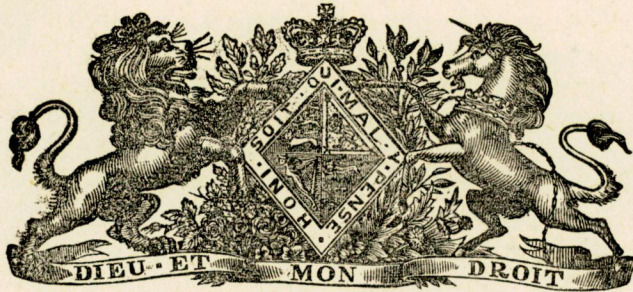


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 27 July, 1877.* }

F. W. WEBB,  
*Acting Clerk of Legislative Assembly.*

## New South Wales.



ANNO QUADRAGESIMO PRIMO

# VICTORIÆ REGINÆ.

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No. .

An Act to amend the "Municipalities Act of 1867."

**W**HEREAS it is expedient to amend the "Municipalities Act of 1867" Be it therefore enacted by the Queen'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. From and after the commencement of this Act section one hundred and eighty-nine of the Principal Act shall be and the same is hereby repealed. Provided always that all proceedings and things lawfully had done or established by the Council of any Municipality under the provisions of the section hereby repealed shall subject to the provisions hereinafter contained continue in force as if no such repeal had taken place.
2. The expression "Principal Act" wherever used herein shall be construed to mean the "Municipalities Act of 1867" And this Act and the Principal Act shall be construed in connection with the Acts sixteenth Victoria number one and twenty-second Victoria number twelve made and passed for shortening Acts of the Legislature.

Preamble.

Repeal of section one hundred and eighty-nine of the "Municipalities Act of 1867."

Interpretation of terms.

*Municipalities Act Amendment.**Assessments Rates and Accounts.*

3. In any case in which a rate has been or shall hereafter be made in respect of any unoccupied land situated within any Municipality and such rate or any part thereof shall be due unpaid 5 and in arrear for the space of four years and if after the time of making such rate due notice thereof has been given it shall be lawful for the Council of such Municipality to cause to be published at least three times in the *Gazette* and once a week for three successive weeks in some newspaper circulating within the Municipality a notice signed by 10 the Mayor in the form A in the Schedule to this Act annexed stating the name of the owner or reputed owner of such unoccupied land when known or if unknown then addressed "to all whom it may concern" and if after one year from the last publication of such notice the rates so unpaid as aforesaid and all rates which may have become due for 15 such land up to the time of the first publication of such notice together with interest thereon from the expiration of the municipal year in which such rates were respectively made at the rate of five pounds per centum per annum and together also with the expenses of such publications shall be still unpaid the said Municipal Council may demise and let the 20 said land for any term not exceeding three years then following and at the expiration of such term from year to year at the best rent that can be obtained and may receive the rents and profits thereof and apply the same in or towards payment of the rates as well those in arrear as those becoming due in each year and of the said interest until the date of the 25 payment thereof and also in or towards payment of the expenses of such publications and shall pay the surplus if any to the Colonial Treasurer to be held by him for the benefit of the person entitled thereto And an affidavit or statutory declaration made by the Council Clerk that the provisions of the fourth section of this Act relative to notice of assess- 30 ment and rate have been fully complied with as respects the said land annexed to any lease thereof made under the provisions of this Act together with the production of a copy of the said *Gazette* shall be *prima facie* evidence that the provisions of this Act and the Principal Act with respect to notices of assessment and of rates and all other 35 proceedings necessary have been fully complied with.

4. On or before the thirty-first day of March and the thirtieth day of September in every year commencing with the first of such days next after that within which such Municipality shall have been incorporated and thereafter during the periods hereinafter mentioned 40 the Council of every Municipality shall cause to be prepared and transmitted to the Colonial Treasurer a detailed account of all moneys actually received by the Council for all general and special rates and *bona fide* subscriptions or other sums received for the corporate purposes specified herein or in the Principal Act during the last 45 preceding half-year or fraction of a year And such account shall be certified to be correct by the Clerk of the Council and Auditors of the Municipality and countersigned by the Mayor.

5. After the delivery of such account and its examination the Colonial Treasurer shall pay out of the Consolidated Revenue Fund 50 under the warrant of the Governor to the Council of such Municipality as an endowment during the periods and according to the ratios next mentioned the sums following namely :—

(1.) Every Municipality in the Colony of New South Wales shall be entitled to claim from the Consolidated Revenue for the full term of ten years after the passing of this Act by half-yearly payments a sum equal to the full amount of moneys shown by such account to have been received for Municipal purposes by such Council during the preceding half-year.

(2.)

The Council may let unoccupied lands for a term of years if rates unpaid.

After publishing a notice in *Gazette* &c.

An affidavit &amp;c. to be conclusive evidence.

Half-yearly accounts to be prepared by Council.

Endowment to Municipalities.

Ten years full rates to Municipality.

*Municipalities Act Amendment.*

- (2.) After the payment of such endowment to any Municipality for such period of ten years an endowment for a further period of nine years shall be paid out of the said Consolidated Revenue calculated on the basis of such half-yearly account but on an annually decreasing scale that is to say for the first year of such period a sum equal to nine-tenths of the full amount shown to be due and for the second year of such period a sum equal to eight-tenths of the full amount shown to be due in such account and during the remainder of such period a sum decreasing by one-tenth in like manner every year and after the termination of the said ten years all further endowment shall absolutely cease. Nine years decreasing endowment.
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6. The receipt of the Treasurer of each Municipality countersigned by the Mayor shall be a sufficient discharge to the Colonial Treasurer for every payment so authorized. Receipts of Mayor and Treasurer.
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*Elections.*

7. In case no election of the Mayor or of any Alderman or Auditor takes place upon the day or within the time provided for such election or if in case of any such election taking place the same is afterwards declared to be void whether through the default of any person or by any accident or other means whatever then in any such case the election of a Mayor Alderman or Auditor may be had as in case of an extraordinary vacancy in either office and every act necessarily done for completing such election shall be valid and effectual for all purposes as if the election took place upon the day or within the time originally appointed. Irregularity in elections rectified.
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*Miscellaneous.*

8. No Judge of the Supreme Court or of any District Court shall be disabled from acting in the discharge of any judicial duties by reason of his being a ratepayer of the Municipality then suing or being sued. Judge may act although a member of the Corporation.
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9. The Council of any Municipality may in addition to the powers contained in section one hundred and fifty-three of the Principal Act from time to time make by-laws for the following matters so far as the same are not herein or by the said Principal Act expressly provided for namely :— By-laws.
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- For regulating the manner and times of driving cattle sheep horses and swine along the streets and public ways of the Municipality.
- For the regulation of bathing in any river harbour creek stream or other open public water situated within the limits of or bordering on any such Municipality and for setting apart any place or any portion of such water for the sole use of either sex respectively and for fixing hours within which persons may bathe and for requiring persons bathing to wear some proper clothing and for authorizing the erection and use of bathing houses or machines and charging license fees for the same and for providing for such other matters as may appear expedient for preserving decency or promoting the convenience of the public Provided that no by-law relating to bathing made by any Council of any Municipality shall have any effect within the limits of any other Municipality or beyond a distance of two hundred yards below low-water-mark.
- For preventing the erection (except by the Council of any Municipality or by the Government for temporary purposes) within the limits of any Municipality of any tent pavilion booth shed or other structure of calico canvas or other inflammable material without the consent of the Council.
- 10.

*Municipalities Act Amendment.*

10. Any property real or personal may be vested in the Council of any Municipality in trust for any public or charitable but not for religious purposes and such Council may act as Trustees in the administration thereof.

Corporation may act as Trustees for Charitable purposes.

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*Sewerage.*

11. It shall not be necessary as a condition precedent to the recovery by the Council of any Municipality of the expenses referred to in section fourteen of the "Nuisances Prevention Act 1875" to serve the notice therein mentioned. And the said section shall be read and construed as if the words "after the service of the notice next mentioned" were not included therein.

Not requisite to serve the notice mentioned in section fourteen of "Nuisances Prevention Act 1875."

12. Whenever Parliament shall have passed an Act which shall provide for the construction or regulation of sewers and drains within the City of Sydney and the Suburban Municipalities which it may be deemed expedient to place under a general metropolitan system of sewerage any power or authority given by the "Nuisances Prevention Act 1875" to the Council of any such Municipality where the said Act has by the Governor's Proclamation been brought into operation shall unless re-enacted by Parliament thereupon cease and determine. And any provisions in the last-named Act contained for regulating the construction and cleaning of cesspits or the construction of gutters drains or sewers shall with respect to such Municipalities be repealed upon the first-mentioned Act coming into operation.

Powers to City and Suburban Municipalities to cease in regard to sewerage.

*Loans to Municipalities.*

13. Subject to the provisions and limitations contained in sections one hundred and ninety and one hundred and ninety-one of the Principal Act and hereinafter contained the Governor on the recommendation of the Minister may authorize the Colonial Treasurer to advance on loan out of the Consolidated Revenue Fund to any Municipality a sum or sums of money not exceeding in the whole the estimated revenues thereof exclusive of Government endowment for five years for the purpose of enabling the Council thereof to carry out any works connected with the supply or regulation of water drainage sewerage or any other permanent work of public utility or sanitary improvement and an account of all such loans and of the repayment thereof shall be kept amongst the Trust accounts at the Treasury and shall be published in the quarterly abstracts of such accounts.

Governor may make advances to Municipalities.

14. The Governor shall appoint one or more Commissioners for the purpose of considering and inquiring into the expediency of granting any loan applied for by the Council of any Municipality. And for reporting upon the value of the security for such loan proposed and offered by such Council. And such Commissioners shall be empowered to examine witnesses on oath or otherwise upon any subject of their inquiry and to call for and examine all books and accounts kept by such Council. And all reasonable expenses incurred by the Commissioners in the legitimate discharge of their duties shall be defrayed by the Council and if not otherwise paid such expenses may be deducted out of any loan which may be granted to such Municipality and be paid accordingly by the Colonial Treasurer upon his being satisfied that such expenses are reasonable and proper but should no loan be granted then such expenses shall be paid by the Colonial Treasurer out of the Consolidated Revenue of the Colony.

The Governor shall appoint Commissioners to report on applications for loans.

Commissioners may examine witnesses &c.

The expenses of inquiry to be borne by Municipal Council.

15. All applications for such loans shall be made to the Minister and shall be by him referred to such Commissioners and if they shall determine to recommend any loan so applied for they shall forthwith

All applications for loans to be made to Minister.

send

*Municipalities Act Amendment.*

send in to the Minister a report specifying the amount of the loan requested—the value and nature of the several securities offered—the names of the witnesses whom they may have examined—the value at which they assessed the securities offered—the amount of the loan they recommend to be advanced—and the expense which they may have incurred in their inquiry.

16. Any sum so advanced on loan to any Municipality shall be repayable by forty half-yearly instalments of four per cent on the amount of such loan and such instalments shall be accepted in full satisfaction of both principal and interest.

Loans and interest to be repaid in twenty years by instalments.

17. For securing the payment of such instalments of any loan so made the Council of such Municipality may by deed under their common seal mortgage or otherwise bind and charge all general and special rates or either of them already then levied or to be levied as well as all other the real and personal estate of the said Municipality including all works intended to be completed by means of the said loan subject to the powers and to the several other provisions of the aforesaid sections one hundred and ninety and one hundred and ninety-one of the Principal Act Provided always that in case the Council of any Municipality after obtaining from the Consolidated Revenue Fund any such loan shall neglect to re-impose or raise for the year during the term of the mortgage any general or special rate so mortgaged as aforesaid a rate similar in amount to the rate last imposed or raised shall notwithstanding be deemed to be in force and shall be collected for the year for which the said Council had so neglected to raise or re-impose the same in the same manner as any rate established under the authority of this or the Principal Act is authorized to be raised and collected Provided also that the Colonial Treasurer may apply any endowment which may be payable to such Municipality towards the payment of any instalment of such loan as may have become due and shall not have been paid.

Municipal Councils to give security for loans.

The Treasurer shall credit repayments to Consolidated Revenue.

18. Whenever any such instalment shall have been paid by the Council of any Municipality the Colonial Treasurer shall cause the same to be entered to the credit of the Consolidated Revenue Fund and shall cause a receipt to be delivered to the Council making such repayment which receipt shall be a sufficient discharge to the said Council for such instalment.

Every sum repaid to be credited to Municipal Council.

19. This Act may be cited for all purposes as the “Municipalities Act Amendment Act of 1877.”

Short title.

*Municipalities Act Amendment.*

## SCHEDULE A.

*Form of notice of Rates unpaid.*

Municipality of

NOTICE is hereby given that there is now due in respect of the land mentioned in the  
 5 schedule at the foot of this notice the sum [*or* respective sums] set opposite to the  
 description of such land in the schedule for a rate [*or* rates] made by the Council of  
 for the municipal year ending and the owners of such land are required to take  
 notice that unless the amount so due and all rates which may have become due for such  
 land up to the publication of this notice together with interest and the cost of preparing  
 10 and publishing this notice be paid in one year from the date of the first publication  
 hereof the said Council will let the same land from year to year [*or* from the  
 day of for a term not exceeding three years from the date of such first  
 publication].

A. B.  
Mayor.

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Description of land or number of section and allotment [ <i>or</i> other substantially correct description].	Name of owner or reputed owner.	Amount of rates due.
		£ s. d.