Provided that in respect of stormwater drainage works the council, with the approval of the Governor, may defray the cost of maintenance and management, and provide for the payment of instalments from the general fund or the sewerage local fund, or make a contribution of such amount as may be approved by the Governor from the general fund to the stormwater drainage local fund.

Sec. 388.

(e) (i) by omitting subsections one, two, and three of section three hundred and eighty-eight and the short heading preceding that section and by inserting the following short heading and subsections in lieu thereof:—

Special powers of Governor and Minister for Public Works.

Inspection and repair of works.

(1) The Minister for Public Works shall from time to time cause inspection to be made of any water, sewerage, drainage, or electricity works of the council where there is money owing to the Treasurer by the council in respect of those works.

If upon any such inspection he is of opinion that such works are not properly constructed or not kept in repair or not kept in efficient working order he may direct the council to make such repairs or alterations as he thinks necessary, and, if the council makes default for three months in effecting such repairs or alterations, he may cause such repairs or alterations to be effected and recover the cost thereof from the council as a debt.

Renewal Fund.

(2) (a) In respect of any water, sewerage, drainage, or electricity works constructed by the Minister for Public Works for any council under this Act, or the Acts repealed by

Local Government (Amendment).

by this Act, or otherwise out of public funds, the Governor, by notification, may direct that a specified sum shall be set aside annually out of the revenue derived from such works in order to provide a reserve for the purpose of effecting renewals of such works.

(b) The sum so notified shall be paid each year into a separate account in the council's bank.

As soon as may be after such payment the amount set aside shall be invested in Commonwealth or State Government loans or securities or placed on fixed deposit at interest with a bank or with the Treasurer.

Interest accruing from such investments or such deposit shall be regularly added to the account and invested in like manner.

(c) The fund created by such payments and interest accrued thereon shall not be drawn upon by the council except for the purpose of effecting such renewals of the works as may be approved by the Minister for Public Works.

(3) (a) In the event of a council making default in respect of the requirements of this section the Governor may direct that the sum notified as aforesaid shall be paid each year into a Special Deposits Account in the Treasury, and if any council fail forthwith to comply with such direction the provisions of section three hundred and seventy-six of this Act shall apply as in the case of a council making default in due payment of any instalment.

Interest at a rate to be fixed by the Treasurer shall be credited annually to the account by the Treasurer, and the account shall not be drawn upon except for such renewals as may be approved by the Minister for Public Works.

(b)

Local Government (Amendment).

(b) This subsection shall apply to any existing fund created for the purpose of providing for renewals if the Governor so direct, and to the extent specified in such direction.

(c) The provisions of subsections two and three of this section may be suspended or varied in whole or in part in any case where the Governor is satisfied that adequate provision has already been made for the renewal of any works.

(ii) by omitting from subsection four of the same section the words "Minister (or the Minister for Public Works)" and by inserting in lieu thereof the words "Minister for Public Works";

Sec. 392 (5).
(Meters.)

(f) by inserting in subsection five of section three hundred and ninety-two after the word "Minister" the words "for Public Works";

Sec. 396.
(Disposal of
sewage.)

(g) (i) by inserting in subsection one of section three hundred and ninety-six after the word "Minister" the words "for Public Works";

(ii) by omitting subsection two of the same section and inserting in lieu thereof the following new subsection:—

Inspection
and method
of working.

(2) The Minister for Public Works shall cause inspection to be made of any sewage disposal or treatment works, and may give directions as to their proper maintenance and working in order that their efficiency may be maintained and that nuisance therefrom may be prevented.

Such directions shall be obeyed by the council, and if not so obeyed within a reasonable time after written notice thereof is served upon the council, the said Minister may cause such things to be done for the aforesaid purposes as he may deem necessary, and may recover the expense thereby incurred from the council as a debt.

(h)

Local Government (Amendment).

- (h) by inserting in subsection one of section four hundred and one after the word "may" the words "on the recommendation of the Minister for Public Works"; Sec. 401. (1). (Cantonment districts.)
- (i) (i) by omitting from subsection one of section four hundred and two the words "the Minister or"; Sec. 402. (Control and management by Government.)
- (ii) by omitting from subsection two of the same section the words "the Minister or";
- (j) by inserting at the end of section four hundred and three the following words: "and may require the construction of sufficient drains for that purpose, or may, at the cost of the owner, construct drains to dispose of roof, surface, and other waters from the premises so as to conduct the water to the most appropriate gutter or water channel under the control of the council." Sec. 403. (Drainage.)
- 13.** Part XVIII of the Principal Act is amended— Amendment of Part XVIII of Act No. 41, 1919. (Impounding.)
- (a) by omitting from paragraph (c) of subsection one of section four hundred and twenty-three the words "and sections one hundred and eighty-two and one hundred and eighty-three of the Stock Act, 1901"; Sec. 423 (1) (c). (Consequential on Act No. 14, 1921, s. 2.)
- (b) by inserting in section four hundred and twenty-four at the end of the definition of "occupant" the following words:—"and in respect of a travelling stock and camping reserve includes the Pastures Protection Board under whose control such reserve has been placed under section 26A of the Pastures Protection Act, 1912"; Sec. 424. (T.S. & C.R.)
- (c) by inserting the following words at the end of section four hundred and twenty-seven:— Sec. 427. In what pound.
- Where a quarantine area or line has been notified or established under the Stock Diseases Act, 1923, the pound to which the animal shall be taken shall be the pound to which access may be had most conveniently having regard to the provisions of that Act;

(d)

Local Government (Amendment).

Sec. 433 (6).

(Release)

Sec. 436.

Surplus.

(d) by omitting from subsection six of section four hundred and thirty-three the words "from the pound";

by inserting at the end of section four hundred and thirty-six the following new subsection:—

(5) Where the proceeds of the sale of an impounded animal exceed the fees, charges, and damages payable under this Act in respect of such animal the council shall on request pay such surplus to the owner of the animal.

Amendment
of Part XIX
of Act No. 41,
1919.

Sec. 446 (6).

14. Part XIX of the Principal Act is amended by omitting subsection six of section four hundred and forty-six and inserting the following new subsection in lieu thereof:—

(Waverley
Cemetery.)

(6) (a) A sum not exceeding three thousand pounds may be expended from the Waverley Cemetery Fund upon the construction or reconstruction of the following roads within the municipality of Waverley:—

Boundary street East, St. Thomas street, Trafalgar street, Macpherson street, and the twenty-feet lane at the foot of the cemetery wall.

(b) In addition to the said amount a sum not exceeding three hundred and sixty-five pounds in any one year may be expended from the Waverley Cemetery Fund annually on the maintenance of the following roads in approach or adjacent to the cemetery, namely:—

Chesterfield parade—from Arden street to St. Thomas street.

Trafalgar street—from St. Thomas street to Hardy street.

Boundary street—from St. Thomas street to the Pacific Ocean.

Boundary street—from Arden street to St. Thomas street.

Twenty-feet lane at foot of cemetery wall.

St. Thomas street—from Macpherson street to Boundary street.

Macpherson street—from Albion street to St. Thomas street.

15.

*Local Government (Amendment).***15.** Part XXII of the Principal Act is amended—

Amendment of
Part XXII of Act
No. 41, 1919.
(Noxious plants
and animals.)
Sec. 470.

- (a) (i) by inserting in subsection one of section four hundred and seventy after the word "declared" the words "by the council";
- (ii) by omitting from subsection two of the same section the words "After the expiration of two months from the publication of the notice aforesaid, if the occupier of any land has not in the opinion of the council taken reasonable steps to comply with the requirements of this section the council may subject to the provisions of this Act" and by inserting in lieu thereof the words "After the expiration of one month from the publication of the notice aforesaid, if the occupier of any land has not taken reasonable steps to comply with the requirements of this section the council may, subject to the provisions of this Act"; *Ibid.*
- (b) (i) by inserting in section four hundred and seventy-one after the word "declared" the words "by the council"; *Sec. 471.*
- (ii) by omitting from paragraph (a) of subsection one of the same section the words "two months" and by inserting in lieu thereof the words "one month"; *Ibid.*
- (iii) by omitting from subsection two of the same section the words "in the opinion of the council"; *Ibid.*

- (c) by inserting after section four hundred and seventy-one the following new section:— *New s. 471A.*

471A. (1) Where any plant or animal has been declared by the Governor to be a noxious plant or animal in all municipalities and shires, or in any district under the provisions of section four hundred and sixty-eight, it shall be the duty of all occupiers, or if there be no occupier the owner, of any land therein to keep such land free therefrom. *Duty to destroy on declaration by Governor.*

Local Government (Amendment).

(2) Any occupier or owner offending against the provisions of this section shall be liable to a penalty not exceeding fifty pounds.

(3) Proceedings for recovery of a penalty under this section may be instituted by the council or by any person.

(4) The council may at its discretion in any case where the occupier or owner fails to destroy any such plant or animal, prior to or subsequently to or in lieu of prosecuting for such offence, cause such plant or animal within such land to be destroyed, and may recover from the occupier or owner, as the case may be, any reasonable expense incurred thereby.

(5) The provisions of subsection four of section four hundred and seventy-one shall apply with respect to plants or animals declared to be noxious under section four hundred and sixty-eight.

Sec. 473.

- (d) (i) by omitting from section four hundred and seventy-three the proviso to subsection two, and inserting in lieu thereof the following provisos:—

Provided that this subsection shall not apply to dedicated roads which are separated from such lands by fences, and are used as public thoroughfares:

Provided also that where a road, whether dedicated or undedicated, which adjoins any such lands is fenced on one side only, the council may notify that the duty to destroy noxious plants and animals upon the whole of such road shall extend to and apply to the person whose unfenced lands the road adjoins.

- (ii) by inserting in subsection three of the same section after the word "statutory" the words "or public," and after the word "reserves" the words "or public reserves";

(e)

Local Government (Amendment).

- (e) by omitting from subsection one of section four hundred and seventy-five the word "forty" and inserting the word "eighty." Sec. 475.

16. Part XXIII of the Principal Act is amended— Amendment of Part XXIII of Act No. 41, 1919.

- (a) (i) by omitting from subsection two of section four hundred and ninety-three the words "Board of Water Supply and Sewerage" and by inserting in lieu thereof the words "Metropolitan Water, Sewerage and Drainage Board"; Sec. 493 (2). (Guarantees, Water and Sewerage.)

- (ii) by inserting at the end of the same section the following new subsection:— Sec. 493. New subsection. (Local rates.)

(4) Notwithstanding anything contained elsewhere in this Act, a local rate levied under the provisions of this section may be combined with the general rate and the proceeds of the combined rate may be paid into the general fund. Combined rate.

Where a combined rate is levied as provided in this section it shall not be necessary to keep the accounts of a local fund.

Any sum payable in respect of a guarantee under this section may, pending the making or collection of the combined rate, be paid from the general fund.

The provisions of subsections two and three of section one hundred and twenty-seven shall apply to a combined rate levied under the provisions of this subsection.

- (b) by omitting from section five hundred the word "tar-paving" and inserting the word "paving"; S.c. 500. (Works on private land.)

- (c) (i) by inserting in subsection one of section five hundred and two after the words "bridges across" the words "or subways under"; Sec. 502. (Private railway lines.)

- (ii) by inserting in subsection two of the same section after the words "provided by" the words "section two hundred and seventy-three of"; (iii)

Local Government (Amendment).

(iii) by omitting from subsection five of the same section the words "bridge or level crossing" and by inserting in lieu thereof the words "level crossing, subway, or bridge";

(iv) by inserting in the same subsection after the word "crossing" where that word secondly and thirdly occurs the word "subway";

(d) by omitting section five hundred and eleven.

17. Part XXIV of the Principal Act is amended—

(a) by omitting section five hundred and seventeen and inserting the following:—

517. (1) The council may agree to pay for any purchase lawfully made, or for the performance of any work which it might lawfully undertake, by instalments extending over a period of years.

(2) Before entering into any such contract the council shall advertise the proposed conditions of the contract and call for tenders.

Such tenders shall be considered on their merits before a decision is arrived at.

(3) A council shall not enter into contracts under this section if the amount of the liabilities under such contracts when added to the amount owing by the council as loans shall exceed twenty per centum of the unimproved capital value of all ratable land in the area in the case of a municipality, or in the case of a shire thrice the amount of the income of the shire as shown by the last year's accounts.

(4) The council shall not enter into a contract under this section if the amount of the annual payments necessary under such contract when added to the annual payments to be made under any other contract under this section then subsisting in respect of any particular fund shall be more than ten per centum

Sec. 511.
(Monumen^ts.)
Amendment of
Part XXIV of
Act No. 41, 1919.

Sec. 517.

Time-
payment
contracts.

Local Government (Amendment).

centum of the estimated income of that fund during the year in which the contract is entered into.

- (b) (i) by omitting from subsection two of section five hundred and nineteen the words "with- out the approval of the Governor"; Sec. 519 (2). (Leases.)
- (ii) by inserting at the end of the same subsection the words "except upon competition either by public auction or tender";
- (iii) by inserting at the end of the same section the following new subsections:—
- (3) The lease shall reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case. cf. Sydney Corporation Act, No. 35, 1902, s. 141, as inserted by Act No. 7, 1924, s. 16.
- (4) 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.
- (c) by omitting from section five hundred and twenty the words "or lease"; Sec. 520. Ibid.
- (d) by omitting from subsection one of section five hundred and twenty-two the words "making or repairing such public road, and in building, providing, maintaining" and by inserting in lieu thereof the words "making, repairing, or lighting such public road, and in building, providing, maintaining, lighting"; Sec. 522 (1). (Boundary roads, bridges, &c.)
- (e) by omitting from paragraph (d) of subsection two of section five hundred and twenty-four the words "the clause" and by inserting in lieu thereof the words "this section." Sec. 524 (2).

18. Part XXVII of the Principal Act is amended as follows:—

- (a) In section five hundred and forty-nine—
- (i) by the omission of subsection four and the insertion of new subsection four as follows:—
- (4) The number of committeemen constituting an urban committee shall

Amendment of Part XXVII of Act No. 41, 1919. (Urban areas.)

Sec. 549. (Urban committees.)

Local Government (Amendment).

be three or such other number as the Governor may determine from time to time.

- (ii) by adding after subsection six new subsection 6A as follows :—

(6A) If a vacancy in the office of urban committeeman continue after the time prescribed for election thereto the Governor may appoint any qualified person to the vacant office :

Provided that where he deems it expedient the Minister may authorise the holding of an election to fill the vacant office.

Sec. 551.
(Security for
loans.)

- (b) (i) by omitting from subsection two of section five hundred and fifty-one the words "only for the benefit of an urban area shall be secured only" and by inserting in lieu thereof the words "upon the application of an urban committee or for the benefit of an urban area shall be secured primarily";
- (ii) by omitting subsection four of the same section.

New secs.
554A, 554B.

Accounts of
urban
committees.

- (c) by adding after section five hundred and fifty-four the following new sections :—

554A. Notwithstanding anything contained in sections five hundred and fifty and five hundred and fifty-one of this Act, the accounts of an urban committee may, at the request of the urban committee, be kept by the council, and the urban committee may authorise the president and clerk to draw cheques upon its bank accounts for the purpose of meeting expenditure authorised by the urban committee.

Powers of
council when
no urban
committee
in office.

554B. Where an urban area has been established and there is no urban committee of that area in office the council may exercise in relation to the urban area the powers given by this Act to an urban committee or which the council could exercise upon the application or request of an urban committee.

Local Government (Amendment).

19. (1) Part XXIX of the Principal Act is amended— Amendment of Part XXIX of Act No. 41, 1919.

(a) (i) by inserting in subsection eight of section five hundred and sixty-two after the word "council" the words "for any reason set out in section thirty-five or section thirty-six"; Sec. 562. (County councils.)

(ii) by inserting in subsection fourteen of the same section after the words "county council" the words "and the Minister";

(iii) by inserting at the end of the same section the following new subsection:—

(15) Where a vacancy in the office of delegate continues after the time prescribed for election thereto, the Governor may appoint any member of the councils concerned to fill the vacant office:

Provided that where he deems it expedient the Minister may authorise the holding of an election to fill the vacant office.

(b) (i) by omitting paragraphs (a), (b), and (c) of subsection three of section five hundred and sixty-three, and by inserting in lieu thereof the following new paragraphs:— Sec. 563. (Election of chairman.)

(a) within one month after the date of the first election or appointment of the county council; and

(b) within one month after the date of each subsequent general election or an appointment of the whole of the county council; and

(c) within the month of December in each of the years intervening between the years of the general elections of the county council; and

(d) within one month after the occurrence of a vacancy.

(ii)

Local Government (Amendment).

- (ii) by inserting next after subsection three of the same section the following new subsection :—

(3A) The chairman may resign his office by letter to the county council.

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

(11) The county council may pay to its chairman an allowance during his term of office.

Allowance to chairman.

Sec. 565 (4).

(Correction of an error.)

- (c) by omitting the proviso to subsection four of section five hundred and sixty-five inserted by section thirty-five of the Local Government (Validation and Amendment) Act, 1922, and by adding a proviso in the same terms at the end of subsection four of section five hundred and sixty-four ;

Sec. 573 (1).

(Ordinances.)

- (d) by inserting at the end of paragraph (a) of section five hundred and seventy-three the following words: "without limiting the generality of the foregoing power applying any of the provisions of sections twenty-six, thirty, thirty-one, thirty-five, forty-eight, eighty-six, or of Part VIII of this Act; and"

(2) Part I of the Principal Act is amended by inserting in the definition "office" or "civic office" after the word "alderman" the words "or chairman or member of a county council."

(3) Section thirty-five of the Local Government (Validation and Amendment) Act, 1922, is hereby repealed.

Amendment of Part XXX of Act No. 41, 1919. (Legal proceedings.)

20. Part XXX of the Principal Act is amended—

Sec. 590 (3).

(Debt.)

- (a) by omitting from subsection three of section five hundred and ninety the words "a council" and inserting the words "the clerk";

Sec. 511.

(Laying of informations.)

- (b) by inserting at the end of section five hundred and ninety-one the following new paragraph :—

(c) in any case by an officer of the Board of Health appointed by that board in

that

Local Government (Amendment).

- that behalf either generally or in respect of any special proceeding.
- (c) by omitting from subsection five of section six hundred and three the words "without obtaining the approval of the Governor to such purchase"; Sec. 603 (5). (Consequential in Act No. 29, 1922, s. 32.)
- (d) by omitting from paragraph (f) of subsection three of section six hundred and four the words "by ordinance" and by inserting in lieu thereof the words "by regulations made under the Conveyancing Act, 1919"; Sec. 604 (3) (f). (Conveyances by Public Trustee.)
- (e) by omitting from subsection two of section six hundred and eight and from section six hundred and nine the words and figures "Part III of the Trustee Act, 1898" and by inserting in lieu thereof the words and figures "Part IV of the Trustee Act, 1925"; Secs. 608 (2), 609. (Payment into court.)
- (f) (i) by omitting from subsection one of section six hundred and ten the words and figures "sections fifty-nine, sixty-one, and sixty-three of the Trustee Act, 1898—(a) the particular" and by inserting in lieu thereof the words and figures "Part IV of the Trustee Act, 1925—(a) the"; Sec. 610. (Ibid.)
- (ii) by omitting subsection two of the same section.
- (g) by inserting in subsection two of section six hundred and eleven after the figures "1898" the words and figures "or under Part IV of the Trustee Act, 1925"; Sec. 611 (2). (Ibid.)
- (h) by inserting next after section six hundred and twenty-five the following new section:—
 625A. Where the value of land is an issue to be determined in any court, a notice under section one hundred and sixty-three coming from the custody of the council may, if the transfer of the land to which the notice relates, or the purchase price or consideration therefor is, in the opinion of the court, material to be considered, be received as prima facie evidence of
- Notice of transfer.

Local Government (Amendment).

of the contents thereof, and without proof of the signature of the person or persons by whom the notice purports to have been signed.

Sec. 640

(Recovery of penalties.)

(i) in section six hundred and forty—

(i) by inserting after subsection one the following new subsection, namely:—

(1A) Any penalty, fine, or forfeiture under this Act or any ordinance made thereunder recovered in proceedings instituted by a member of the police force or by an officer of the Board of Health shall be paid to the Consolidated Revenue Fund.

(ii) by inserting at the commencement of subsection two the words “subject to the provisions of this section”; and by inserting in the same subsection after the words “police force” the words “or an officer of the Board of Health.”

Sec. 647 (2).

(Proclamations.)

(j) by inserting at the commencement of subsection two of section six hundred and forty-seven the words “except with the consent of any council the interests of which may be concerned”;

Sec. 649 (2). †

(Public inquiries.)

(k) by omitting subsection two of section six hundred and forty-nine and by inserting in lieu thereof the following new subsection:—

(2) The person holding the inquiry shall have the powers conferred by the Royal Commissions Act, 1923, on a commissioner appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

(l)

Local Government (Amendment).

- (1) (i) by omitting paragraph (d) of subsection five of section six hundred and fifty-four and by inserting new paragraph (d) in lieu thereof:—
- Sec. 654 (5).
(Conse-
quential on
Act No. 50,
1924.)
- (d) the Metropolitan Water, Sewerage and Drainage Board;
- (ii) by omitting from paragraph (n) of the same subsection the word "and"; and by adding at the end of subsection five the following new paragraphs:—
- (Addition
of other
departments.)
- (p) the Grafton and South Grafton Water Board;
- (q) the Forestry Commission of New South Wales;
- (r) the Main Roads Board of New South Wales.

21. (1) Schedule Three of the Principal Act is amended—

Amendment
of Act No. 41,
1919, Sch. 3.

- (a) by omitting subclause two of clause ten and inserting the following subclause in lieu thereof:—
- (Separate
valuations.)

(2) Lands which are separately owned, or lands which do not adjoin shall be separately valued provided that all lands valued on a freehold basis which are separated by a road generally used by the public may be included in one valuation if owned by the same person and worked as one holding.

- (b) by inserting at the end of subclause two of clause nineteen the following new paragraph:—
- (Part
ratable.)
- (g) determine whether any part of the land included in a valuation is ratable, and the value of that part.

(2) The Principal Act is further amended—

Secs. 4, 368,
651, Sch. 3

- (a) by omitting from section four, from section three hundred and sixty-eight, from section six hundred and fifty-one, and from clause twenty-four of Schedule Three the words "Board of Water Supply and Sewerage" and

Local Government (Amendment).

and by inserting in lieu thereof the words "Metropolitan Water, Sewerage and Drainage Board";

Secs. 368,
405, Sch. 3
(24).

- (b) by omitting from section three hundred and sixty-eight and from section four hundred and five and clause twenty-four of Schedule Three the words "Metropolitan Water and Sewerage Act of 1880" and by inserting in lieu thereof the words "Metropolitan Water, Sewerage, and Drainage Act, 1924";

Sec. 420 (4).
(Trading
franchises.)

- (c) by inserting at the end of subsection four of section four hundred and twenty the following words:—

For the purposes of this subsection "sitting days" means days upon which a House meets for the despatch of business; and a prorogation or dissolution of Parliament shall not prevent the running of the fifteen sitting days within which the notice of motion to disallow an agreement or part is to be given.

Amendment
of Act No. 26,
1918, s. 4.

22. The Woollahra Loan Act, 1918, is amended—

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

4. The council shall in each year commencing with the year beginning on the first day of January next following the commencement of the Local Government (Amendment) Act, 1927, levy a loan rate on the unimproved capital value of all ratable land in the municipality for the purpose of paying interest on and repaying the principal of the loan, and shall continue to levy such rate each year until the sum borrowed shall have been repaid.

Levy of loan
rate.

- (b) by omitting the Schedule to the said Act.

(Schedule.)

Validation of
certain pro-
clamations.

23. The proclamations respecting—

- (a) Wellington Water Supply, published in the Government Gazette number sixty-seven of the eighth day of June, one thousand nine hundred and twenty-three;

(b)

Local Government (Amendment).

- (b) Ballina Water Supply, published in the Government Gazette number one hundred and five of the seventh day of July, one thousand nine hundred and twenty-two;
- (c) Peak Hill Water Supply, published in the Government Gazette number sixty-nine of the fifteenth day of June, one thousand nine hundred and twenty-three;
- (d) Gunnedah Water Supply, published in the Government Gazette number forty-four of the thirteenth day of April, one thousand nine hundred and twenty-three;
- (e) Balranald Water Supply, published in the Government Gazette number sixty-five of the eighth day of May, one thousand nine hundred and twenty-three;
- (f) Cootamundra Water Supply, published in the Government Gazette number one hundred and seventy-one of the twenty-fourth day of December, one thousand nine hundred and twenty-five,

shall be deemed to have been valid and of full force and effect notwithstanding that any such proclamation may have affected a thing done before the publication thereof.

24. The securities given by the Blaxland Shire Council and the Bellingen Shire Council respectively during the year one thousand nine hundred and twenty-five to secure the repayment of the respective sums of five thousand pounds and nine thousand pounds borrowed for the purpose of establishing electricity supply undertakings in the Portland and Bellingen urban areas respectively are hereby validated.

Validation
of certain
securities.

25. The Municipal District of Wrightville Naming Act of 1902 is hereby repealed.

Repeal of Act
No. 116,
1902.

26. (1) The Impounding Act, 1898, is amended by inserting next after section seven the following new sections :—

Amendment
of Impound-
ing Act, 1898.

7A. (1) Every poundkeeper shall keep copies of the latest edition of the brand directories and of subsequent Gazettes containing lists of the brands subsequently

Poundkeepers to
keep brand
directory.
cf. Act No. 27,
1901, s. 182.

Local Government (Amendment).

subsequently registered and the names and residences of the proprietors thereof; and shall, on the receipt of a fee of one shilling, permit a search in such brand directories and Gazettes at all reasonable hours.

(2) Every poundkeeper who fails to comply with any requirement of this section shall, for every such offence, be liable to a penalty not exceeding five pounds.

7B. (1) When any cattle or horses are impounded, the poundkeeper shall forthwith send notice thereof to the proprietor of the brand which appears last in order on such cattle or horses.

(2) Every poundkeeper who neglects or delays to send any such notice shall, for every such offence, be liable to a penalty not exceeding ten pounds.

(2) Nothing in this section shall affect the operation of paragraph (c) of subsection one of section four hundred and twenty-three of the Local Government Act, 1919, as amended by this Act.

Notice of
impounding
to be sent to
owner of
brand.
Act No. 27,
1901, s. 183.

Amendment
of Act No. 24,
1924, s. 3.

27. The Main Roads Act, 1924, is amended by inserting in section three next after the definition of "Metropolitan Main Road" the following definition:—
"Minister" means the Minister of the Crown for the time being administering this Act.

Local Government (Amendment).

INDEX.

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33.		
Act, construction of	1	1
Advances, ratepayers'. [See Ratepayers' advances.]		
Alderman or councillor—		
election of, oath of allegiance on, time for transmission of, 1919 No. 41, s. 33 (2), amended (twice)	4 (c) (i) (ii)	7
uncontested election. [See Uncontested election.]		
Aliens—		
disqualification of, 1919 No. 41, s. 55 (b), repealed	5 (1) (c)	8
, proviso as to, 1919 No. 41, s. 55 (b), proviso as added 1922 No. 29, s. 7, repealed	5 (2)	9
Amendments and Repeals—		
Bursary Endowment Act, 1912, No. 14—		
see 1919 No. 41, s. 132 (j), added by ...	7 (d) (ii)	12
Child Welfare Act, 1923, No. 21—		
see 1919 No. 41, s. 277 (g)	8 (h)	23
Crown Lands Consolidation Act, 1913, No. 7—		
as to unimproved capital value for rating purposes, see 1919 No. 41, s. 141, as repealed and substituted	7 (i)	13
Forestry Act, 1916, No. 55—		
as to unimproved capital value for rating purposes, see 1919 No. 41, s. 141, as repealed and substituted	7 (i)	13
Hay Irrigation Act, 1902, No. 57—		
as to unimproved capital value for rating purposes, see 1919 No. 41, s. 141, as repealed and substituted	7 (i)	13
Impounding Act, 1898, No. 6—		
ss. 7A, 7B, added	26	51, 52
Land and Valuation Act, 1916, No. 2—		
s. 46, amendment inserted by 1919 No. 41, s. 135 (b), repealed	7 (f)	12
Local Government Act, 1919, No. 41—		
s. 3, Part X, amended	9 (2)	27
s. 4, definition "Minister," repealed ...	2 (a)	2
s. 4, definition "office," amended	19 (2)	46
s. 4, definition "statutory body," amended	21 (2) (a)	49

Local Government (Amendment).

INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 — <i>continued.</i>		
Amendments and Repeals—<i>continued.</i>		
Local Government Act, 1919, No. 41— <i>contd.</i>		
s. 4, definition "Subdivision, &c.," amended	2 (b)	2
s. 4, definition "Subdivision, &c.," (c) (d), added	2 (b)	2
s. 10, Height of Buildings Act, 1912, repealed, (d) Height of Buildings (Metropolitan Police District) Act, 1912, substituted... ..	2 (c)	2
s. 10, Metropolitan Water and Sewerage Act (i) (b) of 1880 repealed, Metropolitan Water, (ii) Sewerage, and Drainage Act, 1924, substituted	2 (c)	2
s. 10, Weights and Measures Act, 1916, (i) (b) repealed, Weights and Measures Act, (ii) 1915, substituted	2 (c)	2
s. 10, Explosives Act, 1905, added	2 (c)	2
s. 10, Inflammable Liquid Act, 1915, added	2 (c)	2
s. 16 (a), amended	3 (1) (a) (i)	2
s. 16 (e), amended	3 (1) (a) (ii)	3
s. 19 (1) (c), repealed and substituted	3 (1) (b)	3
s. 20 (1A) (as added 1922 No. 29, s. 6 (a)), amended	3 (1) (c) (i)	3
s. 20 (2) (as repealed and substituted, 1920 (i) No. 44, s. 3), amended	3 (1) (c) (ii)	3
s. 20 (3) (as repealed and substituted, 1920 (ii) No. 44, s. 3, amended, 1922 No. 29, s. 6 (b)), repealed	3 (1) (c) (iii)	3
s. 20 (5) (as repealed and substituted, 1920 No. 44, s. 3), amended	3 (1) (c) (iv)	3
s. 20 (6) (as repealed and substituted, 1920 No. 44, s. 3), amended	3 (1) (c) (v) (vi)	3, 4
s. 20 (7) (as repealed and substituted, 1920 No. 44, s. 3), amended	3 (1) (c) (vi)	4
s. 20 (12) (as added, 1922 No. 29, s. 6 (d)), repealed and substituted	3 (1) (c) (vii)	4
s. 20A, added	3 (1) (d)	6
s. 21 (1), amended	3 (1) (e) (i)	7
s. 21 (1) (q1), added	3 (1) (e) (ii)	7
s. 21 (2), amended	3 (1) (e) (iii)	7
s. 28 (1) (a), amended	4 (a)	7
s. 30 (5) (k), added	4 (b)	7

Local Government (Amendment).

INDEX—continued.

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33		
—continued.		
Amendments and Repeals—continued.		
Local Government Act, 1919, No. 41—contd.		
s. 33 (2) (as repealed and substituted, 1920 No. 44, s. 4), amended	4 (c) (i) (ii)	7, 8
s. 49 (f), amended	4 (d)	8
s. 51 (1), repealed and substituted	5 (1) (a)	8
s. 54 (d), repealed and substituted	5 (1) (b)	8
s. 54 (e) (f) (g) (h), repealed	5 (1) (b)	8
s. 55 (b) (as amended, 1922 No. 29, s. 7), repealed	5 (1) (c)	8
s. 56 (2), amended	5 (1) (d) (i)	8
s. 56 (3), repealed	5 (1) (d) (ii)	8
s. 72 (1), amended	6 (1) (a) (i)	9
s. 72 (2), amended	6 (1) (a) (ii)	9
s. 82, proviso, repealed and substituted	6 (1) (b)	9
s. 88 (1), amended	6 (2) (a)	9
s. 90 (2), amended	6 (2) (b)	9
s. 99 (1), amended	6 (2) (c) (i)	10
s. 99 (8), repealed and substituted	6 (2) (c) (ii)	10
s. 121 (1A), added	7 (a)	10
s. 123 (2), repealed and substituted... ..	7 (b)	10
s. 124 (6) (as repealed and substituted, 1920 No. 44, s. 8 (b)), amended	7 (c) (i) (a) (b) (c)	11
s. 124 (10), amended	7 (c) (ii)	11
s. 124 (13) (14), added	7 (c) (iii)	11
s. 132 (1) (d), amended	7 (d) (i)	12
s. 132 (1) (i), repealed and substituted	7 (d) (ii)	12
s. 132 (1) (j), added	7 (d) (iii)	12
s. 133 (2), amended	7 (e) (i)	12
s. 133 (5), amended	7 (e) (ii)	12
s. 135 (b), repealed	7 (f)	12
s. 137 (2), amended	7 (g)	13
s. 139 (9), added	7 (h)	13
s. 141, repealed and substituted	7 (i)	13
s. 149 (3), repealed and substituted... ..	7 (j)	15
s. 151A, added	7 (k)	15
s. 157 (5), added	7 (l)	16
s. 161, amended	7 (m)	16
s. 165 (c), added	7 (n)	17
s. 167 (1), amended	7 (o)	17
s. 173 (2), repealed and substituted... ..	7 (p)	17
s. 174, repealed and substituted	7 (q)	17

Local Government (Amendment).

INDEX—continued.

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33		
—continued.		
Amendments and Repeals—continued.		
Local Government Act, 1919, No. 41—contd.		
s. 175 (1), amended	7 (r) (i)	18
s. 175 (2), amended (twice)	7 (r) (ii) (iii)	18
s. 177A (as added by 1922 No. 29, s. 13 (2)), repealed	7 (s)	18
s. 178A, added	7 (t)	19
s. 180 (9), proviso, added	7 (u)	19
s. 181 (8) (as repealed and substituted, 1920 No. 44, s. 15), amended	7 (v)	20
s. 181c, added	7 (w)	20
s. 184 (a), amended	7 (x)	21
s. 211 (3), amended	7 (y) (i)	21
s. 211 (4), repealed	7 (y) (ii)	21
s. 211 (9) (as repealed and substituted, 1920 No. 44, s. 18), amended	7 (y) (iii)	21
s. 233A, added	8 (a)	21
s. 243 (1), amended	8 (b)	23
s. 245, amended	8 (c)	23
s. 251 (1), amended	8 (d)	23
s. 262 (5), proviso, amended (twice)	8 (e)	23
s. 271 (3), added	8 (f)	23
s. 276A, added	8 (g)	24
s. 277 (g), amended	8 (h)	24
s. 279, amended	9 (1) (a)	24
s. 281 (2) (l), amended	9 (1) (b) (i)	24
s. 281 (2) (n), added	9 (1) (b) (ii)	24
s. 283 (6) (7) (8), repealed	9 (1) (c)	25
s. 288 (1), Division 5, heading before, amended	9 (1) (f) (ii)	26
s. 289 (h)-(m), added	9 (1) (d)	25
s. 298 (1), Division 8, heading before, amended	9 (1) (f) (i)	26
s. 298 (2), amended	9 (1) (e)	26
s. 305 (2) (b), amended	10 (a)	27
s. 309 (2), repealed and substituted... ..	10 (b)	27
s. 313 (i), added	10 (c)	27
s. 316A, added	10 (d)	27
s. 318 (7), amended	10 (e)	28
s. 327 (2) (c), amended	11 (a)	28
s. 333, proviso (a), repealed	11 (b)	28
s. 334 (5), repealed	11 (c) (i)	28

*Local Government (Amendment).*INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 — <i>continued.</i>		
Amendments and Repeals— <i>continued.</i>		
Local Government Act, 1919, No. 41— <i>contd.</i>		
s. 334 (6) (b), repealed and substituted ...	11 (c) (ii)	28
s. 339 (2), added	11 (d)	28
ss. 340A, 340B, added	11 (e)	29
s. 368 (2), amended	21 (2) (a)	49
s. 368 (2), amended	21 (2) (b)	50
s. 374 (3) (as amended by 1922 No. 29, s. 20 (1)), repealed and substituted... ..	12 (a) (i)	29
s. 374 (3A), added	12 (a) (ii)	30
s. 374 (6), repealed and substituted... ..	12 (a) (iii)	30
s. 374 (7) (c), amended	12 (a) (iv)	30
s. 374 (8), repealed and substituted... ..	12 (a) (v)	31
s. 374 (10), added	12 (a) (vi)	32
s. 375 (1), amended	12 (b)	32
s. 377, repealed and substituted	12 (c)	32
s. 378 (1), proviso, added	12 (d)	34
s. 388, heading to, repealed and substituted	12 (e) (i)	34
s. 388 (1) (2) (3), repealed and substituted... ..	12 (e) (i)	34
s. 388 (4), amended	12 (e) (ii)	36
s. 392 (5), amended	12 (f)	36
s. 396 (1), amended	12 (g) (i)	36
s. 396 (2), repealed and substituted	12 (g) (ii)	36
s. 401 (1), amended	12 (h)	37
s. 402 (1), amended	12 (i) (i)	37
s. 402 (2), amended	12 (i) (ii)	37
s. 403, amended	12 (j)	37
s. 405 (1), amended	21 (2) (b)	50
s. 420 (4), amended	21 (2) (c)	50
s. 423 (1) (c), amended	13 (a)	37
s. 424, definition "occupant," amended	13 (b)	37
s. 427, amended	13 (c)	37
s. 433 (6), amended	13 (d)	38
s. 436 (5), added	13 (e)	38
s. 446 (6), repealed and substituted... ..	14	38
s. 470 (1), amended	15 (a) (i)	39
s. 470 (2), amended	15 (a) (ii)	39
s. 471 (1), amended	15 (b) (i)	39
s. 471 (1) (a), amended	15 (b) (ii)	39
s. 471 (2), amended	15 (b) (iii)	39
s. 471A, added	15 (c)	39

Local Government (Amendment).

INDEX—continued.

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33		
—continued.		
Amendments and Repeals—continued.		
Local Government Act, 1919, No. 41—contd.		
s. 473 (3), amended	15 (d) (ii)	40
s. 473, proviso repealed and provisos substituted	15 (d) (i)	40
s. 475 (1), amended	15 (e)	41
s. 493 (2), amended	16 (a) (i)	41
s. 493 (4), added	16 (a) (ii)	41
s. 500 (1), amended	16 (b)	41
s. 502 (1), amended	16 (c) (i)	41
s. 502 (2), amended	16 (c) (ii)	41
s. 502 (5), amended	16 (c) (iii)	42
s. 502 (5), amended (twice)	16 (c) (iv)	42
s. 511 (as added to by 1922 No. 29, s. 31), repealed	16 (d)	42
s. 517, repealed and substituted	17 (a)	42
s. 519 (2), amended	17 (b) (i) (ii)	43
s. 519 (3) (4), added	17 (b) (iii)	43
s. 520, amended	17 (c)	43
s. 522 (1), amended	17 (d)	43
s. 524 (2) (d), amended	17 (e)	43
s. 549 (4), repealed and substituted	18 (a) (i)	43
s. 549 (6A), added	18 (a) (ii)	44
s. 551 (2), amended	18 (b) (i)	44
s. 551 (4), repealed	18 (b) (ii)	44
ss. 554A, 554B, added	18 (c)	44
s. 562 (8) (as repealed and substituted, 1924 No. 48, s. 2 (b)), amended	19 (1) (a) (i)	45
s. 562 (14) (as repealed and substituted, 1924 No. 48, s. 2 (b)), amended	19 (1) (a) (ii)	45
s. 562 (15), added	19 (1) (a) (iii)	45
s. 563 (3) (a) (b) (c), repealed; (a) (b) (c) (d), substituted	19 (1) (b) (i)	45
s. 563 (3A), added	19 (1) (b) (ii)	46
s. 563 (11), added	19 (1) (b) (iii)	46
s. 565 (4), proviso (added, 1922 No. 29, s. 35), repealed	19 (1) (c)	46
s. 564 (4), proviso added	19 (1) (c)	46
s. 573 (1) (a), amended	19 (1) (d)	46
s. 590 (3), amended	20 (a)	46
s. 591 (c), added	20 (b)	46
s. 603 (5), amended	20 (c)	47

Local Government (Amendment).

INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 — <i>continued.</i>		
Amendments and Repeals— <i>continued.</i>		
Local Government Act, 1919, No. 41— <i>contd.</i>		
s. 604 (3) (f), amended	20 (d)	47
s. 608 (2), amended	20 (e)	47
s. 609, amended	20 (e)	47
s. 610 (1), amended	20 (f) (i)	47
s. 610 (2), repealed	20 (f) (ii)	47
s. 611 (2), amended	20 (g)	47
s. 625A, added...	20 (h)	47
s. 640 (1A), added	20 (i) (i)	48
s. 640 (2), amended (twice)	20 (i) (ii)	48
s. 647 (2), amended	20 (j)	48
s. 649 (2), repealed and substituted	20 (k)	48
s. 651 (2) (b), amended	21 (2) (a)	49
s. 654 (5) (d), repealed and substituted	24 (l) (i)	49
s. 654 (5) (n), repealed	20 (l) (ii)	49
s. 654 (5) (p) (q) (r), added	20 (l) (ii)	49
Sch. III, cl. 10 (2), repealed and substituted	21 (1) (a)	49
Sch. III, cl. 19 (2) (g), added	21 (1) (b)	49
Sch. III, cl. 24, amended	21 (2) (a)	49
Sch. III, cl. 24, amended	21 (2) (b)	50
Local Government Amendment Act, 1920, No. 44—		
s. 15 (repealing and substituting 1919 No. 41, s. 181 (8)), amended	7 (v)	20
s. 18 (as repealing and substituting 1919 No. 41, s. 211 (9)), amended	7 (y) (iii)	21
Local Government (Validation and Amend- ment) Act, 1922, No. 29—		
s. 6 (d), repealed	3 (2)	7
s. 7, repealed	5 (2)	9
s. 13 (2), repealed	7 (3)	18
s. 35, repealed	19 (3)	46
Main Roads Act, 1924, No. 24—		
s. 3, definition " Minister," added	27	52
Mining Act, 1906, No. 49—		
s. 70B (2) (as inserted by 1918 No. 41, s. 4), see	7 (l)	16
Municipal District of Wrightville Naming Act, 1902, No. 116—		
repealed	25	51

Local Government (Amendment).

INDEX—continued.

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 —continued.		
Amendments and Repeals—continued.		
Public Instruction (Amendment) Act, 1916, No. 51—		
see 1919 No. 41, s. 132 (j), added by ...	7 (d) (ii)	12
Water Act, 1912, No. 44—		
see 1919 No. 41, s. 271 (3), added ...	8 (f)	23
Wentworth Irrigation Act, 1890 (54 Vic. No. 7)—		
as to unimproved capital value for rating purposes, see 1919 No. 41, s. 141, as repealed and substituted ...	7 (i)	13
Woollahra Loan Act, 1918, No. 26—		
s. 4, repealed and substituted ...	22 (a)	50
Sch., repealed ...	22 (b)	50
Animal—		
impounded, proceeds of sale, 1919 No. 41, s. 436 (5), added ...	13 (e)	38
noxious. [See Noxious animal.]		
Appeal. [See Ratable land.]		
Areas—		
alteration of—		
1919 No. 41, s. 16 (a), added to ...	3 (1) (a) (i)	2
division of assets and liabilities on. [See Assets and liabilities.]		
effect, when contract between council and any person for service, &c., confers rights of cancellation or purchase, 1919 No. 41, s. 20 (12) (b), repealed and substituted ...	3 (1) (c) (vii)	5
effect, when contract between council and any person for service, &c., exists—		
operation of section as to, 1919 No. 41, s. 20 (12) (d), repealed and sub- stituted ...	3 (1) (c) (vii)	6
1919 No. 41, s. 20 (12) (a), repealed and substituted ...	3 (1) (c) (vii)	4
provisions under sec. 12 as added by Local Government (Validation and Amendment) Act, 1922, No. 29, s. 6 (d), repealed ...	3 (2)	7

*Local Government (Amendment).*INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 — <i>continued.</i>		
<i>Areas—continued.</i>		
alteration of— <i>continued.</i>		
effect, when contract between council and any person for service, &c., exists— <i>continued.</i>		
excluding operation of section, 1919 No. 41, s. 20 (12) (c), repealed and substituted	3 (1) (c) (vii)	6
loan rate on, how levied, 1919 No. 41, s. 124 (14), added	7 (c) (iii)	11
local rate on. [See Rates.]		
ordinances—		
application of, 1919 No. 41, s. 20A (1), added	3 (1) (d)	6
, operation of provisions as to, 1919 No. 41, s. 20A (2), added...	3 (1) (d)	6
procedure on, 1919 No. 41, s. 20 (2), amended	3 (1) (c) (ii)	3
proclamations, powers of Governor under, 1919 No. 41, s. 21 (1), amended ...	3 (1) (e) (i)	7
proposals for, submission of, where part of area affected, 1919 No. 41, s. 19 (1) (c), repealed and substituted	3 (1) (b)	3
uniting of, 1919 No. 41, s. 16 (e), amended ...	3 (1) (a) (ii)	3
<i>Assets and liabilities—</i>		
division of, disagreement by councils or creditors as to—		
arrangement, proposed, by Minister, pro- clamation as to, 1919 No. 41, s. 20 (7), amended	3 (1) (c) (vi)	4
procedure on, 1919 No. 41, s. 20 (5), amended	3 (1) (c) (iv)	3
, when draft not agreed to, 1919 No. 41, s. 20 (6), amended (twice)	3 (1) (c) (v)	4
division of, where land taken from one area to constitute separate shire or munic- ipality, 1919 No. 41, s. 20 (1A) (c), added	3 (1) (c) (i)	3
Auditor, appointment of, cancellation of, re- appointment where... ..	7 (y) (ii)	21

Local Government (Amendment).

INDEX—continued.

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 —continued.		
Auditor, certificate of, 1919 No. 41, s. 211 (9), as repealed and substituted 1920 No. 44, s. 18, amended	7 (y) (iii)	21
Auditors, appointment of, 1919 No. 41, s. 211 (3) ...	7 (y) (i)	21
Ballina water supply, proclamation in <i>Gazette</i> No. 105 of 7th July, 1922, validation of ...	23 (b)	51
Balranald water supply, proclamation in <i>Gazette</i> No. 65 of 8th May, 1923, validation of ...	23 (e)	51
Bellingen Shire Council, validation of securities ...	24	51
Benevolent institutions, lands of, exemption from rates, 1919 No. 41, s. 132 (1) (d), amended ...	7 (d) (i)	12
Blaxland Shire Council, validation of securities ...	24	51
Borrowing—		
limits of, 1919 No. 41, s. 184 (a), amended ...	7 (x)	21
powers of council. [See Council, loans to.]		
Bridges. [See Railways.]		
Buildings—		
approval of erection of, fences, 1919 No. 41, s. 313 (i), added ...	10 (c)	27
erection of. [See Shire Council.]		
Capital debt. [See Water, sewerage, drainage, or electricity works.]		
Certificate—		
of auditor. [See Evidence.]		
cost of works. [See Works.]		
Certificated clerk, employment of, by municipal and shire councils, 1919 No. 41, s. 88 (1), amended...	6 (2) (a)	9
Certificated engineer, employment of, by shire council, when optional, 1919 No. 41, s. 90 (2), amended ...	6 (2) (b)	9
Certificates, validation of part, 1919 No. 41, s. 374 (10), added ...	12 (a) (vi)	32
Child Welfare Act, 1923, No. 21, ordinances as to street sellers and shoeblacks to be made subject to, 1919 No. 41, s. 277 (g), amended ...	8 (h)	24
Church, rectory, &c., lands used for, exemption from rates of, 1919 No. 41, s. 132 (1) (h), repealed and substituted ...	7 (d) (ii)	12
Civic office, disqualification for, interest in compensation for property damaged or resumed by council, not to be, 1919 No. 41, s. 30 (5) (k), added ...	4 (b)	7

*Local Government (Amendment).*INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 — <i>continued.</i>		
Clay-pits. [<i>See Quarries.</i>]		
Clerk, town or shire. [<i>See Certificated clerk.</i>]		
Cootamundra water supply, proclamation in <i>Gazette</i> No. 171 of 24th December, 1925, validation of Council—	23 (f)	51
boundary roads, maintenance, lighting, &c., of, 1919 No. 41, s. 522 (1), amended ...	17 (d)	43
employees, dismissal of—		
inquiry as to, powers on, 1919 No. 41, s. 99 (8), repealed and substituted ...	6 (2) (c) (ii)	10
witnesses on, powers as to, 1919 No. 41, s. 99 (8), repealed and substituted ...	6 (2) (c) (ii)	10
entry by, on enclosed land, notice of, 1919 No. 41, s. 524 (2) (d), amended ...	17 (e)	43
fees to, recovery of, 1919 No. 41, s. 590 (3), amended ...	20 (a)	46
general powers of, public safety, 1919 No. 41, s. 279, amended ...	9 (1) (a)	24
leases by, conditions of—		
1919 No. 41, s. 519 (2), amended (twice)	17 (b) (i) (ii)	43
best rent, 1919 No. 41, s. 519 (3), added	17 (b) (iii)	43
term, 1919 No. 41, s. 519 (4), added ...	17 (b) (iii)	43
loans to—		
conditions of, 1919 No. 41, s. 173 (2), re- pealed and substituted ...	7 (p)	17
overdraft—		
certificate of auditor, effect in evi- dence of. [<i>See Evidence.</i>]		
limit of—		
1919 No. 41, s. 174 (2), repealed and substituted ...	7 (q)	17
borrowing in excess of, conditions of, 1919 No. 41, s. 174 (3), repealed and substituted ...	7 (q)	18
borrowing in excess of, maximum, 1919 No. 41, s. 174 (4), repealed and substituted ...	7 (q)	18
purposes of, 1919 No. 41, s. 174 (1), repealed and substituted ...	7 (q)	17
security for, 1919 No. 41, s. 175 (1), amended ...	7 (2) (i)	18
[AND SEE Ratepayers' advances.]		

Local Government (Amendment).

INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33		
— <i>continued.</i>		
Council— <i>continued.</i>		
municipal and shire, certificated clerk, employ- ment of, 1919 No. 41, s. 88 (1), amended	6 (2) (a)	9
powers of, 1919 No. 41, s. 289	9 (1) (d)	25
private railway lines—		
construction of works on, cost of, 1919 No. 41, s. 502 (5), amended (thrice)	16 (c) (iii) (iv)	42
construction of works over, dispute as to, settlement of, 1919 No. 41, s. 502 (2), amended	16 (c) (ii)	41
power to construct works over, 1919 No. 41, s. 502 (1), amended	16 (c) (i)	41
sale by, public auction, 1919 No. 41, s. 520, amended	17 (c)	43
services, fees for, 1919 No. 41, s. 167 (1), amended	7 (o)	17
subsidy, power of granting, life-saving clubs, 1919 No. 41, s. 298 (2), amended	9 (1) (e)	26
works on private land, 1919 No. 41, s. 500 (1), amended	16 (b)	41
[AND SEE County Council.]		
Councillor. [See Alderman or Councillor.]		
County Council—		
chairman of, 1919 No. 41, s. 563 (3) (a) (b)		
(c) (d)	19 (b) (i)	45
allowance to, 1919 No. 41, s. 563 (11), added	19 (b) (iii)	46
resignation of office by, 1919 No. 41, s. 563 (3A), added	19 (b) (ii)	46
delegate to—		
notification of election of, 1919 No. 41, s. 562 (14), as added, 1924 No. 48, s. 2 (b), amended	19 (1) (a) (ii)	45
vacancy in office of, continued, 1919 No. 41, s. 562 (15), added	19 (1) (a) (iii)	45
vacation of office, 1919 No. 41, s. 562 (8), as added, 1924 No. 48, s. 2 (b), amended	19 (1) (a)	45
loans and rates, limit of, 1919 No. 41, s. 565 (5), proviso as added by 1922 No. 29, s. 35, repealed and substituted as proviso to 564 (4)	19 (1) (c)	46

Local Government (Amendment).

INDEX—continued.

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33		
—continued.		
County Council—continued.		
ordinances, application of, to. [See Ordinances.]		
Crown leases—		
pastoral or agricultural, unimproved capital value—		
notice of valuation, validity of, 1919 No. 41, s. 141 (3), repealed and substituted	7 (i)	14
rates on, calculation for, 1919 No. 41, s. 141 (1), repealed and substituted...	7 (i)	13
rates on, calculation for, alternative method, 1919 No. 41, s. 141 (2), repealed and substituted	7 (i)	14
Dams, dangerous. [See Quarries.]		
Definition. [See Interpretation.]		
Demolition of buildings. [See Sanitation.]		
Dispute between council and private railway owner, 1919 No. 41, s. 233A (1) (d), added ...	8 (a)	22
Disqualifications for civic office. [See Civic office.]		
Drainage reserves, provision for in subdivision, transfer of, to council, 1919 No. 41, s. 340B, added	11 (e)	29
Drainage Union, Trust includes, 1919 No. 41, s. 271 (3), added	8 (f)	23
Drains, council may require construction of, by owner, 1919 No. 41, s. 403, amended ...	12 (j)	37
Electors—		
disqualification of—		
alien, 1919 No. 41, s. 55 (b), repealed ...	5 (1) (c)	8
, proviso as to, 1919 No. 41, s. 55 (b), proviso as added, 1922 No. 29, s. 7, repealed	5 (2)	9
change of residence, 1919 No. 41, s. 56 (3), repealed	5 (1) (d) (ii)	8
change of residence within same area not to be, 1919 No. 41, s. 56 (2), amended	5 (1) (d) (i)	8
requisite qualification of, 1919 No. 41, s. 51 (1), repealed and substituted	5 (1) (a)	8
Engineer. [See Certificated engineer.]		
Evidence—		
certificate of auditor, effect in, 1919 No. 41, s. 175 (2), amended (twice)	7 (r) (ii)	18

*Local Government (Amendment).*INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 — <i>continued.</i>		
Evidence— <i>continued.</i>		
Valuer-General's certificate as to adjustment of proportion of rates, effect in, 1919 No. 41, s. 151A (6), added	7 (k)	16
Explosives Act, 1905, No. 41, not affected by Act 1919 No. 41, s. 10 (1), added to	2 (d)	2
Extraordinary traffic, expense of repairing streets caused by, recovery of, 1919 No. 41, s. 245, amended	8 (c)	23
Fees. [See Council.]		
Fencing. [See Railways, private.]—		
alteration of, 1919 No. 41, s. 316A, added ...	10 (d)	27
as element in approval of place for erection of buildings, 1919 No. 41, s. 313 (i), added ...	10 (c)	27
quarries, &c., powers of councils as to, 1919 No. 41, s. 289 (m), added	9 (1) (d)	26
Firearms, powers of councils as to, 1919 No. 41, s. 289 (j), added	9 (1) (d)	25
Footways, paving, &c., cost of, recovery, 1919 No. 41, s. 243 (1), amended	8 (b)	23
Forestry Act, 1916, No. 55—		
lease or permit under (other than grazing permit for less than twelve months), unimproved capital value—		
notice of valuation, 1919 No. 41, s. 141 (3), repealed and substituted	7 (i)	14
rates on, calculation for, 1919 No. 41, s. 141 (1), repealed and substituted... ..	7 (i)	13
rates on, calculation for, alternative method, 1919 No. 41, s. 141 (2), repealed and substituted	7 (i)	14
Forestry Commission of New South Wales, addition of, to "Department of Government," 1919 No. 41, s. 654 (5) (q), added	20 (l) (ii)	49
Garbage. [See Night-soil, Garbage, &c.]		
Gas managers, dismissal of, 1919 No. 41, s. 99 (1), amended	6 (2) (c) (i)	10
Grafton and South Grafton Water Board, addition of, to "Department of Government," 1919 No. 41, s. 654 (5) (p), added	20 (l) (ii)	49

Local Government (Amendment).

INDEX—continued.

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 —continued.		
Guarantee under sec. 493, payment from general fund, pending collection, 1919 No. 493 (4), added	16 (a) (ii)	41
Gunnedah water supply, proclamation in <i>Gazette</i> No. 44 of 13th April, 1923, validation of ...	23 (d)	51
Hay Irrigation Act, 1902, No. 57— pastoral or agricultural lease under, unimproved capital value— notice of valuation, validity of, 1919 No. 41, s. 141 (3), repealed and substituted	7 (i)	14
rates on, calculation for, 1919 No. 41, s. 141 (1), repealed and substituted...	7 (i)	13
rates on, calculation for, alternative method, 1919 No. 41, s. 141 (2), repealed and substituted	7 (i)	14
Height of Buildings Act, 1912, No. 58— repealed, Height of Buildings (Metropolitan Police District) Act, 1912, No. 58, substituted, 1919 No. 41, s. 10 (1), amended...	2 (c)	2
Impounding— powers of council, within municipalities and shires, saving of	26 (2)	52
[AND SEE Municipalities and Shires.]		
Impounding Act, 1898, No. 6— brand directory, poundkeeper to keep copies of, 1898 No. 6, s. 7A (1), added	26 (1)	51
brand directory, poundkeeper to permit search of, 1898 No. 6, s. 7A (1), added	26 (1)	51
offence, poundkeeper, failure to keep copies of brand directory, &c., 1898 No. 6, s. 7A (2), added	26 (1)	52
offence, poundkeeper, failure to notify owner of brand, 1898 No. 6, s. 7B (2), added ...	26 (1)	52
poundkeeper, notice of animal impounded to be sent by, to owner of brand, 1898 No. 6, s. 7B (1), added	26 (1)	52
powers of council within municipalities and shires, saving of	26 (2)	52
Inflammable Liquid Act, 1915, No. 15— not affected by Act 1919 No. 41, s. 10 (1), added to	2 (d)	2

Local Government (Amendment).

INDEX—continued.

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 —continued.		
Inflammable substances, powers of councils as to 1919 No. 41, s. 289 (k), added... ..	9 (1) (d)	25
Informations, laying of, on behalf of Board of Health, 1919 No. 41, s. 591 (c), added... ..	20 (b)	46
Instrument of title to land not invalidated by incurring of penalty, 1919 No. 41, s. 339 (2)... ..	11 (d)	28
Interest, fixation of, on amounts expended in works, 1919 No. 41, s. 374 (8), repealed and substituted	12 (a) (v)	31
Interpretation—		
“Civic office,” 1919 No. 41, s. 4, amended	19 (2)	46
“Department of the Government.” [See Forestry Commission of New South Wales, Grafton and South Grafton Water Board, Main Roads Board of New South Wales, Metropolitan Water, Sewerage, and Drain- age Board.]		
“Lease,” 1919 No. 41, s. 141 (2), repealed and substituted	7 (i)	14
“Lessee,” 1919 No. 41, s. 141 (2), repealed and substituted	7 (i)	14
“Minister,” repeal of, 1919 No. 41, s. 4, amended	2 (a)	2
“Occupant,” 1919 No. 41, s. 424, amended	13 (b)	37
“Office,” 1919 No. 41, s. 4, amended	19 (2)	46
“Period,” 1919 No. 41, s. 374 (8) (e), repealed and substituted	12 (a) (v)	37
“Principal Act”	1	2
“Requisite qualification” of elector, 1919 No. 41, s. 51 (1), repealed and substituted	5 (1) (a)	8
“Sitting Days,” 1919 No. 41, s. 420 (4), amended	21 (2) (c)	50
“Subdivision,” “subdivide,” &c., 1919 No. 41, s. 4, amended	2 (b)	2
Justices Act, 1902, No. 27—		
application of s. 152 of, to witnesses on inquiry as to dismissal of council’s employee, 1919 No. 41, s. 99 (8), repealed and substituted	6 (2) (c) (ii)	10
witnesses, powers as to, application of s. 152 to public inquiry, 1919 No. 41, s. 649 (2), repealed and substituted	20 (k)	48

Local Government (Amendment).

INDEX—continued.

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 —continued.		
Kerbing, guttering, &c., recovery of cost of, 1919 No. 41, s. 243 (1), amended	8 (b)	23
Lanes. [See Private.]		
Leases, by council. [See Council.]		
Level crossings. [See Railways.]		
Life-saving clubs, subsidy by council of, 1919 No. 41, s. 298 (2)	9 (1) (e)	26
Lighting rates, lighting district for, definition of, 1919 No. 41, s. 123 (2), repealed and sub- stituted	7 (b)	11
Loan rates—		
levy of. [See Woollahra Loan Act, 1918, No. 26.]		
local. [See Local loan rates.]		
on transferred area, levy of, as local loan rate, 1919 No. 41, s. 124 (14), added	7 (c) (iii)	11
reduction of, 1919 No. 41, s. 124 (6), as repealed and substituted by 1920 No. 44, s. 8 (b), amended (thrice)	7 (c) (i) (a) (b) (c)	11
, when raised for main roads and subsidy granted, 1919 No. 41, s. 124 (13), added	7 (c) (iii)	11
reduction or increase of, where valuations increased or decreased, 1919 No. 41, s. 124 (10), amended	7 (c) (ii)	11
Loans—		
municipal special, altered proposal, notification of, 1919 No. 41, s. 181 (8), as repealed and substituted, 1922 No. 44, s. 15, amended	7 (v)	20
shire special, maximum, proviso as to, 1919 No. 41, s. 180 (9), proviso to	7 (u)	19
[AND SEE Council.]		
Local fund, combined rate, 1919 No. 41, s. 493 (4), added	16 (a) (ii)	41
Local Government Act, 1919, No. 41, s. 502, bridges, &c., constructed under, see s. 233A, added by [As to Act generally, see various headings.]	8 (a)	21
Local Government (Validation and Amendment) Act, 1922, No. 29, subdivisions since passing of, as to drainage reserves, 1919 No. 41, s. 340B, added	11 (e)	29

Local Government (Amendment).

INDEX—continued.

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 —continued.		
Local loan rates, levy of, on transferred area, 1919 No. 41, s. 124 (14), added	7 (e) (iii)	11
Local rates, combination of, with general rates, 1919 No. 41, s. 493 (4), added	16 (a) (ii)	41
Main roads—		
county of Cumberland, 1919 No. 41, s. 181c, added	7 (w)	20
rates for. [See Loan rates, reduction of.]		
Main Roads Act, 1924, No. 24—		
interpretation “Minister,” added, 1924 No. 24, s. 3, amended	27	52
rates for main roads under. [See Loan rates, reduction of.]		
Main Roads Board of New South Wales, addition of, to “Department of Government,” 1919 No. 41, s. 654 (5) (r), added	20 (l) (ii)	49
Meter, water, power to order installation of. [See Minister for Public Works.]		
Metropolitan Water and Sewerage Act of 1880, 43 Vic. No. 32, repealed; Metropolitan Water, Sewerage, and Drainage Act, 1924, No. 50, substituted, 1919 No. 41, s. 10 (1), amended	2 (c)	2
Metropolitan Water, Sewerage, and Drainage Act, 1924, No. 5, substitution of, for Metropolitan Water and Sewerage Act of 1880, 43 Vic. No. 32, 1919 No. 41, ss. 368, 405, Sch. III cl. 24	21 (2) (b)	50
Metropolitan Water, Sewerage, and Drainage Board—		
construction of works by, guarantee as to, 1919 No. 41, s. 493 (2), amended	16 (a) (i)	41
substitution of, for Board of Water Supply and Sewerage—		
1919 No. 41, ss. 4, 368, 651, Sch. III, cl. 24, amended	21 (2) (a)	49
1919 No. 41, s. 654 (5) (d), repealed and substituted	20 (l) (i)	49
Mines, deserted. [See Quarries.]		
Mining Act, 1906, No. 49, lease granted by Crown under s. 70B (2) of, deemed for purposes of s. 157 granted by owner, 1919 No. 41, s. 157 (5), added	7 (l)	16

*Local Government (Amendment).*INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 — <i>continued.</i>		
Minister for Public Works—		
approval of, to sewage disposal. [<i>See Sewage disposal.</i>]		
powers of, as to inspection, &c., of works, 1919 No. 41, s. 388 (4), amended	12 (e) (ii)	36
, water meters, installation of, 1919 No. 41, s. 392 (5), amended ...	12 (f)	36
recommendation of, "catchment district," 1919 No. 41, s. 401 (1), amended ...	12 (h)	37
Monuments, erection of, 1919 No. 41, s. 511, repealed	16 (d)	42
Municipal District of Wrightville Naming Act, 1902, No. 16, repeal of	25	51
Municipality or shire—		
impounded animals within, release of, 1919 No. 41, s. 433 (6), amended	13 (d)	38
impounding by occupant within, 1919 No. 41, s. 427, amended	13 (c)	37
impounding within, Stock Act, 1901, No. 27, application of, 1919 No. 41, s. 423 (1) (c), amended	13 (a)	37
Night-soil, garbage, &c., removal of, charges for, 1919 No. 41, s. 283 (6) (7) (8), repealed	9 (1) (c)	25
Notifications, validation of part, 1919 No. 41, s. 374 (10), added	12 (a) (vi)	32
Noxious plants and animals—		
adjoining council, compulsory destruction by, 1919 No. 41, s. 475 (1), amended	15 (e)	41
destruction of, by owner, failure in, 1919 No. 41, s. 471 (2), amended	15 (b) (iii)	39
, by owner, notice for, time, 1919 No. 41, s. 471 (1) (a), amended	15 (b) (ii)	39
, on public reserves or land held by statutory body, 1919 No. 41, s. 473 (3), amended	15 (d) (ii)	40
duties of occupiers on declaration by council of—		
1919 No. 41, s. 470 (1), amended	15 (a) (i)	39
failure in, 1919 No. 41, s. 470 (2), amended	15 (a) (ii)	39
duties of owners on declaration by council of, 1919 No. 41, s. 471, amended	15 (b) (i)	39

*Local Government (Amendment).*INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 — <i>continued.</i>		
Noxious plants and animals— <i>continued.</i>		
duty to destroy on declaration by Governor, 1919 No. 41, s. 471A, added	15 (c)	39
duty to destroy on proclamation by Governor, 1919 No. 41, s. 471A (5), added	15 (c)	40
Occupier, qualification of, residence, 1919 No. 41, s. 54 (d) (e) (f) (g) (h), repealed, s. (d), sub- stituted	5 (1) (b)	8
Offence, noxious animal or plant, failure to destroy, 1919 No. 41, s. 471A (2), added... ..	15 (c)	40
Ordinances—		
application of, on alteration of areas—		
1919 No. 41, s. 20A (1), added	3 (1) (d)	6
operation of provisions as to, 1919 No. 41, s. 20A (2), added	3 (1) (d)	6
proclamations as to, 1919 No. 41, s. 21 (1) (q1), added	3 (1) (e) (ii)	7
application of, to county councils, 1919 No. 41, s. 573 (1), amended	19 (d)	46
council meetings, voting at, disqualification for, when relations interested in case under discussion, 1919 No. 41, s. 49 (f), amended	4 (d)	8
fees to Registrar-General on sale by Public Trustee. [See Public Trustee.]		
powers to make, control of persons selling in public road, or shoeblacks, 1919 No. 41, s. 277 (g), amended	8 (h)	24
rates, abandonment of, classes of cases for, 1919 No. 41, s. 165 (c), added	7 (n)	17
Overbridge. [See Railways, private.]		
Overdrafts, limited. [See Council, loans to.]		
Pastures Protection Act, 1912, No. 35, travelling stock and camping reserve, under control of Board under sec. 26A, "occupant includes Board." [See Interpretation.]		
Pastures Protection Board, "occupant" includes. [See Interpretation.]		
Peak Hill water supply, proclamation in <i>Gazette</i> No. 69 of 15th June, 1923, validation of ...	23 (c)	51

*Local Government (Amendment).*INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33		
<i>—continued.</i>		
Penalties, application of, prosecution instituted by Board of Health, 1919 No. 41, s. 640 (1A), added	20 (i) (i)	48
Pipes in roads, application of provisions of sec. 334, subsections (3) (4), 1919 No. 41, s. 334 (5), repealed	11 (c)	28
Plant, noxious. [See Noxious plant.]		
Polls, compulsory, proviso where voting equal, 1919 No. 41, s. 82, proviso repealed and substituted	6 (1) (b)	9
Principal Act	1	2
Private lanes, powers of councils as to, 1919 No. 41, s. 289 (1), added	9 (1) (d)	25
Private railways. [See Railways.]		
Proclamations—		
alteration of areas—		
application of ordinances by, 1919 No. 41, s. 21 (1) (q1), added	3 (1) (e) (ii)	7
effect of, 1919 No. 41, s. 21 (2), amended...	3 (1) (e) (iii)	7
powers of Governor under, 1919 No. 41, s. 21 (1), amended	3 (1) (e) (i)	7
saving as to things done prior to, 1919 No. 41, s. 647 (2), amended	20 (j)	48
validation of	23	50
Public charity, lands of, exemption from rates, 1919 No. 41, s. 132 (1) (d), amended	7 (d) (i)	12
Public gate, erection of, permission of council for notice in Gazette not necessary before granting, 1919 No. 41, s. 251 (1), amended	8 (d)	23
Public hospital, lands of, exemption from rates, 1919 No. 41, s. 132 (1) (d), amended	7 (d) (i)	12
Public inquiry, powers of person holding, 1919 No. 41, s. 649 (2), repealed and substituted	20 (k)	48
Public safety—		
utilities for, 1919 No. 41, s. 298, heading and sub-heading amended	9 (1) (f)	26
[AND SEE Council, general powers of.]		
Public Trustee—		
balance of purchase money, paid into Court, payment out to council of, 1919 No. 41, s. 611 (2), amended	20 (g)	47

Local Government (Amendment).

INDEX—continued.

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 —continued		
Public Trustee—continued.		
payment into Court by—		
1919 No. 41, ss. 608, 609, amended ...	20 (e)	47
1919 No. 41, s. 610 (1) (a), amended ...	20 (f) (i)	47
provisions as to applications of 1898 No. 4, ss. 60, 62, repealed, 1919 No. 41, s. 610 (2), repealed	20 (f) (ii)	47
sale of land by, fees to Registrar-General, ordinances may prescribe, 1919 No. 41, s. 604 (3) (f), amended	20 (d)	47
, power of council to bid at, 1919 No. 41, s. 603 (5), amended	20 (c)	47
Quarries, powers of councils as to disused, 1919 No. 41, s. 229 (m), added	9 (i) (d)	26
Railways, private—		
bridges and level crossings, 1919 No. 41, s. 233A, added	8 (a)	21
disputes as to, with council. [<i>See Dispute.</i>]		
Ratable land—		
appeal in respect of—		
1919 No. 41, s. 133 (2), amended... ..	7 (e) (i)	12
part only ratable, Court to determine value when, 1919 No. 41, s. 133 (5), amended	7 (e) (ii)	12
exemptions, church, rectory, &c., lands used for, 1919 No. 41, s. 132 (1) (h), repealed and substituted	7 (d) (ii)	12
, public hospital, benevolent institution or public charity, 1919 No. 41, s. 132 (1) (d), amended	7 (d) (i)	12
, refund of rates paid, on becoming exempt from rates, 1919 No. 41, s. 139 (9), added... ..	7 (h)	13
, school certified under Public Instruction (Amendment) Act, 1916, No. 51, lands for, 1919 No. 41, s. 132 (1) (j), added	7 (d) (iii)	12
, school registered under Bursary Endowment Act, 1912, No. 14, lands for, 1919 No. 41, s. 132 (1) (j), added	7 (d) (iii)	12

Local Government (Amendment).

INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 — <i>continued.</i>		
Ratepayers' advances—		
interest on, 1919 No. 41, s. 178A, added ...	7 (t)	19
maximum amount of—		
1919 No. 41, s. 177A, as added, 1922		
No. 29, s. 13 (2), repealed ...	7 (s)	18
1919 No. 41, s. 178A (1), substituted ...	7 (t)	19
Rates—		
abandonment, conditions of, 1919 No. 41, s. 161, amended ...	7 (m)	16
, ordinances as to. [<i>See Ordinances.</i>]		
apportionment of, agreements for—		
adjustment under, 1919 No. 41, s. 151A (2), added ...	7 (k)	15
, certificate as to, effect, 1919 No. 41, s. 151A (6), added ...	7 (k)	16
, cost of, 1919 No. 41 s. 151A (4), added ...	7 (k)	16
, effect, 1919 No. 41, s. 151A (5), added ...	7 (k)	16
, mode of, 1919 No. 41, s. 151A (3), added ...	7 (k)	16
provisions as to, application, 1919 No. 41, s. 151A (1), added ...	7 (k)	15
liability for, division of, mine leases, lease granted by Crown under s. 70B (2) of Mining Act, 1906, No. 49, to be deemed granted by owner, 1919 No. 41, s. 157 (5), added ...	7 (l)	16
liability for, where land leased, etc., from Crown or council, prior to levy of, exemp- tion from, 1919 No. 41, s. 149, repealed and substituted ...	7 (j)	15
lighting. [<i>See Lighting rates.</i>]		
loan. [<i>See Loan rates.</i>]		
local, on alteration of areas, 1919 No. 41, s. 121 (1A), added ...	7 (a)	10
refund of, when ratable land becomes not ratable, 1919 No. 41, s. 139 (9), added ...	7 (h)	13
[AND SEE Unimproved capital value.]		

Local Government (Amendment).

INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 — <i>continued.</i>		
Realignment, construction or substantial repair of buildings and works, prohibition of, proviso as to, 1919 No. 41, s. 262 (5), amended ...	8 (e)	23
Repairs by council to railway bridge, &c., 1919 No. 41, s. 233A (3), added	8 (a)	22
Reserves, space for in subdivisions, transfer of, to council, 1919 No. 41, s. 340A, added	11 (e)	29
Residential district, continuance of use of buildings in proclaimed, 1919 No. 41, s. 309 (2), repealed and substituted	10 (b)	27
Right of way, private. [See Private lanes.]		
Roads—		
dedicated, fenced and used as thoroughfares, council's powers as to destruction of noxious animals and plants not to extend to, 1919 No. 41, s. 473 (2), prov., repealed and substituted	15 (d) (i)	40
fenced on one side only, powers of council as to noxious plants and animals, 1919 No. 41, s. 473 (2), prov., repealed and substituted	15 (d) (i)	40
shire, pipes, limitation as to	11 (c) (ii) (b)	28
unnecessary, leasing, 1919 No. 41, s. 276A, added	8 (g)	24
Royal Commissions Act, 1923, No. 29—		
person holding public inquiry to have powers of commissioner under, 1919 No. 41, s. 649 (2), repealed and substituted... ..	20 (k)	48
powers of commissioner under, person inquiring into dismissal of council employee to have, 1919 No. 41, s. 99 (8), repealed and substituted	6 (2) (c) (ii)	10
Rubbish, powers of council as to tipping, 1919 No. 41, s. 289 (h), added	9 (1) (d)	25
Sand-pits. [See Quarries.]		
Sanitation—		
bath and washtubs, provision of dwellings with, council may require, 1919 No. 41, s. 281 (2) (n), amended	9 (1) (b) (ii)	24
demolition of buildings after closing order, powers of council as to, 1919 No. 41, s. 281 (2) (l), amended	9 (1) (b) (i)	24

*Local Government (Amendment).*INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 — <i>continued.</i>		
Securities, validation of. [See Bellingin Shire Council; Blaxland Shire Council.]		
Services, fees for. [See Council.]		
Sewage—		
discharge of, inspection of method, 1919 No. 41, s. 396 (2), repealed and substituted ...	12 (g) (ii)	36
disposal of, provisions as to, approval, 1919 No. 41, s. 396 (1), amended	12 (g) (i)	36
Schools, land for, when exempted from rates. [See Ratable land.]		
Shire Council, buildings, control of erection of, in villages or portions of a shire, 1919 No. 41, s. 305 (2) (b), amended	10 (a)	27
State Debt and Sinking Fund Act, 1904, No. 19—		
payments to, 1919 No. 41, s. 375 (1), amended	12 (b)	32
Stock Act, 1901, No. 27—		
application of, 1919 No. 41, s. 423 (1) (c), amended	13 (a)	37
Stock Diseases Act, 1923, No. 34—		
quarantine area established under, impounding by occupant when, 1919 No. 41, s. 427, amended	13 (c)	37
Stormwater drainage, rates for, 1919 No. 41, s. 378 (1), prov. added	12 (d)	34
Subdivision—		
conditions of, plan, etc., to be registered, 1919 No. 327 (2) (c), amended	11 (a)	28
considerations on, provisions as to, 1919 No. 41, s. 333, proviso (a), repealed	11 (b)	28
Time payment contracts, councils may enter into, and conditions of, 1919 No. 41, s. 517, repealed and substituted	17	42
Title, short	1	1
Trading franchises, approval of Parliament to, 1919 No. 41, s. 420 (4), amended	21 (2) (c)	50
Travelling expenses, allowance of, to and from meetings of council and committees thereof, 1919 No. 41, s. 28 (1) (a), amended	4 (a)	7
Uncontested election—		
of aldermen or councillors, 1919 No. 41, s. 72 (1), amended	6 (1) (a)	9
when nominated candidate dies, 1919 No. 41, s. 72 (2), amended	6 (1) (a) (ii)	9

Local Government (Amendment).

INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 — <i>continued.</i>		
Unimproved capital value, calculation of, for purposes of rates. [See Crown leases; Forestry Act, 1916, No. 55; Hay Irrigation Act, 1902, No. 57; Wentworth Irrigation Act (1890), 54 Vic. No. 7.]		
Urban committees—		
accounts of, 1919 No. 41, s. 554A, added ...	18 (c)	44
loans to, appointment of receiver in respect of, repeal of provision, 1919 No. 41, s. 551 (4), repealed	18 (b) (ii)	44
security for, 1919 No. 41, s. 551 (2), amended	18 (b) (i)	44
not in office, powers of councils where, 1919 No. 41, s. 554B, added	18 (c)	44
number of committmen, 1919 No. 41, s. 549 (4), repealed and substituted	18 (a) (i)	43
vacancies on, 1919 No. 41, s. 549 (6A), added...	18 (a) (ii)	44
Valuation Court—		
powers of, to determine whether part of land in valuation ratable, 1919 No. 41, Sch. III, cl. 19 (2) (g), added	21 (1) (b)	49
Valuation of land, notice of transfer prima facie evidence of price paid, 1919 No. 41, s. 625A, added	20 (h)	47
Valuation of Land Act, 1916, No. 2—		
appeals, substitution of objections for, 1916 No. 2, s. 46, amended	7 (f)	12
Valuations—		
provisions as to, temporary application of, 1919 No. 41, s. 137 (2), amended	7 (g)	13
separate, provisions as to, 1919 No. 41, Sch. III, cl. 10 (2), repealed and substituted ...	21 (1) (a)	49
Valuer-General, adjustment of proportion of rates by. [See Rates, apportionment of.]		
Walls, unsafe, powers of council as to, 1919 No. 41, s. 289 (i), added	9 (1) (d)	25
Water and sewerage, construction of works by Metropolitan Water, Sewerage and Drainage Board, guarantee by council in respect of, 1919 No. 41, s. 493 (2), amended	16 (a) (i)	41
Waterholes. [See Quarries.]		

*Local Government (Amendment).*INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33		
— <i>continued.</i>		
Water meter. [See Minister for Public Works.]		
Water, Sewerage, Drainage or Electricity Works—		
capital debt of council for—		
instalments, amount of, 1919 No. 41,		
s. 374 (7), amended	12 (a) (iv)	30
repayments, application of, 1919 No. 41,		
s. 375 (1), amended	12 (b)	32
transfer to Minister for Public Works of, 1919		
No. 41, s. 402 (1) (2), amended	12 (i) (ii)	37
Water supply, "catchment district," proclamation		
of, 1919 No. 41, s. 401 (1), amended	12 (h)	37
Waverley Cemetery fund, construction, &c., of		
certain roads out of, 1919 No. 41, s. 446 (6),		
repealed and substituted	14	38
Weights and Measures Act, 1916, No. 37—		
repealed, Weights and Measures Act, 1915,		
No. 10, substituted, 1919 No. 41, s. 10 (1),		
amended	2 (c)	2
Wellington water supply, proclamation in <i>Gazette</i>		
No. 67 of 8th June, 1923, validation of	23 (a)	50
Wentworth Irrigation Act (1890), 54 Vic. No. 7—		
pastoral or agricultural lease under, unim-		
proved capital value—		
notice of valuation, validity of, 1919 No.		
41, s. 141 (3), repealed and substi-		
tuted	7 (i)	14
rates on, calculation for, 1919 No. 41,		
s. 141 (1), repealed and substituted	7 (i)	13
rates on, calculation for, alternative method,		
1919 No. 41, s. 141 (2), repealed and		
substituted	7 (i)	14
Woollahra Loan Act, 1918, No. 26—		
repeal of schedule, 1918 No. 26 Sch., repealed		
loan rate, levy of, 1918 No. 26, s. 4, repealed		
and substituted	22 (b)	50
	22 (a)	50
Works—		
certificate, final, of costs of, to represent capital		
debt, 1919 No. 41, s. 374 (6), repealed and		
substituted	12 (a) (iii)	30
certificate, final, of costs of water, sewerage,		
drainage or electricity	12 (a) (i)	30

*Local Government (Amendment).*INDEX—*continued.*

	Section.	Page.
Local Government (Amendment) Act, 1927, No. 33 — <i>continued.</i>		
Works—<i>continued.</i>		
certificate of costs of water, sewerage, drain- age, or electricity, 1919 No. 41, s. 374 (3), repealed and substituted	12 (a) (i)	29
inspection and repair of, special powers of Governor and Minister for Public Works, 1919 No. 41, s. 388 (1), repealed and substituted	12 (e)	39
partly constructed, 1919 No. 41, s. 377, re- pealed and substituted	12 (c)	32
renewal fund, default by council as to, 1919 No. 41, s. 388 (3), repealed and substi- tuted	12 (e)	35
renewal fund, special powers of Governor and Minister for Public Works, 1919 No. 41, s. 388 (2), repealed and substituted ...	12 (e)	34

By Authority :

ALFRED JAMES KENT, Government Printer, Sydney, 1927.

[2s. 3d.]

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.

S. G. BOYDELL,
Acting Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 10 March, 1927.

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. 33, 1927.

An Act to extend the franchise in local government areas; and for this and other purposes to amend the Local Government Act, 1919, and certain other Acts; to validate certain notifications, proclamations, and certain other matters; to repeal the Municipal District of Wrightville Naming Act of 1902; and for purposes connected therewith. [Assented to, 21st March, 1927.]

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

1. This Act may be cited as the "Local Government Short title. (Amendment) Act, 1927," and shall be read and construed with the Local Government Act, 1919, and any Acts amending the same. The

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

R. GREIG,
Chairman of Committees of the Legislative Assembly.

Local Government (Amendment).

The Local Government Act, 1919, as so amended is in this Act called the Principal Act.

Amendment of
Act No. 41, 1919,
Part I.

Sec. 4.
Omission of
definition of
"Minister."

Sec. 4.
(Sub-
division.)

2. Part I of the Principal Act is amended as follows:—

(a) by omitting from section four the definition of "Minister";

(b) by omitting from the definition in section four of "Subdivision, subdivide, and similar expressions," the words "not being lots or portions in a Crown or private subdivision made before or after the commencement of this Act"; and by inserting at the end of the same definition the following new paragraphs:—

"or (c) any division of land upon disposal by the Crown made either before or after the commencement of this Act; or

(d) any division of land in accordance with the boundaries of lots in any subdivision lawfully made either before or after the commencement of this Act."

Sec. 10.
(Acts not
affected.)

(c) by omitting from section ten the words "Height of Buildings Act, 1912," "Weights and Measures Act, 1916," and "Metropolitan Water and Sewerage Act of 1880," and by inserting in lieu thereof respectively the words "Height of Buildings (Metropolitan Police District) Act, 1912," "Weights and Measures Act, 1915," and "Metropolitan Water, Sewerage, and Drainage Act, 1924";

(d) by inserting in the same section after the words "the Liquor Act, 1912,"—"the Explosives Act, 1905, the Inflammable Liquid Act, 1915."

Amendment of
Act No. 41 1919,
Part III.

Sec. 16.
(Alteration
of areas.)

3. (1) Part III of the Principal Act is amended as follows:—

(a) In section sixteen—

(i) by inserting at the end of paragraph (a) the following words:—"or where the part taken is in the Western Division, without adding it to another area";

(ii)

Local Government (Amendment).

- (ii) by inserting in paragraph (e) after the word "areas" the words "or areas and parts of areas";
- (b) in section nineteen by omitting paragraph (c) of subsection one and inserting a new paragraph as follows:—
- Sec. 19.
(Proposals for alteration.)
- (c) in a case where part of an area is proposed to be separated from one and attached to another area or is proposed to be created a separate area—by fifty electors of that part or by any number of electors not less than one-third of those enrolled in respect of land situated in that part; or
- (c) (i) by inserting in subsection (1A) of section twenty after the words "not within an area" the letter and words "or (c) taking land from any one or more areas for the purpose of constituting such land a separate shire or municipality";
- (ii) by omitting from subsection two of the same section the words "Where land is taken from one area and added to another" and inserting the following words in lieu thereof:—"Where it is proposed to exercise the powers of paragraphs (a), (b), (e), or (f) of section sixteen and where the powers of paragraphs (c) or (d) of section sixteen have been exercised the following provisions of this section shall have effect: Provided that where it is proposed to exercise the powers of paragraphs (a) or (b) or (f) of section sixteen";
- (iii) by omitting subsection three;
- (iv) by omitting from subsection five the words "do not confer or cannot agree" and inserting the words "have not agreed within a period of three months from the date of the Minister's requisition";
- (v)

Local Government (Amendment).

Sec. 20 (12).

- (v) by omitting from subsection six the words "and their creditors" and by inserting in lieu thereof the words "or the councils and their creditors (if any)";
- (vi) by omitting from subsections six and seven of section twenty the words "in the Governor's proclamation" and by inserting in lieu thereof the words "in a proclamation";
- (vii) by omitting subsection twelve of section twenty and by inserting in lieu thereof the following new subsection:—

(12) (a) Where there is a contract or agreement in existence between the council and any person relating to the performance of a work or service or the granting of a privilege throughout the whole or part of a municipality or shire, and any alteration of the area is made under this Part the following provisions shall have effect as from the date of the alteration:—

- (i) Where any portion of the area embraced by the contract or agreement is taken from the area of a council which is a party to the contract or agreement and added to the area of another council, or constituted a separate shire or municipality, the duties, rights, privileges, and liabilities of such first-mentioned council under such contract or agreement shall be limited to the land which is within its area and is embraced by the contract or agreement; while the corresponding duties, rights, privileges, and liabilities under the contract or agreement so far as they relate to the portion of the area embraced by the contract or agreement and added to the area of another council or constituted a separate shire or municipality shall apply to
and

Local Government (Amendment).

and in respect of the other council or the council of the new area as the case may be.

- (ii) Where by dividing or uniting areas or parts the area of a council which is a party to the contract or agreement is abolished and a new area or areas are constituted, the duties, rights, privileges, and liabilities of such first-mentioned council shall apply to and in respect of the council in whose area the land embraced by the contract or agreement is included, or if such land is included in two or more new areas, such duties, rights, privileges, and liabilities shall apply to and in respect of each of the councils of such areas with respect to the portion of the land included in its area.
- (iii) In every such case the duties, rights, privileges, and liabilities under the contract or agreement of the other party or parties thereto shall continue in full force and effect in relation only to the councils or council in whose areas or area the land embraced by the contract or agreement is included, and such councils or council as the case may be shall be deemed to be substituted in the contract or agreement for the council therein named so far as such land or portion thereof is included in its area.

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

(c)

Local Government (Amendment).

(c) This subsection may be set aside by agreement between the parties concerned.

(d) This subsection shall be deemed to have come into force on the first day of January, one thousand nine hundred and twenty.

New s. 20A.
Application
of
ordinances.

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

20A. (1) Where areas are altered by—

- (a) taking part of one area and adding it to another area ; or
- (b) adding to an area land which is not within an area ; or
- (c) taking land from one or more areas and constituting such land a separate shire or municipality,

then as from the date specified in that behalf in the proclamation, or if no date is so specified as from the date of the publication in the Gazette of the proclamation, the following provisions shall have effect :—

- (i) The ordinances which shall thereafter apply to the part added and to the area as so altered are the ordinances for the time being in force in the area to which the part was so added, and ordinances which for the time being apply to towns, villages, and urban areas in such area shall apply to towns, villages, and urban areas in the part added.
- (ii) The ordinances in force in the area from which a part is taken shall continue until repealed, varied, or amended under this Act to apply within the remainder of that area.

(2) This section shall be deemed to have come into operation on the first day of January, one thousand nine hundred and twenty.

(e)

Local Government (Amendment).

- (e) (i) by inserting in subsection one of section twenty-one after the word "proclamation" where it firstly occurs the words "or proclamations"; Sec. 21 (1). (Proclamations.)
- (ii) by inserting in the same subsection after paragraph (q) the following new paragraph:—
- (q1) prescribe in the case of the constitution of an area in accordance with paragraphs (e), (d), (e), or (f) of section sixteen what ordinances are to be in force in the area so constituted or any part thereof, and such ordinances so prescribed shall be in force in such area or part; and
- (iii) by inserting in subsection two of the same section before the words "such proclamation" the word "any."

(2) Paragraph (d) of section six of the Local Government (Validation and Amendment) Act, 1922, is hereby repealed. Repeal of s. 6 (d) of Act No. 29, 1922.

4. Part IV of the Principal Act is amended—

Amendment of Part IV of Act No. 41, 1919.

- (a) by inserting at the end of paragraph (a) of subsection one of section twenty-eight the words "or the meetings of any committee of the council"; Sec. 23 (1). (Travelling expenses.)
- (b) by inserting at the end of subsection five of section thirty the following new paragraph:—
- (k) 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 damage thereto by the council under its statutory powers or for compensation for the resumption thereof for the purposes of the council; Sec. 30 (5). (Disqualification for civic office.)
- (c) (i) by inserting in subsection two of section thirty-three after the word "appointment" the following words:—"or in the event of his being absent from the State at the time of his election or appointment, within fourteen

Local Government (Amendment).

fourteen days after his return to the State if such return is within sixty days of the election or appointment";

(ii) by omitting from the same subsection all words after the words "extraordinary vacancy";

Sec. 49 (f).
(Ordinances.)

(d) by inserting in paragraph (f) of section forty-nine after the word "relations" the words "or any of their wives' or husbands' relations."

Amendment of
Part V of Act
No. 41, 1919.
(Franchise.)

5. (1) Part V of the Principal Act is amended—

Sec. 51 (1).

(a) by omitting subsection one of section fifty-one and inserting new subsection as follows:—

Meaning of
requisite
qualification:

(1) In order to have the requisite qualification of an elector in respect of a ward or riding a person must, on the day prescribed for enrolment, be either an owner or ratepaying lessee of ratable land in the ward or riding, or an occupier of land in the ward or riding.

Sec. 54.
(Qualification
of occupier.)

(b) by omitting paragraphs (d), (e), (f), (g), and (h) of section fifty-four and inserting new paragraph (d) as follows:—

(d) upon such prescribed day he is residing or has his principal place of abode on land, whether ratable or not, in the ward or riding and has continuously during the period of six months next preceding such prescribed day resided or had his principal place of abode in the area:

Sec. 55 (b).
(Aliens.)

(c) by omitting paragraph (b) of section fifty-five including the proviso inserted by section seven of the Local Government (Validation and Amendment) Act, 1922;

Sec. 56.
(Persons
entitled to
vote.)

(d) (i) by omitting from subsection two of section fifty-six the words "ward or riding" and inserting the word "area";

(ii) by omitting subsection three of the same section.

(2)

Local Government (Amendment).

(2) Section seven of the Local Government (Validation and Amendment) Act, 1922, is hereby repealed. Repeal of Act No. 29, 1922, s. 7.

6. (1) Part V of the Principal Act is further amended— Amendment of Act No. 41, 1919, Parts V and VI.

(a) (i) by omitting from subsection one of section seventy-two the words "the election" and by inserting in lieu thereof the words "any ordinary election, or on and from the day of nomination at any extraordinary election"; Sec. 72. (Uncontested election.)

(ii) by omitting from subsection two of the same section the words "the election" where those words secondly occur and inserting in lieu thereof the words "any ordinary election, or on and from the day of nomination at any extraordinary election";

(b) by omitting the proviso to section eighty-two and by inserting the following proviso in lieu thereof:— Sec. 82. (Compulsory polls.)

Provided that in the case of the votes being equal the question shall be undetermined, and that if the decision of the poll is against the proposal voted upon the same question or one substantially the same shall not be again submitted to a poll for a period of at least one year.

(2) Part VI of the Principal Act is amended—

(a) by omitting from section eighty-eight the words "make an appointment" and inserting in lieu thereof the words "appoint and employ a town or shire clerk"; Sec. 88. (Certificated clerks.)

(b) by omitting from subsection two of section ninety the words "the council shall if during the last preceding year its income from all sources other than a gas or electricity undertaking exceeded the sum of fifteen thousand pounds" and by inserting in lieu thereof the following words:—"the employment of an engineer"; Sec. 90 (2). (Engineers.)

Local Government (Amendment).

engineer shall be optional with the council except that in cases where the aggregate income of the council in respect of—

- (a) the General Fund ;
- (b) the Water Supply Local Fund (if any) ;
- (c) the Sewerage Local Fund (if any) ;
- (d) any special and/or local fund for the building of roads or bridges or engineering works (other than electrical engineering)

exceeds the sum of fifteen thousand pounds, the council shall” ;

Sec. 99 (1).
(Dismissal
of certain
servants.)
New ss. (8).

- (c) (i) by inserting in subsection one of section ninety-nine after the word “inspectors” the words “gas managers” ;
- (ii) by omitting subsection eight of the same section and by inserting in lieu thereof the following new subsection:—

(8) The person holding the inquiry shall have the powers conferred by the Royal Commissions Act, 1923, on a commissioner appointed under Division 1 of Part II of that Act and the said Act, section thirteen and Division 2 of Part II excepted, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

Amendment of
Part VII of Act
No. 41, 1919.
(Finance.
Sec. 121.
New ss. (1A).

7. Part VII of the Principal Act is amended as follows:—

- (a) by inserting next after subsection one of section one hundred and twenty-one the following new subsection:—

Local rate.

(1A) For or towards meeting any liability transferred to the council of a municipality or shire consequently upon the alteration of the boundaries of the area, the council may make and levy a local rate on the unimproved capital value or on the improved capital value of the ratable land added to the area.

(b)

Local Government (Amendment).

(b) by omitting subsection two of section one hundred and twenty-three and inserting new subsection two as follows:—

(2) The council shall in the manner prescribed define a lighting district within which such rate shall be levied.

(c) (i) (a) by inserting in subsection six of section one hundred and twenty-four after the word "service" the words "or any additions or extensions thereto";

(b) by inserting in the same subsection after the words "in respect of the loan" the words "or loans";

(c) by inserting in the same subsection after the word "rate" wherever occurring the words "or rates";

(ii) by omitting from subsection ten of section one hundred and twenty-four the words "if the Minister consent";

(iii) by inserting at the end of the same section the following new subsections:—

(13) Where a loan is or has been raised for the construction or reconstruction of a main road as defined by the Main Roads Act, 1924, and the Main Roads Board of New South Wales has granted the council a subsidy for or towards the payment of interest on or the repayment of principal of such loan the Minister may grant permission to the council to reduce or to refrain from levying the loan rate during the continuance of the subsidy.

(14) Where a loan is raised for meeting any liabilities transferred to the council consequently upon the alteration of the boundaries of the area, the loan rate may at the discretion of the council be levied as a local loan rate only on the ratable land added to the area.

(d)

Local Government (Amendment).

Sec 132.
(Ratable
land.)

(d) (i) by omitting from paragraph (d) of subsection one of section one hundred and thirty-two the word "solely";

(ii) by omitting paragraph (h) of the same subsection and by inserting in lieu thereof the following new paragraph:—

(h) land which is occupied by or used in connection with a church or other building used or occupied for public worship or as a rectory vicarage presbytery manse or parsonage in connection with such church or building; and

(iii) by inserting at the end of the same subsection the following new paragraph:—

and

(j) any school registered under the Bursary Endowment Act, 1912, and any certified school under the Public Instruction (Amendment) Act, 1916, and any playground belonging to or used in connection with any such school.

Sec 133 (2).
(Appeal)

(e) (i) by omitting from subsection two of section one hundred and thirty-three the words "is not ratable or that it is not ratable to any particular rate" and by inserting in lieu thereof the words "or some part thereof is not ratable or not ratable to any particular rate";

(ii) by inserting at the end of subsection five of the same section the following paragraph:—

Where the Court determines that part only of the land is ratable, the Court shall determine the value of that part.

e. 133.5)

(f) by omitting paragraph (b) of section one hundred and thirty-five;

(g)

Sec. 135 (b).
(Constitutional
amendment,
see Act 1921
No. 10, s. 23
(3)).

Local Government (Amendment).

(g) by inserting at the beginning of subsection two of section one hundred and thirty-seven the following words:—"Subject to the provisions of section one hundred and forty-one";

Sec. 137 (2).
(Temporary valuation provisions.)

(h) by inserting at the end of section one hundred and thirty-nine the following new subsection:—

Land becoming not ratable.

(9) Where land which was ratable becomes not ratable, part of the rate paid thereon proportionate to the period of the year during which the land is not ratable shall be refunded by the council.

Sec. 139 (9).

(i) by omitting section one hundred and forty-one and by inserting in lieu thereof the following new section:—

141. (1) Where any rate is levied on the unimproved capital value of land held for pastoral or agricultural purposes under lease from the Crown under any Act dealing with Crown lands (including homestead selections) or under the Hay Irrigation Act, 1902, or the Wentworth Irrigation Act (1890), or which is held under lease or permit (other than a grazing permit for a term less than twelve months) under the Forestry Act, 1916, the unimproved capital value for the purpose of such rate shall, subject to this Act, be the sum ascertained by calculation as follows:—

Sec. 141.
Rating of Crown leases.
Rating of Crown leases and permits.

(a) in the case of a lease which carries no right of conversion ultimately into a freehold tenure or of a permit—twenty times the amount of the rent payable under the lease or permit during the year next preceding that in which the calculation is made;

(b) in the case of all other leases—during the first ten years of the lease dating from the grant thereof—twenty times the amount of the rent payable under the

Local Government (Amendment).

the lease during the year next preceding that in which the calculation is made ; and during the remainder of the lease —thirty times the amount of such rent ;

- (c) where a lease or permit was not in force during the preceding year the rent for the current year shall be used in the calculation.

(2) The lessee of any such land may at any time before the first day of November in any year elect that instead of the rate being levied on the unimproved capital value ascertained as set out in the preceding subsection, it shall be levied on the unimproved capital value of land valued in accordance with the law as if the holder of the lease or homestead selection were the owner of the fee simple :

Provided that upon any election being duly made by a lessee under this section the election shall be binding upon him for a period of five years ; at the expiration of which he may again elect, and so on at intervals of five years :

Provided further that in any case where an election is duly made under this section, the council shall, in levying any rate on the unimproved capital value, give effect to such election.

In this subsection "lessee" includes the holder of a permit, and "lease" has a corresponding meaning.

(3) Where no such election has been made, a notice of valuation shall not be deemed to be invalid merely on account of the notice not including a statement of the unimproved capital value of the land ascertained in accordance with Schedule Three of this Act.

This subsection shall extend and be deemed from the commencement of this Act to have extended to areas in which the provisions of Schedule Three of this Act are in force.

(j)

Local Government (Amendment).

(j) by omitting subsection three of section one hundred and forty-nine and by inserting the following subsection in lieu thereof :—

(3) Nothing in this section shall affect or extend to any person who is the holder of a lease or purchase from the Crown or from the council, made before or after the passing of the Local Government (Amendment) Act, 1927, where the lease is granted or purchase made after the rate is levied, whether the land has been previously held under a lease or purchase from the Crown or from the council or not.

(k) by inserting after section one hundred and fifty-one new section as follows :—

151A. (1) This section shall apply to any case where a lessee has agreed with the owner or with the mesne lessee from whom he immediately holds to pay municipal or local government rates, whether under those designations or under any words of description which would include rates made under this Act, but shall only apply where such agreement was made after—

- (a) the first day of January, one thousand nine hundred and eight, in the case of land within any municipality ;
- (b) the first day of January, one thousand nine hundred and seven, in the case of land within any shire.

(2) Where from any such agreement it appears that such agreement was intended to provide for the payment of a proportion and not the whole of the rates, and where such agreement does not provide a method of arriving at such proportion, any party to such agreement may make application to the Valuer-General to make a fair and equitable adjustment of the proportion of such rates which in the opinion of the Valuer-General should be paid under the agreement.

(3)

Local Government (Amendment).

(3) The adjustment shall be made by the Valuer-General according to the respective interests of the parties in the land as unimproved for the purposes of the general rate or any rate levied on the unimproved capital value, and as improved in the case of any rate levied on the improved capital value.

(4) The cost of such adjustment shall be paid by the person applying therefor and shall be fixed by the Valuer-General.

(5) Every adjustment so made by the Valuer-General shall be final and conclusive and shall not be subject to appeal, and the agreement shall be read as if the amount determined by the Valuer-General to be payable in respect of the part comprised in the agreement had originally been inserted therein.

(6) A certificate of the adjustment purporting to be signed by the Valuer-General or his deputy shall be prima facie evidence of the adjustment.

(1) by inserting the following new subsection after subsection four of section one hundred and fifty-seven:—

(5) Where a lease has been granted or is granted by the Crown under the provisions of subsection two of section 70B of the Mining Act, 1906, the lease shall for the purpose of this section be deemed to have been granted by the owner of the land leased.

(m) by omitting from section one hundred and sixty-one the words "unless proceedings for the recovery thereof have failed, or the approval of the Minister to the abandonment or writing off has been obtained" and by inserting in lieu thereof the words "except in accordance with an ordinance in that behalf, and then only upon the certificate of the auditor of the council that the abandonment or writing off is in accordance with such ordinance";

(n)

Sec. 157.
Mining
lessees, &c.,
division of
liability.
Dover, &c.,
Co.
v. Cessnock,
6 L.G.R.
119.

Sec. 161.
(Abandon-
ment of
rates.)

Local Government (Amendment).

- (n) by inserting at the end of section one hundred and sixty-five the following new paragraph:—
 (c) the class of cases in which, and the circumstances in which, rates may be abandoned or written off. Sec. 165. (Ordinances.)
- (o) by omitting from subsection one of section one hundred and sixty-seven the words “ordinance by resolution of the council” and by inserting in lieu thereof the words “charge or fee so fixed, then the charge or fee may be fixed by resolution of the council subject to the maximum (if any) prescribed by ordinance”; Sec. 167 (1). (Charges for services.)
- (p) by omitting subsection two of section one hundred and seventy-three and by inserting in lieu thereof the following new subsection:—
 (2) Except as provided in section one hundred and seventy-four a council shall not borrow unless the loan has been previously authorised, that is to say the approval of the Governor has been obtained.
 Application for such approval or for the authority of the Minister referred to in section one hundred and seventy-four shall be made by the council in the prescribed manner. Sec. 173 (2). (Ways of borrowing.)
- (q) by omitting section one hundred and seventy-four and by inserting the following new section:—
 174. (1) The council may borrow by way of limited overdraft for any purpose which the council is authorised to create or expend any fund (other than a trust fund) or for any purpose for which moneys raised by ordinary loan may be applied. Purposes of overdraft.
 (2) Subject to this section the amount which may be borrowed by the council by way of overdraft shall not exceed one-third of the income of the fund concerned, that is to say:—
 (a) one-third of the income as shown by the latest year's accounts; or
 (b)

Local Government (Amendment).

(b) if the fund was not in existence for the whole of the preceding year, one-third of the income as estimated in the published estimates of the council for the year in which the overdraft is obtained.

(3) If the council find it necessary for any specially urgent reason to borrow by way of overdraft in excess of the amount indicated in subsection two of this section it may apply to the Minister, who may give authority accordingly up to but not exceeding one-half the previous year's income or estimated income, as the case may be, but any such authority shall be subject to conditions requiring the council to reduce the overdraft to not more than one-third of a year's income of the fund within a term of years specified in the authority, not exceeding five years in any case.

(4) No greater sum shall be borrowed under this section than the amount stated in a certificate of the auditor of the council as being the sum which may be borrowed within the limits imposed by this section or the authority of the Minister.

Sec. 175.
(Security of
overdraft)

- (r) (i) by omitting from subsection one of section one hundred and seventy-five the words "the certificate of limit of overdraft is issued" and by inserting in lieu thereof the words "the money is borrowed";
- (ii) by inserting in subsection two of the same section after the word "certificate" where that word first occurs the words "of the auditor of the council";
- (iii) by omitting from the same subsection the words "issue of the certificate" and by inserting in lieu thereof the word "borrowing";

Sec. 177A.
(Substituted
section.)

- (s) by omitting section 177A and the short heading preceding that section;

(t)

Local Government (Amendment).

- (t) by inserting next after section one hundred and seventy-eight the following short heading and section :—

(Ratepayers' advances.)

Ratepayers' advances.

178A. (1) Subject to this section the council may, without obtaining any approval under section one hundred and seventy-three, accept an advance not exceeding five hundred pounds from a ratepayer for the purpose of carrying out necessary works applied for by the ratepayer.

Advances for works applied for by ratepayer.

(2) The loan shall be either free of interest or at a rate not exceeding four per centum per annum simple interest.

(3) The terms of the loan shall include provision for repayment by yearly or half-yearly instalments spread over not more than ten years.

(4) The council shall not accept any such advance if the amount proposed to be accepted when added to other amounts then owing by the council under this section exceeds ten per centum of the total revenue of such council for the preceding year.

(5) It shall not be compulsory for the council to levy a loan rate in respect of any such loan.

(6) The council shall report each such loan, its purpose and terms, to the Minister for record.

- (u) by inserting at the end of subsection nine of section one hundred and eighty the following proviso :—

Sec. 180 (9).
(Shire special loans.)

“Provided that where the council satisfies the Governor that a net income will probably be or has already been derived from any loan work or service after making full provision for the depreciation of the assets and payment of

Local Government (Amendment).

of interest and instalments of repayment or reserve in respect of the loan, the Governor may direct that such loan or part thereof shall not be taken into account in calculating the council's limit of borrowing under this section."

Sec. 181 (8)
(Special
loans.)

- (v) by inserting at the end of subsection eight of section one hundred and eighty-one the following words:—"Where the proposal has been so altered the council shall notify the altered proposal unless the Minister certifies that the alteration is not of a substantial nature";

New s. 181c.

- (w) by inserting next after section 181B the following new section:—

County of
Cumberland
main roads.

181c. (1) The Governor may grant approval to a council to borrow for the construction of a main road in the county of Cumberland if the council has first obtained the approval of the Main Roads Board of New South Wales to such construction and an undertaking from the board to defray the interest and repay the loan.

(2) In such case it shall not be necessary for the council to carry out the procedure required by section one hundred and eighty or section one hundred and eighty-one of this Act as a condition precedent to borrowing, except to make application thereunder for the Governor's approval.

(3) In any such case it shall not be necessary for the council to levy a loan rate.

(4) Any such loan shall not be taken into account in ascertaining whether the council's borrowings are within the limit provided by this Act.

(5) This section shall be deemed to have come into operation on the first day of January, one thousand nine hundred and twenty-five.

(x)

Local Government (Amendment).

- (x) by inserting at the end of paragraph (a) of section one hundred and eighty-four the following proviso:—

“ Provided that where the council satisfies the Governor that a net income will probably be or has already been derived from any loan work or service after making full provision for the depreciation of the assets and payment of interest and instalments of repayment or reserve in respect of the loan, the Governor may direct that such loan or part thereof shall not be taken into account in calculating the council’s limit of borrowing under this section.”

- (y) (i) by omitting from subsection three of section two hundred and eleven the words “ but may be cancelled by the Governor at any time and an appointment may be made for the unexpired portion of the one-year’s term ” ;
- (ii) by omitting subsection four of the same section ;
- (iii) by omitting from subsection nine of the same section the words “ in addition to certifying as aforesaid ” and by inserting in lieu thereof the words “ in respect of each audit.”

8. Part IX of the Principal Act is amended—

Amendment of
Part IX of Act
No. 41, 1919.
(Public roads.)

- (a) by inserting after section two hundred and thirty-three a new section as follows:—

233A. (1) Where any bridge or level crossing over any private railway or any railway bridge has been constructed before or after the commencement of this Act by any person, firm, or company, whether under the authority of any Act or not, the following provisions shall have effect:—

- (a) The owner of the railway shall, so long as the bridge and the roadway thereover or level crossing or the roadway under the bridge is left open for traffic, keep the

Private
railways,
bridges, and
street
crossings.

Local Government (Amendment).

the bridge, level crossing, or overbridge and the roadway under such overbridge in a proper state of repair to the satisfaction of the council.

ce s. 632
post

- (b) The council may at any time by notice direct the owner of the railway to reconstruct or repair any such bridge, level crossing, or overbridge, or the roadway under such overbridge.
- (c) Such owner may upon giving the prescribed notice close and fence off such bridge or level crossing or the roadway under such overbridge so as to prevent traffic thereon for such time as is necessary to enable the requirements of the council to be carried out.
- (d) Any dispute between a council and the owner of such railway as to any matter arising under this section shall be settled in the same manner as is provided in section two hundred and seventy-three of this Act for the settlement of a difference between a council and the Railway Commissioners for New South Wales.
- (e) The provisions of this subsection shall be subject to any agreement made between the council or its predecessor and the owner or his predecessors in title.

(2) The provisions of subsection one of this section shall not apply to any bridge, level crossing, or overbridge constructed by any person, firm, or company under the provisions of section five hundred and two of this Act.

(3) Where not more than two years before the commencement of the Local Government (Amendment) Act, 1927, the council has reconstructed or repaired any such bridge,

Local Government (Amendment).

bridge, level crossing, or overbridge or the roadway under such overbridge for the purpose of putting the same in a proper state of repair, the owner of the railway shall be liable for the cost of such reconstruction or repair, and the council may recover such cost from such owner in any court of competent jurisdiction.

- (b) by inserting at the end of subsection one of section two hundred and forty-three the following words:—“The portion of a footway which is at the intersection of two public roads shall be deemed to be opposite and adjacent to the land nearest thereto which is bounded by the two public roads”;
- (c) by inserting in section two hundred and forty-five after the words “any person by” the words “whom or by”;
- (d) by inserting at the end of subsection one of section two hundred and fifty-one the following words:—“It shall not be necessary for a council when exercising such powers to notify in the Gazette its intention to grant permission to erect a public gate”;
- (e) by inserting in the proviso to subsection five of section two hundred and sixty-two after the word “repairs” the words “and improvements,” and by inserting in the same proviso after the word “preservation” the words “and temporary use”;
- (f) by inserting at the end of section two hundred and seventy-one the following new subsection:—

(3) For the purposes of this section the word “trust” shall be deemed to include a drainage union constituted under the provisions of the Water Act, 1912, or any Act thereby repealed.

(g)

Local Government (Amendment).

New s. 276A.

Leasing
unnecessary
roads.

(g) by inserting next after section two hundred and seventy-six the following new section:—

276A. The council may (after public notice and hearing any objector who lodges objection within one month) lease to any adjoining land-owner for not more than five years at any one time any public road or part thereof which the council considers is not needed for present public use.

Any such lease shall contain a provision for the determination of the lease by the council upon six months' notice to the lessee.

Sec. 277 (g).
(Ordinances.)

(h) by omitting from paragraph (g) of section two hundred and seventy-seven the words and figures "Neglected Children and Juvenile Offenders Act, 1905" and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";

Amendment of
Part X of Act
No. 41, 1919.(Public
health and
convenience.)Sec. 279.
(General
powers.)Sec. 281 (2)
(1).
(Sanitation.)

9. (1) Part X of the Principal Act is amended—

(a) by inserting in section two hundred and seventy-nine after the word "health" the word "safety";

(b) (i) by inserting in subsection two of section two hundred and eighty-one at the end of paragraph (1) the following words:—"in any such case the council may remove and sell the materials, and after deducting the expenses incident to the demolition, removal, and sale, pay over the balance (if any) to the owner. If such proceeds do not cover the expense the amount of the deficiency may be recovered by the council from the owner in any court of competent jurisdiction";

(ii) by inserting in the same subsection after paragraph (m) the following new paragraph:—

(n) require that a dwelling on land ratable to a sewerage rate in connection with any

Ibid. (2) (n).Baths and
washtubs.

Local Government (Amendment).

any public system of sewerage shall be provided with a suitable bath and washtubs.

- (c) by omitting subsections six, seven, and eight of section two hundred and eighty-three; Sec. 283.
(Night-soil and garbage removal.)
- (d) by inserting at the end of section two hundred and eighty-nine the following new paragraphs:—
- (h) control and regulate the depositing upon any land of any material likely to cause a public nuisance or to give rise to a condition which will endanger public health, or material likely to attract or tend to attract vermin to such land, or to form suitable harbourage for vermin; Tipping rubbish.
- (i) direct the removal of walls or buildings which in the opinion of the council have become ruinous and may become dangerous to the public, or may remove such walls or buildings, at the expense of the owner thereof; Unsafe walls, &c.
- (j) regulate and control the use of firearms within the boundaries of any city, town, village, or urban area; Firearms.
- (k) regulate and control the keeping and use of inflammable or explosive compounds or materials in any city, town, village, or urban area; Inflammable substances.
- (l) where land is used as a private lane, right-of-way, or means of access to two or more properties, by notice in writing require the owners of the properties served thereby to drain the lane, right-of-way or means of access, or to remove therefrom any matter or thing which may, in the opinion of the council, cause any insanitary or objectionable condition thereon; Private lanes.

(m)

Local Government (Amendment).

Quarries,
mines, &c.

- (m) require quarries, clay-pits, sand-pits, disused mines, dams or waterholes on any land likely to be a danger to the public to be enclosed by a sufficient fence to the satisfaction of the council; or where the council considers that in the circumstances fencing is not a sufficient precaution require the owner of any quarry, clay-pit, sand-pit, disused mine, dam or waterhole to empty the same of water, or to fill in or cover the same to the satisfaction of the council within a time stated by the council.

Any such owner may within the time and in the manner prescribed by rules of court appeal to a district court judge having jurisdiction within the area against the requirement of the council.

Such judge may determine whether the requirement of the council is reasonable in all the circumstances of the case and whether it shall or shall not be carried out either in its entirety or with modifications and may extend the time within which anything is to be done. The costs of the appeal shall be in the discretion of the judge.

If costs are awarded they may be recovered in like manner to costs awarded in a judgment of the district court.

Sec. 298 (2).
(Life-saving
clubs.)

- (e) by inserting in subsection two of section two hundred and ninety-eight after the words "the council" the words "may subsidise life-saving clubs and";

(Conse-
quential
amendments.)

- (f) (i) by inserting in the heading of the same Part after the words "Public Health" the word "Safety";
(ii) by inserting in the subheading of Division 5 of the same Part after the word "health" the word "safety." (2)

Local Government (Amendment).

(2) Part I of the Principal Act is amended by inserting in section three after the words "Public Health" the word "Safety," (Consequential amendments.)

10. Part XI of the Principal Act is amended—

(a) by omitting from paragraph (b) of subsection two of section three hundred and five the words "or villages" and by inserting in lieu thereof the words "villages or portions of a shire"; Amendment of Part XI of Act No. 41, 1919. Sec. 305 (2). (Regulation of building.)

(b) by omitting subsection two of section three hundred and nine, and by inserting the following subsection in lieu thereof :— Sec. 309. (Residential districts.)

(2) Nothing in this section shall preclude the continuance of the use of any building for any purpose for which the same was used immediately before the date of the proclamation aforesaid, or the alteration, enlargement, rebuilding or extension of any building used for any such purpose whether or not such alteration, enlargement, rebuilding or extension involve the use of adjoining land which immediately before the date of the proclamation was in the same ownership or for such other purpose as the council thinks reasonable in the circumstances.

(c) by inserting at the end of section three hundred and thirteen the following new paragraph :— Sec. 313. (Erection of buildings.)

(i) height, materials, stability, design, and position of fences (if any) to be erected on or on the boundaries of the allotment on which the building is to be erected.

(d) by inserting next after section three hundred and sixteen the following new section :— New sec. 316A.

316A. When a plan has been approved by a council, fencing or other structures not shown upon the plan shall not at any time, without the consent of the council, be erected so as to restrict the use in connection with the building of the unoccupied area of the allotment. Alteration of fencing.

(e)

Local Government (Amendment).

- Sec 318. (c) by inserting at the end of paragraph seven of section three hundred and eighteen the following words:—"and regulating generally the erection of fences on or on the boundaries of any land and the height, materials, stability, design, and position of existing fences on or on the boundaries of any land."
- Amendment of Part XII of Act No. 41, 1919. (Town planning.)
- Sec. 327. (Plans.) (a) by omitting from paragraph (c) of subsection two of section three hundred and twenty-seven the words "the signatures of all necessary parties";
- Sec. 333. (Limits removed.) (b) by omitting from the proviso to section three hundred and thirty-three, paragraph (a) thereof;
- Sec. 334 (5). (Pipes in roads.) *Ibid.* (6). (c) (i) by omitting subsection five of section three hundred and thirty-four;
- (ii) by omitting paragraph (b) of subsection six of the same section and by inserting the following new paragraph:—
- (b) in a shire, unless at the time of the proposed subdivision the land is within the area served by the water or gas supply of any village, town, or urban area or within the area to be served by any such supply under construction or about to be constructed at the time of the subdivision.
- Sec. 339. (d) by inserting at the end of section three hundred and thirty-nine the following new subsection:—
- Saving. (2) A contravention of this or any other section of this Part shall not invalidate or be deemed to have invalidated any instrument intended to affect or evidence the title to any land.
- (e)

Local Government (Amendment).

- (e) by inserting after section three hundred and forty the following new sections:—

New secs.
340A, 340B.

(Reserves.)

340A. (1) Where in the subdivision of land provision is made for public garden and recreation space, such space shall be conveyed or transferred to the council if the council at any time so requires.

Public
garden and
recreation
spaces.

(2) This section shall apply where such provision was made in a subdivision effected prior to the commencement of the Local Government (Amendment) Act, 1927, as well as to cases in which it is made after such commencement.

340B. (1) Where in the subdivision of land provision is made for a drainage reserve, such reserve shall be conveyed or transferred to the council if the council at any time so requires.

Drainage
reserves.

See ss. 332
(c), 333 (h),
398.

(2) This section shall extend to subdivisions made since the passing of the Local Government (Validation and Amendment) Act, 1922, as well as to subdivisions made after the passing of the Local Government (Amendment) Act, 1927.

12. Part XIV of the Principal Act is amended—

Amendment of
Part XIV of Act
No. 41, 1919.

(Water,
sewerage, &c.)

- (a) (i) by omitting subsection three of section three hundred and seventy-four and inserting the following subsection:—

Sec. 374 (3).

(3) As soon as practicable after such notification as aforesaid the Minister for Public Works shall certify under his hand the amount which has been expended on such works together with interest, at a rate or rates as provided in this section accrued from the time of expenditure of each sum included in such amount up to the end of the half year in which the notification as provided in subsection seven of this section is published.

(ii)

Local Government (Amendment).

Sec. 374 (8A).

- (ii) by inserting after subsection three of section three hundred and seventy-four the following new subsection:—

(3A) In any case where the certificate does not include all amounts expended or to be expended on any work, the Minister for Public Works shall, when the total amount expended shall have been ascertained, finally certify under his hand the whole of the amount expended upon such works.

Such final certificate shall include the amount of any previous certificate less the amount of any principal repaid or due to the end of the half-year in which the final certificate is given and shall also include any amount not previously included together with interest thereon at the rate or rates as provided in this section calculated from the time of expenditure of each sum included therein up to the end of the half year in which the notification as provided in subsection seven of this section is published.

Sec. 374 (6).

- (iii) by omitting subsection six of section three hundred and seventy-four and inserting the following subsection:—

(6) The amount of any such certificate or final certificate subject to any such partial remission as aforesaid when notified by the Governor as provided in this section, shall be the capital debt of the council to the Treasurer.

An earlier certificate shall be superseded by a final certificate at the expiration of the half-year in which such final certificate is given, but not sooner.

e. 374 (7).

- (iv) by adding after the word "interest" in paragraph (c) of subsection seven of section three hundred and seventy-four the words "at a rate as provided in this section";

(v)

Local Government (Amendment).

(v) by omitting subsection eight of section three hundred and seventy-four and inserting the following subsection:—

(8) (a) The Governor shall by proclamation as soon as may be after the commencement of the Local Government (Amendment) Act, 1927, for periods prior to the thirtieth day of June, one thousand nine hundred and twenty-six, and, as soon as may be after the thirtieth day of June in each and every year for periods after such commencement, fix the rate of interest to be charged on amounts expended in any such period.

Sec. 374 (8).
Interest—
Fixation of
rate.
cf. C.T.W
& S. (Amend-
ment) Act,
1905, s. 29.

(b) The rate so to be fixed for each period shall reasonably approximate to the percentage cost of moneys borrowed by the Government of New South Wales in the twelve months immediately prior to that period for which the rate of interest is fixed.

(c) The rates to be adopted for the purposes of certificates to be made under the provisions of subsections three and (3A) of this section and subsection three of section three hundred and seventy-seven shall be the rates proclaimed in accordance with paragraph (a) of this subsection.

(d) The rates to be adopted for purposes of paragraph (c) of subsection seven of this section and paragraph (b) of subsection four of section three hundred and seventy-seven shall be determined having regard to the several rates proclaimed in accordance with paragraph (a) of this subsection for any periods during the construction of the works, and also to the amount expended in each of the said periods.

(e) For the purposes of this subsection the expression "period" shall be deemed

Local Government (Amendment).

Sec. 374 (10).

Validation
of past
certificates;
and notifi-
cations.

deemed to mean the period of twelve months commencing on the first day of July in any year.

(vi) by inserting at the end of the same section the following new subsection:—

(10) Every certificate of the Minister for Public Works and every notification by the Governor purporting to have been given or made under this section before the commencement of the Local Government (Amendment) Act, 1927, shall be deemed to have been given or made in accordance with the provisions of this Act, notwithstanding any failure of compliance with the provisions thereof, and every such notification by the Governor of the capital debt of a council for water, sewerage, drainage, or electricity works shall be deemed in all respects whatsoever to have been and to be valid.

Sec. 375 (1).

(b) by omitting from subsection one of section three hundred and seventy-five the words "carried by the Treasurer to a Loan Trust Fund" and by inserting the words "paid to the General Sinking Fund constituted under the State Debt and Sinking Fund Act, 1904";

Sec. 377.

(c) by omitting section three hundred and seventy-seven and by inserting the following new section in lieu thereof:—

Partly
constructed
works.

377. (1) When any work partly constructed by the Minister for Public Works but not completed is in his opinion so far constructed as to be of use to the council he may report that fact to the Governor.

(2) The Governor may notify that the council shall take over any partly constructed work and the care and management thereof.

(3) The said Minister may certify the amount actually expended in such construction, and the amount so certified, together with interest in accordance with section three hundred

Local Government (Amendment).

hundred and seventy-four of this Act, shall upon the certificate being notified become a debt due by the council to the Treasurer.

Such interest shall be calculated from the time of the expenditure of each sum included in such amount up to the end of the half-year in which the notification provided for in this section is published.

(4) Upon receipt of such certificate the Governor may notify—

- (a) the period not exceeding in any case one hundred years in which the debt is to be paid; such period shall be fixed with regard to the nature and durability of the work; and
- (b) the instalment which shall be paid by the council during each half-year succeeding that in which the notification is published in order to repay such debt with interest.

(5) The council shall in respect of any indebtedness under this section be liable for payment thereof in the same way as if works had been notified as complete in accordance with provisions of section three hundred and seventy-four of this Act.

(6) Like action may be taken from time to time, and the provisions of this section shall apply when the work has been further constructed and before completion.

(7) When any work has been notified as having been finally completed and the capital debt on the completed work and the period for repayment fixed and the half-yearly instalment has been notified, the provisions of this section shall be superseded by the foregoing provisions of this Part.

(8) In finally computing the capital debt credit shall be given to the council for payments under this section in respect of works notified before actual completion.

(d)

Local Government (Amendment).

Sec. 378 (1). (d) by adding at the end of subsection one of section three hundred and seventy-eight the following proviso :—

Stormwater drainage.

Provided that in respect of stormwater drainage works the council, with the approval of the Governor, may defray the cost of maintenance and management, and provide for the payment of instalments from the general fund or the sewerage local fund, or make a contribution of such amount as may be approved by the Governor from the general fund to the stormwater drainage local fund.

Sec. 383.

(e) (i) by omitting subsections one, two, and three of section three hundred and eighty-eight and the short heading preceding that section and by inserting the following short heading and subsections in lieu thereof :—

Special powers of Governor and Minister for Public Works.

Inspection and repair of works.

(1) The Minister for Public Works shall from time to time cause inspection to be made of any water, sewerage, drainage, or electricity works of the council where there is money owing to the Treasurer by the council in respect of those works.

If upon any such inspection he is of opinion that such works are not properly constructed or not kept in repair or not kept in efficient working order he may direct the council to make such repairs or alterations as he thinks necessary, and, if the council makes default for three months in effecting such repairs or alterations, he may cause such repairs or alterations to be effected and recover the cost thereof from the council as a debt.

Renewal Fund.

(2) (a) In respect of any water, sewerage, drainage, or electricity works constructed by the Minister for Public Works for any council under this Act, or the Acts repealed by

Local Government (Amendment).

by this Act, or otherwise out of public funds, the Governor, by notification, may direct that a specified sum shall be set aside annually out of the revenue derived from such works in order to provide a reserve for the purpose of effecting renewals of such works.

(b) The sum so notified shall be paid each year into a separate account in the council's bank.

As soon as may be after such payment the amount set aside shall be invested in Commonwealth or State Government loans or securities or placed on fixed deposit at interest with a bank or with the Treasurer.

Interest accruing from such investments or such deposit shall be regularly added to the account and invested in like manner.

(c) The fund created by such payments and interest accrued thereon shall not be drawn upon by the council except for the purpose of effecting such renewals of the works as may be approved by the Minister for Public Works.

(3) (a) In the event of a council making default in respect of the requirements of this section the Governor may direct that the sum notified as aforesaid shall be paid each year into a Special Deposits Account in the Treasury, and if any council fail forthwith to comply with such direction the provisions of section three hundred and seventy-six of this Act shall apply as in the case of a council making default in due payment of any instalment.

Interest at a rate to be fixed by the Treasurer shall be credited annually to the account by the Treasurer, and the account shall not be drawn upon except for such renewals as may be approved by the Minister for Public Works.

(b)

Local Government (Amendment).

(b) This subsection shall apply to any existing fund created for the purpose of providing for renewals if the Governor so direct, and to the extent specified in such direction.

(c) The provisions of subsections two and three of this section may be suspended or varied in whole or in part in any case where the Governor is satisfied that adequate provision has already been made for the renewal of any works.

(ii) by omitting from subsection four of the same section the words "Minister (or the Minister for Public Works)" and by inserting in lieu thereof the words "Minister for Public Works";

Sec. 392 (r).
(Meters.)

(f) by inserting in subsection five of section three hundred and ninety-two after the word "Minister" the words "for Public Works";

Sec. 396.
(Disposal of
sewage.)

(g) (i) by inserting in subsection one of section three hundred and ninety-six after the word "Minister" the words "for Public Works";

(ii) by omitting subsection two of the same section and inserting in lieu thereof the following new subsection:—

Inspection
and method
of working.

(2) The Minister for Public Works shall cause inspection to be made of any sewage disposal or treatment works, and may give directions as to their proper maintenance and working in order that their efficiency may be maintained and that nuisance therefrom may be prevented.

Such directions shall be obeyed by the council, and if not so obeyed within a reasonable time after written notice thereof is served upon the council, the said Minister may cause such things to be done for the aforesaid purposes as he may deem necessary, and may recover the expense thereby incurred from the council as a debt.

(h)

Local Government (Amendment).

- (h) by inserting in subsection one of section four hundred and one after the word "may" the words "on the recommendation of the Minister for Public Works"; Sec. 401 (1).
(Catchment districts.)
- (i) (i) by omitting from subsection one of section four hundred and two the words "the Minister or"; Sec. 402.
(Control and management by Government.)
- (ii) by omitting from subsection two of the same section the words "the Minister or";
- (j) by inserting at the end of section four hundred and three the following words: "and may require the construction of sufficient drains for that purpose, or may, at the cost of the owner, construct drains to dispose of roof, surface, and other waters from the premises so as to conduct the water to the most appropriate gutter or water channel under the control of the council." Sec. 403.
(Drainage.)
- 13.** Part XVIII of the Principal Act is amended— Amendment of Part XVIII of Act No. 41, 1919.
(Impounding.)
- (a) by omitting from paragraph (c) of subsection one of section four hundred and twenty-three the words "and sections one hundred and eighty-two and one hundred and eighty-three of the Stock Act, 1901"; Sec. 423 (1)
(c).
(Consequential on Act No. 14, 1921, s. 2.)
- (b) by inserting in section four hundred and twenty-four at the end of the definition of "occupant" the following words:—"and in respect of a travelling stock and camping reserve includes the Pastures Protection Board under whose control such reserve has been placed under section 26A of the Pastures Protection Act, 1912"; Sec. 424.
(T.S. & C.R.)
- (c) by inserting the following words at the end of section four hundred and twenty-seven:— Sec. 427.
In what pound.
- Where a quarantine area or line has been notified or established under the Stock Diseases Act, 1923, the pound to which the animal shall be taken shall be the pound to which access may be had most conveniently having regard to the provisions of that Act;
- (d)

Local Government (Amendment).

Sec. 433 (6).
(Release.)

(d) by omitting from subsection six of section four hundred and thirty-three the words "from the pound";

Sec. 436.
Surplus.

(e) by inserting at the end of section four hundred and thirty-six the following new subsection:—

(5) Where the proceeds of the sale of an impounded animal exceed the fees, charges, and damages payable under this Act in respect of such animal the council shall on request pay such surplus to the owner of the animal.

Amendment
of Part XIX
of Act No. 41,
1919.
Sec. 446 (6).

(Waverley
Cemetery.)

14. Part XIX of the Principal Act is amended by omitting subsection six of section four hundred and forty-six and inserting the following new subsection in lieu thereof:—

(6) (a) A sum not exceeding three thousand pounds may be expended from the Waverley Cemetery Fund upon the construction or reconstruction of the following roads within the municipality of Waverley:—

Boundary street East, St. Thomas street, Trafalgar street, Macpherson street, and the twenty-feet lane at the foot of the cemetery wall.

(b) In addition to the said amount a sum not exceeding three hundred and sixty-five pounds in any one year may be expended from the Waverley Cemetery Fund annually on the maintenance of the following roads in approach or adjacent to the cemetery, namely:—

Chesterfield parade—from Arden street to St. Thomas street.

Trafalgar street—from St. Thomas street to Hardy street.

Boundary street—from St. Thomas street to the Pacific Ocean.

Boundary street—from Arden street to St. Thomas street.

Twenty-feet lane at foot of cemetery wall.

St. Thomas street—from Macpherson street to Boundary street.

Macpherson street—from Albion street to St. Thomas street.

15.

*Local Government (Amendment).***15.** Part XXII of the Principal Act is amended—

Amendment of
Part XXII of Act
No. 41, 1919.
(Noxious plants
and animals.)
Sec. 470.

- (a) (i) by inserting in subsection one of section four hundred and seventy after the word "declared" the words "by the council";
- (ii) by omitting from subsection two of the same section the words "After the expiration of two months from the publication of the notice aforesaid, if the occupier of any land has not in the opinion of the council taken reasonable steps to comply with the requirements of this section the council may subject to the provisions of this Act" and by inserting in lieu thereof the words "After the expiration of one month from the publication of the notice aforesaid, if the occupier of any land has not taken reasonable steps to comply with the requirements of this section the council may, subject to the provisions of this Act"; *Ibid.*
- (b) (i) by inserting in section four hundred and seventy-one after the word "declared" the words "by the council"; *Sec. 471.*
- (ii) by omitting from paragraph (a) of subsection one of the same section the words "two months" and by inserting in lieu thereof the words "one month"; *Ibid.*
- (iii) by omitting from subsection two of the same section the words "in the opinion of the council"; *Ibid.*
- (c) by inserting after section four hundred and seventy-one the following new section:— *New s. 471A.*
- 471A. (1) Where any plant or animal has been declared by the Governor to be a noxious plant or animal in all municipalities and shires, or in any district under the provisions of section four hundred and sixty-eight, it shall be the duty of all occupiers, or if there be no occupier the owner, of any land therein to keep such land free therefrom. *Duty to destroy on declaration by Governor.*

Local Government (Amendment).

(2) Any occupier or owner offending against the provisions of this section shall be liable to a penalty not exceeding fifty pounds.

(3) Proceedings for recovery of a penalty under this section may be instituted by the council or by any person.

(4) The council may at its discretion in any case where the occupier or owner fails to destroy any such plant or animal, prior to or subsequently to or in lieu of prosecuting for such offence, cause such plant or animal within such land to be destroyed, and may recover from the occupier or owner, as the case may be, any reasonable expense incurred thereby.

(5) The provisions of subsection four of section four hundred and seventy-one shall apply with respect to plants or animals declared to be noxious under section four hundred and sixty-eight.

Sec. 473.

- (d) (i) by omitting from section four hundred and seventy-three the proviso to subsection two, and inserting in lieu thereof the following provisos:—

Provided that this subsection shall not apply to dedicated roads which are separated from such lands by fences, and are used as public thoroughfares:

Provided also that where a road, whether dedicated or undedicated, which adjoins any such lands is fenced on one side only, the council may notify that the duty to destroy noxious plants and animals upon the whole of such road shall extend to and apply to the person whose unfenced lands the road adjoins.

- (ii) by inserting in subsection three of the same section after the word "statutory" the words "or public," and after the word "reserves" the words "or public reserves";

(e)

Local Government (Amendment).

- (e) by omitting from subsection one of section four hundred and seventy-five the word "forty" and inserting the word "eighty." Sec. 475.

16. Part XXIII of the Principal Act is amended — Amendment of of Part XXIII of Act No. 41, 1919.

- (a) (i) by omitting from subsection two of section four hundred and ninety-three the words "Board of Water Supply and Sewerage" and by inserting in lieu thereof the words "Metropolitan Water, Sewerage and Drainage Board"; Sec. 493 (2). (Guarantees, Water and Sewerage.)

- (ii) by inserting at the end of the same section the following new subsection:— Sec. 493. New subsection. (Local rates.)

(4) Notwithstanding anything contained elsewhere in this Act, a local rate levied under the provisions of this section may be combined with the general rate and the proceeds of the combined rate may be paid into the general fund. Combined rate.

Where a combined rate is levied as provided in this section it shall not be necessary to keep the accounts of a local fund.

Any sum payable in respect of a guarantee under this section may, pending the making or collection of the combined rate, be paid from the general fund.

The provisions of subsections two and three of section one hundred and twenty-seven shall apply to a combined rate levied under the provisions of this subsection.

- (b) by omitting from section five hundred the word "tar-paving" and inserting the word "paving"; Sec. 500. (Works on private land.)

- (c) (i) by inserting in subsection one of section five hundred and two after the words "bridges across" the words "or subways under"; Sec. 502. (Private railway lines.)

- (ii) by inserting in subsection two of the same section after the words "provided by" the words "section two hundred and seventy-three of"; (iii)

Local Government (Amendment).

- (iii) by omitting from subsection five of the same section the words "bridge or level crossing" and by inserting in lieu thereof the words "level crossing, subway, or bridge";
- (iv) by inserting in the same subsection after the word "crossing" where that word secondly and thirdly occurs the word "subway";
- (d) by omitting section five hundred and eleven.

17. Part XXIV of the Principal Act is amended—

- (a) by omitting section five hundred and seventeen and inserting the following:—

517. (1) The council may agree to pay for any purchase lawfully made, or for the performance of any work which it might lawfully undertake, by instalments extending over a period of years.

(2) Before entering into any such contract the council shall advertise the proposed conditions of the contract and call for tenders.

Such tenders shall be considered on their merits before a decision is arrived at.

(3) A council shall not enter into contracts under this section if the amount of the liabilities under such contracts when added to the amount owing by the council as loans shall exceed twenty per centum of the unimproved capital value of all ratable land in the area in the case of a municipality, or in the case of a shire thrice the amount of the income of the shire as shown by the last year's accounts.

(4) The council shall not enter into a contract under this section if the amount of the annual payments necessary under such contract when added to the annual payments to be made under any other contract under this section then subsisting in respect of any particular fund shall be more than ten per centum

Sec. 511.
(Monuments.
Amendment of
Part XXIV of
Act No. 41, 1919.

Sec. 517.

Time-
payment
contracts.

Local Government (Amendment).

centum of the estimated income of that fund during the year in which the contract is entered into.

- (b) (i) by omitting from subsection two of section five hundred and nineteen the words "with- out the approval of the Governor"; Sec. 519 (2). (Leases.)
- (ii) by inserting at the end of the same subsection the words "except upon competition either by public auction or tender";
- (iii) by inserting at the end of the same section the following new subsections:—
- (3) The lease shall reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case. of Sydney Corporation Act, No. 35, 1902, s. 141, as inserted by Act No. 7, 1924, s. 16.
- (4) 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.
- (c) by omitting from section five hundred and twenty the words "or lease"; Sec. 520. Ibid.
- (d) by omitting from subsection one of section five hundred and twenty-two the words "making or repairing such public road, and in building, providing, maintaining" and by inserting in lieu thereof the words "making, repairing, or lighting such public road, and in building, providing, maintaining, lighting"; Sec. 522 (1). (Boundary roads, bridges, &c.)
- (e) by omitting from paragraph (d) of subsection two of section five hundred and twenty-four the words "the clause" and by inserting in lieu thereof the words "this section." Sec. 524 (2).

18. Part XXVII of the Principal Act is amended as follows:— Amendment of Part XXVII of Act No. 41, 1919. (Urban areas.)

- (a) In section five hundred and forty-nine— Sec. 549. (Urban committees.)
- (i) by the omission of subsection four and the insertion of new subsection four as follows:—
- (4) The number of committeemen constituting an urban committee shall be

Local Government (Amendment).

be three or such other number as the Governor may determine from time to time.

- (ii) by adding after subsection six new subsection 6A as follows :—

(6A) If a vacancy in the office of urban committeeman continue after the time prescribed for election thereto the Governor may appoint any qualified person to the vacant office :

Provided that where he deems it expedient the Minister may authorise the holding of an election to fill the vacant office.

eo. 551.
(Security for
loans.)

- (b) (i) by omitting from subsection two of section five hundred and fifty-one the words "only for the benefit of an urban area shall be secured only" and by inserting in lieu thereof the words "upon the application of an urban committee or for the benefit of an urban area shall be secured primarily";
- (ii) by omitting subsection four of the same section.

New secs.
554A, 554B.

Accounts of
urban
committees.

- (c) by adding after section five hundred and fifty-four the following new sections :—

554A. Notwithstanding anything contained in sections five hundred and fifty and five hundred and fifty-one of this Act, the accounts of an urban committee may, at the request of the urban committee, be kept by the council, and the urban committee may authorise the president and clerk to draw cheques upon its bank accounts for the purpose of meeting expenditure authorised by the urban committee.

554B. Where an urban area has been established and there is no urban committee of that area in office the council may exercise in relation to the urban area the powers given by this Act to an urban committee or which the council could exercise upon the application or request of an urban committee.

Powers of
council when
no urban
committee
in office.

Local Government (Amendment).

19. (1) Part XXIX of the Principal Act is amended—

Amendment of
Part XXIX of
Act No. 41, 1919.

(a) (i) by inserting in subsection eight of section five hundred and sixty-two after the word "council" the words "for any reason set out in section thirty-five or section thirty-six";

Sec. 562.
(County
councils.)

(ii) by inserting in subsection fourteen of the same section after the words "county council" the words "and the Minister";

(iii) by inserting at the end of the same section the following new subsection:—

(15) Where a vacancy in the office of delegate continues after the time prescribed for election thereto, the Governor may appoint any member of the councils concerned to fill the vacant office:

Provided that where he deems it expedient the Minister may authorise the holding of an election to fill the vacant office.

(b) (i) by omitting paragraphs (a), (b), and (c) of subsection three of section five hundred and sixty-three, and by inserting in lieu thereof the following new paragraphs:—

Sec. 563.
(Election of
chairman.)

(a) within one month after the date of the first election or appointment of the county council; and

(b) within one month after the date of each subsequent general election or an appointment of the whole of the county council; and

(c) within the month of December in each of the years intervening between the years of the general elections of the county council; and

(d) within one month after the occurrence of a vacancy.

(ii)

Local Government (Amendment).

- (ii) by inserting next after subsection three of the same section the following new subsection :—
 (3A) The chairman may resign his office by letter to the county council.
- (iii) by inserting at the end of the same section the following new subsection :—
 (11) The county council may pay to its chairman an allowance during his term of office.
- Allowance to chairman.**
- Sec. 565 (4).
 (Correction of an error.)
- (c) by omitting the proviso to subsection four of section five hundred and sixty-five inserted by section thirty-five of the Local Government (Validation and Amendment) Act, 1922, and by adding a proviso in the same terms at the end of subsection four of section five hundred and sixty-four ;
- Sec. 573 (1).
 (Ordinances.)
- (d) by inserting at the end of paragraph (a) of section five hundred and seventy-three the following words: "without limiting the generality of the foregoing power applying any of the provisions of sections twenty-six, thirty, thirty-one, thirty-five, forty-eight, eighty-six, or of Part VIII of this Act; and"
- (2) Part I of the Principal Act is amended by inserting in the definition "office" or "civic office" after the word "alderman" the words "or chairman or member of a county council."
- (3) Section thirty-five of the Local Government (Validation and Amendment) Act, 1922, is hereby repealed.
- 20.** Part XXX of the Principal Act is amended—
- Amendment of Part XXX of Act No. 41, 1919. Legal proceedings.)**
- Sec. 590 (3).
 Debts.)
- (a) by omitting from subsection three of section five hundred and ninety the words "a council" and inserting the words "the clerk";
- ec. 591.
 (Laying of formations.)
- (b) by inserting at the end of section five hundred and ninety-one the following new paragraph :—
 (c) in any case by an officer of the Board of Health appointed by that board in that

Local Government (Amendment).

- that behalf either generally or in respect of any special proceeding.
- (c) by omitting from subsection five of section six hundred and three the words "without obtaining the approval of the Governor to such purchase"; Sec. 603 (5). (Consequential in Act No. 29, 1922, s. 32.)
- (d) by omitting from paragraph (f) of subsection three of section six hundred and four the words "by ordinance" and by inserting in lieu thereof the words "by regulations made under the Conveyancing Act, 1919"; Sec. 604 (3) (f). (Conveyances by Public Trustee.)
- (e) by omitting from subsection two of section six hundred and eight and from section six hundred and nine the words and figures "Part III of the Trustee Act, 1898" and by inserting in lieu thereof the words and figures "Part IV of the Trustee Act, 1925"; Secs. 608 (2), 609. (Payment into court.)
- (f) (i) by omitting from subsection one of section six hundred and ten the words and figures "sections fifty-nine, sixty-one, and sixty-three of the Trustee Act, 1898—(a) the particular" and by inserting in lieu thereof the words and figures "Part IV of the Trustee Act, 1925—(a) the"; Sec. 610. (Ibid.)
- (ii) by omitting subsection two of the same section.
- (g) by inserting in subsection two of section six hundred and eleven after the figures "1898" the words and figures "or under Part IV of the Trustee Act, 1925"; Sec. 611 (2). (Ibid.)
- (h) by inserting next after section six hundred and twenty-five the following new section:—
- 625A. Where the value of land is an issue to be determined in any court, a notice under section one hundred and sixty-three coming from the custody of the council may, if the transfer of the land to which the notice relates, or the purchase price or consideration therefor is, in the opinion of the court, material to be considered, be received as prima facie evidence
- of

Local Government (Amendment).

of the contents thereof, and without proof of the signature of the person or persons by whom the notice purports to have been signed.

Sec. 640
(Recovery of penalties.)

(i) in section six hundred and forty—

(i) by inserting after subsection one the following new subsection, namely:—

(1A) Any penalty, fine, or forfeiture under this Act or any ordinance made thereunder recovered in proceedings instituted by a member of the police force or by an officer of the Board of Health shall be paid to the Consolidated Revenue Fund.

(ii) by inserting at the commencement of subsection two the words “subject to the provisions of this section”; and by inserting in the same subsection after the words “police force” the words “or an officer of the Board of Health.”

Sec. 647 (2).
(Proclamations.)

(j) by inserting at the commencement of subsection two of section six hundred and forty-seven the words “except with the consent of any council the interests of which may be concerned”;

Sec. 649 (2).
(Public inquiries.)

(k) by omitting subsection two of section six hundred and forty-nine and by inserting in lieu thereof the following new subsection:—

(2) The person holding the inquiry shall have the powers conferred by the Royal Commissions Act, 1923, on a commissioner appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

(1)

Local Government (Amendment).

- (1) (i) by omitting paragraph (d) of subsection five of section six hundred and fifty-four and by inserting new paragraph (d) in lieu thereof:— Sec. 654 (5). (Consequential on Act No. 50, 1924.)
- (d) the Metropolitan Water, Sewerage and Drainage Board;
- (ii) by omitting from paragraph (n) of the same subsection the word "and"; and by adding at the end of subsection five the following new paragraphs:— (Addition of other departments.)
- (p) the Grafton and South Grafton Water Board;
- (q) the Forestry Commission of New South Wales;
- (r) the Main Roads Board of New South Wales.

21. (1) Schedule Three of the Principal Act is amended— Amendment of Act No. 41, 1919, Sch. 3.

- (a) by omitting subclause two of clause ten and inserting the following subclause in lieu thereof:— (Separate valuations.)
- (2) Lands which are separately owned, or lands which do not adjoin shall be separately valued provided that all lands valued on a freehold basis which are separated by a road generally used by the public may be included in one valuation if owned by the same person and worked as one holding.
- (b) by inserting at the end of subclause two of clause nineteen the following new paragraph:— (Part ratable.)
- (g) determine whether any part of the land included in a valuation is ratable, and the value of that part.

(2) The Principal Act is further amended— Secs. 4, 368, 651, Sch. 3

- (a) by omitting from section four, from section three hundred and sixty-eight, from section six hundred and fifty-one, and from clause twenty-four of Schedule Three the words "Board of Water Supply and Sewerage" and

Local Government (Amendment).

and by inserting in lieu thereof the words "Metropolitan Water, Sewerage and Drainage Board";

Secs. 368,
405, Sch. 3
(24).

- (b) by omitting from section three hundred and sixty-eight and from section four hundred and five and clause twenty-four of Schedule Three the words "Metropolitan Water and Sewerage Act of 1880" and by inserting in lieu thereof the words "Metropolitan Water, Sewerage, and Drainage Act, 1924";

Sec. 420 (4).
(Trading
franchises.)

- (c) by inserting at the end of subsection four of section four hundred and twenty the following words:—

For the purposes of this subsection "sitting days" means days upon which a House meets for the despatch of business; and a prorogation or dissolution of Parliament shall not prevent the running of the fifteen sitting days within which the notice of motion to disallow an agreement or part is to be given.

Amendment
of Act No. 26,
1918, s. 4.

22. The Woollahra Loan Act, 1918, is amended—

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

Levy of loan
rate.

4. The council shall in each year commencing with the year beginning on the first day of January next following the commencement of the Local Government (Amendment) Act, 1927, levy a loan rate on the unimproved capital value of all ratable land in the municipality for the purpose of paying interest on and repaying the principal of the loan, and shall continue to levy such rate each year until the sum borrowed shall have been repaid.

(Schedule.)

- (b) by omitting the Schedule to the said Act.

Validation of
certain pro-
clamations.

23. The proclamations respecting—

- (a) Wellington Water Supply, published in the Government Gazette number sixty-seven of the eighth day of June, one thousand nine hundred and twenty-three;

(b)

Local Government (Amendment).

- (b) Ballina Water Supply, published in the Government Gazette number one hundred and five of the seventh day of July, one thousand nine hundred and twenty-two;
- (c) Peak Hill Water Supply, published in the Government Gazette number sixty-nine of the fifteenth day of June, one thousand nine hundred and twenty-three;
- (d) Gunnedah Water Supply, published in the Government Gazette number forty-four of the thirteenth day of April, one thousand nine hundred and twenty-three;
- (e) Balranald Water Supply, published in the Government Gazette number sixty-five of the eighth day of May, one thousand nine hundred and twenty-three;
- (f) Cootamundra Water Supply, published in the Government Gazette number one hundred and seventy-one of the twenty-fourth day of December, one thousand nine hundred and twenty-five,

shall be deemed to have been valid and of full force and effect notwithstanding that any such proclamation may have affected a thing done before the publication thereof.

24. The securities given by the Blaxland Shire Council and the Bellingen Shire Council respectively during the year one thousand nine hundred and twenty-five to secure the repayment of the respective sums of five thousand pounds and nine thousand pounds borrowed for the purpose of establishing electricity supply undertakings in the Portland and Bellingen urban areas respectively are hereby validated.

Validation
of certain
securities.

25. The Municipal District of Wrightville Naming Act of 1902 is hereby repealed.

Repeal of Act
No. 116,
1902.

26. (i) The Impounding Act, 1898, is amended by inserting next after section seven the following new sections:—

Amendment
of Impound-
ing Act, 1898.

7A. (1) Every poundkeeper shall keep copies of the latest edition of the brand directories and of subsequent Gazettes containing lists of the brands subsequently

Poundkeepers to
keep brand
directory.
cf. Act No. 27,
1901, s. 182.

Local Government (Amendment).

subsequently registered and the names and residences of the proprietors thereof; and shall, on the receipt of a fee of one shilling, permit a search in such brand directories and Gazettes at all reasonable hours.

(2) Every poundkeeper who fails to comply with any requirement of this section shall, for every such offence, be liable to a penalty not exceeding five pounds.

7B. (1) When any cattle or horses are impounded, the poundkeeper shall forthwith send notice thereof to the proprietor of the brand which appears last in order on such cattle or horses.

(2) Every poundkeeper who neglects or delays to send any such notice shall, for every such offence, be liable to a penalty not exceeding ten pounds.

(2) Nothing in this section shall affect the operation of paragraph (c) of subsection one of section four hundred and twenty-three of the Local Government Act, 1919, as amended by this Act.

Notice of
impounding
to be sent to
owner of
brand.
Act No. 27,
1901, s. 183.

Amendment
of Act No. 24,
1924, s. 3.

27. The Main Roads Act, 1924, is amended by inserting in section three next after the definition of "Metropolitan Main Road" the following definition:—
"Minister" means the Minister of the Crown for the time being administering this Act.

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

*Government House,
Sydney, 21st March, 1927.*

D. R. S. DE CHAIR,
Governor.

LOCAL GOVERNMENT (AMENDMENT) BILL.

SCHEDULE of the Amendments referred to in Message of 9th March, 1927.

- Page 7, clause 3, line 15. *After "part" insert "and"*
- Page 12, clause 7. *Omit subparagraph (h) insert new paragraphs (h) and (j).*
- Page 14, clause 7. *At end of subclause (3) insert new paragraph (j).*
- Page 23, clause 8. *Omit paragraph (d).*
- Page 24, clause 8. *Omit lines 10 to 16 inclusive.*
- Page 26, clause 9, line 1. *After "clay-pits" insert "sand-pits"*
- Page 26, clause 9, line 9. *After "clay-pit" insert "sand-pit"*
- Page 28, clause 11. *Omit subparagraph (ii).*
- Page 50, clause 21, line 6. *After "five" insert "and clause twenty-four of Schedule
"Three"*
- Page 50. *At end of clause 21 insert new paragraph (c).*
-

ROYAL GOVERNMENT (AMENDMENT) BILL

SCHEDULE of Amendments referred to in Clause 1 of the Bill, 1927.

Page 7, clause 1, line 15. After "and" insert "and"

Page 12, clause 3. Omit the paragraph which begins with paragraph (a) and (b).

Page 12, clause 7. At the end of clause (a) insert new paragraph (a).

Page 13, clause 8. Omit paragraph (a).

Page 14, clause 9. Omit clause 10 and 11.

Page 22, clause 4, line 1. After "and" insert "and"

Page 22, clause 5, line 2. After "and" insert "and"

Page 22, clause 11. Omit paragraph (a).

Page 22, clause 21, line 2. After "and" insert "and" and clause twenty-four of Schedule "Three"

Page 22. At the end of clause 21 insert new paragraph (c).

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.

S. G. BOYDELL,
Acting Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 4 March, 1927.

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 March, 1927.

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. , 1927.

An Act to extend the franchise in local government areas; and for this and other purposes to amend the Local Government Act, 1919, and certain other Acts; to validate certain notifications, proclamations, and certain other matters; to repeal the Municipal District of Wrightville Naming Act of 1902; and for purposes connected therewith.

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

1. This Act may be cited as the "Local Government Short title. (Amendment) Act, 1927," and shall be read and construed with the Local Government Act, 1919, and any Acts amending the same.

25637

16—A

The

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

Local Government (Amendment).

The Local Government Act, 1919, as so amended is in this Act called the Principal Act.

2. Part I of the Principal Act is amended as follows:—

- 5 (a) by omitting from section four the definition of "Minister";
- 10 (b) by omitting from the definition in section four of "Subdivision, subdivide, and similar expressions," the words "not being lots or portions in a Crown or private subdivision made before or after the commencement of this Act"; and by inserting at the end of the same definition the following new paragraphs:—
- 15 "or (c) any division of land upon disposal by the Crown made either before or after the commencement of this Act; or
- 20 [(d) any division of land in accordance with the boundaries of lots in any subdivision lawfully made either before or after the commencement of this Act."
- 25 (c) by omitting from section ten the words "Height of Buildings Act, 1912," "Weights and Measures Act, 1916," and "Metropolitan Water and Sewerage Act of 1880," and by inserting in lieu thereof respectively the words "Height of Buildings (Metropolitan Police District) Act, 1912," "Weights and Measures Act, 1915," and "Metropolitan Water, Sewerage, and Drainage Act, 1924";
- 30 (d) by inserting in the same section after the words "the Liquor Act, 1912,"—"the Explosives Act, 1905, the Inflammable Liquid Act, 1915."

3. (1) Part III of the Principal Act is amended as follows:—

- 35 (a) In section sixteen—
- 40 (i) by inserting at the end of paragraph (a) the following words:—"or where the part taken is in the Western Division, without adding it to another area";

(ii)

Local Government (Amendment).

- (ii) by inserting in paragraph (e) after the word "areas" the words "or areas and parts of areas";
- 5 (b) in section nineteen by omitting paragraph (c) of subsection one and inserting a new para-
graph as follows:— Sec. 19.
(Proposals for alteration.)
- 10 (c) in a case where part of an area is proposed to be separated from one and attached to another area or is proposed to be created a separate area—by fifty electors of that part or by any number of electors not less than one-third of those enrolled in respect of land situated in that part; or
- 15 (c) (i) by inserting in subsection (1A) of section twenty after the words "not within an area" the letter and words "or (c) taking land from any one or more areas for the purpose of constituting such land a separate shire or municipality";
- 20 (ii) by omitting from subsection two of the same section the words "Where land is taken from one area and added to another" and inserting the following words in lieu thereof:—"Where it is proposed to exercise the powers of paragraphs (a), (b), (c), or (f) of section sixteen and where the powers of paragraphs (c) or (d) of section sixteen have been exercised the following provisions of this section shall have effect: Provided that where it is proposed to exercise the powers of paragraphs (a) or (b) or (f) of section sixteen";
- 25 (iii) by omitting subsection three;
- 30 (iv) by omitting from subsection five the words "do not confer or cannot agree" and inserting the words "have not agreed within a period of three months from the date of the Minister's requisition";
- 25 (v)

Local Government (Amendment).

- (v) by omitting from subsection six the words
 “and their creditors” and by inserting in
 lieu thereof the words “or the councils and
 their creditors (if any)”;
- 5 (vi) by omitting from subsections six and seven
 of section twenty the words “in the
 Governor’s proclamation” and by inserting
 in lieu thereof the words “in a proclama-
 tion”;
- 10 (vii) by omitting subsection twelve of section Sec. 20 (12).
 twenty and by inserting in lieu thereof the
 following new subsection:—
- (12) (a) Where there is a contract or
 15 agreement in existence between the council
 and any person relating to the performance
 of a work or service or the granting of a
 privilege throughout the whole or part of a
 municipality or shire, and any alteration
 20 of the area is made under this Part the
 following provisions shall have effect as
 from the date of the alteration:—
- (i) Where any portion of the area em-
 25 braced by the contract or agreement is
 taken from the area of a council which
 is a party to the contract or agreement
 and added to the area of another
 council, or constituted a separate shire
 or municipality, the duties, rights,
 30 privileges, and liabilities of such first-
 mentioned council under such contract
 or agreement shall be limited to the
 land which is within its area and is
 embraced by the contract or agree-
 35 ment; while the corresponding duties,
 rights, privileges, and liabilities under
 the contract or agreement so far as
 they relate to the portion of the area
 embraced by the contract or agreement
 40 and added to the area of another
 council or constituted a separate
 shire or municipality shall apply to
 and

Local Government (Amendment).

and in respect of the other council or the council of the new area as the case may be.

- 5 (ii) Where by dividing or uniting areas or parts the area of a council which is a party to the contract or agreement is abolished and a new area or areas are constituted, the duties, rights, privileges, and liabilities of such first-mentioned council shall apply to and in respect of the council in whose area the land embraced by the contract or agreement is included, or if such land is included in two or more new areas, such duties, rights, privileges, and liabilities shall apply to and in respect of each of the councils of such areas with respect to the portion of the land included in its area.
- 10
- 15
- 20 (iii) In every such case the duties, rights, privileges, and liabilities under the contract or agreement of the other party or parties thereto shall continue in full force and effect in relation only to the councils or council in whose areas or area the land embraced by the contract or agreement is included, and such councils or council as the case may be shall be deemed to be substituted in the contract or agreement for the council therein named so far as such land or portion thereof is included in its area.
- 25
- 30
- 35 (b) Where the original agreement confers a right of purchase or of cancellation upon the council that right shall not without the consent of the other party or parties to the agreement be exercised (after the alteration of boundaries or reconstitution aforesaid) unless the councils concerned exercise it in concert with each other.
- 40

(c)

Local Government (Amendment).

(c) This subsection may be set aside by agreement between the parties concerned.

5

(d) This subsection shall be deemed to have come into force on the first day of January, one thousand nine hundred and twenty.

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

10

20A. (1) Where areas are altered by—

New s. 20A.
Application
of
ordinances.

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

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

15

(c) taking land from one or more areas and constituting such land a separate shire or municipality,

20

then as from the date specified in that behalf in the proclamation, or if no date is so specified as from the date of the publication in the Gazette of the proclamation, the following provisions shall have effect :—

25

(i) The ordinances which shall thereafter apply to the part added and to the area as so altered are the ordinances for the time being in force in the area to which the part was so added, and ordinances which for the time being apply to towns, villages, and urban areas in such area shall apply to towns, villages, and urban areas in the part added.

30

(ii) The ordinances in force in the area from which a part is taken shall continue until repealed, varied, or amended under this Act to apply within the remainder of that area.

35

(2) This section shall be deemed to have come into operation on the first day of January, one thousand nine hundred and

40

twenty.

(e)

Local Government (Amendment).

- (e) (i) by inserting in subsection one of section twenty-one after the word "proclamation" where it firstly occurs the words "or proclamations"; Sec. 21 (1). (Proclamations.)
- 5 (ii) by inserting in the same subsection after paragraph (q) the following new paragraph:—
- (q1) prescribe in the case of the constitution of an area in accordance with paragraphs (c), (d), (e), or (f) of section sixteen what ordinances are to be in force in the area so constituted or any part thereof, and such ordinances so prescribed shall be in force in such area or part; and
- 10 (iii) by inserting in subsection two of the same section before the words "such proclamation" the word "any."
- (2) Paragraph (d) of section six of the Local Government (Validation and Amendment) Act, 1922, is hereby repealed. Repeal of s. 6 (d) of Act No. 29, 1922.
- 20 **4.** Part IV of the Principal Act is amended— Amendment of Part IV of Act No. 41, 1919.
- (a) by inserting at the end of paragraph (a) of subsection one of section twenty-eight the words "or the meetings of any committee of the council"; Sec. 28 (1). (Travelling expenses.)
- 25 (b) by inserting at the end of subsection five of section thirty the following new paragraph:— Sec. 30 (5). (Disqualification for civic office.)
- (k) 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 damage thereto by the council under its statutory powers or for compensation for the resumption thereof for the purposes of the council;
- 30 (c) (i) by inserting in subsection two of section thirty-three after the word "appointment" the following words:—"or in the event of his being absent from the State at the time of his election or appointment, within
- 35
40 fourteen

Local Government (Amendment).

- fourteen days after his return to the State if such return is within sixty days of the election or appointment”;
- 5 (ii) by omitting from the same subsection all words after the words “extraordinary vacancy”;
- (d) by inserting in paragraph (f) of section forty-nine after the word “relations” the words “or any of their wives’ or husbands’ relations.” Sec. 49 (f). (Ordinances.)
- 10 **5.** (1) Part V of the Principal Act is amended— Amendment of Part V of Act No. 41, 1919. (Franchise. Sec. 51 (1).)
- (a) by omitting subsection one of section fifty-one and inserting new subsection as follows:—
- (1) In order to have the requisite qualification of an elector in respect of a ward or riding a person must, on the day prescribed for enrolment, be either an owner or ratepaying lessee of ratable land in the ward or riding, or an occupier of land in the ward or riding. Meaning of requisite qualification.
- 15
- (b) by omitting paragraphs (d), (e), (f), (g), and (h) of section fifty-four and inserting new paragraph (d) as follows:— Sec. 54. (Qualification of occupier.)
- 20 (d) upon such prescribed day he is residing or has his principal place of abode on land, whether ratable or not, in the ward or riding and has continuously during the period of six months next preceding such prescribed day resided or had his principal place of abode in the area:
- 25
- (c) by omitting paragraph (b) of section fifty-five including the proviso inserted by section seven of the Local Government (Validation and Amendment) Act, 1922; Sec. 55 (b). (Aliens.)
- 30
- (d) (i) by omitting from subsection two of section fifty-six the words “ward or riding” and inserting the word “area”; Sec. 56. (Persons entitled to vote.)
- 35 (ii) by omitting subsection three of the same section.

Local Government (Amendment).

(2) Section seven of the Local Government (Validation and Amendment) Act, 1922, is hereby repealed. Repeal of Act No. 29, 1922, s. 7.

6. (1) Part V of the Principal Act is further amended— Amendment of Act No. 41, 1919, Parts V and VI.

(a) (i) by omitting from subsection one of section seventy-two the words "the election" and by inserting in lieu thereof the words "any ordinary election, or on and from the day of nomination at any extraordinary election"; Sec. 72. (Uncontested election.)

(ii) by omitting from subsection two of the same section the words "the election" where those words secondly occur and inserting in lieu thereof the words "any ordinary election, or on and from the day of nomination at any extraordinary election";

(b) by omitting the proviso to section eighty-two and by inserting the following proviso in lieu thereof:— Sec. 82. (Compulsory polls.)

Provided that in the case of the votes being equal the question shall be undetermined, and that if the decision of the poll is against the proposal voted upon the same question or one substantially the same shall not be again submitted to a poll for a period of at least one year.

(2) Part VI of the Principal Act is amended—

(a) by omitting from section eighty-eight the words "make an appointment" and inserting in lieu thereof the words "appoint and employ a town or shire clerk"; Sec. 88. (Certificated clerks.)

(b) by omitting from subsection two of section ninety the words "the council shall if during the last preceding year its income from all sources other than a gas or electricity undertaking exceeded the sum of fifteen thousand pounds" and by inserting in lieu thereof the following words:—"the employment of an engineer"; Sec. 90 (2). (Engineers.)

Local Government (Amendment).

engineer shall be optional with the council except that in cases where the aggregate income of the council in respect of—

- 5 (a) the General Fund ;
 (b) the Water Supply Local Fund (if any) ;
 (c) the Sewerage Local Fund (if any) ;
 (d) any special and/or local fund for the building of roads or bridges or engineering works (other than electrical engineering)

10 exceeds the sum of fifteen thousand pounds, the council shall ” ;

- 15 (c) (i) by inserting in subsection one of section ninety-nine after the word “ inspectors ” the words “ gas managers ” ;
 (ii) by omitting subsection eight of the same section and by inserting in lieu thereof the following new subsection :—

20 (8) The person holding the inquiry shall have the powers conferred by the Royal Commissions Act, 1923, on a commissioner appointed under Division 1 of Part II of that Act and the said Act, section thirteen and Division 2 of Part II excepted, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

30 **7.** Part VII of the Principal Act is amended as follows :—

- (a) by inserting next after subsection one of section one hundred and twenty-one the following new subsection :—

35 (1A) For or towards meeting any liability transferred to the council of a municipality or shire consequently upon the alteration of the boundaries of the area, the council may make and levy a local rate on the unimproved capital value or on the improved capital value of the ratable land added to the area.

(b)

Local Government (Amendment).

(b) by omitting subsection two of section one hundred and twenty-three and inserting new subsection two as follows:—

Sec. 123 (2).
(Lighting rates.)

5 (2) The council shall in the manner prescribed define a lighting district within which such rate shall be levied.

(c) (i) (a) by inserting in subsection six of section one hundred and twenty-four after the word "service" the words "or any additions or extensions thereto";

Sec. 124.
(Loan rates.)

10

(b) by inserting in the same subsection after the words "in respect of the loan" the words "or loans";

15

(c) by inserting in the same subsection after the word "rate" wherever occurring the words "or rates";

(ii) by omitting from subsection ten of section one hundred and twenty-four the words "if the Minister consent";

20

(iii) by inserting at the end of the same section the following new subsections:—

25

(13) Where a loan is or has been raised for the construction or reconstruction of a main road as defined by the Main Roads Act, 1924, and the Main Roads Board of New South Wales has granted the council a subsidy for or towards the payment of interest on or the repayment of principal of such loan the Minister may grant permission to the council to reduce or to refrain from levying the loan rate during the continuance of the subsidy.

30

35

(14) Where a loan is raised for meeting any liabilities transferred to the council consequently upon the alteration of the boundaries of the area, the loan rate may at the discretion of the council be levied as a local loan rate only on the ratable land added to the area.

Local loan rate on transferred area.

(d)

Local Government (Amendment).

- 5 [(d) (i) by omitting from paragraph (d) of sub-
 section one of section one hundred and
 thirty-two the word "solely";
- 10 (ii) by omitting paragraph (h) of the same
 subsection and by inserting in lieu thereof
 the following new paragraph:—
- 15 (h) land which is occupied by and is used
 in connection with a church or other
 building which is used or occupied
 for public worship, or which is used
 or occupied for other purposes in
 connection with the work or activities
 of a church, or as a rectory, vicarage,
 presbytery, manse, or parsonage, in
 connection with such church or
 20 building: provided that lands which
 are not used in connection with the
 activities of a church even though
 the revenues derived from such lands
 be applied, in whole or in part, to the
 purposes of the church, and lands
 acquired or used for the purpose of
 investment, shall be ratable.
- 25 (h) land which is occupied by or used in
 connection with a church or other
 building used or occupied for public
 worship or as a rectory vicarage
 presbytery manse or parsonage in
 connection with such church or build-
 30 ing; and
- (iii) by inserting at the end of the same sub-
 section the following new paragraph:—
- 35 (j) any school registered under the
 Bursary Endowment Act, 1912, and
 any certified school under the Public
 Instruction (Amendment) Act, 1916,
 and any playground belonging to or
 used in connection with any such
 school; and
- 40 (e) (i) by omitting from subsection two of section
 one hundred and thirty-three the words "is
 not ratable or that it is not ratable to any
 particular rate" and by inserting in lieu
 thereof the words "or some part thereof is
 not ratable or not ratable to any particular
 45 rate";
- (ii)

Sec. 132
(Ratable
land.)

Sec. 133(2).
(Appeal.)

Local Government (Amendment).

- (ii) by inserting at the end of subsection five of the same section the following paragraph:—
Where the Court determines that part only of the land is ratable, the Court shall determine the value of that part.
- 5 (f) by omitting paragraph (b) of section one hundred and thirty-five;
- (g) by inserting at the beginning of subsection two of section one hundred and thirty-seven the following words:—"Subject to the provisions of section one hundred and forty-one";
- 10 (h) by inserting at the end of section one hundred and thirty-nine the following new subsection:—
(9) Where land which was ratable becomes not ratable, part of the rate paid thereon proportionate to the period of the year during which the land is not ratable shall be refunded by the council.
- 15 (i) by omitting section one hundred and forty-one and by inserting in lieu thereof the following new section:—
141. (1) Where any rate is levied on the unimproved capital value of land held for pastoral or agricultural purposes under lease from the Crown under any Act dealing with Crown lands (including homestead selections) or under the Hay Irrigation Act, 1902, or the Wentworth Irrigation Act (1890), or which is held under lease or permit (other than a grazing permit for a term less than twelve months) under the Forestry Act, 1916, the unimproved capital value for the purpose of such rate shall, subject to this Act, be the sum ascertained by calculation as follows:—
- 20 (a) in the case of a lease which carries no right of conversion ultimately into a freehold tenure or of a permit—twenty times the amount of the rent payable under the lease or permit during the year next preceding that in which the calculation is made;
- 25 (b) in the case of all other leases—during the first ten years of the lease dating from the grant thereof—twenty times the amount of the rent payable under
- 30
- 35
- 40
- 45
- the

Sec. 133 (5).

Sec. 135 (b).
(Consequentia
amendment,
see Act 1921
No. 10, s. 25
(8)).Sec. 137 (2).
(Temporary
valuation
provisions.)Land
becoming
not ratable,
Sec. 139 (9).Sec. 141.
Rating of
Crown
leases.
Rating of
Crown leases
and permits.

Local Government (Amendment).

the lease during the year next preceding that in which the calculation is made ; and during the remainder of the lease —thirty times the amount of such rent ;

5 (c) where a lease or permit was not in force during the preceding year the rent for the current year shall be used in the calculation.

10 (2) The lessee of any such land may at any time before the first day of November in any year elect that instead of the rate being levied on the unimproved capital value ascertained as set out in the preceding subsection, it shall be levied on the unimproved
15 capital value of land valued in accordance with the law as if the holder of the lease or homestead selection were the owner of the fee simple :

20 Provided that upon any election being duly made by a lessee under this section the election shall be binding upon him for a period of five years ; at the expiration of which he may again elect, and so on at intervals of five years :

25 Provided further that in any case where an election is duly made under this section, the council shall, in levying any rate on the unimproved capital value, give effect to such election.

In this subsection "lessee" includes the holder of a permit, and "lease" has a corresponding meaning.

30 (3) Where no such election has been made, a notice of valuation shall not be deemed to be invalid merely on account of the notice not including a statement of the unimproved capital value of the land ascertained in accordance with
35 Schedule Three of this Act.

This subsection shall extend and be deemed from the commencement of this Act to have extended to areas in which the provisions of Schedule Three of this Act are in force.

40 (j) by omitting subsection three of section one hundred and forty-nine and by inserting the following subsection in lieu thereof:—

45 (3) Nothing in this section shall affect or extend to any person who is the holder of a lease or purchase from the Crown or from the council

Local Government (Amendment).

council, made before or after the passing of the Local Government (Amendment) Act, 1927, where the lease is granted or purchase made after the rate is levied, whether the land has been previously held under a lease or purchase from the Crown or from the council or not.

(j k) by inserting after section one hundred and fifty-one new section as follows:—

151A. (1) This section shall apply to any case where a lessee has agreed with the owner or with the mesne lessee from whom he immediately holds to pay municipal or local government rates, whether under those designations or under any words of description which would include rates made under this Act, but shall only apply where such agreement was made after—

(a) the first day of January, one thousand nine hundred and eight, in the case of land within any municipality;

(b) the first day of January, one thousand nine hundred and seven, in the case of land within any shire.

(2) Where from any such agreement it appears that such agreement was intended to provide for the payment of a proportion and not the whole of the rates, and where such agreement does not provide a method of arriving at such proportion, any party to such agreement may make application to the Valuer-General to make a fair and equitable adjustment of the proportion of such rates which in the opinion of the Valuer-General should be paid under the agreement.

(3) The adjustment shall be made by the Valuer-General according to the respective interests of the parties in the land as unimproved for the purposes of the general rate or any rate levied on the unimproved capital value, and as improved in the case of any rate levied on the improved capital value.

(4) The cost of such adjustment shall be paid by the person applying therefor and shall be fixed by the Valuer-General.

(5)

Local Government (Amendment).

(5) Every adjustment so made by the Valuer-General shall be final and conclusive and shall not be subject to appeal, and the agreement shall be read as if the amount determined by the Valuer-General to be payable in respect of the part comprised in the agreement had originally been inserted therein.

(6) A certificate of the adjustment purporting to be signed by the Valuer-General or his deputy shall be prima facie evidence of the adjustment.

(k) by inserting the following new subsection after subsection four of section one hundred and fifty-seven:—

(5) Where a lease has been granted or is granted by the Crown under the provisions of subsection two of section 70B of the Mining Act, 1906, the lease shall for the purpose of this section be deemed to have been granted by the owner of the land leased.

(l) by omitting from section one hundred and sixty-one the words "unless proceedings for the recovery thereof have failed, or the approval of the Minister to the abandonment or writing off has been obtained" and by inserting in lieu thereof the words "except in accordance with an ordinance in that behalf, and then only upon the certificate of the auditor of the council that the abandonment or writing off is in accordance with such ordinance";

(m) by inserting at the end of section one hundred and sixty-five the following new paragraph:—

(c) the class of cases in which, and the circumstances in which, rates may be abandoned or written off.

(n) by omitting from subsection one of section one hundred and sixty-seven the words "ordinance by resolution of the council" and by inserting in lieu thereof the words "charge or fee so fixed, then the charge or fee may be

Sec. 157.
Mining
lessees, &c.,
division of
liability.
Dover, &c.,
Co.
v. Cessnock,
6 L.G.R.
119.

Sec. 161.
(Abandon-
ment of
rates.)

Sec. 165.
(Ordinances.)

Sec. 167 (1).
(Charges for
services.)

Local Government (Amendment).

be fixed by resolution of the council subject to the maximum (if any) prescribed by ordinance";

- 5 (o) by omitting subsection two of section one hundred and seventy-three and by inserting in lieu thereof the following new subsection:—

Sec. 173 (2)
(Ways of borrowing.)

10 (2) Except as provided in section one hundred and seventy-four a council shall not borrow unless the loan has been previously authorised, that is to say the approval of the Governor has been obtained.

15 Application for such approval or for the authority of the Minister referred to in section one hundred and seventy-four shall be made by the council in the prescribed manner.

- (p) by omitting section one hundred and seventy-four and by inserting the following new section:—

Sec. 174.

20 174. (1) The council may borrow by way of limited overdraft for any purpose which the council is authorised to create or expend any fund (other than a trust fund) or for any purpose for which moneys raised by ordinary loan may be applied.

Purposes of overdraft.

25 (2) Subject to this section the amount which may be borrowed by the council by way of overdraft shall not exceed one-third of the income of the fund concerned, that is to say:—

Limit of overdraft.

30 (a) one-third of the income as shown by the latest year's accounts; or

(b) if the fund was not in existence for the whole of the preceding year, one-third of the income as estimated in the published estimates of the council for the year in which the overdraft is obtained.

35 (3) If the council find it necessary for any specially urgent reason to borrow by way of overdraft in excess of the amount indicated in subsection two of this section it may apply to the Minister, who may give authority accordingly up to but not exceeding

40

Local Government (Amendment).

one-half the previous year's income or estimated income, as the case may be, but any such authority shall be subject to conditions requiring the council to reduce the overdraft to not more than one-third of a year's income of the fund within a term of years specified in the authority, not exceeding five years in any case.

- (4) No greater sum shall be borrowed under this section than the amount stated in a certificate of the auditor of the council as being the sum which may be borrowed within the limits imposed by this section or the authority of the Minister.
- (q) (i) by omitting from subsection one of section one hundred and seventy-five the words "the certificate of limit of overdraft is issued" and by inserting in lieu thereof the words "the money is borrowed";
- (ii) by inserting in subsection two of the same section after the word "certificate" where that word first occurs the words "of the auditor of the council";
- (iii) by omitting from the same subsection the words "issue of the certificate" and by inserting in lieu thereof the word "borrowing";
- (r) by omitting section 177A and the short heading preceding that section;
- (s) by inserting next after section one hundred and seventy-eight the following short heading and section:—

Ratepayers' advances.

178A. (1) Subject to this section the council may, without obtaining any approval under section one hundred and seventy-three, accept an advance not exceeding five hundred pounds from a ratepayer for the purpose of carrying out necessary works applied for by the ratepayer.

(2)

Local Government (Amendment).

(2) The loan shall be either free of interest or at a rate not exceeding four per centum per annum simple interest.

5 (3) The terms of the loan shall include provision for repayment by yearly or half-yearly instalments spread over not more than ten years.

10 (4) The council shall not accept any such advance if the amount proposed to be accepted when added to other amounts then owing by the council under this section exceeds ten per centum of the total revenue of such council for the preceding year.

15 (5) It shall not be compulsory for the council to levy a loan rate in respect of any such loan.

(6) The council shall report each such loan, its purpose and terms, to the Minister for record.

20 (t) by inserting at the end of subsection nine of section one hundred and eighty the following proviso :—

Sec. 180 (9).
(Shire
special
loans.)

25 "Provided that where the council satisfies the Governor that a net income will probably be or has already been derived from any loan work or service after making full provision for the depreciation of the assets and payment of interest and instalments of repayment or reserve in respect of the loan, the Governor

30 may direct that such loan or part thereof shall not be taken into account in calculating the council's limit of borrowing under this section."

35 (u) by inserting at the end of subsection eight of section one hundred and eighty-one the following words :— "Where the proposal has been so altered the council shall notify the altered proposal unless the Minister certifies that the alteration is not of a substantial nature";

Sec. 181 (8).
(Special
loans.)

(v)

Local Government (Amendment).

(v) by inserting next after section 181B the New s. 181c.
following new section :—

5 181c. (1) The Governor may grant approval County of
Cumberland
main roads.
to a council to borrow for the construction of
a main road in the county of Cumberland if
the council has first obtained the approval of
the Main Roads Board of New South Wales
to such construction and an undertaking from
10 the board to defray the interest and repay the
loan.

(2) In such case it shall not be neces-
sary for the council to carry out the procedure
required by section one hundred and eighty
or section one hundred and eighty-one of this
15 Act as a condition precedent to borrowing,
except to make application thereunder for the
Governor's approval.

(3) In any such case it shall not be
necessary for the council to levy a loan rate.

20 (4) Any such loan shall not be taken
into account in ascertaining whether the
council's borrowings are within the limit
provided by this Act.

25 (5) This section shall be deemed to
have come into operation on the first day of
January, one thousand nine hundred and
twenty-five.

(w) by inserting at the end of paragraph (a) of Sec. 184.
section one hundred and eighty-four the (Limits of
borrowing.)
30 following proviso :—

35 " Provided that where the council satisfies the
Governor that a net income will probably be
or has already been derived from any loan
work or service after making full provision for
the depreciation of the assets and payment of
interest and instalments of repayment or
reserve in respect of the loan, the Governor
may direct that such loan or part thereof shall
not be taken into account in calculating the
40 council's limit of borrowing under this section."

(x)

Local Government (Amendment).

- (x) (i) by omitting from subsection three of Sec. 211 (3).
(Auditors.)
section two hundred and eleven the words
“but may be cancelled by the Governor
at any time and an appointment may be
made for the unexpired portion of the
one-year’s term”;
- 5 (ii) by omitting subsection four of the same Sec. 211 (4).
Ibid.
section;
- 10 (iii) by omitting from subsection nine of the same Sec. 211 (9).
(Audit.)
section the words “in addition to certifying
as aforesaid” and by inserting in lieu thereof
the words “in respect of each audit.”
- 8.** Part IX of the Principal Act is amended— Amendment of
Part IX of Act
No. 41, 1919.
(Public roads.)
- 15 (a) by inserting after section two hundred and New s. 233A.
thirty-three a new section as follows:—
233A. (1) Where any bridge or level crossing Private
railways,
bridges, and
street
crossings.
over any private railway or any railway bridge
has been constructed before or after the
commencement of this Act by any person,
firm, or company, whether under the authority
of any Act or not, the following provisions
shall have effect:—
- 20 (a) The owner of the railway shall, so long
as the bridge and the roadway thereover
or level crossing or the roadway under
the bridge is left open for traffic, keep
25 the bridge, level crossing, or overbridge
and the roadway under such overbridge
in a proper state of repair to the satis-
faction of the council.
- 30 (b) The council may at any time by notice Sec. s. 632
post.
direct the owner of the railway to
reconstruct or repair any such bridge,
level crossing, or overbridge, or the
roadway under such overbridge.
- 35 (c) Such owner may upon giving the pre-
scribed notice close and fence off such
bridge or level crossing or the roadway
under such overbridge so as to prevent
traffic

Local Government (Amendment).

traffic thereon for such time as is necessary to enable the requirements of the council to be carried out.

5 (d) Any dispute between a council and the owner of such railway as to any matter arising under this section shall be settled in the same manner as is provided in section two hundred and
10 seventy-three of this Act for the settlement of a difference between a council and the Railway Commissioners for New South Wales.

15 (e) The provisions of this subsection shall be subject to any agreement made between the council or its predecessor and the owner or his predecessors in title.

(2) The provisions of subsection one of this section shall not apply to any bridge, level crossing, or overbridge constructed by
20 any person, firm, or company under the provisions of section five hundred and two of this Act.

25 (3) Where not more than two years before the commencement of the Local Government (Amendment) Act, 1927, the council has reconstructed or repaired any such bridge, level crossing, or overbridge or the roadway under such overbridge for the purpose
30 of putting the same in a proper state of repair, the owner of the railway shall be liable for the cost of such reconstruction or repair, and the council may recover such cost from such owner in any court of competent jurisdiction.

35 (b) by inserting at the end of subsection one of section two hundred and forty-three the following words:—“The portion of a footway which is at the intersection of two public roads shall be deemed to be opposite and adjacent to the land nearest thereto which is
40 bounded by the two public roads”;

(c)

Local Government (Amendment).

- (c) by inserting in section two hundred and forty-five after the words "any person by" the words "whom or by"; Sec. 245. (Extraordinary traffic.)
- 5 (d) by omitting from paragraph (a) of section two hundred and forty-nine all the words after the word "road" and by inserting in lieu thereof the following words:—"Provided that before doing so the council shall publish notice of the proposal in the prescribed manner, and give 10 consideration to any representations made with respect to the proposal"; Sec. 249 (a). (Naming roads.)
- (e) by inserting at the end of subsection one of section two hundred and fifty-one the following words:—"It shall not be necessary for a 15 council when exercising such powers to notify in the Gazette its intention to grant permission to erect a public gate"; Sec. 251 (1). (Public gates.)
- (f) by inserting in the proviso to subsection five of section two hundred and sixty-two after the word "repairs" the words "and improve- 20 ments," and by inserting in the same proviso after the word "preservation" the words "and temporary use"; Sec. 262 (5). (Realignment.)
- (g) by inserting at the end of section two hundred and seventy-one the following new sub- 25 section:— Sec. 271. (Works under Water Act, 1912.)
 (3) For the purposes of this section the word "trust" shall be deemed to include a drainage union constituted under the provisions of the Water Act, 1912, or any Act 30 thereby repealed. Drainage union.
- (h) by inserting next after section two hundred and seventy-six the following new section:— New s. 276A.
 276A. The council may (after public notice and hearing any objector who lodges objection 35 within one month) lease to any adjoining landowner for not more than five years at any one time any public road or part thereof which the council considers is not needed for present public use. Leasing unnecessary roads.
- 40

Any

Local Government (Amendment).

Any such lease shall contain a provision for the determination of the lease by the council upon six months' notice to the lessee.

- 5 (i) (i) by omitting from paragraph (g) of section Sec. 277 (g).
(Ordinances.)
two hundred and seventy-seven the words
and figures "Neglected Children and
Juvenile Offenders Act, 1905" and by
inserting in lieu thereof the words and
figures "Child Welfare Act, 1923";
- 10 (ii) by inserting at the end of the same section
the following new paragraph:—
(u) The publication of notices with
respect to proposals to name or alter
15 the names of roads, and action to be
taken by the council subsequently to
such naming or renaming.
9. (1) Part X of the Principal Act is amended—
- Amendment of
Part X of Act
No. 41, 1919.
(Public
health and
convenience.)
- 20 (a) by inserting in section two hundred and
seventy-nine after the word "health" the
word "safety"; Sec. 279.
(General
powers.)
- 25 (b) (i) by inserting in subsection two of section
two hundred and eighty-one at the end of
paragraph (1) the following words:—"in
any such case the council may remove and
sell the materials, and after deducting the
expenses incident to the demolition,
removal, and sale, pay over the balance (if
any) to the owner. If such proceeds do
not cover the expense the amount of the
30 deficiency may be recovered by the council
from the owner in any court of competent
jurisdiction";
- (ii) by inserting in the same subsection after
35 paragraph (m) the following new para-
graph:— Ibid. (2) (n).
(n) require that a dwelling on land ratable
to a sewerage rate in connection with
any Baths and
washtubs.

Local Government (Amendment).

any public system of sewerage shall be provided with a suitable bath and washtubs.

- 5 (c) by omitting subsections six, seven, and eight of section two hundred and eighty-three ; Sec. 283. (Night-soil and garbage removal.)
- (d) by inserting at the end of section two hundred and eighty-nine the following new paragraphs :— Sec. 289.
- 10 (h) control and regulate the depositing upon any land of any material likely to cause a public nuisance or to give rise to a condition which will endanger public health, or material likely to attract or tend to attract vermin to such land, or to form suitable harbourage for vermin ; Tipping rubbish.
- 15 (i) direct the removal of walls or buildings which in the opinion of the council have become ruinous and may become dangerous to the public, or may remove such walls or buildings, at the expense of the owner thereof ; Unsafe walls, &c.
- 20 (j) regulate and control the use of firearms within the boundaries of any city, town, village, or urban area ; Firearms.
- 25 (k) regulate and control the keeping and use of inflammable or explosive compounds or materials in any city, town, village, or urban area ; Inflammable substances.
- 30 (l) where land is used as a private lane, right-of-way, or means of access to two or more properties, by notice in writing require the owners of the properties served thereby to drain the lane, right-of-way or means of access, or to remove therefrom any matter or thing which may, in the opinion of the council, cause any insanitary or objectionable condition thereon ; Private lanes.
- 35 (m)

Local Government (Amendment).

- 5 (m) require quarries, clay-pits, **sand-pits**,
disused mines, dams or waterholes on <sup>Quarries,
mines, &c.</sup>
any land likely to be a danger to the
public to be enclosed by a sufficient
fence to the satisfaction of the council;
or where the council considers that in
the circumstances fencing is not a suffi-
cient precaution require the owner of
10 any quarry, clay-pit, **sand-pit**, disused
mine, dam or waterhole to empty the
same of water, or to fill in or cover the
same to the satisfaction of the council
within a time stated by the council.
- 15 Any such owner may within the
time and in the manner prescribed by
rules of court appeal to a district court
judge having jurisdiction within the
area against the requirement of the
council.
- 20 Such judge may determine whether
the requirement of the council is
reasonable in all the circumstances of
the case and whether it shall or shall
not be carried out either in its entirety
25 or with modifications and may extend
the time within which anything is to be
done. The costs of the appeal shall be
in the discretion of the judge.
- 30 If costs are awarded they may be
recovered in like manner to costs
awarded in a judgment of the district
court.
- 35 (e) by inserting in subsection two of section two ^{Sec. 298 (2).}
hundred and ninety-eight after the words "the <sup>(Life-saving
clubs.)</sup>
council" the words "may subsidise life-saving
clubs and";
- (f) (i) by inserting in the heading of the same <sup>(Conse-
quential
amendments.)</sup>
Part after the words "Public Health" the
word "Safety";
- 40 (ii) by inserting in the subheading of Division 5
of the same Part after the word "health"
the word "safety." (2)

Local Government (Amendment).

(2) Part I of the Principal Act is amended by inserting in section three after the words "Public Health" the word "Safety," (Consequential amendments.)

10. Part XI of the Principal Act is amended—

- 5 (a) by omitting from paragraph (b) of subsection two of section three hundred and five the words "or villages" and by inserting in lieu thereof the words "villages or portions of a shire"; Amendment of Part XI of Act No. 41, 1919. Sec. 305 (2). (Regulation of building.)
- 10 (b) by omitting subsection two of section three hundred and nine, and by inserting the following subsection in lieu thereof:— Sec. 309. (Residential districts.)
- 15 (2) Nothing in this section shall preclude the continuance of the use of any building for any purpose for which the same was used immediately before the date of the proclamation aforesaid, or the alteration, enlargement, rebuilding or extension of any building used for any such purpose whether or not such alteration, enlargement, rebuilding or extension
- 20 involve the use of adjoining land which immediately before the date of the proclamation was in the same ownership or for such other purpose as the council thinks reasonable in the circumstances.
- 25 (c) by inserting at the end of section three hundred and thirteen the following new paragraph:— Sec. 313. (Erection of buildings.)
- 30 (i) height, materials, stability, design, and position of fences (if any) to be erected on or on the boundaries of the allotment on which the building is to be erected.
- 35 (d) by inserting next after section three hundred and sixteen the following new section:— New sec. 316A.
- 316A. When a plan has been approved by a council, fencing or other structures not shown upon the plan shall not at any time, without the consent of the council, be erected so as to restrict the use in connection with the building of the unoccupied area of the allotment. Alteration of fencing.

(e)

Local Government (Amendment).

- (e) by inserting at the end of paragraph seven Sec. 318.
of section three hundred and eighteen the
following words:—"and regulating generally
the erection of fences on or on the boundaries
of any land and the height, materials,
stability, design, and position of existing
fences on or on the boundaries of any land."
- 5
- 11.** Part XII of the Principal Act is amended—
- (a) in section three hundred and twenty-seven— Amendment of
Part XII of Act
No. 41, 1919.
(Town
planning.)
Sec. 327.
- 10 (i) by omitting from paragraph (c) of (Plans.)
subsection two the words "the
signatures of all necessary parties";
- (ii) by inserting at the end of the proviso (Means of
access.)
to subsection two the words "and each
of the said parts has a frontage to a
public road";
- 15
- (b) by omitting from the proviso to section three Sec. 333.
(Limit
removed.)
hundred and thirty-three, paragraph (a)
thereof;
- 20 (c) (i) by omitting subsection five of section three Sec. 334 (5).
(Pipes in
roads.)
hundred and thirty-four;
- (ii) by omitting paragraph (b) of subsection six Ibid. (6).
of the same section and by inserting the
following new paragraph:—
- 25 (b) in a shire, unless at the time of the
proposed subdivision the land is
within the area served by the water
or gas supply of any village, town, or
urban area or within the area to be
served by any such supply under con-
struction or about to be constructed
at the time of the subdivision.
- 30
- (d) by inserting at the end of section three Sec. 339.
hundred and thirty-nine the following new
subsection:—
- 35 (2) A contravention of this or any other Saving.
section of this Part shall not invalidate or be
deemed to have invalidated any instrument
intended to affect or evidence the title to any
land. (e)

Local Government (Amendment).

(e) by inserting after section three hundred and forty the following new sections:—

New secs.
340A, 340B.
(Reserves.)
Public
garden and
recreation
spaces.

5 340A. (1) Where in the subdivision of land provision is made for public garden and recreation space, such space shall be conveyed or transferred to the council if the council at any time so requires.

10 (2) This section shall apply where such provision was made in a subdivision effected prior to the commencement of the Local Government (Amendment) Act, 1927, as well as to cases in which it is made after such commencement.

15 340B. (1) Where in the subdivision of land provision is made for a drainage reserve, such reserve shall be conveyed or transferred to the council if the council at any time so requires.

Drainage
reserves.
Sec ss. 332
(c), 333 (h),
398.

20 (2) This section shall extend to subdivisions made since the passing of the Local Government (Validation and Amendment) Act, 1922, as well as to subdivisions made after the passing of the Local Government (Amendment) Act, 1927.

12. Part XIV of the Principal Act is amended—

Amendment of
Part XIV of Act
No. 41, 1919.
(Water,
sewerage, &c.)
Sec. 374 (3).

25 (a) (i) by omitting subsection three of section three hundred and seventy-four and inserting the following subsection:—

30 (3) As soon as practicable after such notification as aforesaid the Minister for Public Works shall certify under his hand the amount which has been expended on such works together with interest, at a rate or rates as provided in this section accrued from the time of expenditure of each sum included in such amount up to the end of the half year in which the notification as provided in subsection seven of this section is published.

(ii)

Local Government (Amendment).

- (ii) by inserting after subsection three of section Sec. 374 (3A). three hundred and seventy-four the following new subsection :—

5 (3A) In any case where the certificate does not include all amounts expended or to be expended on any work, the Minister for Public Works shall, when the total amount expended shall have been ascertained, finally certify under his hand the
10 whole of the amount expended upon such works.

Such final certificate shall include the amount of any previous certificate less the amount of any principal repaid or due to the end of the half-year in which the final certificate is given and shall also include
15 any amount not previously included together with interest thereon at the rate or rates as provided in this section calculated from the time of expenditure of each sum included therein up to the end of the half year in which the notification as provided in subsection seven of this section is published.

- 25 (iii) by omitting subsection six of section three Sec. 374 (6). hundred and seventy-four and inserting the following subsection :—

30 (6) The amount of any such certificate or final certificate subject to any such partial remission as aforesaid when notified by the Governor as provided in this section, shall be the capital debt of the council to the Treasurer.

35 An earlier certificate shall be superseded by a final certificate at the expiration of the half-year in which such final certificate is given, but not sooner.

- 40 (iv) by adding after the word "interest" in Sec. 374 (7). paragraph (c) of subsection seven of section three hundred and seventy-four the words "at a rate as provided in this section";

(v)

Local Government (Amendment).

(v) by omitting subsection eight of section three hundred and seventy-four and inserting the following subsection :—

5 (8) (a) The Governor shall by proclamation as soon as may be after the commencement of the Local Government (Amendment) Act, 1927, for periods prior to the thirtieth day of June, one thousand nine hundred and twenty-six, and, as soon as may be after the thirtieth day of June in each and every year for periods after such commencement, fix the rate of interest to be charged on amounts expended in any such period.

15 (b) The rate so to be fixed for each period shall reasonably approximate to the percentage cost of moneys borrowed by the Government of New South Wales in the twelve months immediately prior to that period for which the rate of interest is fixed.

20 (c) The rates to be adopted for the purposes of certificates to be made under the provisions of subsections three and (3A) of this section and subsection three of section three hundred and seventy-seven shall be the rates proclaimed in accordance with paragraph (a) of this subsection.

25 (d) The rates to be adopted for purposes of paragraph (c) of subsection seven of this section and paragraph (b) of subsection four of section three hundred and seventy-seven shall be determined having regard to the several rates proclaimed in accordance with paragraph (a) of this subsection for any periods during the construction of the works, and also to the amount expended in each of the said periods.

30 (e) For the purposes of this subsection the expression "period" shall be deemed

35

40

Sec. 374 (8).

Interest—
Fixation of
rate.

cf. C.T.W.
& S. (Amend-
ment) Act,
1905, s. 29.

9d

Local Government (Amendment).

deemed to mean the period of twelve months commencing on the first day of July in any year.

(vi) by inserting at the end of the same section Sec. 374 (10). the following new subsection:—

(10) Every certificate of the Minister for Public Works and every notification by the Governor purporting to have been given or made under this section before the commencement of the Local Government (Amendment) Act, 1927, shall be deemed to have been given or made in accordance with the provisions of this Act, notwithstanding any failure of compliance with the provisions thereof, and every such notification by the Governor of the capital debt of a council for water, sewerage, drainage, or electricity works shall be deemed in all respects whatsoever to have been and to be valid.

Validation of past certificates and notifications.

(b) by omitting from subsection one of section Sec. 375 (1). three hundred and seventy-five the words "carried by the Treasurer to a Loan Trust Fund" and by inserting the words "paid to the General Sinking Fund constituted under the State Debt and Sinking Fund Act, 1904";

(c) by omitting section three hundred and seventy-seven and by inserting the following new section in lieu thereof:—

377. (1) When any work partly constructed by the Minister for Public Works but not completed is in his opinion so far constructed as to be of use to the council he may report that fact to the Governor.

Partly constructed works.

(2) The Governor may notify that the council shall take over any partly constructed work and the care and management thereof.

(3) The said Minister may certify the amount actually expended in such construction, and the amount so certified, together with interest in accordance with section three hundred

Local Government (Amendment).

hundred and seventy-four of this Act, shall upon the certificate being notified become a debt due by the council to the Treasurer.

5 Such interest shall be calculated from the time of the expenditure of each sum included in such amount up to the end of the half-year in which the notification provided for in this section is published.

10 (4) Upon receipt of such certificate the Governor may notify—

(a) the period not exceeding in any case one hundred years in which the debt is to be paid; such period shall be fixed with regard to the nature and durability of the work; and

15 (b) the instalment which shall be paid by the council during each half-year succeeding that in which the notification is published in order to repay such debt with interest.

20 (5) The council shall in respect of any indebtedness under this section be liable for payment thereof in the same way as if works had been notified as complete in accordance with provisions of section three hundred and

25 seventy-four of this Act.
(6) Like action may be taken from time to time, and the provisions of this section shall apply when the work has been further constructed and before completion.

30 (7) When any work has been notified as having been finally completed and the capital debt on the completed work and the period for repayment fixed and the half-yearly instalment has been notified, the provisions of this section shall be superseded by the fore-

35 going provisions of this Part.
(8) In finally computing the capital debt credit shall be given to the council for payments under this section in respect of

40 works notified before actual completion.

Local Government (Amendment).

(e d) by adding at the end of subsection one of section three hundred and seventy-eight the following proviso :—

5 Provided that in respect of stormwater drainage works the council, with the approval of the Governor, may defray the cost of maintenance and management, and provide for the payment of instalments from the general fund or the sewerage local fund, or make a contribution of such amount as may be approved by the Governor from the general fund to the stormwater drainage local fund.

10 (d e) (i) by omitting subsections one, two, and three of section three hundred and eighty-eight and the short heading preceding that section and by inserting the following short heading and subsections in lieu thereof :—

*Special powers of Governor and Minister
for Public Works.*

20 (1) The Minister for Public Works shall from time to time cause inspection to be made of any water, sewerage, drainage, or electricity works of the council where there is money owing to the Treasurer by the council in respect of those works.

25 If upon any such inspection he is of opinion that such works are not properly constructed or not kept in repair or not kept in efficient working order he may direct the council to make such repairs or alterations as he thinks necessary, and, if the council makes default for three months in effecting such repairs or alterations, he may cause such repairs or alterations to be effected and recover the cost thereof from the council as a debt.

30 (2) (a) In respect of any water, sewerage, drainage, or electricity works constructed by the Minister for Public Works for any council under this Act, or the Acts repealed

35 by

40 by

Local Government (Amendment).

5 by this Act, or otherwise out of public funds, the Governor, by notification, may direct that a specified sum shall be set aside annually out of the revenue derived from such works in order to provide a reserve for the purpose of effecting renewals of such works.

10 (b) The sum so notified shall be paid each year into a separate account in the council's bank.

15 As soon as may be after such payment the amount set aside shall be invested in Commonwealth or State Government loans or securities or placed on fixed deposit at interest with a bank or with the Treasurer.

Interest accruing from such investments or such deposit shall be regularly added to the account and invested in like manner.

20 (c) The fund created by such payments and interest accrued thereon shall not be drawn upon by the council except for the purpose of effecting such renewals of the works as may be approved by the Minister for Public Works.

25 (3) (a) In the event of a council making default in respect of the requirements of this section the Governor may direct that the sum notified as aforesaid shall be paid each year into a Special Deposits Account in the Treasury, and if any council fail forth-
30 with to comply with such direction the provisions of section three hundred and seventy-six of this Act shall apply as in the case of a council making default in due
35 payment of any instalment.

40 Interest at a rate to be fixed by the Treasurer shall be credited annually to the account by the Treasurer, and the account shall not be drawn upon except for such renewals as may be approved by the Minister for Public Works.

(b)

Local Government (Amendment).

(b) This subsection shall apply to any existing fund created for the purpose of providing for renewals if the Governor so direct, and to the extent specified in such direction.

(c) The provisions of subsections two and three of this section may be suspended or varied in whole or in part in any case where the Governor is satisfied that adequate provision has already been made for the renewal of any works.

(ii) by omitting from subsection four of the same section the words "Minister (or the Minister for Public Works)" and by inserting in lieu thereof the words "Minister for Public Works";

(e f) by inserting in subsection five of section three hundred and ninety-two after the word "Minister" the words "for Public Works";

(f g) (i) by inserting in subsection one of section three hundred and ninety-six after the word "Minister" the words "for Public Works";

(ii) by omitting subsection two of the same section and inserting in lieu thereof the following new subsection:—

(2) The Minister for Public Works shall cause inspection to be made of any sewage disposal or treatment works, and may give directions as to their proper maintenance and working in order that their efficiency may be maintained and that nuisance therefrom may be prevented.

Such directions shall be obeyed by the council, and if not so obeyed within a reasonable time after written notice thereof is served upon the council, the said Minister may cause such things to be done for the aforesaid purposes as he may deem necessary, and may recover the expense thereby incurred from the council as a debt.

(g)

Local Government (Amendment).

- (g h) by inserting in subsection one of section four hundred and one after the word "may" the words "on the recommendation of the Minister for Public Works"; Sec. 401 (1). (Catchment districts.)
- 5 (h i) (i) by omitting from subsection one of section four hundred and two the words "the Minister or"; Sec. 402. (Control and management by Government.)
- (ii) by omitting from subsection two of the same section the words "the Minister or";
- 10 (i j) by inserting at the end of section four hundred and three the following words: "and may require the construction of sufficient drains for that purpose, or may, at the cost of the owner, construct drains to dispose of roof, surface, and other waters from the premises so as to conduct the water to the most appropriate gutter or water channel under the control of the council." Sec. 403. (Drainage.)
- 15
- 13.** Part XVIII of the Principal Act is amended— Amendment of Part XVIII of Act No. 41, 1919. (Impounding.)
- 20 (a) by omitting from paragraph (c) of subsection one of section four hundred and twenty-three the words "and sections one hundred and eighty-two and one hundred and eighty-three of the Stock Act, 1901"; Sec. 423 (1) (c). (Consequential on Act No. 14, 1921, s. 2.)
- 25 (b) by inserting in section four hundred and twenty-four at the end of the definition of "occupant" the following words:—"and in respect of a travelling stock and camping reserve includes the Pastures Protection Board under whose control such reserve has been placed under section 26A of the Pastures Protection Act, 1912"; Sec. 424. (T.S. & C R.)
- 30 (c) by inserting the following words at the end of section four hundred and twenty-seven:— Sec. 427. In what pound.
- 35 Where a quarantine area or line has been notified or established under the Stock Diseases Act, 1923, the pound to which the animal shall be taken shall be the pound to which access may be had most conveniently having regard to the provisions of that Act;
- 40 (d)

Local Government (Amendment).

- (d) by omitting from subsection six of section Sec. 433 (6).
four hundred and thirty-three the words "from (Release.)
the pound";
- 5 (e) by inserting at the end of section four hundred Sec. 436.
and thirty-six the following new subsection:— Surplus.
- (5) Where the proceeds of the sale of an
impounded animal exceed the fees, charges,
and damages payable under this Act in respect
of such animal the council shall on request
10 pay such surplus to the owner of the animal.
- 14.** Part XIX of the Principal Act is amended by Amendment
of Part XIX
of Act No. 41,
1919.
omitting subsection six of section four hundred and
forty-six and inserting the following new subsection in
lieu thereof:— Sec. 446 (6).
- 15 (6) (a) A sum not exceeding three thousand (Waverley
Cemetery.)
pounds may be expended from the Waverley
Cemetery Fund upon the construction or reconstruc-
tion of the following roads within the municipality
of Waverley:—
- 20 Boundary street East, St. Thomas street,
Trafalgar street, Macpherson street, and
the twenty-foot lane at the foot of the
cemetery wall.
- (b) In addition to the said amount a sum
25 not exceeding three hundred and sixty-five pounds
in any one year may be expended from the
Waverley Cemetery Fund annually on the
maintenance of the following roads in approach
or adjacent to the cemetery, namely:—
- 30 Chesterfield parade—from Arden street to
St. Thomas street.
Trafalgar street—from St. Thomas street to
Hardy street.
Boundary street—from St. Thomas street to
35 the Pacific Ocean.
Boundary street—from Arden street to St.
Thomas street.
Twenty-foot lane at foot of cemetery wall.
St. Thomas street—from Macpherson street
to Boundary street.
- 40 Macpherson street—from Albion street to St.
Thomas street. **15.**

*Local Government (Amendment).***15.** Part XXII of the Principal Act is amended—

Amendment of
Part XXII of Act
No. 41, 1919.
(Noxious plants
and animals.)
Sec. 470.

- (a) (i) by inserting in subsection one of section
four hundred and seventy after the word
“declared” the words “by the council”;
- 5 (ii) by omitting from subsection two of the *Ibid.*
same section the words “After the expira-
tion of two months from the publication of
the notice aforesaid, if the occupier of any
land has not in the opinion of the council
10 taken reasonable steps to comply with the
requirements of this section the council
may subject to the provisions of this Act”
and by inserting in lieu thereof the words
“After the expiration of one month from
15 the publication of the notice aforesaid, if
the occupier of any land has not taken
reasonable steps to comply with the require-
ments of this section the council may,
subject to the provisions of this Act”;
- 20 (b) (i) by inserting in section four hundred and *Sec. 471.*
seventy-one after the word “declared” the
words “by the council”;
- (ii) by omitting from paragraph (a) of sub- *Ibid.*
25 section one of the same section the words
“two months” and by inserting in lieu
thereof the words “one month”;
- (iii) by omitting from subsection two of the *Ibid.*
30 same section the words “in the opinion of
the council”;
- (c) by inserting after section four hundred and *New s. 471A.*
seventy-one the following new section:—
35 471A. (1) Where any plant or animal has
been declared by the Governor to be a noxious
plant or animal in all municipalities and
shires, or in any district under the provisions
of section four hundred and sixty-eight, it shall
be the duty of all occupiers, or if there be no
occupier the owner, of any land therein to
keep such land free therefrom.

Duty to
destroy on
declaration by
Governor.

Local Government (Amendment).

(2) Any occupier or owner offending against the provisions of this section shall be liable to a penalty not exceeding fifty pounds.

5 (3) Proceedings for recovery of a penalty under this section may be instituted by the council or by any person.

10 (4) The council may at its discretion in any case where the occupier or owner fails to destroy any such plant or animal, prior to or subsequently to or in lieu of prosecuting for such offence, cause such plant or animal within such land to be destroyed, and may recover from the occupier or owner, as the case may be, any reasonable expense incurred thereby.

15 (5) The provisions of subsection four of section four hundred and seventy-one shall apply with respect to plants or animals declared to be noxious under section four hundred and sixty-eight.

20 (d) (i) by omitting from section four hundred and seventy-three the proviso to subsection two, and inserting in lieu thereof the following provisos :—

25 Provided that this subsection shall not apply to dedicated roads which are separated from such lands by fences, and are used as public thoroughfares :

30 Provided also that where a road, whether dedicated or undedicated, which adjoins any such lands is fenced on one side only, the council may notify that the duty to destroy noxious plants and animals upon the whole of such road shall extend to and apply to the person whose unfenced lands the road adjoins.

35 (ii) by inserting in subsection three of the same section after the word "statutory" the words "or public," and after the word "reserves" the words "or public reserves";

(e)

Local Government (Amendment).

(e) by omitting from subsection one of section four hundred and seventy-five the word "forty" and inserting the word "eighty." Sec. 475.

16. Part XXIII of the Principal Act is amended— Amendment of of Part XXIII of Act No. 41, 1919.

5 (a) (i) by omitting from subsection two of section four hundred and ninety-three the words "Board of Water Supply and Sewerage" and by inserting in lieu thereof the words "Metropolitan Water, Sewerage and Drainage Board"; Sec. 493 (2). (Guarantees, Water and Sewerage.)

10 (ii) by inserting at the end of the same section the following new subsection:— Sec. 493. New subsection. (Local rat s.)

(4) Notwithstanding anything contained elsewhere in this Act, a local rate levied under the provisions of this section may be combined with the general rate and the proceeds of the combined rate may be paid into the general fund. Combined rate.

15 Where a combined rate is levied as provided in this section it shall not be necessary to keep the accounts of a local fund.

20 Any sum payable in respect of a guarantee under this section may, pending the making or collection of the combined rate, be paid from the general fund.

25 The provisions of subsections two and three of section one hundred and twenty-seven shall apply to a combined rate levied under the provisions of this subsection.

30 (b) by omitting from section five hundred the word "tar-paving" and inserting the word "paving"; Sec. 500. (Works on private land.)

35 (c) (i) by inserting in subsection one of section five hundred and two after the words "bridges across" the words "or subways under"; Sec. 502. (Private railway lines.)

40 (ii) by inserting in subsection two of the same section after the words "provided by" the words "section two hundred and seventy-three of"; (iii)

Local Government (Amendment).

- 5 (iii) by omitting from subsection five of the same section the words "bridge or level crossing" and by inserting in lieu thereof the words "level crossing, subway, or bridge";
 - (iv) by inserting in the same subsection after the word "crossing" where that word secondly and thirdly occurs the word "subway";
 - 10 (d) by omitting section five hundred and eleven.
- 17.** Part XXIV of the Principal Act is amended—
- (a) by omitting section five hundred and seventeen and inserting the following:—
 - 15 517. (1) The council may agree to pay for any purchase lawfully made, or for the performance of any work which it might lawfully undertake, by instalments extending over a period of years.
 - 20 (2) Before entering into any such contract the council shall advertise the proposed conditions of the contract and call for tenders. Such tenders shall be considered on their merits before a decision is arrived at.
 - 25 (3) A council shall not enter into contracts under this section if the amount of the liabilities under such contracts when added to the amount owing by the council as loans shall exceed twenty per centum of the unimproved capital value of all ratable land in the area in the case of a municipality, or in the case of a shire thrice the amount of the income of the shire as shown by the last year's accounts.
 - 30 (4) The council shall not enter into a contract under this section if the amount of the annual payments necessary under such contract when added to the annual payments to be made under any other contract under this section then subsisting in respect of any particular fund shall be more than ten per centum
 - 35
 - 40

Sec. 511.
(Monuments.)
Amendment of
Part XXIV of
Act No. 41, 1919.

Sec. 517.

Time-
payment
contracts.

Local Government (Amendment).

centum of the estimated income of that fund during the year in which the contract is entered into.

- 5 (b) (i) by omitting from subsection two of section Sec. 519 (2).
five hundred and nineteen the words "with- (Leases.)
out the approval of the Governor";
- (ii) by inserting at the end of the same sub-
section the words "except upon competition
either by public auction or tender";
- 10 (iii) by inserting at the end of the same section
the following new subsections:—
- (3) The lease shall reserve the best rent cf. Sydney
that can reasonably be obtained, regard Corporation
being had to the circumstances of the case. Act, No. 35,
1902, s. 141,
15 (4) The term of the lease shall not as inserted
exceed— by Act No. 7,
1924, s. 16.
- (a) in the case of a building lease, ninety-
nine years;
- (b) in any other case, twenty-one years.
- 20 (c) by omitting from section five hundred and Sec. 520.
twenty the words "or lease"; *Ibid.*
- (d) by omitting from subsection one of section five Sec. 522 (1).
hundred and twenty-two the words "making (Boundary
or repairing such public road, and in building, roads,
25 providing, maintaining" and by inserting bridges, &c.)
in lieu thereof the words "making, repairing, or
lighting such public road, and in building,
providing, maintaining, lighting";
- 30 (e) by omitting from paragraph (d) of subsection Sec. 524 (2).
two of section five hundred and twenty-four
the words "the clause" and by inserting in
lieu thereof the words "this section."

18. Part XXVII of the Principal Act is amended as follows:—

- 35 (a) In section five hundred and forty-nine—
- (i) by the omission of subsection four and
the insertion of new subsection four
as follows:—
- 40 (4) The number of committeemen
constituting an urban committee shall
be

Amendment of
Part XXVII of
Act No. 41, 1919.
(Urban areas.)

Sec. 549.
(Urban
committees.)

Local Government (Amendment).

be three or such other number as the Governor may determine from time to time.

(ii) by adding after subsection six new subsection 6A as follows :—

(6A) If a vacancy in the office of urban committeeman continue after the time prescribed for election thereto the Governor may appoint any qualified person to the vacant office :

Provided that where he deems it expedient the Minister may authorise the holding of an election to fill the vacant office.

(b) (i) by omitting from subsection two of section five hundred and fifty-one the words "only for the benefit of an urban area shall be secured only" and by inserting in lieu thereof the words "upon the application of an urban committee or for the benefit of an urban area shall be secured primarily";

(ii) by omitting subsection four of the same section.

(c) by adding after section five hundred and fifty-four the following new sections :—

554A. Notwithstanding anything contained in sections five hundred and fifty and five hundred and fifty-one of this Act, the accounts of an urban committee may, at the request of the urban committee, be kept by the council, and the urban committee may authorise the president and clerk to draw cheques upon its bank accounts for the purpose of meeting expenditure authorised by the urban committee.

554B. Where an urban area has been established and there is no urban committee of that area in office the council may exercise in relation to the urban area the powers given by this Act to an urban committee or which the council could exercise upon the application or request of an urban committee.

Sec. 551.
(Security for loans.)

New secs.
554A, 554B.

Accounts of urban committees.

Powers of council when no urban committee in office.

Local Government (Amendment).

19. (1) Part XXIX of the Principal Act is amended— Amendment of Part XXIX of Act No. 41, 1919.

5 (a) (i) by inserting in subsection eight of section five hundred and sixty-two after the word "council" the words "for any reason set out in section thirty-five or section thirty-six"; Sec. 562. (County councils.)

10 (ii) by inserting in subsection fourteen of the same section after the words "county council" the words "and the Minister";

(iii) by inserting at the end of the same section the following new subsection:—

15 (15) Where a vacancy in the office of delegate continues after the time prescribed for election thereto, the Governor may appoint any member of the councils concerned to fill the vacant office:

2 Provided that where he deems it expedient the Minister may authorise the holding of an election to fill the vacant office.

25 (b) (i) by omitting paragraphs (a), (b), and (c) of subsection three of section five hundred and sixty-three, and by inserting in lieu thereof the following new paragraphs:— Sec. 563. (Election of chairman.)

(a) within one month after the date of the first election or appointment of the county council; and

30 (b) within one month after the date of each subsequent general election or an appointment of the whole of the county council; and

35 (c) within the month of December in each of the years intervening between the years of the general elections of the county council; and

(d) within one month after the occurrence of a vacancy.

(ii)

Local Government (Amendment).

- (ii) by inserting next after subsection three of the same section the following new subsection :—
- 5 (3A) The chairman may resign his office by letter to the county council.
- (iii) by inserting at the end of the same section the following new subsection :—
- 10 (11) The county council may pay to its chairman an allowance during his term of office. Allowance to chairman.
- (e) by omitting the proviso to subsection four of section five hundred and sixty-five inserted by section thirty-five of the Local Government (Validation and Amendment) Act, 1922, and by adding a proviso in the same terms at the end of subsection four of section five hundred and sixty-four ; Sec. 565 (4). (Correction of an error.)
- 15 (d) by inserting at the end of paragraph (a) of section five hundred and seventy-three the following words : “ without limiting the generality of the foregoing power applying any of the provisions of sections twenty-six, thirty, thirty-one, thirty-five, forty-eight, eighty-six, or of Part VIII of this Act ; and ” Sec. 573 (1). (Ordinances.)
- 20 (2) Part I of the Principal Act is amended by inserting in the definition “ office ” or “ civic office ” after the word “ alderman ” the words “ or chairman or member of a county council. ”
- 25 (3) Section thirty-five of the Local Government (Validation and Amendment) Act, 1922, is hereby repealed.
- 30 **20.** Part XXX of the Principal Act is amended— Amendment of Part XXX of Act No. 41, 1919. (Legal proceedings.)
- (a) by omitting from subsection three of section five hundred and ninety the words “ a council ” and inserting the words “ the clerk ” ; Sec. 590 (3). (Debts.)
- 35 (b) by inserting at the end of section five hundred and ninety-one the following new paragraph :— Sec. 591. (Laying of informations.)
- (c) in any case by an officer of the Board of Health appointed by that board in that

Local Government (Amendment).

that behalf either generally or in respect of any special proceeding.

- 5 (c) by omitting from subsection five of section six hundred and three the words "without obtaining the approval of the Governor to such purchase"; Sec. 603 (5). (Consequential in Act No. 29, 1922, s. 32.)
- 10 (d) by omitting from paragraph (f) of subsection three of section six hundred and four the words "by ordinance" and by inserting in lieu thereof the words "by regulations made under the Conveyancing Act, 1919"; Sec. 604 (3) (f). (Conveyances by Public Trustee.)
- 15 (e) by omitting from subsection two of section six hundred and eight and from section six hundred and nine the words and figures "Part III of the Trustee Act, 1898" and by inserting in lieu thereof the words and figures "Part IV of the Trustee Act, 1925"; Secs. 608 (2), 609. (Payment into court.)
- 20 (f) (i) by omitting from subsection one of section six hundred and ten the words and figures "sections fifty-nine, sixty-one, and sixty-three of the Trustee Act, 1898—(a) the particular" and by inserting in lieu thereof the words and figures "Part IV of the Trustee Act, 1925—(a) the"; Sec. 610. (Ibid.)
- 25 (ii) by omitting subsection two of the same section.
- 30 (g) by inserting in subsection two of section six hundred and eleven after the figures "1898" the words and figures "or under Part IV of the Trustee Act, 1925"; Sec. 611 (2). (Ibid.)
- 35 (h) by inserting next after section six hundred and twenty-five the following new section:—
 625A. Where the value of land is an issue to be determined in any court, a notice under section one hundred and sixty-three coming from the custody of the council may, if the transfer of the land to which the notice relates, or the purchase price or consideration therefor is, in the opinion of the court, material to be considered, be received as prima facie evidence of
- 40

Local Government (Amendment).

of the contents thereof, and without proof of the signature of the person or persons by whom the notice purports to have been signed.

(i) in section six hundred and forty—

Sec. 640.
(Recovery of penalties.)

5 (i) by inserting after subsection one the following new subsection, namely:—

10 (1A) Any penalty, fine, or forfeiture under this Act or any ordinance made thereunder recovered in proceedings instituted by a member of the police force or by an officer of the Board of Health shall be paid to the Consolidated Revenue Fund.

15 (ii) by inserting at the commencement of subsection two the words "subject to the provisions of this section"; and by inserting in the same subsection after the words "police force" the words "or an officer of the Board of Health."

20 (j) by inserting at the commencement of subsection two of section six hundred and forty-seven the words "except with the consent of any council the interests of which may be concerned";

Sec. 647 (2).
(Proclamations.)

25 (k) by omitting subsection two of section six hundred and forty-nine and by inserting in lieu thereof the following new subsection:—

Sec. 649 (2).
(Public inquiries.)

30 (2) The person holding the inquiry shall have the powers conferred by the Royal Commissions Act, 1923, on a commissioner appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

35

(1)

Local Government (Amendment).

(1) (i) by omitting paragraph (d) of subsection five of section six hundred and fifty-four and by inserting new paragraph (d) in lieu thereof:—

Sec. 654 (5).
(Conse-
quential on
Act No. 50,
1924.)

5 (d) the Metropolitan Water, Sewerage and Drainage Board;

(ii) by omitting from paragraph (n) of the same subsection the word "and"; and by adding at the end of subsection five the following new paragraphs:—

(Addition
of other
departments.)

10 (p) the Grafton and South Grafton Water Board;

(q) the Forestry Commission of New South Wales;

15 (r) the Main Roads Board of New South Wales.

21. (1) Schedule Three of the Principal Act is amended—

Amendment
of Act No. 41,
1919, Sch. 3.

20 (a) by omitting subclause two of clause ten and inserting the following subclause in lieu thereof:—

(Separate
valuations.)

25 (2) Lands which are separately owned, or lands which do not adjoin shall be separately valued provided that all lands valued on a freehold basis which are separated by a road generally used by the public may be included in one valuation if owned by the same person and worked as one holding.

30 (b) by inserting at the end of subclause two of clause nineteen the following new paragraph:—

(Part
ratable.)

(g) determine whether any part of the land included in a valuation is ratable, and the value of that part.

(2) The Principal Act is further amended—

Secs. 4, 368,
651, Sch. 3

35 (a) by omitting from section four, from section three hundred and sixty-eight, from section six hundred and fifty-one, and from clause twenty-four of Schedule Three the words "Board of Water Supply and Sewerage"

Local Government (Amendment).

and by inserting in lieu thereof the words "Metropolitan Water, Sewerage and Drainage Board";

- 5 (b) by omitting from section three hundred and sixty-eight and from section four hundred and five and clause twenty-four of Schedule Three the words "Metropolitan Water and Sewerage Act of 1880" and by inserting in lieu thereof the words "Metropolitan Water, Sewerage, and Drainage Act, 1924";

- 10 (c) by inserting at the end of subsection four of section four hundred and twenty the following words:—

15 For the purposes of this subsection "sitting days" means days upon which a House meets for the despatch of business; and a prorogation or dissolution of Parliament shall not prevent the running of the fifteen sitting days within which the notice of motion to disallow an agreement or part is to be given.

- 20 **22.** The Woollahra Loan Act, 1918, is amended—

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

25 4. The council shall in each year commencing with the year beginning on the first day of January next following the commencement of the Local Government (Amendment) Act, 1927, levy a loan rate on the unimproved capital value of all ratable land in the municipality for the purpose of paying interest on and repaying the principal of the loan, and shall continue to levy such rate each year until the sum borrowed shall have been repaid.

- (b) by omitting the Schedule to the said Act. (Schedule.)

- 35 **23.** The proclamations respecting—

- (a) Wellington Water Supply, published in the Government Gazette number sixty-seven of the eighth day of June, one thousand nine hundred and twenty-three;

(b)

Local Government (Amendment).

- (b) Ballina Water Supply, published in the Government Gazette number one hundred and five of the seventh day of July, one thousand nine hundred and twenty-two ;
- 5 (c) Peak Hill Water Supply, published in the Government Gazette number sixty-nine of the fifteenth day of June, one thousand nine hundred and twenty-three ;
- 10 (d) Gunnedah Water Supply, published in the Government Gazette number forty-four of the thirteenth day of April, one thousand nine hundred and twenty-three ;
- 15 (e) Balranald Water Supply, published in the Government Gazette number sixty-five of the eighth day of May, one thousand nine hundred and twenty-three ;
- 20 (f) Cootamundra Water Supply, published in the Government Gazette number one hundred and seventy-one of the twenty-fourth day of December, one thousand nine hundred and twenty-five,

shall be deemed to have been valid and of full force and effect notwithstanding that any such proclamation may have affected a thing done before the publication thereof.

24. The securities given by the Blaxland Shire Council and the Bellingen Shire Council respectively during the year one thousand nine hundred and twenty-five to secure the repayment of the respective sums of five thousand pounds and nine thousand pounds borrowed for the purpose of establishing electricity supply undertakings in the Portland and Bellingen urban areas respectively are hereby validated.

Validation of certain securities.

25. The Municipal District of Wrightville Naming Act of 1902 is hereby repealed.

Repeal of Act No. 116, 1902.

26. (1) The Impounding Act, 1898, is amended by inserting next after section seven the following new sections :—

Amendment of Impounding Act, 1898

40 7A. (1) Every poundkeeper shall keep copies of the latest edition of the brand directories and of subsequent Gazettes containing lists of the brands subsequently

Poundkeepers to keep brand directory. cf. Act No. 27, 1901, s. 182.

Local Government (Amendment).

subsequently registered and the names and residences of the proprietors thereof; and shall, on the receipt of a fee of one shilling, permit a search in such brand directories and Gazettes at all reasonable hours.

5

(2) Every poundkeeper who fails to comply with any requirement of this section shall, for every such offence, be liable to a penalty not exceeding five pounds.

10

7B. (1) When any cattle or horses are impounded, the poundkeeper shall forthwith send notice thereof to the proprietor of the brand which appears last in order on such cattle or horses.

Notice of
impounding
to be sent to
owner of
brand.
Act No. 27,
1901, s. 135.

15

(2) Every poundkeeper who neglects or delays to send any such notice shall, for every such offence, be liable to a penalty not exceeding ten pounds.

(2) Nothing in this section shall affect the operation of paragraph (c) of subsection one of section four hundred and twenty-three of the Local Government Act, 1919, as amended by this Act.

20

27. The Main Roads Act, 1924, is amended by inserting in section three next after the definition of "Metropolitan Main Road" the following definition:—

Amendment
of Act No. 24,
1924, s. 3.

25

"Minister" means the Minister of the Crown for the time being administering this Act.

1927.

Legislative Council.

Local Government (Amendment) Bill, 1927.

EXPLANATORY MEMORANDUM.

THIS BILL has for its principal object the amendment of the Local Government Act to provide for its smoother working ; to extend the Local Government electoral franchise ; to extend the powers of shire and municipal councils ; and to validate certain proclamations, borrowings, and other matters.

The principal provisions of the Bill are—

- Clause 2 is designed to make the definition of "subdivision" more clear.
- Clause 3 makes various amendments in the provisions as to alteration of areas, and provides more clearly for the continuance of contracts and the division of the rights and liabilities when areas are altered or new areas are constituted by uniting or dividing areas or parts of areas.
- Clause 5 provides for adult franchise, subject to six months' residence before the prescribed day of enrolment ; and that a naturalised alien may vote without producing a certificate of renunciation of his foreign citizenship.
- Clause 6 amends the provisions relating to the employment of an engineer by a municipal council ; and gives gas managers the right to demand inquiry before dismissal, similarly to town clerks, engineers, health inspectors, and overseers.
- Clause 7 (d) raises the minimum amount to be derived from a general rate in a shire to 5s. in respect of each parcel of land.
- Clause 7 (e) makes it clear what lands used in connection with public charities and churches are exempt from rating.
- Clause 7 (j) amends the provisions of the Act relating to valuation (for the purpose of rating) of leases from the Crown for pastoral and agricultural purposes, with the object of curing the anomalies at present existing in respect of the rating of such holdings.
- Clause 7 (k) is designed to enable rates to be apportioned in certain cases where buildings are occupied by several lessees.
- Clause 7 (m) and (n) empowers councils to abandon rates on the certificate of their auditors instead of requiring them to obtain the Minister's approval in such cases.
- Clause 7 (q) empowers councils to overdraw on any fund without obtaining authority from Minister up to one-third of the income of the fund as certified by the auditor.
- Clause 7 (x) empowers the Governor to direct that a loan shall not be taken into account in calculating a council's limit of borrowing in a case where the income from the loan work is sufficient to provide for redemption, &c.
- Clause 8 (a) amends the law as to the repairs of roads crossed by or crossing private railways.
- Clause 8 (d) empowers a council to name or alter the name of road without obtaining the Minister's approval.
- Clause 8 (i) empowers a council to lease a public road or portion thereof not needed for public use.
- Clause 9 requires baths and washtubs to be provided in certain cases ; empowers a council to regulate tipping of rubbish ; to direct removal of ruinous walls or buildings ; to regulate and control use of firearms, and the keeping and use of inflammable or explosive compounds or materials ; to require the fencing of quarries, dams, &c, or where fencing is not considered sufficient, to require the filling in of such quarries, &c. ; and also empowers a council to subsidise life-saving clubs.

- Clause 10 (d) empowers a council to control the erection or alteration of the position of fences.
- Clause 11 (a) (ii) and (b) gives a council control over the subdivision of land into blocks containing more than 20 acres for the purpose of ensuring proper means of access to each of such blocks.
- Clause 12 amends Part XIV of the Act dealing with water, sewerage, drainage, and electricity works constructed for councils by Public Works Department in order to facilitate the administration with respect to such works and with respect to the debts due by councils for such construction.
- Clause 13 (c) permits animals to be impounded in quarantine areas in the most convenient pound, having regard to the provisions of the Stock Diseases Act.
- Clause 15 (a) and (b) reduces the period for destruction of noxious plants and animals so declared by councils to one month, and allows the Court to decide in proceedings for penalty whether reasonable steps have been taken to comply with the requirements of the council instead of leaving that matter to the council as at present.
- Clause 15 (c) imposes the duty on occupiers or owners to destroy plants or animals declared by the Governor to be noxious in all areas or in any district, and provides that the council or any person may sue for a penalty in such cases.
- Clause 15 (e) empowers council to require the destruction of noxious weeds by an adjoining council for 80 chains outside its boundaries instead of 40 chains as at present.
- Clause 16 (b) deals with the leases of public watering places.
- Clause 16 (e) proposes to repeal section 511, which deals with the control of the erection of monuments.
- Clause 17 (b) empowers a council to let its property by lease for terms exceeding two years without obtaining the Governor's approval provided such lease is thrown open to competition by public auction or tender.
- Clause 18 (a) is designed to improve the provisions of the Act respecting the election, &c., of urban committees.
- Clause 18 (b) makes it clear that a loan raised for the benefit of an urban area may be secured not only upon a local loan rate but, in addition, upon the general revenues of the shire as in the case of other loans.
- Clause 19 (a) and (b) is designed to improve the provisions of the Act relating to elections, &c., of members and chairmen of county councils, and to empower a county council to pay an allowance to its chairman.
- Clause 22 amends the Woollahra Loan Act, 1918, to allow the council to levy a loan rate on all ratable land in the municipality, and repeals the Schedule to that Act.
- Clause 26 amends the Impounding Act to require poundkeepers in Western Division to keep brands directories, &c.
- Clause 27 amends the Main Roads Act, 1924, by inserting a definition of "Minister." This is to enable the administration of that Act to be assigned to any Minister of the Crown.

The validations proposed are as follow :—

- (a) Validation of certain proclamations relating to water supply ;
- (b) validation of the securities given by Blaxland Shire Council and Bellingen Shire Council to secure repayment of certain sums borrowed to establish electricity supply undertakings ;
- (c) validations of certain actions of councils taken in anticipation of the amendment of the Act in certain directions as now proposed.

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.

S. G. BOYDELL,
Acting Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 4 March, 1927.

New South Wales.



ANNO SEPTIMO DECIMO

GEORGI V REGIS.

Act No. , 1927.

An Act to extend the franchise in local government areas; and for this and other purposes to amend the Local Government Act, 1919, and certain other Acts; to validate certain notifications, proclamations, and certain other matters; to repeal the Municipal District of Wrightville Naming Act of 1902; and for purposes connected therewith.

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

1. This Act may be cited as the "Local Government (Amendment) Act, 1927," and shall be read and construed with the Local Government Act, 1919, and any Acts amending the same. Short title.

Local Government (Amendment).

The Local Government Act, 1919, as so amended is in this Act called the Principal Act.

2. Part I of the Principal Act is amended as follows:—

- 5 (a) by omitting from section four the definition of "Minister"; Amendment of Act No. 41, 1919, Part I.
Sec. 4.
Omission of definition of "Minister."
- 10 (b) by omitting from the definition in section four of "Subdivision, subdivide, and similar expressions," the words "not being lots or portions in a Crown or private subdivision made before or after the commencement of this Act"; and by inserting at the end of the same definition the following new paragraphs:— Sec. 4.
(Sub-division.)
- 15 "or (c) any division of land upon disposal by the Crown made either before or after the commencement of this Act; or
- 20 (d) any division of land in accordance with the boundaries of lots in any subdivision lawfully made either before or after the commencement of this Act."
- 25 (c) by omitting from section ten the words "Height of Buildings Act, 1912," "Weights and Measures Act, 1916," and "Metropolitan Water and Sewerage Act of 1880," and by inserting in lieu thereof respectively the words "Height of Buildings (Metropolitan Police District) Act, 1912," "Weights and Measures Act, 1915," and "Metropolitan Water, Sewerage, and Drainage Act, 1924"; Sec. 10.
(Acts not affected.)
- 30 (d) by inserting in the same section after the words "the Liquor Act, 1912,"—"the Explosives Act, 1905, the Inflammable Liquid Act, 1915."

3. (1) Part III of the Principal Act is amended as follows:—

- 35 (a) In section sixteen— Amendment of Act No. 41, 1919, Part III.
Sec. 16.
(Alteration of areas.)
- 40 (i) by inserting at the end of paragraph (a) the following words:—"or where the part taken is in the Western Division, without adding it to another area";
- (ii)

Local Government (Amendment).

- (ii) by inserting in paragraph (e) after the word "areas" the words "or areas and parts of areas";
- 5 (b) in section nineteen by omitting paragraph (c) of subsection one and inserting a new para-
graph as follows:— Sec. 19.
(Proposals for alteration.)
- 10 (c) in a case where part of an area is proposed to be separated from one and attached to another area or is proposed to be created a separate area—by fifty electors of that part or by any number of electors not less than one-third of those enrolled in respect of land situated in that part; or
- 15 (c) (i) by inserting in subsection (1A) of section twenty after the words "not within an area" the letter and words "or (c) taking land from any one or more areas for the purpose of constituting such land a separate shire or municipality";
- 20 (ii) by omitting from subsection two of the same section the words "Where land is taken from one area and added to another" and inserting the following words in lieu thereof:—"Where it is proposed to exercise the powers of paragraphs (a), (b), (e), or (f) of section sixteen and where the powers of paragraphs (c) or (d) of section sixteen have been exercised the following provisions of this section shall have effect: Provided that where it is proposed to exercise the powers of paragraphs (a) or (b) or (f) of section sixteen";
- 25 (iii) by omitting subsection three;
- 30 (iv) by omitting from subsection five the words "do not confer or cannot agree" and inserting the words "have not agreed within a period of three months from the date of the Minister's requisition";
- 35 (v)

Local Government (Amendment).

- (v) by omitting from subsection six the words "and their creditors" and by inserting in lieu thereof the words "or the councils and their creditors (if any)";
- 5 (vi) by omitting from subsections six and seven of section twenty the words "in the Governor's proclamation" and by inserting in lieu thereof the words "in a proclamation";
- 10 (vii) by omitting subsection twelve of section ^{Sec.} twenty and by inserting in lieu thereof the following new subsection:—
- 15 (12) (a) Where there is a contract or agreement in existence between the council and any person relating to the performance of a work or service or the granting of a privilege throughout the whole or part of a municipality or shire, and any alteration of the area is made under this Part the
- 20 following provisions shall have effect as from the date of the alteration:—
- 25 (i) Where any portion of the area embraced by the contract or agreement is taken from the area of a council which is a party to the contract or agreement and added to the area of another council, or constituted a separate shire or municipality, the duties, rights, privileges, and liabilities of such first-
- 30 mentioned council under such contract or agreement shall be limited to the land which is within its area and is embraced by the contract or agreement; while the corresponding duties, rights, privileges, and liabilities under
- 35 the contract or agreement so far as they relate to the portion of the area embraced by the contract or agreement and added to the area of another council or constituted a separate
- 40 shire or municipality shall apply to
and

Local Government (Amendment).

and in respect of the other council or the council of the new area as the case may be.

- 5 (ii) Where by dividing or uniting areas or parts the area of a council which is a party to the contract or agreement is abolished and a new area or areas are constituted, the duties, rights, privileges, and liabilities of such first-mentioned council shall apply to and 10 in respect of the council in whose area the land embraced by the contract or agreement is included, or if such land is included in two or more 15 new areas, such duties, rights, privileges, and liabilities shall apply to and in respect of each of the councils of such areas with respect to the portion of the land included in its area.
- 20 (iii) In every such case the duties, rights, privileges, and liabilities under the contract or agreement of the other party or parties thereto shall continue 25 in full force and effect in relation only to the councils or council in whose areas or area the land embraced by the contract or agreement is included, and such councils or council 30 as the case may be shall be deemed to be substituted in the contract or agreement for the council therein named so far as such land or portion thereof is included in its area.
- 35 (b) Where the original agreement confers a right of purchase or of cancellation upon the council that right shall not without the consent of the other party or parties to the agreement be exercised (after 40 the alteration of boundaries or reconstitution aforesaid) unless the councils concerned exercise it in concert with each other.

(c)

Local Government (Amendment).

(c) This subsection may be set aside by agreement between the parties concerned.

5 (d) This subsection shall be deemed to have come into force on the first day of January, one thousand nine hundred and twenty.

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

10 20A. (1) Where areas are altered by—
(a) taking part of one area and adding it to another area ; or
(b) adding to an area land which is not within an area ; or
15 (c) taking land from one or more areas and constituting such land a separate shire or municipality,

New s. 20A.
Application
of
ordinances.

20 then as from the date specified in that behalf in the proclamation, or if no date is so specified as from the date of the publication in the Gazette of the proclamation, the following provisions shall have effect :—

25 (i) The ordinances which shall thereafter apply to the part added and to the area as so altered are the ordinances for the time being in force in the area to which the part was so added, and ordinances which for the time being apply to towns, villages, and urban areas in
30 such area shall apply to towns, villages, and urban areas in the part added.

(ii) The ordinances in force in the area
35 from which a part is taken shall continue until repealed, varied, or amended under this Act to apply within the remainder of that area.

(2) This section shall be deemed to
40 have come into operation on the first day of January, one thousand nine hundred and twenty.

(e)

Local Government (Amendment).

- (e) (i) by inserting in subsection one of section twenty-one after the word "proclamation" where it firstly occurs the words "or proclamations";
- 5 (ii) by inserting in the same subsection after paragraph (q) the following new paragraph:—
- (q1) prescribe in the case of the constitution of an area in accordance with paragraphs (c), (d), (e), or (f) of section sixteen what ordinances are to be in force in the area so constituted or any part thereof, and such ordinances so prescribed shall be in
- 10 force in such area or part.
- 15 (iii) by inserting in subsection two of the same section before the words "such proclamation" the word "any."
- (2) Paragraph (d) of section six of the Local Government (Validation and Amendment) Act, 1922, is hereby repealed.
- 20 **4. Part IV of the Principal Act is amended—**
- (a) by inserting at the end of paragraph (a) of subsection one of section twenty-eight the words "or the meetings of any committee of the council";
- 25 (b) by inserting at the end of subsection five of section thirty the following new paragraph:—
- (k) 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 damage thereto by the council under its statutory powers or for compensation for the resumption thereof for the purposes of the council;
- 30 (c) (i) by inserting in subsection two of section thirty-three after the word "appointment" the following words:—"or in the event of his being absent from the State at the time of his election or appointment, within
- 35 fourteen
- 40

Sec. 21 (1).
(Proclamations.)

Repeal of
s. 6 (d) of
Act No. 29,
1922.

Amendment of
Part IV of Act
No. 41, 1919.

Sec. 28 (1).
(Travelling
expenses.)

Sec. 30 (5).
(Disqualifica-
tion for civic
office.)

Sec. 33.
(Election.)

Local Government (Amendment).

- fourteen days after his return to the State if such return is within sixty days of the election or appointment”;
- 5 (ii) by omitting from the same subsection all words after the words “extraordinary vacancy”;
- (d) by inserting in paragraph (f) of section forty-nine after the word “relations” the words “or any of their wives’ or husbands’ relations.” Sec. 49 (f). (Ordinances.)
- 10 **5.** (1) Part V of the Principal Act is amended— Amendment of Part V of Act No. 41, 1919. (Franchise.)
- (a) by omitting subsection one of section fifty-one and inserting new subsection as follows:— Sec. 51 (1).
- 15 (1) In order to have the requisite qualification of an elector in respect of a ward or riding a person must, on the day prescribed for enrolment, be either an owner or ratepaying lessee of ratable land in the ward or riding, or an occupier of land in the ward or riding. Meaning of requisite qualification.
- 20 (b) by omitting paragraphs (d), (e), (f), (g), and (h) of section fifty-four and inserting new paragraph (d) as follows:— Sec. 54. (Qualification of occupier.)
- 25 (d) upon such prescribed day he is residing or has his principal place of abode on land, whether ratable or not, in the ward or riding and has continuously during the period of six months next preceding such prescribed day resided or had his principal place of abode in the area:
- 30 (c) by omitting paragraph (b) of section fifty-five including the proviso inserted by section seven of the Local Government (Validation and Amendment) Act, 1922; Sec. 55 (b). (Aliens.)
- 35 (d) (i) by omitting from subsection two of section fifty-six the words “ward or riding” and inserting the word “area”; Sec. 56. (Persons entitled to vote.)
- (ii) by omitting subsection three of the same section.

Local Government (Amendment).

(2) Section seven of the Local Government (Validation and Amendment) Act, 1922, is hereby repealed. Repeal of Act No. 29, 1922, s. 7.

6. (1) Part V of the Principal Act is further amended— Amendment of Act No. 41, 1919, Parts V and VI.

(a) (i) by omitting from subsection one of section seventy-two the words "the election" and by inserting in lieu thereof the words "any ordinary election, or on and from the day of nomination at any extraordinary election"; Sec. 72. (Uncontested election.)

(ii) by omitting from subsection two of the same section the words "the election" where those words secondly occur and inserting in lieu thereof the words "any ordinary election, or on and from the day of nomination at any extraordinary election";

(b) by omitting the proviso to section eighty-two and by inserting the following proviso in lieu thereof:— Sec. 82. (Compulsory polls.)

Provided that in the case of the votes being equal the question shall be undetermined, and that if the decision of the poll is against the proposal voted upon the same question or one substantially the same shall not be again submitted to a poll for a period of at least one year.

(2) Part VI of the Principal Act is amended—

(a) by omitting from section eighty-eight the words "make an appointment" and inserting in lieu thereof the words "appoint and employ a town or shire clerk"; Sec. 88. (Certificated clerks.)

(b) by omitting from subsection two of section ninety the words "the council shall if during the last preceding year its income from all sources other than a gas or electricity undertaking exceeded the sum of fifteen thousand pounds" and by inserting in lieu thereof the following words:—"the employment of an engineer"

Local Government (Amendment).

engineer shall be optional with the council except that in cases where the aggregate income of the council in respect of—

- 5 (a) the General Fund ;
 (b) the Water Supply Local Fund (if any) ;
 (c) the Sewerage Local Fund (if any) ;
 (d) any special and/or local fund for the building of roads or bridges or engineering works (other than electrical engineering)

10 exceeds the sum of fifteen thousand pounds, the council shall ” ;

- (c) (i) by inserting in subsection one of section ninety-nine after the word “inspectors” the words “gas managers” ;
 (ii) by omitting subsection eight of the same section and by inserting in lieu thereof the following new subsection :—

Sec. 99 (1).
 (Dismissal
 of certain
 servants.)
 New ss. (8).

- 20 (8) The person holding the inquiry shall have the powers conferred by the Royal Commissions Act, 1923, on a commissioner appointed under Division 1 of Part II of that Act and the said Act, section thirteen and Division 2 of Part II excepted, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

30 **7.** Part VII of the Principal Act is amended as follows :—

Amendment of
 Part VII of Act
 No. 41, 1919.
 (Finance.)

- (a) by inserting next after subsection one of section one hundred and twenty-one the following new subsection :—

Sec. 121.
 New ss. (1A).

- 35 (1A) For or towards meeting any liability transferred to the council of a municipality or shire consequently upon the alteration of the boundaries of the area, the council may make and levy a local rate on the unimproved capital value or on the improved capital value of the ratable land added to the area.

Local rate.

40

(b)

Local Government (Amendment).

(b) by omitting subsection two of section one hundred and twenty-three and inserting new subsection two as follows:—

5 (2) The council shall in the manner prescribed define a lighting district within which such rate shall be levied.

(c) (i) (a) by inserting in subsection six of section one hundred and twenty-four after the word "service" the words "or any additions or extensions thereto";

10 (b) by inserting in the same subsection after the words "in respect of the loan" the words "or loans";

15 (c) by inserting in the same subsection after the word "rate" wherever occurring the words "or rates";

(ii) by omitting from subsection ten of section one hundred and twenty-four the words "if the Minister consent";

20 (iii) by inserting at the end of the same section the following new subsections:—

25 (13) Where a loan is or has been raised for the construction or reconstruction of a main road as defined by the Main Roads Act, 1924, and the Main Roads Board of New South Wales has granted the council a subsidy for or towards the payment of interest on or the repayment of principal of such loan the Minister may grant permission to the council to reduce or to refrain from levying the loan rate during the continuance of the subsidy.

30 (14) Where a loan is raised for meeting any liabilities transferred to the council consequently upon the alteration of the boundaries of the area, the loan rate may at the discretion of the council be levied as a local loan rate only on the ratable land added to the area.

(d)

Local Government (Amendment).

(d) (i) by omitting from paragraph (d) of sub-
 section one of section one hundred and
 thirty-two the word "solely";

Sec. 132.
 (Ratable
 land.)

5 (ii) by omitting paragraph (h) of the same
 subsection and by inserting in lieu thereof
 the following new paragraph:—

10 (h) land which is occupied by and is used
 in connection with a church or other
 building which is used or occupied
 for public worship, or which is used
 or occupied for other purposes in
 connection with the work or activities
 15 of a church, or as a rectory, vicarage,
 presbytery, manse, or parsonage, in
 connection with such church or
 building: provided that lands which
 are not used in connection with the
 activities of a church even though
 the revenues derived from such lands
 20 be applied, in whole or in part, to the
 purposes of the church, and lands
 acquired or used for the purpose of
 investment, shall be ratable.

25 (e) (i) by omitting from subsection two of section
 one hundred and thirty-three the words "is
 not ratable or that it is not ratable to any
 particular rate" and by inserting in lieu
 thereof the words "or some part thereof is
 not ratable or not ratable to any particular
 30 rate";

(ii) by inserting at the end of subsection five of
 the same section the following paragraph:—
 Where the Court determines that part
 only of the land is ratable, the Court shall
 35 determine the value of that part.

(f) by omitting paragraph (b) of section one
 hundred and thirty-five;

Sec. 135 (b).
 (Consequential
 amendment,
 see Act 1921
 No. 10, s. 23
 (8)).

(g)

Local Government (Amendment).

- (g) by inserting at the beginning of subsection two of section one hundred and thirty-seven the following words:—"Subject to the provisions of section one hundred and forty-one";
- 5 (h) by inserting at the end of section one hundred and thirty-nine the following new subsection:—
- (9) Where land which was ratable becomes not ratable, part of the rate paid thereon proportionate to the period of the year during which the land is not ratable shall be refunded by the council.
- 10
- (i) by omitting section one hundred and forty-one and by inserting in lieu thereof the following new section:—
- 15 141. (1) Where any rate is levied on the unimproved capital value of land held for pastoral or agricultural purposes under lease from the Crown under any Act dealing with Crown lands (including homestead selections) or under the Hay Irrigation Act, 1902, or the Wentworth Irrigation Act (1890), or which is held under lease or permit (other than a grazing permit for a term less than twelve months) under the Forestry Act, 1916, the unimproved capital value for the purpose of such rate shall, subject to this Act, be the sum ascertained by calculation as follows:—
- 20
- 25
- (a) in the case of a lease which carries no right of conversion ultimately into a freehold tenure or of a permit—twenty times the amount of the rent payable under the lease or permit during the year next preceding that in which the calculation is made;
- 30
- 35 (b) in the case of all other leases—during the first ten years of the lease dating from the grant thereof—twenty times the amount of the rent payable under the

Sec. 137 (2).
(Temporary valuation provisions.)

Land becoming not ratable.
Sec. 139 (9).

Sec. 141.

Rating of Crown leases.

Rating of Crown leases and permits.

Local Government (Amendment).

the lease during the year next preceding that in which the calculation is made; and during the remainder of the lease —thirty times the amount of such rent;

- 5 (c) where a lease or permit was not in force during the preceding year the rent for the current year shall be used in the calculation.

10 (2) The lessee of any such land may at any time before the first day of November in any year elect that instead of the rate being levied on the unimproved capital value ascertained as set out in the preceding subsection, it shall be levied on the unimproved
15 capital value of land valued in accordance with the law as if the holder of the lease or homestead selection were the owner of the fee simple :

20 Provided that upon any election being duly made by a lessee under this section the election shall be binding upon him for a period of five years; at the expiration of which he may again elect, and so on at intervals of five years :

25 Provided further that in any case where an election is duly made under this section, the council shall, in levying any rate on the unimproved capital value, give effect to such election.

In this subsection "lessee" includes the holder of a permit, and "lease" has a corresponding meaning.

30 (3) Where no such election has been made, a notice of valuation shall not be deemed to be invalid merely on account of the notice not including a statement of the unimproved capital value of the land ascertained in accordance with
35 Schedule Three of this Act.

This subsection shall extend and be deemed from the commencement of this Act to have extended to areas in which the provisions of Schedule Three of this Act are in force.

(j)

Local Government (Amendment).

(j) by inserting after section one hundred and fifty-one new section as follows :— New s. 151A.

5 151A. (1) This section shall apply to any case where a lessee has agreed with the owner or with the mesne lessee from whom he immediately holds to pay municipal or local government rates, whether under those designations or under any words of description which would include rates made under this Act, but shall only apply where such agreement was made after— Existing agreements, apportionment of rates.

10 (a) the first day of January, one thousand nine hundred and eight, in the case of land within any municipality ;

15 (b) the first day of January, one thousand nine hundred and seven, in the case of land within any shire.

20 (2) Where from any such agreement it appears that such agreement was intended to provide for the payment of a proportion and not the whole of the rates, and where such agreement does not provide a method of arriving at such proportion, any party to such agreement may make application to the Valuer-General to make a fair and equitable adjustment of the proportion of such rates which in the opinion of the Valuer-General should be paid under the agreement.

25 (3) The adjustment shall be made by the Valuer-General according to the respective interests of the parties in the land as unimproved for the purposes of the general rate or any rate levied on the unimproved capital value, and as improved in the case of any rate levied on the improved capital value.

30 (4) The cost of such adjustment shall be paid by the person applying therefor and shall be fixed by the Valuer-General.

(5)

Local Government (Amendment).

- 5 (5) Every adjustment so made by the Valuer-General shall be final and conclusive and shall not be subject to appeal, and the agreement shall be read as if the amount determined by the Valuer-General to be payable in respect of the part comprised in the agreement had originally been inserted therein.
- 10 (6) A certificate of the adjustment purporting to be signed by the Valuer-General or his deputy shall be prima facie evidence of the adjustment.
- (k) by inserting the following new subsection after subsection four of section one hundred and fifty-seven:—
- 15 (5) Where a lease has been granted or is granted by the Crown under the provisions of subsection two of section 70B of the Mining Act, 1906, the lease shall for the purpose of this section be deemed to have been granted by the owner of the land leased.
- 20 (l) by omitting from section one hundred and sixty-one the words "unless proceedings for the recovery thereof have failed, or the approval of the Minister to the abandonment or writing off has been obtained" and by inserting in lieu thereof the words "except in accordance with an ordinance in that behalf, and then only upon the certificate of the auditor of the council that the abandonment or writing off is in accordance with such ordinance";
- 25 (m) by inserting at the end of section one hundred and sixty-five the following new paragraph:—
- 30 (c) the class of cases in which, and the circumstances in which, rates may be abandoned or written off.
- 35 (n) by omitting from subsection one of section one hundred and sixty-seven the words "ordinance by resolution of the council" and by inserting in lieu thereof the words "charge or fee so fixed, then the charge or fee may be
- 40

Sec. 157.

Mining lessees, &c.,
division of liability.Dover, &c.,
Co.
v. Cessnock,
6 L.G.R.
119.

Sec. 161.

(Abandonment of rates.)

Sec. 165.

(Ordinances.)

Sec. 167 (1).

(Charges for services.)

Local Government (Amendment).

be fixed by resolution of the council subject to the maximum (if any) prescribed by ordinance";

- 5 (o) by omitting subsection two of section one hundred and seventy-three and by inserting in lieu thereof the following new subsection:— Sec. 173 (2). (Ways of borrowing.)

10 (2) Except as provided in section one hundred and seventy-four a council shall not borrow unless the loan has been previously authorised, that is to say the approval of the Governor has been obtained.

15 Application for such approval or for the authority of the Minister referred to in section one hundred and seventy-four shall be made by the council in the prescribed manner.

- (p) by omitting section one hundred and seventy-four and by inserting the following new section:— Sec. 174.

20 174. (1) The council may borrow by way of limited overdraft for any purpose which the council is authorised to create or expend any fund (other than a trust fund) or for any purpose for which moneys raised by ordinary loan may be applied. Purposes of overdraft.

25 (2) Subject to this section the amount which may be borrowed by the council by way of overdraft shall not exceed one-third of the income of the fund concerned, that is to say:— Limit of overdraft.

- 30 (a) one-third of the income as shown by the latest year's accounts; or
 (b) if the fund was not in existence for the whole of the preceding year, one-third of the income as estimated in the published estimates of the council for the year in which the overdraft is obtained.

35 (3) If the council find it necessary for any specially urgent reason to borrow by way of overdraft in excess of the amount indicated in subsection two of this section it may apply to the Minister, who may give authority accordingly up to but not exceeding
 0 c.c.-half

Local Government (Amendment).

one-half the previous year's income or estimated income, as the case may be, but any such authority shall be subject to conditions requiring the council to reduce the overdraft to not more than one-third of a year's income of the fund within a term of years specified in the authority, not exceeding five years in any case.

(4) No greater sum shall be borrowed under this section than the amount stated in a certificate of the auditor of the council as being the sum which may be borrowed within the limits imposed by this section or the authority of the Minister.

- (q) (i) by omitting from subsection one of section one hundred and seventy-five the words "the certificate of limit of overdraft is issued" and by inserting in lieu thereof the words "the money is borrowed";
- (ii) by inserting in subsection two of the same section after the word "certificate" where that word first occurs the words "of the auditor of the council";
- (iii) by omitting from the same subsection the words "issue of the certificate" and by inserting in lieu thereof the word "borrowing";
- (r) by omitting section 177A and the short heading preceding that section;
- (s) by inserting next after section one hundred and seventy-eight the following short heading and section:—

Ratepayers' advances.

178A. (1) Subject to this section the council may, without obtaining any approval under section one hundred and seventy-three, accept an advance not exceeding five hundred pounds from a ratepayer for the purpose of carrying out necessary works applied for by the ratepayer.

(2)

Local Government (Amendment).

(2) The loan shall be either free of interest or at a rate not exceeding four per centum per annum simple interest.

5 (3) The terms of the loan shall include provision for repayment by yearly or half-yearly instalments spread over not more than ten years.

10 (4) The council shall not accept any such advance if the amount proposed to be accepted when added to other amounts then owing by the council under this section exceeds ten per centum of the total revenue of such council for the preceding year.

15 (5) It shall not be compulsory for the council to levy a loan rate in respect of any such loan.

(6) The council shall report each such loan, its purpose and terms, to the Minister for record.

20 (t) by inserting at the end of subsection nine of section one hundred and eighty the following proviso :— Sec. 180 (9).
(Shire special loans.)

25 "Provided that where the council satisfies the Governor that a net income will probably be or has already been derived from any loan work or service after making full provision for the depreciation of the assets and payment of interest and instalments of repayment or reserve in respect of the loan, the Governor
30 may direct that such loan or part thereof shall not be taken into account in calculating the council's limit of borrowing under this section."

35 (u) by inserting at the end of subsection eight of section one hundred and eighty-one the following words :— "Where the proposal has been so altered the council shall notify the altered proposal unless the Minister certifies that the alteration is not of a substantial nature"; Sec. 181 (8).
(Special loans.)

(v)

Local Government (Amendment).

(v) by inserting next after section 181B the New s. 181c. following new section :—

5 181c. (1) The Governor may grant approval County of Cumberland main roads. to a council to borrow for the construction of a main road in the county of Cumberland if the council has first obtained the approval of the Main Roads Board of New South Wales to such construction and an undertaking from the board to defray the interest and repay the loan.

10 (2) In such case it shall not be necessary for the council to carry out the procedure required by section one hundred and eighty or section one hundred and eighty-one of this Act as a condition precedent to borrowing, except to make application thereunder for the Governor's approval.

(3) In any such case it shall not be necessary for the council to levy a loan rate.

20 (4) Any such loan shall not be taken into account in ascertaining whether the council's borrowings are within the limit provided by this Act.

25 (5) This section shall be deemed to have come into operation on the first day of January, one thousand nine hundred and twenty-five.

(w) by inserting at the end of paragraph (a) of Sec. 184. section one hundred and eighty-four the (Limits of borrowing.) following proviso :—

30 " Provided that where the council satisfies the Governor that a net income will probably be or has already been derived from any loan work or service after making full provision for the depreciation of the assets and payment of interest and instalments of repayment or reserve in respect of the loan, the Governor may direct that such loan or part thereof shall not be taken into account in calculating the council's limit of borrowing under this section."

40 (x)

Local Government (Amendment).

- (x) (i) by omitting from subsection three of section two hundred and eleven the words "but may be cancelled by the Governor at any time and an appointment may be made for the unexpired portion of the one-year's term"; Sec. 211 (3). (Auditors.)
- 5 (ii) by omitting subsection four of the same section; Sec. 211 (4). *Ibid.*
- 10 (iii) by omitting from subsection nine of the same section the words "in addition to certifying as aforesaid" and by inserting in lieu thereof the words "in respect of each audit." Sec. 211 (9). (Audit.)
- 8.** Part IX of the Principal Act is amended— Amendment of Part IX of Act No. 41, 1919. (Public roads.)
- (a) by inserting after section two hundred and thirty-three a new section as follows:— New s. 233A.
- 15 **233A.** (1) Where any bridge or level crossing over any private railway or any railway bridge has been constructed before or after the commencement of this Act by any person, firm, or company, whether under the authority of any Act or not, the following provisions shall have effect:— Private railways, bridges, and street crossings.
- 20 (a) The owner of the railway shall, so long as the bridge and the roadway thereover or level crossing or the roadway under the bridge is left open for traffic, keep the bridge, level crossing, or overbridge and the roadway under such overbridge in a proper state of repair to the satisfaction of the council.
- 25 (b) The council may at any time by notice direct the owner of the railway to reconstruct or repair any such bridge, level crossing, or overbridge, or the roadway under such overbridge. Sec s. 632 post.
- 30 (c) Such owner may upon giving the prescribed notice close and fence off such bridge or level crossing or the roadway under such overbridge so as to prevent traffic
- 35

Local Government (Amendment).

traffic thereon for such time as is necessary to enable the requirements of the council to be carried out.

5

(d) Any dispute between a council and the owner of such railway as to any matter arising under this section shall be settled in the same manner as is provided in section two hundred and seventy-three of this Act for the settlement of a difference between a council and the Railway Commissioners for New South Wales.

10

15

(e) The provisions of this subsection shall be subject to any agreement made between the council or its predecessor and the owner or his predecessors in title.

20

(2) The provisions of subsection one of this section shall not apply to any bridge, level crossing, or overbridge constructed by any person, firm, or company under the provisions of section five hundred and two of this Act.

25

(3) Where before the commencement of the Local Government (Amendment) Act, 1927, the council has reconstructed or repaired any such bridge, level crossing, or overbridge or the roadway under such overbridge for the purpose of putting the same in a proper state of repair, the owner of the railway shall be liable for the cost of such reconstruction or repair, and the council may recover such cost from such owner in any court of competent jurisdiction.

30

35

(b) by inserting at the end of subsection one of section two hundred and forty-three the following words:—"The portion of a footway which is at the intersection of two public roads shall be deemed to be opposite and adjacent to the land nearest thereto which is bounded by the two public roads";

40

(c)

Local Government (Amendment).

- (c) by inserting in section two hundred and forty-five after the words "any person by" the words "whom or by"; Sec. 245. (Extraordinary traffic.)
- 5 (d) by omitting from paragraph (a) of section two hundred and forty-nine all the words after the word "road" and by inserting in lieu thereof the following words:—"Provided that before doing so the council shall publish notice of the proposal in the prescribed manner, and give consideration to any representations made with respect to the proposal"; Sec. 249 (a). (Naming roads.)
- 10 (e) by inserting at the end of subsection one of section two hundred and fifty-one the following words:—"It shall not be necessary for a council when exercising such powers to notify in the Gazette its intention to grant permission to erect a public gate"; Sec. 251 (1). (Public gates.)
- 15 (f) by inserting in the proviso to subsection five of section two hundred and sixty-two after the word "repairs" the words "and improvements," and by inserting in the same proviso after the word "preservation" the words "and temporary use"; Sec. 262 (5). (Realignment.)
- 20 (g) by inserting at the end of section two hundred and seventy-one the following new subsection:—
Sec. 271. (Works under Water Act, 1912.) Drainage union.
 (3) For the purposes of this section the word "trust" shall be deemed to include a drainage union constituted under the provisions of the Water Act, 1912, or any Act thereby repealed.
- 25 (h) by inserting next after section two hundred and seventy-six the following new section:—
New s. 276A. Leasing unnecessary roads.
 276A. The council may (after public notice and hearing any objector who lodges objection within one month) lease to any adjoining landowner for not more than five years at any one time any public road or part thereof which the council considers is not needed for present public use.
- 35
 40

Any

Local Government (Amendment).

Any such lease shall contain a provision for the determination of the lease by the council upon six months' notice to the lessee.

- 5 (i) (i) by omitting from paragraph (g) of section two hundred and seventy-seven the words and figures "Neglected Children and Juvenile Offenders Act, 1905" and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";
- 10 (ii) by inserting at the end of the same section the following new paragraph:—
- 15 (u) The publication of notices with respect to proposals to name or alter the names of roads, and action to be taken by the council subsequently to such naming or renaming.
9. (1) Part X of the Principal Act is amended—
- Amendment of Part X of Act No. 41, 1919. (Public health and convenience.)
- 20 (a) by inserting in section two hundred and seventy-nine after the word "health" the word "safety";
- 25 (b) (i) by inserting in subsection two of section two hundred and eighty-one at the end of paragraph (1) the following words:—"in any such case the council may remove and sell the materials, and after deducting the expenses incident to the demolition, removal, and sale, pay over the balance (if any) to the owner. If such proceeds do not cover the expense the amount of the deficiency may be recovered by the council from the owner in any court of competent jurisdiction";
- 30 (ii) by inserting in the same subsection after paragraph (m) the following new paragraph:—
- 35 (n) require that a dwelling on land ratable to a sewerage rate in connection with any
- Sec. 277 (g) (Ordinances.)
- Sec. 279. (General powers.)
- Sec. 281 (2) (1). (Sanitation.)
- Ibid.* (2) (n).
- Baths and washtubs.

Local Government (Amendment).

any public system of sewerage shall be provided with a suitable bath and washtubs.

- 5 (c) by omitting subsections six, seven, and eight of section two hundred and eighty-three; Sec. 283. (Night-soil and garbage removal.)
- (d) by inserting at the end of section two hundred and eighty-nine the following new paragraphs:— Sec. 289.
- 10 (h) control and regulate the depositing upon any land of any material likely to cause a public nuisance or to give rise to a condition which will endanger public health, or material likely to attract or tend to attract vermin to such land, or to form suitable harbourage for vermin; Tipping rubbish.
- 15 (i) direct the removal of walls or buildings which in the opinion of the council have become ruinous and may become dangerous to the public, or may remove such walls or buildings, at the expense of the owner thereof; Unsafe walls, &c.
- 20 (j) regulate and control the use of firearms within the boundaries of any city, town, village, or urban area; Firearms.
- 25 (k) regulate and control the keeping and use of inflammable or explosive compounds or materials in any city, town, village, or urban area; Inflammable substances.
- 30 (l) where land is used as a private lane, right-of-way, or means of access to two or more properties, by notice in writing require the owners of the properties served thereby to drain the lane, right-of-way or means of access, or to remove therefrom any matter or thing which may, in the opinion of the council, cause any insanitary or objectionable condition thereon; Private lanes.
- 35 (m)

Local Government (Amendment).

- 5 (m) require quarries, clay-pits, disused mines, dams or waterholes on any land likely to be a danger to the public to be enclosed by a sufficient fence to the satisfaction of the council; or where the council considers that in the circumstances fencing is not a sufficient precaution require the owner of any quarry, clay-pit, disused mine, dam or waterhole to empty the same of water, or to fill in or cover the same to the satisfaction of the council within a time stated by the council. Quarries,
mines, &c.
- 10
- 15 Any such owner may within the time and in the manner prescribed by rules of court appeal to a district court judge having jurisdiction within the area against the requirement of the council.
- 20 Such judge may determine whether the requirement of the council is reasonable in all the circumstances of the case and whether it shall or shall not be carried out either in its entirety or with modifications and may extend the time within which anything is to be done. The costs of the appeal shall be in the discretion of the judge.
- 25 If costs are awarded they may be recovered in like manner to costs awarded in a judgment of the district court.
- 30
- 35 (e) by inserting in subsection two of section two hundred and ninety-eight after the words "the council" the words "may subsidise life-saving clubs and"; Sec. 293 (2).
(Life-saving
clubs.)
- 40 (f) (i) by inserting in the heading of the same Part after the words "Public Health" the word "Safety"; (Conse-
quential
amendments.)
- (ii) by inserting in the subheading of Division 5 of the same Part after the word "health" the word "safety." (2)

Local Government (Amendment).

(2) Part I of the Principal Act is amended by inserting in section three after the words "Public Health" the word "Safety," (Consequential amendments.)

10. Part XI of the Principal Act is amended—

5 (a) by omitting from paragraph (b) of subsection two of section three hundred and five the words "or villages" and by inserting in lieu thereof the words "villages or portions of a shire"; Amendment of Part XI of Act No. 41, 1919. Sec. 305 (2). (Regulation of building.)

10 (b) by omitting subsection two of section three hundred and nine, and by inserting the following subsection in lieu thereof :— Sec. 309. (Residential districts.)

15 (2) Nothing in this section shall preclude the continuance of the use of any building for any purpose for which the same was used immediately before the date of the proclamation aforesaid, or the alteration, enlargement, rebuilding or extension of any building used for any such purpose whether or not such alteration, enlargement, rebuilding or extension involve the use of adjoining land which immediately before the date of the proclamation was in the same ownership or for such other purpose as the council thinks reasonable in the circumstances.

25 (c) by inserting at the end of section three hundred and thirteen the following new paragraph :— Sec. 313. (Erection of buildings.)

30 (i) height, materials, stability, design, and position of fences (if any) to be erected on or on the boundaries of the allotment on which the building is to be erected.

(d) by inserting next after section three hundred and sixteen the following new section :— New sec. 316A.

35 316A. When a plan has been approved by a council, fencing or other structures not shown upon the plan shall not at any time, without the consent of the council, be erected so as to restrict the use in connection with the building of the unoccupied area of the allotment. Alteration of fencing.

(e)

Local Government (Amendment).

- (e) by inserting at the end of paragraph seven of section three hundred and eighteen the following words:—"and regulating generally the erection of fences on or on the boundaries of any land and the height, materials, stability, design, and position of existing fences on or on the boundaries of any land." Sec. 318.
- 5
- 11.** Part XII of the Principal Act is amended—
- (a) in section three hundred and twenty-seven— Amendment of Part XII of Act No. 41, 1919. (Town planning.) Sec. 327.
- 10 (i) by omitting from paragraph (c) of subsection two the words "the signatures of all necessary parties"; (Plans.)
- (ii) by inserting at the end of the proviso to subsection two the words "and each of the said parts has a frontage to a public road;" (Means of access.)
- 15 (b) by omitting from the proviso to section three hundred and thirty-three, paragraph (a) thereof; Sec. 333. (Limit removed.)
- 20 (c) (i) by omitting subsection five of section three hundred and thirty-four; Sec. 334 (5). (Pipes in roads.)
- (ii) by omitting paragraph (b) of subsection six of the same section and by inserting the following new paragraph:— Ibid. (6).
- 25 (b) in a shire, unless at the time of the proposed subdivision the land is within the area served by the water or gas supply of any village, town, or urban area or within the area to be served by any such supply under construction or about to be constructed at the time of the subdivision.
- 30 (d) by inserting at the end of section three hundred and thirty-nine the following new subsection:— Sec. 339.
- 35 (2) A contravention of this or any other section of this Part shall not invalidate or be deemed to have invalidated any instrument intended to affect or evidence the title to any land. Saving.
- 40 (e)

Local Government (Amendment).

(e) by inserting after section three hundred and forty the following new sections:—

5 340A. (1) Where in the subdivision of land provision is made for public garden and recreation space, such space shall be conveyed or transferred to the council if the council at any time so requires.

10 (2) This section shall apply where such provision was made in a subdivision effected prior to the commencement of the Local Government (Amendment) Act, 1927, as well as to cases in which it is made after such commencement.

15 340B. (1) Where in the subdivision of land provision is made for a drainage reserve, such reserve shall be conveyed or transferred to the council if the council at any time so requires.

20 (2) This section shall extend to subdivisions made since the passing of the Local Government (Validation and Amendment) Act, 1922, as well as to subdivisions made after the passing of the Local Government (Amendment) Act, 1927.

12. Part XIV of the Principal Act is amended—

25 (a) (i) by omitting subsection three of section three hundred and seventy-four and inserting the following subsection:—

30 (3) As soon as practicable after such notification as aforesaid the Minister for Public Works shall certify under his hand the amount which has been expended on such works together with interest, at a rate or rates as provided in this section accrued from the time of expenditure of each sum included in such amount up to the end of the half year in which the notification as provided in subsection seven of this section is published.

(ii)

New secs.
340A, 340B.
(Reserves.)

Public
garden and
recreation
spaces.

Drainage
reserves.
See ss. 332
(c), 333 (h),
398.

Amendment of
Part XIV of Act
No. 41, 1919.
(Water,
sewerage, &c.)
Sec. 374 (3).

Local Government (Amendment).

- (ii) by inserting after subsection three of section Sec. 374 (3A). three hundred and seventy-four the following new subsection:—

5 (3A) In any case where the certificate does not include all amounts expended or to be expended on any work, the Minister for Public Works shall, when the total amount expended shall have been ascertained, finally certify under his hand the
10 whole of the amount expended upon such works.

Such final certificate shall include the amount of any previous certificate less the amount of any principal repaid or due to the end of the half-year in which the final certificate is given and shall also include
15 any amount not previously included together with interest thereon at the rate or rates as provided in this section calculated from the time of expenditure of each sum included therein up to the end of the half year in which the notification as provided in subsection seven of this section is published.

- 20
25 (iii) by omitting subsection six of section three hundred and seventy-four and inserting the following subsection:—

30 (6) The amount of any such certificate or final certificate subject to any such partial remission as aforesaid when notified by the Governor as provided in this section, shall be the capital debt of the council to the Treasurer.

35 An earlier certificate shall be superseded by a final certificate at the expiration of the half-year in which such final certificate is given, but not sooner.

- 40 (iv) by adding after the word "interest" in paragraph (c) of subsection seven of section Sec. 374 (7). three hundred and seventy-four the words "at a rate as provided in this section";

(v)

Local Government (Amendment).

(v) by omitting subsection eight of section three hundred and seventy-four and inserting the following subsection :—

(8) (a) The Governor shall by proclamation as soon as may be after the commencement of the Local Government (Amendment) Act, 1927, for periods prior to the thirtieth day of June, one thousand nine hundred and twenty-six, and, as soon as may be after the thirtieth day of June in each and every year for periods after such commencement, fix the rate of interest to be charged on amounts expended in any such period.

Sec. 374 (8).
Interest—
Fixation of
rate.
cf. C.T.W.
& S. (Amend-
ment) Act,
1905, s. 29.

(b) The rate so to be fixed for each period shall reasonably approximate to the percentage cost of moneys borrowed by the Government of New South Wales in the twelve months immediately prior to that period for which the rate of interest is fixed.

(c) The rates to be adopted for the purposes of certificates to be made under the provisions of subsections three and (3A) of this section and subsection three of section three hundred and seventy-seven shall be the rates proclaimed in accordance with paragraph (a) of this subsection.

(d) The rates to be adopted for purposes of paragraph (c) of subsection seven of this section and paragraph (b) of subsection four of section three hundred and seventy-seven shall be determined having regard to the several rates proclaimed in accordance with paragraph (a) of this subsection for any periods during the construction of the works, and also to the amount expended in each of the said periods.

(e) For the purposes of this subsection the expression "period" shall be deemed

Local Government (Amendment).

deemed to mean the period of twelve months commencing on the first day of July in any year.

(vi) by inserting at the end of the same section Sec. 374 (10), the following new subsection :—

5 (10) Every certificate of the Minister for Public Works and every notification by the Governor purporting to have been given or made under this section before the commencement of the Local Government (Amendment) Act, 1927, shall be deemed to have been given or made in accordance with the provisions of this Act, notwithstanding any failure of compliance with the provisions thereof, and every such notification by the Governor of the capital debt of a council for water, sewerage, drainage, or electricity works shall be deemed in all respects whatsoever to have been and to be valid.

20 (b) by omitting from subsection one of section three hundred and seventy-five the words "carried by the Treasurer to a Loan Trust Fund" and by inserting the words "paid to the General Sinking Fund constituted under the State Debt and Sinking Fund Act, 1904";

25 (c) by omitting section three hundred and seventy-seven and by inserting the following new section in lieu thereof :—

30 377. (1) When any work partly constructed by the Minister for Public Works but not completed is in his opinion so far constructed as to be of use to the council he may report that fact to the Governor.

35 (2) The Governor may notify that the council shall take over any partly constructed work and the care and management thereof.

40 (3) The said Minister may certify the amount actually expended in such construction, and the amount so certified, together with interest in accordance with section three hundred

Validation
of past
certificates
and notifi-
cations.

Partly
constructed
works.

Local Government (Amendment).

hundred and seventy-four of this Act, shall upon the certificate being notified become a debt due by the council to the Treasurer.

5 Such interest shall be calculated from the time of the expenditure of each sum included in such amount up to the end of the half-year in which the notification provided for in this section is published.

10 (4) Upon receipt of such certificate the Governor may notify—

15 (a) the period not exceeding in any case one hundred years in which the debt is to be paid; such period shall be fixed with regard to the nature and durability of the work; and

20 (b) the instalment which shall be paid by the council during each half-year succeeding that in which the notification is published in order to repay such debt with interest.

25 (5) The council shall in respect of any indebtedness under this section be liable for payment thereof in the same way as if works had been notified as complete in accordance with provisions of section three hundred and seventy-four of this Act.

30 (6) Like action may be taken from time to time, and the provisions of this section shall apply when the work has been further constructed and before completion.

35 (7) When any work has been notified as having been finally completed and the capital debt on the completed work and the period for repayment fixed and the half-yearly instalment has been notified, the provisions of this section shall be superseded by the foregoing provisions of this Part.

40 (8) In finally computing the capital debt credit shall be given to the council for payments under this section in respect of works notified before actual completion.

Local Government (Amendment).

- (c) by adding at the end of subsection one of section three hundred and seventy-eight the following proviso :—

5 Provided that in respect of stormwater drainage works the council, with the approval of the Governor, may defray the cost of maintenance and management, and provide for the payment of instalments from the general fund or the sewerage local fund, or make a contribution of such amount as may be approved by the Governor from the general fund to the stormwater drainage local fund.

- 10 (d) (i) by omitting subsections one, two, and three of section three hundred and eighty-eight and the short heading preceding that section and by inserting the following short heading and subsections in lieu thereof :—

Special powers of Governor and Minister for Public Works.

20 (1) The Minister for Public Works shall from time to time cause inspection to be made of any water, sewerage, drainage, or electricity works of the council where there is money owing to the Treasurer by the council in respect of those works.

25 If upon any such inspection he is of opinion that such works are not properly constructed or not kept in repair or not kept in efficient working order he may direct the council to make such repairs or alterations as he thinks necessary, and, if the council makes default for three months in effecting such repairs or alterations, he may cause such repairs or alterations to be effected and recover the cost thereof from the council as a debt.

30 (2) (a) In respect of any water, sewerage, drainage, or electricity works constructed by the Minister for Public Works for any council under this Act, or the Acts repealed

35 by

40 by

Local Government (Amendment).

5 by this Act, or otherwise out of public funds, the Governor, by notification, may direct that a specified sum shall be set aside annually out of the revenue derived from such works in order to provide a reserve for the purpose of effecting renewals of such works.

10 (b) The sum so notified shall be paid each year into a separate account in the council's bank.

15 As soon as may be after such payment the amount set aside shall be invested in Commonwealth or State Government loans or securities or placed on fixed deposit at interest with a bank or with the Treasurer.

Interest accruing from such investments or such deposit shall be regularly added to the account and invested in like manner.

20 (c) The fund created by such payments and interest accrued thereon shall not be drawn upon by the council except for the purpose of effecting such renewals of the works as may be approved by the Minister for Public Works.

25 (3) (a) In the event of a council making default in respect of the requirements of this section the Governor may direct that the sum notified as aforesaid shall be paid each year into a Special Deposits Account in the Treasury, and if any council fail forthwith to comply with such direction the provisions of section three hundred and seventy-six of this Act shall apply as in the case of a council making default in due
30 payment of any instalment.

35 Interest at a rate to be fixed by the Treasurer shall be credited annually to the account by the Treasurer, and the account shall not be drawn upon except for such
40 renewals as may be approved by the Minister for Public Works.

(b)

Local Government (Amendment).

(b) This subsection shall apply to any existing fund created for the purpose of providing for renewals if the Governor so direct, and to the extent specified in such direction.

(c) The provisions of subsections two and three of this section may be suspended or varied in whole or in part in any case where the Governor is satisfied that adequate provision has already been made for the renewal of any works.

(ii) by omitting from subsection four of the same section the words "Minister (or the Minister for Public Works)" and by inserting in lieu thereof the words "Minister for Public Works";

(e) by inserting in subsection five of section three hundred and ninety-two after the word "Minister" the words "for Public Works";

(f) (i) by inserting in subsection one of section three hundred and ninety-six after the word "Minister" the words "for Public Works";

(ii) by omitting subsection two of the same section and inserting in lieu thereof the following new subsection:—

(2) The Minister for Public Works shall cause inspection to be made of any sewage disposal or treatment works, and may give directions as to their proper maintenance and working in order that their efficiency may be maintained and that nuisance therefrom may be prevented.

Such directions shall be obeyed by the council, and if not so obeyed within a reasonable time after written notice thereof is served upon the council, the said Minister may cause such things to be done for the aforesaid purposes as he may deem necessary, and may recover the expense thereby incurred from the council as a debt.

(g)

Local Government (Amendment).

- (g) by inserting in subsection one of section four hundred and one after the word "may" the words "on the recommendation of the Minister for Public Works"; Sec. 401 (1). (Catchment districts.)
- 5 (h) (i) by omitting from subsection one of section four hundred and two the words "the Minister or"; Sec. 402. (Control and management by Government.)
- (ii) by omitting from subsection two of the same section the words "the Minister or";
- 10 (i) by inserting at the end of section four hundred and three the following words: "and may require the construction of sufficient drains for that purpose, or may, at the cost of the owner, construct drains to dispose of roof, surface, and other waters from the premises so as to conduct the water to the most appropriate gutter or water channel under the control of the council." Sec. 403. (Drainage.)
- 15
- 13.** Part XVIII of the Principal Act is amended— Amendment of Part XVIII of Act No. 41, 1919. (Impounding.)
- 20 (a) by omitting from paragraph (c) of subsection one of section four hundred and twenty-three the words "and sections one hundred and eighty-two and one hundred and eighty-three of the Stock Act, 1901"; Sec. 423 (1) (c). (Consequential on Act No. 14, 1921, s. 2.)
- 25 (b) by inserting in section four hundred and twenty-four at the end of the definition of "occupant" the following words:—"and in respect of a travelling stock and camping reserve includes the Pastures Protection Board under whose control such reserve has been placed under section 26A of the Pastures Protection Act, 1912"; Sec. 424. (T.S. & C.R.)
- 30 (c) by inserting the following words at the end of section four hundred and twenty-seven:— Sec. 427. In what pound.
- 35 Where a quarantine area or line has been notified or established under the Stock Diseases Act, 1923, the pound to which the animal shall be taken shall be the pound to which access may be had most conveniently having regard to the provisions of that Act;
- 40 (d)

Local Government (Amendment).

(d) by omitting from subsection six of section Sec. 433 (6).
four hundred and thirty-three the words "from (Release.)
the pound";

(e) by inserting at the end of section four hundred Sec. 436.
and thirty-six the following new subsection:— Surplus.

5 (5) Where the proceeds of the sale of an
impounded animal exceed the fees, charges,
and damages payable under this Act in respect
of such animal the council shall on request
10 pay such surplus to the owner of the animal.

14. Part XIX of the Principal Act is amended by Amendment
of Part XIX
of Act No. 41,
1919.
omitting subsection six of section four hundred and
forty-six and inserting the following new subsection in
lieu thereof:— Sec. 446 (6).

15 (6) (a) A sum not exceeding three thousand (Waverley
Cemetery.)
pounds may be expended from the Waverley
Cemetery Fund upon the construction or reconstruc-
tion of the following roads within the municipality
of Waverley:—

20 Boundary street East, St. Thomas street,
Trafalgar street, Macpherson street, and
the twenty-feet lane at the foot of the
cemetery wall.

(b) In addition to the said amount a sum
25 not exceeding three hundred and sixty-five pounds
in any one year may be expended from the
Waverley Cemetery Fund annually on the
maintenance of the following roads in approach
or adjacent to the cemetery, namely:—

30 Chesterfield parade—from Arden street to
St. Thomas street.

Trafalgar street—from St. Thomas street to
Hardy street.

35 Boundary street—from St. Thomas street to
the Pacific Ocean.

Boundary street—from Arden street to St.
Thomas street.

Twenty-feet lane at foot of cemetery wall.

40 St. Thomas street—from Macpherson street
to Boundary street.

Macpherson street—from Albion street to St.
Thomas street.

*Local Government (Amendment).***15.** Part XXII of the Principal Act is amended—

Amendment of
Part XXII of Act
No. 41, 1919,
(Noxious plants
and animals.)
Sec. 470.

- (a) (i) by inserting in subsection one of section
four hundred and seventy after the word
“declared” the words “by the council”;
- 5 (ii) by omitting from subsection two of the *Ibid.*
same section the words “After the expira-
tion of two months from the publication of
the notice aforesaid, if the occupier of any
land has not in the opinion of the council
10 taken reasonable steps to comply with the
requirements of this section the council
may subject to the provisions of this Act”
and by inserting in lieu thereof the words
“After the expiration of one month from
15 the publication of the notice aforesaid, if
the occupier of any land has not taken
reasonable steps to comply with the require-
ments of this section the council may,
subject to the provisions of this Act”;
- 20 (b) (i) by inserting in section four hundred and *Sec. 471.*
seventy-one after the word “declared” the
words “by the council”;
- (ii) by omitting from paragraph (a) of sub- *Ibid.*
section one of the same section the words
25 “two months” and by inserting in lieu
thereof the words “one month”;
- (iii) by omitting from subsection two of the *Ibid.*
same section the words “in the opinion of
the council”;
- 30 (c) by inserting after section four hundred and *New s. 471A.*
seventy-one the following new section:—
471A. (1) Where any plant or animal has
35 been declared by the Governor to be a noxious
plant or animal in all municipalities and
shires, or in any district under the provisions
of section four hundred and sixty-eight, it shall
be the duty of all occupiers, or if there be no
occupier the owner, of any land therein to
keep such land free therefrom.

Duty to
destroy on
declaration by
Governor.

Local Government (Amendment).

(2) Any occupier or owner offending against the provisions of this section shall be liable to a penalty not exceeding fifty pounds.

5 (3) Proceedings for recovery of a penalty under this section may be instituted by the council or by any person.

10 (4) The council may at its discretion in any case where the occupier or owner fails to destroy any such plant or animal, prior to or subsequently to or in lieu of prosecuting for such offence, cause such plant or animal within such land to be destroyed, and may recover from the occupier or owner, as the case may be, any reasonable expense incurred thereby.

15 (5) The provisions of subsection four of section four hundred and seventy-one shall apply with respect to plants or animals declared to be noxious under section four hundred and sixty-eight.

20 (d) (i) by omitting from section four hundred and seventy-three the proviso to subsection two, and inserting in lieu thereof the following provisos :—

25 Provided that this subsection shall not apply to dedicated roads which are separated from such lands by fences, and are used as public thoroughfares :

30 Provided also that where a road, whether dedicated or undedicated, which adjoins any such lands is fenced on one side only, the council may notify that the duty to destroy noxious plants and animals upon the whole of such road shall extend to and apply to the person whose unfenced lands the road adjoins.

35 (ii) by inserting in subsection three of the same section after the word "statutory" the words "or public," and after the word "reserves" the words "or public reserves";

(e)

Local Government (Amendment).

- (e) by omitting from subsection one of section four hundred and seventy-five the word "forty" and inserting the word "eighty." Sec. 475.

16. Part XXIII of the Principal Act is amended— Amendment of
of Part XXIII
of Act No. 41,
1919.

- 5 (a) (i) by omitting from subsection two of section four hundred and ninety-three the words "Board of Water Supply and Sewerage" and by inserting in lieu thereof the words "Metropolitan Water, Sewerage and Drainage Board"; Sec. 493 (2).
(Guarantees,
Water and
Sewerage.)
- 10 (ii) by inserting at the end of the same section the following new subsection:— Sec. 493.
New subsection.
(Local rates.)
- 15 (4) Notwithstanding anything contained elsewhere in this Act, a local rate levied under the provisions of this section may be combined with the general rate and the proceeds of the combined rate may be paid into the general fund. Combined
rate.
- 20 Where a combined rate is levied as provided in this section it shall not be necessary to keep the accounts of a local fund.
- 25 Any sum payable in respect of a guarantee under this section may, pending the making or collection of the combined rate, be paid from the general fund.
- 30 The provisions of subsections two and three of section one hundred and twenty-seven shall apply to a combined rate levied under the provisions of this subsection.
- (b) by omitting from section five hundred the word "tar-paving" and inserting the word "paving"; Sec. 500.
(Works on
private land.)
- 35 (c) (i) by inserting in subsection one of section five hundred and two after the words "bridges across" the words "or subways under"; Sec. 502.
(Private
railway
lines.)
- 40 (ii) by inserting in subsection two of the same section after the words "provided by" the words "section two hundred and seventy-three of"; (iii)

Local Government (Amendment).

- (iii) by omitting from subsection five of the same section the words "bridge or level crossing" and by inserting in lieu thereof the words "level crossing, subway, or bridge";
- (iv) by inserting in the same subsection after the word "crossing" where that word secondly and thirdly occurs the word "subway";
- (d) by omitting section five hundred and eleven. Sec. 511.
(Monuments.)
- 17.** Part XXIV of the Principal Act is amended— Amendment of
Part XXIV of
Act No. 41, 1919.
- (a) by omitting section five hundred and seventeen and inserting the following:— Sec. 517.
517. (1) The council may agree to pay for any purchase lawfully made, or for the performance of any work which it might lawfully undertake, by instalments extending over a period of years. Time-payment contracts.
- (2) Before entering into any such contract the council shall advertise the proposed conditions of the contract and call for tenders. Such tenders shall be considered on their merits before a decision is arrived at.
- (3) A council shall not enter into contracts under this section if the amount of the liabilities under such contracts when added to the amount owing by the council as loans shall exceed twenty per centum of the unimproved capital value of all ratable land in the area in the case of a municipality, or in the case of a shire thrice the amount of the income of the shire as shown by the last year's accounts.
- (4) The council shall not enter into a contract under this section if the amount of the annual payments necessary under such contract when added to the annual payments to be made under any other contract under this section then subsisting in respect of any particular fund shall be more than ten per centum

Local Government (Amendment).

- centum of the estimated income of that fund during the year in which the contract is entered into.
- 5 (b) (i) by omitting from subsection two of section Sec. 519 (2). (Leases.) five hundred and nineteen the words "with-
out the approval of the Governor";
- (ii) by inserting at the end of the same subsection the words "except upon competition either by public auction or tender";
- 10 (iii) by inserting at the end of the same section the following new subsections:—
- (3) The lease shall reserve the best rent cf. Sydney Corporation Act, No. 35, 1902, s. 141, as inserted by Act No. 7, 1924, s. 16. that can reasonably be obtained, regard being had to the circumstances of the case.
- 15 (4) 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.
- 20 (c) by omitting from section five hundred and twenty the words "or lease"; Sec. 520. Ibid.
- (d) by omitting from subsection one of section five hundred and twenty-two the words "making or repairing such public road, and in building, (Boundary roads, bridges, &c.) providing, maintaining" and by inserting in lieu thereof the words "making, repairing, or lighting such public road, and in building, providing, maintaining, lighting";
- 25 (e) by omitting from paragraph (d) of subsection Sec. 524 (2). two of section five hundred and twenty-four the words "the clause" and by inserting in lieu thereof the words "this section."
- 18.** Part XXVII of the Principal Act is amended as follows:— Amendment of Part XXVII of Act No. 41, 1919. (Urban areas.)
- 35 (a) In section five hundred and forty-nine—
- (i) by the omission of subsection four and the insertion of new subsection four as follows:— Sec. 549. (Urban committees.)
- 40 (4) The number of committeemen constituting an urban committee shall be

Local Government (Amendment).

be three or such other number as the Governor may determine from time to time.

- 5 (ii) by adding after subsection six new subsection 6A as follows :—

(6A) If a vacancy in the office of urban committeeman continue after the time prescribed for election thereto the Governor may appoint any qualified person to the vacant office :

10 Provided that where he deems it expedient the Minister may authorise the holding of an election to fill the vacant office.

- 15 (b) (i) by omitting from subsection two of section five hundred and fifty-one the words "only for the benefit of an urban area shall be secured only" and by inserting in lieu thereof the words "upon the application of an urban committee or for the benefit of an urban area shall be secured primarily";

- 20 (ii) by omitting subsection four of the same section.

- 25 (c) by adding after section five hundred and fifty-four the following new sections :—

554A. Notwithstanding anything contained in sections five hundred and fifty and five hundred and fifty-one of this Act, the accounts of an urban committee may, at the request of the urban committee, be kept by the council, and the urban committee may authorise the president and clerk to draw cheques upon its bank accounts for the purpose of meeting expenditure authorised by the urban committee.

30 554B. Where an urban area has been established and there is no urban committee of that area in office the council may exercise in relation to the urban area the powers given by this Act to an urban committee or which the council could exercise upon the application or request of an urban committee.

Local Government (Amendment).

19. (1) Part XXIX of the Principal Act is amended—

Amendment of
Part XXIX of
Act No. 41, 1919.

5 (a) (i) by inserting in subsection eight of section five hundred and sixty-two after the word "council" the words "for any reason set out in section thirty-five or section thirty-six";

Sec. 502.
(County
councils.)

10 (ii) by inserting in subsection fourteen of the same section after the words "county council" the words "and the Minister";

(iii) by inserting at the end of the same section the following new subsection:—

15 (15) Where a vacancy in the office of delegate continues after the time prescribed for election thereto, the Governor may appoint any member of the councils concerned to fill the vacant office:

20 Provided that where he deems it expedient the Minister may authorise the holding of an election to fill the vacant office.

25 (l) (i) by omitting paragraphs (a), (b), and (c) of subsection three of section five hundred and sixty-three, and by inserting in lieu thereof the following new paragraphs:—

Sec. 563.
(Election of
chairman.)

(a) within one month after the date of the first election or appointment of the county council; and

30 (b) within one month after the date of each subsequent general election or an appointment of the whole of the county council; and

35 (c) within the month of December in each of the years intervening between the years of the general elections of the county council; and

(d) within one month after the occurrence of a vacancy.

(ii)

Local Government (Amendment).

- (ii) by inserting next after subsection three of the same section the following new subsection :—
- 5 (3A) The chairman may resign his office by letter to the county council.
- (iii) by inserting at the end of the same section the following new subsection :—
- 10 (11) The county council may pay to its chairman an allowance during his term of office. Allowance to chairman.
- (c) by omitting the proviso to subsection four of section five hundred and sixty-five inserted by section thirty-five of the Local Government (Validation and Amendment) Act, 1922, and by adding a proviso in the same terms at the end of subsection four of section five hundred and sixty-four; Sec. 565 (4). (Correction of an error.)
- 15 (d) by inserting at the end of paragraph (a) of section five hundred and seventy-three the following words: "without limiting the generality of the foregoing power applying any of the provisions of sections twenty-six, thirty, thirty-one, thirty-five, forty-eight, eighty-six, or of Part VIII of this Act; and"
- 20 (2) Part I of the Principal Act is amended by inserting in the definition "office" or "civic office" after the word "alderman" the words "or chairman or member of a county council." Sec. 573 (1). (Ordinances.)
- 25 (3) Section thirty-five of the Local Government (Validation and Amendment) Act, 1922, is hereby repealed.
- 30 **20.** Part XXX of the Principal Act is amended— Amendment of Part XXX of Act No. 41, 1919. (Legal proceedings.)
- (a) by omitting from subsection three of section five hundred and ninety the words "a council" and inserting the words "the clerk"; Sec. 590 (3). (Debts.)
- 35 (b) by inserting at the end of section five hundred and ninety-one the following new paragraph :—
- (c) in any case by an officer of the Board of Health appointed by that board in that Sec. 591. (Laying of informations.)

Local Government (Amendment).

- that behalf either generally or in respect of any special proceeding.
- 5 (c) by omitting from subsection five of section six hundred and three the words "without obtaining the approval of the Governor to such purchase"; Sec. 603 (5). (Consequential in Act No. 29, 1922, s. 32.)
- 10 (d) by omitting from paragraph (f) of subsection three of section six hundred and four the words "by ordinance" and by inserting in lieu thereof the words "by regulations made under the Conveyancing Act, 1919"; Sec. 604 (3) (f). (Conveyances by Public Trustee.)
- 15 (e) by omitting from subsection two of section six hundred and eight and from section six hundred and nine the words and figures "Part III of the Trustee Act, 1898" and by inserting in lieu thereof the words and figures "Part IV of the Trustee Act, 1925"; Secs. 608 (2), 609. (Payment into court.)
- 20 (f) (i) by omitting from subsection one of section six hundred and ten the words and figures "sections fifty-nine, sixty-one, and sixty-three of the Trustee Act, 1898—(a) the particular" and by inserting in lieu thereof the words and figures "Part IV of the Trustee Act, 1925—(a) the"; Sec. 610. (Ibid.)
- 25 (ii) by omitting subsection two of the same section.
- 30 (g) by inserting in subsection two of section six hundred and eleven after the figures "1898" the words and figures "or under Part IV of the Trustee Act, 1925"; Sec. 611 (2). (Ibid.)
- 35 (h) by inserting next after section six hundred and twenty-five the following new section:—
 625A. Where the value of land is an issue to be determined in any court, a notice under section one hundred and sixty-three coming from the custody of the council may, if the transfer of the land to which the notice relates, or the purchase price or consideration therefor is, in the opinion of the court, material to be considered, be received as prima facie evidence of
- 40

Local Government (Amendment).

of the contents thereof, and without proof of the signature of the person or persons by whom the notice purports to have been signed.

- (i) in section six hundred and forty—
- 5 (i) by inserting after subsection one the following new subsection, namely :—
- Sec. 640.
(Recovery of penalties.)
- (1A) Any penalty, fine, or forfeiture under this Act or any ordinance made thereunder recovered in proceedings
- 10 instituted by a member of the police force or by an officer of the Board of Health shall be paid to the Consolidated Revenue Fund.
- 15 (ii) by inserting at the commencement of subsection two the words “subject to the provisions of this section”; and by inserting in the same subsection after the words “police force” the words “or an officer of the Board of Health.”
- 20 (j) by inserting at the commencement of subsection two of section six hundred and forty-seven the words “except with the consent of any council the interests of which may be concerned”;
- Sec. 647 (2).
(Proclamations.)
- 25 (k) by omitting subsection two of section six hundred and forty-nine and by inserting in lieu thereof the following new subsection :—
- Sec. 649 (2).
(Public inquiries.)
- 30 (2) The person holding the inquiry shall have the powers conferred by the Royal Commissions Act, 1923, on a commissioner appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, and the provisions of section one hundred and fifty-two
- 35 of the Justices Act, 1902, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.
- (1)

Local Government (Amendment).

- (1) (i) by omitting paragraph (d) of subsection five of section six hundred and fifty-four and by inserting new paragraph (d) in lieu thereof:—
- (d) the Metropolitan Water, Sewerage and Drainage Board;
- (ii) by omitting from paragraph (n) of the same subsection the word "and"; and by adding at the end of subsection five the following new paragraphs:—
- (p) the Grafton and South Grafton Water Board;
- (q) the Forestry Commission of New South Wales;
- (r) the Main Roads Board of New South Wales.
- 21.** (1) Schedule Three of the Principal Act is amended—
- (a) by omitting subclause two of clause ten and inserting the following subclause in lieu thereof:—
- (2) Lands which are separately owned, or lands which do not adjoin shall be separately valued provided that all lands valued on a freehold basis which are separated by a road generally used by the public may be included in one valuation if owned by the same person and worked as one holding.
- (b) by inserting at the end of subclause two of clause nineteen the following new paragraph:—
- (g) determine whether any part of the land included in a valuation is ratable, and the value of that part.
- (2) The Principal Act is further amended—
- (a) by omitting from section four, from section three hundred and sixty-eight, from section six hundred and fifty-one, and from clause twenty-four of Schedule Three the words "Board of Water Supply and Sewerage" and

Sec. 654 (5).
(Conse-
quential on
Act No. 50,
1924.)

(Addition
of other
departments.)

Amendment
of Act No. 41,
1919, Sch. 3.

(Separate
valuations.)

(Part
ratable.)

Secs. 4, 368,
651, Sch. 3
(24).

Local Government (Amendment).

- and by inserting in lieu thereof the words "Metropolitan Water, Sewerage and Drainage Board";
- 5 (b) by omitting from section three hundred and sixty-eight and from section four hundred and five the words "Metropolitan Water and Sewerage Act of 1880" and by inserting in lieu thereof the words "Metropolitan Water, Sewerage, and Drainage Act, 1924." Secs. 368, 405.
- 10 **22.** The Woollahra Loan Act, 1918, is amended— Amendment of Act No. 26, 1918, s. 4.
- (a) by omitting section four and by inserting in lieu thereof the following new section :—
- 15 4. The council shall in each year commencing with the year beginning on the first day of January next following the commencement of the Local Government (Amendment) Act, 1927, levy a loan rate on the unimproved capital value of all ratable land in the municipality for the purpose of paying interest on and repaying the principal of the loan, and shall continue to levy such rate each year until the sum borrowed shall have been repaid. Levy of loan rate.
- 20 (b) by omitting the Schedule to the said Act. (Schedule.)
- 25 **23.** The proclamations respecting— Validation of certain proclamations.
- (a) Wellington Water Supply, published in the Government Gazette number sixty-seven of the eighth day of June, one thousand nine hundred and twenty-three;
- 30 (b) Ballina Water Supply, published in the Government Gazette number one hundred and five of the seventh day of July, one thousand nine hundred and twenty-two;
- (c) Peak Hill Water Supply, published in the Government Gazette number sixty-nine of the fifteenth day of June, one thousand nine hundred and twenty-three;
- 35 (d) Gunnedah Water Supply, published in the Government Gazette number forty-four of the thirteenth day of April, one thousand nine hundred and twenty-three;

(e)

Local Government (Amendment).

- (e) Balranald Water Supply, published in the Government Gazette number sixty-five of the eighth day of May, one thousand nine hundred and twenty-three ;
- 5 (f) Cootamundra Water Supply, published in the Government Gazette number one hundred and seventy-one of the twenty-fourth day of December, one thousand nine hundred and twenty-five,
- 10 shall be deemed to have been valid and of full force and effect notwithstanding that any such proclamation may have affected a thing done before the publication thereof.
- 24.** The securities given by the Blaxland Shire Validation of certain securities.
15 Council and the Bellingen Shire Council respectively during the year one thousand nine hundred and twenty-five to secure the repayment of the respective sums of five thousand pounds and nine thousand pounds borrowed for the purpose of establishing electricity
- 20 supply undertakings in the Portland and Bellingen urban areas respectively are hereby validated.
- 25.** The Municipal District of Wrightville Naming Repeal of Act No. 116, 1902.
Act of 1902 is hereby repealed.
- 26.** (1) The Impounding Act, 1898, is amended by Amendment of Impounding Act, 1898
25 inserting next after section seven the following new sections :—
- 7A. (1) Every poundkeeper shall keep copies of Pound-keepers to keep brand directory.
30 the latest edition of the brand directories and of subsequent Gazettes containing lists of the brands subsequently registered and the names and residences of the proprietors thereof ; and shall, on cf. Act No. 27, 1901, s. 182.
the receipt of a fee of one shilling, permit a search in such brand directories and Gazettes at all reasonable hours.
- 35 (2) Every poundkeeper who fails to comply with any requirement of this section shall, for every such offence, be liable to a penalty not exceeding five pounds.
- 40 **7B.** (1) When any cattle or horses are impounded, Notice of impounding to be sent to owner of brand.
the poundkeeper shall forthwith send notice thereof to the proprietor of the brand which appears last in order on such cattle or horses. Act No. 27, 1901, s. 183. (2)

Local Government (Amendment).

(2) Every poundkeeper who neglects or delays to send any such notice shall, for every such offence, be liable to a penalty not exceeding ten pounds.

5 (2) Nothing in this section shall affect the operation of paragraph (c) of subsection one of section four hundred and twenty-three of the Local Government Act, 1919, as amended by this Act.

10 **27.** The Main Roads Act, 1924, is amended by Amendment of Act No. 24, 1924, s. 3. inserting in section three next after the definition of "Metropolitan Main Road" the following definition:—
"Minister" means the Minister of the Crown for the time being administering this Act.