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New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. 27, 1908.

An Act to provide for the making and levying of rates on the unimproved capital value of land in the City of Sydney ; for the suspension in the said city of certain Acts relating to land tax ; to include the municipality of Camperdown in the said city ; to vest in the council certain lands and certain public places and public institutions ; to authorise the council to establish and maintain milk depots ; for widening Elizabeth-street and Liverpool-street ; for the payment of certain sums by the council to the Treasury ; to authorise the council to resume certain lands and borrow certain moneys ; to amend the Sydney Corporation Act, 1902, the Public Health Act, 1902, the Hyde, Cook, and Phillip Parks Act, 1904, and other Acts ; and for purposes consequent thereon or incidental thereto. [Assented to, 22nd December, 1908.]

BE

Sydney Corporation (Amendment).

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:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Sydney Corporation (Amendment) Act, 1908," and shall be construed with the Sydney Corporation Act, 1902, hereinafter referred to as the Principal Act.

Division of Act.

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

PART I.—PRELIMINARY—*ss.* 1-2.

PART II.—RATE ON UNIMPROVED CAPITAL VALUE—*ss.* 3-12.

PART III.—EXTENSION OF CITY—*ss.* 13-24.

PART IV.—BELMORE MARKETS—*ss.* 25-30.

PART V.—ADDITIONAL POWERS AND DUTIES—*ss.* 31-39.

PART II.

RATE ON UNIMPROVED CAPITAL VALUE.

Definitions.

3. (1) In this Part, and in construing for the purposes of this Part enactments thereby incorporated or applied,—

"Ratable property" or "ratable land" means property ratable under the Principal Act not being—

(i) land the property of the Crown; or

(ii) land situated within Camperdown Ward, and being or forming part of land now vested in the University of Sydney, or in any college within such University: Provided that such land is used for the purposes of education, or for purposes incidental thereto or connected therewith, and is not under lease from such University, or any such college; or

(iii) land vested in the Chief Commissioner for Railways and Tramways, or in the Sydney Harbour Trust Commissioners, or in the Board of Water Supply and Sewerage.

"Unimproved capital value" and "owner" have the meanings given to "unimproved value" and "owner" respectively in the Land and Income Tax Assessment Act of 1895.

(2) In enactments of the Local Government Act, 1906, incorporated hereby—

"An area" shall be read as the city of Sydney.

"A council" shall be read as the municipal council of Sydney.

"Prescribed" means prescribed by this Part or by the Principal Act, or by by-laws made thereunder.

Sydney Corporation (Amendment).

4. The council shall, in and for the year one thousand nine hundred and nine, and in every succeeding year, make and levy a general rate of not less than one penny in the pound upon the unimproved capital value of all ratable property in the city. Such rate shall be in addition to any rate under the Principal Act or any other rate under this Act :

Rate on unimproved capital value.

Provided that the total amount leviable under this Part, or under this Part and the Principal Act, as the case may be, shall not exceed the amount which would be yielded by a rate of threepence in the pound on the unimproved capital value, and two shillings in the pound on the average annual value taken together of all ratable property in the city.

5. The Governor shall forthwith, on the council imposing such rate on such unimproved capital value, proclaim that the operation of the enactments mentioned in Schedule Three to the Local Government Act, 1906, are and the same shall thereupon be suspended in the city,

Suspension of land tax.

Such suspension shall take effect from the first day of the year in which the said rate on such unimproved capital value is first made as aforesaid : Provided that such suspension shall not apply to the land tax for the years from one thousand eight hundred and ninety-six up to the year in which such rate is first made as aforesaid :

Provided also that exemptions and deductions from and in respect of income tax under sections seventeen and twenty-eight of the Land and Income Tax Assessment Act of 1895, and section one of the Land and Income Tax (Declaratory) Act, 1898, shall be made in relation to land, and the income derived from land, subject to rates under this Part as in the case of land subject to land tax.

6. (1) The council, for the purpose of making rates under this Part, may, from time to time, and shall at least once in every five years, cause valuation to be made of the unimproved capital value of all ratable property in the city, and for that purpose shall appoint valuers who shall make the declaration provided for in section one hundred and eleven of the Principal Act :

Valuations.

Provided that the council may adopt the valuations under the Land and Income Tax Assessment Act of 1895 as the first valuation of unimproved capital value under this Part :

Provided also that the council may, without causing a fresh valuation to be made, adopt as the valuations for any period the whole or any part of the valuations in force at the close of the next preceding period, when such valuations are considered by the council to be still just and equitable.

Any such valuation shall be in force until a fresh valuation is made.

The valuation may, in the discretion of the valuers, be made of any parcel of land separately owned, or of any parcel separately occupied.

Sydney Corporation (Amendment).

(2) Section one hundred and eighteen of the Principal Act shall apply to valuations under this Part.

Service of notice of valuations.

7. Notice of the valuation shall be served on the owner of the property valued. Any such notice may be served as prescribed in section two hundred and sixteen of the Principal Act.

Alteration of valuations.

8. Any valuation or entry of valuation made under this Part may be altered at any time where it is found that an error has been made as to the area or ownership of land, or any mistake of calculation of values has been made, or where there is a change of ownership. Where any land has been subdivided, and a portion sold, the valuation of such land may be altered, and such valuation and any unpaid rates due on such land may be apportioned by the council. Such alteration and apportionment shall be initialled by the Lord Mayor and town clerk after resolution of the council making such alteration or apportionment. Such alteration or apportionment shall take effect from the date fixed by the resolution of the council:

Provided that in every such case of alteration or apportionment notice thereof shall be served, and an appeal therefrom shall lie, as with respect to valuations.

Other minor errors in an assessment book not affecting the amount at which land is valued may be altered as aforesaid.

Valuations made during current year.

9. Where such valuation is made of property which was not ratable under this Part at the commencement of the then current year, the rate thereon shall be proportionate to the portion of such year during which such land was ratable.

Where such valuation is made of property which had not been rated, but which was so ratable at the commencement of the then current year, the rate thereon shall be for the whole of such year.

Assessment books and appeals from assessments.

10. The provisions of the Principal Act relating to the making of assessment books, and to appeals from assessments, and to the making and levying of rates, and the time when the same shall be payable, shall, mutatis mutandis, but subject to this Act, apply to valuations and assessments and rates made under this Part: Provided that the right of appeal under this Part is extended to any person aggrieved by an assessment, and that the rate may be fixed and ordered by the council at any time before or after the thirty-first day of March in any year.

Payment of rates.

11. (1) The amount of any rate under this Part shall be paid to the council by the owner of the property in respect of which the rate is levied, unless the property is vested in and under a lease from the council granted for a term of not less than thirty years, in which case the amount of any such rate shall be paid by the lessee from the council or the person for the time being receiving or entitled to receive the rack rents of the property.

Sydney Corporation (Amendment).

(2) Provided that where a lessee of ratable property has before the first day of November, one thousand nine hundred and eight, agreed with the owner, or with the mesne lessee from whom he immediately holds, to pay municipal or local government taxes, whether under those designations or under any words of description which would include municipal or local government taxes, the owner and all the lessees, including mesne lessees, shall, notwithstanding such agreement and during the currency of such agreement, be respectively liable, as between themselves, for so much of the rate under this Part as is equal to the amount of the land tax, or tax in lieu of land tax, on the land which they respectively would have been liable to pay under the Acts mentioned in Schedule Three to the Local Government Act, 1906, if the operation of the said Acts had not been suspended, based on the valuation of the unimproved capital value under this Part. The adjustment of the Commissioners of Taxation under the fourth section of the Land Tax (Leases) Act, 1902, shall be made on the application of any person interested in such agreement, and shall be on the basis of such valuation, and of a land tax or tax in lieu of land tax, without exemptions, and after the first adjustment, there shall be a readjustment by the commissioners at every subsequent period of valuation. Such adjustment may be made, notwithstanding the suspension of the operation of the said Act, and shall be final and shall not be subject to appeal in any court.

Proviso when lessee
has agreed to pay
rates.

Any person interested in any such agreement as aforesaid may notify the council of the terms of such agreement. Where such notification has been received by the council, such council shall (notwithstanding the provisions of subsection one of this section) first proceed for the recovery of the whole of any rates due under this Part from the lessee who is the last lessee within the knowledge of the council bound by any such agreement. Unless the council be notified as aforesaid before the making of any rates, the council may recover the whole of the rates from such lessor.

Failing in any legal proceedings against any person as aforesaid the council shall next so proceed against the lessor from whom such person immediately holds; and, failing in any such proceedings against a lessor who is a mesne lessee, the council shall next so proceed against the lessor from whom he immediately holds; and so on.

Any lessee who has paid, or any mesne lessee who has paid or suffered the deduction as hereinafter provided of any such rates may recover as a debt from, or deduct from any moneys due to, the lessor from whom he immediately holds, the proportionate amount of rates determined as aforesaid by the said commissioners to be the portion payable in respect of the property rated by all the persons under whom he derives title; and any lessor who has made any payment to the council or to his immediate lessor in respect of such rates may recover

as

Sydney Corporation (Amendment).

as a debt from any lessee under him such portion thereof as such lessee is liable for under his agreement and the terms of this subsection.

The council, the commissioners aforesaid, and any authorised servant of either of them, may demand the production within a reasonable time of any agreement as aforesaid from any owner, lessee, or person having the custody of such agreement, or require any person in occupation of land, or in receipt of the rent of land, to answer any question for the purposes of this subsection. If such owner, lessee, or person refuses or neglects on demand as aforesaid to produce any such agreement, or if any person when duly required refuses to answer any question for the purposes of this subsection, or wilfully makes a false answer thereto, he shall be liable to a penalty not exceeding fifty pounds. A certificate of such adjustment aforesaid purporting to be signed by the said commissioners, or their secretary, or registrar, shall be prima facie evidence of such adjustment. In this subsection the word "lessor" includes his successors in title.

Incorporation of provisions of Local Government Act.

12. The provisions of subsections five, seven, eight, and nine of section one hundred and forty-four, and the whole of sections one hundred and forty-five, one hundred and forty-six, and one hundred and forty-eight of the Local Government Act, 1906, relating to rates under that Act, shall apply, mutatis mutandis, to rates under this Part: Provided that references to lessees, licensees, or tenants in those sections are omitted.

PART III.

EXTENSION OF CITY.

Camperdown included within city.

13. The council of the municipality of Camperdown is dissolved, and the said municipality is included within the city, and shall form part of the city, and a ward thereof to be known as Camperdown Ward, constituted in addition to the twelve wards in the Principal Act mentioned, and shall be subject to any Acts, by-laws, and regulations affecting the city.

Boundaries of city and of Camperdown Ward.

14. (1) The Governor shall, by proclamation published in the Gazette, set forth—

- (a) in Schedule A to such proclamation, the extended boundaries of the city so as to include therein the municipality of Camperdown, and such boundaries shall take the place of the boundaries set out in Schedule Two to the Principal Act as amended by the Sydney Corporation Amendment Act, 1905; and
- (b) in Schedule B to such proclamation, the boundaries of the area comprised in the said municipality. Such

Sydney Corporation (Amendment).

Such proclamation may be made and published at any time after the passing of this Act.

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

(3) The boundaries set forth in Schedule B to such proclamation shall be the boundaries of Camperdown Ward.

15. On the commencement of this Act all real and personal property and all right and interest therein and all management and control of any land or thing then vested in or belonging to the council of the municipality of Camperdown shall vest in and belong to the municipal council of Sydney. All rates, moneys, liquidated and unliquidated claims payable to or recoverable by, and all suits, actions, and proceedings pending at the suit of, the council of the said municipality, and all contracts and agreements entered into with such council at such commencement shall respectively be rates, moneys, liquidated and unliquidated claims payable to, or recoverable by, and suits, actions, and proceedings pending at the suit of and contracts with the municipal council of Sydney.

Vesting in council of property of Camperdown municipality.

The municipal council of Sydney may pursue the same remedies for the recovery of such rates, moneys, and claims, and for the prosecution of such suits, actions, and proceedings as if the same had originally been payable to, recoverable by, or instituted at the suit of the council, and the council may enforce and realise any security or charge in respect of such rates, moneys, and claims existing in favour of the council of the said municipality as if such security or charge were existing in favour of the municipal council of Sydney.

16. All debts due and moneys payable by, and all claims liquidated and unliquidated recoverable against, the council of the municipality of Camperdown shall cease to be due and payable by and recoverable against the said council, and shall, subject to the exceptions and provisos hereinafter mentioned, be debts due and moneys payable by and claims recoverable against the municipal council of Sydney:

Vesting of debts.

Provided that the said council may at any time (notwithstanding that any debt of such municipality is then payable at a future date or overdue) upon giving fourteen days' notice in writing to the creditor or his attorney of its intention so to do, redeem and discharge such debt by the payment or tender to such creditor or his attorney of the principal sum payable to him, together with interest thereon to the date of such payment or tender at the rate which such principal sum bears, and thereupon the said creditor and his attorney shall deliver to the council freed and discharged from all claims whatsoever all securities for and documents representing the said debt or any part thereof, or the interest due or to accrue due thereon:

But

Sydney Corporation (Amendment).

But if any such creditor is absent from the State or cannot be found, or his address cannot be ascertained after reasonable inquiry, the said council may, without giving any notice as aforesaid, pay any such principal sum and interest as aforesaid to the date of such payment into the Supreme Court in its equitable jurisdiction, and thereupon the debt or claim of such creditor shall be discharged, and the said Court may upon the application of the person entitled to such debt make such order as to the payment out of such principal and interest as it may think fit:

Provided also that notwithstanding anything hereinbefore contained, the municipal council of Sydney shall not be liable for damage sustained by any person before the commencement of this Act in consequence of the failure of the municipality of Camperdown or its council to perform any duty imposed by sections seventy-three and seventy-four of the Local Government Act, 1906.

Vesting of care and control of public ways.

17. (1) The control, management, and direction of all public ways of which the council of the municipality of Camperdown has at the commencement of this Act the care, control, and management, is vested in the Municipal Council of Sydney, and such ways shall for the purpose of any Act or by-law affecting the city be deemed to be public ways within the meaning of the Principal Act.

The council shall within one year of such commencement expend the sum of ten thousand pounds upon the improvement or repair of such public ways.

(2) In any proceedings by or on behalf of the municipal council of Sydney it shall not be necessary to prove the gazettal or alignment of such public ways, but it shall be sufficient evidence of the fact that any such way is a public way if it is proved that it is a thoroughfare in the nature of a street, or road, or way, and is so used by the public.

Acquisition of land for widening streets.

18. Within one year from the commencement of this Act the council shall acquire the necessary lands for the purpose of widening Pymont Bridge road, Brodie-street, and University-street, and extending Barr-street, University-street, Park-street, and Gibbens-street:

Provided that nothing in this section shall affect the powers of resumption and purchase conferred by the Sydney Corporation Amendment Act, 1905, or the Sydney Corporation Amendment Act, 1906.

Power of council to borrow.

19. For the purpose of paying and discharging the debts and liabilities of the council of the municipality of Camperdown as hereinbefore provided the municipal council of Sydney may borrow sums of money not exceeding in the whole thirty thousand pounds. The provisions of the Sydney Corporation Amendment Act, 1905, as to the borrowing and repayment of moneys for the purposes therein mentioned shall apply to and govern any borrowing under this section.

Sydney Corporation (Amendment).

20. (1) The council shall direct valuers appointed by it to enter in a ward assessment book for Camperdown Ward an assessment under the Principal Act of all ratable property within such ward, whether occupied or unoccupied. Such assessment when confirmed by the council shall remain in force subject to the original and annual rights of appeal conferred by the Principal Act, and subject to the provisions of section one hundred and seventeen of the Principal Act as amended by the Sydney Corporation Amendment Act, 1903, until the council causes a new assessment of ratable property in the city to be made. Assessment for city rate.

(2) For the purpose of such or any subsequent assessment of such ratable property and any rate to be raised thereon the provisions of the said Acts shall apply :

Provided that lands and buildings described in paragraph (ii) of subsection one of section three shall not be ratable property.

(3) The valuers may if they think fit adopt the valuation under the Local Government Act, 1906, of the assessed annual value of such property in force at the commencement of this Act as their valuation of the net average annual value of such property.

(4) The powers conferred by this section may be exercised at any time after the passing of this Act.

21. If the assessment-book for Camperdown Ward is not made and confirmed by the council before the thirty-first day of March, one thousand nine hundred and nine, the council may nevertheless cause rates to be raised for the other wards of the city, and shall, after the assessment for the Camperdown Ward has been so confirmed and signed by the town clerk, raise a rate on ratable property in the said ward of the same amount in the pound as the city rate for that year. City rate on Camperdown Ward.

22. The council shall also, in the year one thousand nine hundred and nine, and in each year thereafter for a period of twenty years, cause an additional rate of threepence in the pound on the net average annual value of the ratable property, or an additional rate on the unimproved capital value of ratable land situated in such ward which will yield approximately the same amount of money to be raised, such money to be applied for the purposes of providing a sinking fund for the repayment of the moneys borrowed for the purposes of this Act, and of making payments on account of the interest on such moneys, and such rate shall be in addition to the city rate. For the purpose of such additional rate, the provisions of the Principal Act and the Sydney Corporation Amendment Act, 1905, and this Part, or the provisions of Part II of this Act, as the case may be, shall apply as in the case of the city rate. All rates raised by the council under this section shall be paid into and form part of the city fund. Additional rate on Camperdown Ward.

23. (1) Within twenty-one days after the commencement of this Act there shall be an election of two aldermen of the city for Camperdown Ward. Such election shall be held upon a day to be fixed by the Lord Mayor, of which day he shall give notice in the Gazette and in one newspaper. Election for Camperdown Ward.

(2)

Sydney Corporation (Amendment).

(2) Such aldermen shall, subject to the provisions of the Principal Act, hold office until the next election of aldermen of the city, but they shall then be eligible for re-election if still qualified.

Roll of electors for that ward.

24. For the purpose of the said election or any election to fill an extraordinary vacancy for Camperdown Ward prior to the next election of aldermen for the city the roll of electors in force at the commencement of this Act for the municipality of Camperdown shall be the roll of citizens entitled to vote for Camperdown Ward, but so that no person shall be entitled to more than one vote at such election. The provisions of Part V of the Principal Act shall, so far as the same are not inconsistent herewith, apply to and govern such election and all matters and things incidental thereto. The town clerk may affix a number to each name on the roll for Camperdown Ward.

PART IV.

BELMORE MARKETS.

Land in Schedule One vested in council.

25. The land described in Schedule One is vested in the council for an estate in fee simple, free from all conditions, reservations, and dedications, statutory or otherwise, and may be dealt with under and subject to the provisions of this Part.

Power of council to sell or lease.

26. The council may, subject to such building conditions as the Premier for the time being may approve, sell or lease either the whole or any portion of the land described in Schedule One, in one or more lots, by public auction or private contract, and on such terms and conditions (including power to take securities for any balance of purchase money, or to allow a period for the payment of the same) as the council may think fit, and may execute the necessary assurances for carrying out any such sale or lease.

Nothing herein contained shall invalidate or affect any leases current at the commencement of this Act.

Power of council to borrow.

27. The council may from time to time, with the approval of the Governor, borrow any sum or sums of money for the construction of markets on the land already resumed or to be hereafter purchased or resumed for market purposes, and the same conditions, qualifications, and provisions shall regulate the borrowing of such moneys and the repayment thereof as if the same had been borrowed by virtue of the powers conferred upon the council by the Sydney Corporation Amendment Act, 1905.

Sydney Corporation (Amendment).

28. (1) The net proceeds of realisation of any land in Schedule One sold by the council under the provisions of this Part shall be set apart by the council and applied in or towards repayment of any loan raised; or to be raised, by the council for the purchase or resumption of land for market purposes or for the construction of markets thereon.

Application of
purchase moneys, &c.

(2) The council may reduce the annual payments to any sinking fund formed in connection with any such loan to the same extent, and may invest the proceeds of any such realisation in the same manner, as if the lands sold under the authority of this Part had been sold under the powers conferred by the Sydney Corporation Amendment Act, 1905.

Investment of
proceeds of
realisation and
reduction of
payments to sinking
fund.

29. The interest upon the moneys set apart and invested under the provisions hereinbefore contained, and the rents and proceeds of any land leased by the council under the said provisions shall from time to time be paid into the city fund.

Payment to city
fund.

30. The land described in Schedule Two is hereby vested in and placed under the control, management, and direction of the council as a "public way" within the meaning of the Principal Act.

Widening Pitt-street.

PART V.
ADDITIONAL POWERS AND DUTIES.

31. On the commencement of this Act the council shall take over the maintenance and control of the lending branch of the Public Library of New South Wales, established in the Queen Victoria Markets; and all books, papers, and fittings in such lending branch are vested in the council.

Maintenance and
control of lending
branch of Public
Library.

The provisions of sections nine, ten, eleven, and twelve of the Sydney Corporation Amendment Act, 1906, relating to free reading and lending libraries shall apply to the said lending branch of the said Public Library.

32. The council may establish infants' milk depots, and for that purpose may, with the approval of the Governor, borrow moneys under the same conditions, qualifications, and provisions as regulate the borrowing of moneys under the Sydney Corporation Amendment Act, 1905.

Establishment of
milk depots.

The council may maintain and manage such milk depots, and pay for such maintenance and management out of the city fund.

33.

Sydney Corporation (Amendment).

Council appointed trustees of Observatory Park, Dawes Point Reserve, and Belmore Park.

33. (1) All trustees heretofore appointed by the Governor under the authority of any statute for the lands described in Schedule Three are hereby removed, and the council are hereby appointed trustees of the said lands, with the same powers and estate in the said lands, and subject to the same limitations, as if the appointment were made under the provisions of the Public Parks Act, 1902.

(2) The Governor may resume, under the provisions of the Public Works Act, 1900, without compensation, any portion of the lands described in Part I of Schedule Three for a line of railway to North Sydney, or for building purposes, or any portion of the lands described in Part II of the said Schedule for a roadway or as a site for the Mint or for piers for a bridge across Sydney Harbour.

Control of certain public ways.

34. The control, management, and direction of the public ways mentioned in Schedule Four are vested in the council.

Increase of width of Elizabeth-street and Liverpool-street.

35. (1) The council may increase the width of Elizabeth-street by adding to such street a strip of the land now forming part of Hyde Park, to a distance not exceeding eighteen feet, from the western boundary of such park. Of such land so added, not more than six feet from such boundary may be used as a carriage-way, and the remainder may be used as a footway only.

(2) The council may increase the width of Liverpool-street by adding to such street a strip of the land now forming part of Hyde Park, to a distance not exceeding fifteen feet, from the southern boundary of such park.

(3) Such streets as so widened shall be public ways.

Payment towards maintenance and interest on cost of Pymont bridge.

36. (1) From and after the commencement of this Act the council shall each year pay into the Treasury the sum of two thousand two hundred pounds towards the control and maintenance of Pymont bridge and its approaches, and the sum of five thousand one hundred pounds in respect of interest on the cost of the said bridge :

Provided that this provision shall cease to have effect if and when the said bridge is removed or demolished.

Payment towards regulation of traffic.

(2) The council shall each year pay into the Treasury the sum of seven thousand five hundred pounds towards the cost of the regulation of traffic in the city.

(3) Such amounts shall respectively be paid by half-yearly instalments on or before the the thirtieth day of June and the thirty-first day of December in each year, and shall be carried to the Consolidated Revenue Fund.

Lighting Domain.

37. The council shall undertake the lighting of the Domain at a cost not exceeding one thousand five hundred pounds per annum.

Amendment of s. 11 (1) of Principal Act.

38. Subsection one of section eleven of the Principal Act is amended by inserting at the end thereof the following :—“The council shall pay into the Treasury a sum fixed by the Colonial Treasurer as the cost of collecting the list by the police. Such sum shall be carried to the Consolidated Revenue Fund.”

39.

Sydney Corporation (Amendment).

39. The council shall each year pay into the Treasury the sum of one thousand six hundred pounds towards the amount payable by the Crown in respect of the salaries of the medical officer of health for the Metropolitan district, and his assistant, and the inspector of nuisances and sanitary inspectors for the city. Amount payable by council to Crown.

SCHEDULES.

SCHEDULE ONE.
Belmore Markets—Land vested in the council.

(a) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at the intersection of the southern building line of Campbell-street with the eastern building line of George-street; bounded on the north by the southern building line of Campbell-street to its intersection with the western building line of Parker-lane; thence on the east by the western building line of Parker-lane to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to its intersection with the eastern building line of George-street; thence on the west by the eastern building line of George-street, to the point of commencement,—containing 1 rood 25½ perches, or thereabouts.

(b) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at the intersection of the southern building line of Campbell-street with its intersection with the western building line to Pitt-street; bounded thence on the east by the western building line of Pitt-street to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to its intersection with the eastern building line of Parker-lane; thence on the west by the eastern building line of Parker-lane to its intersection with the southern building line of Campbell-street; thence on the north by the southern building line of Campbell-street, to the point of commencement,—containing 3 roods 33½ perches, or thereabouts.

(c) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at a point on the southern building line of Campbell-street, distant 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; bounded thence on the north by the southern building line of Campbell-street to its intersection with the western building line of Castlereagh-street; thence on the east by the western building line of Castlereagh-street to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to a point distant 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; thence on the west by a line northerly, to the point of commencement,—containing 1 acre 1 rood 27 perches, or thereabouts.

Sydney Corporation (Amendment)

SCHEDULE TWO.

Belmore Markets—Land for public way.

All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at a point on the southern building line of Campbell-street, distant 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; bounded thence on the north by the southern building line of Campbell-street to its intersection with the eastern building line of Pitt-street; thence on the west by the eastern building line of Pitt-street to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to a point 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; thence on the east by a line northerly, to the point of commencement,—containing 26 perches, or thereabouts.

SCHEDULE THREE.

PART I.

Observatory Park.

All those two pieces or parcels of land, containing an aggregate area of 5 acres 3 roods 14 perches, situated at and near Flagstaff Hill, city of Sydney, parish of St. Philip, county of Cumberland.

Firstly, 5 acres 2 roods 9 perches, situated as aforesaid: Commencing on the western side of Upper Fort street at a point bearing south 52 degrees 25 minutes west and distant 1 chain 14 links from the intersection of the eastern side of that street with the southern side of Essex-street; and bounded thence by lines bearing north 74 degrees 39 minutes west $79\frac{9}{10}$ links, north 89 degrees 23 minutes west 1 chain, south 82 degrees west $25\frac{3}{10}$ links, and south 2 degrees 5 minutes west $67\frac{8}{10}$ links, to the northern side of an old brick wall forming the northern boundary of the Fort-street Model Public School grounds; thence by that wall and another old brick wall forming the western boundary of the Fort-street Model Public School grounds before-mentioned, bearing north 87 degrees 31 minutes west 1 chain $99\frac{3}{10}$ links, and south 4 degrees 47 minutes east 1 chain $67\frac{4}{10}$ links, to a point in the easterly prolongation of the southern side of a dwarf stone wall; thence by that prolongation and the southern side of that wall bearing westerly to another dwarf stone wall on the eastern side of Kent-street; thence by the eastern side of that street bearing north 13 degrees 31 minutes west 2 chains $22\frac{1}{10}$ links, to the southern side of a brick wall; thence by that brick wall and its prolongation easterly, in all bearing north 77 degrees 10 minutes east 1 chain $36\frac{4}{10}$ links to the western side of another dwarf stone wall; thence by that wall bearing northerly, north-easterly, easterly, and south-easterly to the western side of Upper Fort street before mentioned; and thence by that street bearing southerly, to the point of commencement,—exclusive of an area of 1 acre 1 rood 4 perches, formerly dedicated for Observatory on the twenty-ninth day of April, one thousand eight hundred and eighty-four, which has been deducted from the total area, and shown upon a plan in the Department of Lands catalogued C. 34-2,063 Roll.

Secondly, 1 rood 5 perches, situated as aforesaid: Commencing at the westerly intersection of the southern side of Argyle-street with the northern side of Watson-road; and bounded thence on the south and south-east by the southern and south-eastern sides of the existing wall, situated on the northern and north-western side of Watson-road, bearing easterly and north-easterly to the southern side of Argyle-street before-mentioned; and thence on the north by the southern side of Argyle-street, bearing westerly, to the point of commencement:

Which said parcels of land are shown upon a plan in the Department of Lands, catalogued Ms. 2,489, Sy.

PART

Sydney Corporation (Amendment).

PART II.

Dawes Point Reserve.

County of Cumberland, parish of St. Phillip, city of Sydney, at Dawes' Point. Area, 4 acres 1 rood 18½ perches: Commencing on the eastern side of George-street North, at a point bearing south 51 minutes east 3 chains 39½ links from the outer edge of the base course of the sea wall fronting Port Jackson, being a point in the northerly prolongation of the eastern side of George-street North, being also the north-western corner of an area of ¼ of a perch occupied as a cable hut site by the Commonwealth of Australia: and bounded thence by a line bearing north 89 degrees 5 minutes east 47½ links; thence by the concave side of an arc of 91 links radius curving to the right, the chord of which bears north 77 degrees 57 minutes east 88½ links; thence by lines bearing south 73 degrees 4 minutes east 1 chain 89¼ links, north 23 degrees 4 minutes east 67 links, south 63 degrees 51 minutes east 40 links, north 23 degrees 15 minutes east 46¼ links, north 4 degrees 3 minutes east 22¼ links, north 23 degrees 39 minutes east 19¼ links, south 67 degrees 16 minutes east 31 links, north 23 degrees 42 minutes east 48 links, north 67 degrees 40 minutes west 26¾ links, north 21 degrees 12 minutes east 11¼ links to the outer edge of the base course of the sea wall before mentioned; and thence by the outer edge of the said wall being a line bearing south 65 degrees 52 minutes east 1 chain 14¼ links, the concave side of an arc of 1 chain 86 links radius curving to the right, the chord of which bears south 53 degrees 12 minutes east 90¼ links, and a line bearing south 38 degrees 10 minutes east 1 chain 14¼ links to the inner edge of a wall forming the western boundary of the constructed road heading from the horse ferry to George-street North; thence by the said wall being the convex side of an arc of 24 links radius curving to the left, the chord of which bears south 16 degrees 10 minutes west 33¼ links, a line bearing south 27 degrees 18 minutes east 1 chain 21¼ links, the concave side of an arc of 1 chain 10 links radius curving to the right, the chord of which bears south 18 degrees 20 minutes east 35¼ links, a line bearing south 8 degrees 56 minutes east 2 chains 18¾ links, the concave side of an arc of 1 chain 34 links radius curving to the right, the chord of which bears south 14 degrees 53 minutes west 1 chain, the concave side of an arc of 1 chain 34 links radius curving to the right, the chord of which bears south 52 degrees 13 minutes west 71 links, a line bearing south 80 degrees 33 minutes west 1 chain 33¼ links, the convex side of an arc of 1 chain 76½ links radius curving to the left, the chord of which bears south 70 degrees 18 minutes west 40½ links, a line bearing south 62 degrees 32 minutes west 2 chains 5¼ links and the convex sides of a series of arcs of 3 chains 28 links radii curving to the left, the chords of which bear south 54 degrees 3 minutes west 1 chain, south 37 degrees 11 minutes west 1 chain, and south 21 degrees west 75¼ links to the south-eastern corner of a stone wall; and thence by the south-eastern side of that wall and by the north-western side of a brick building, being a line bearing south 52 degrees 41 minutes west 2 chains 34½ links to the eastern side of George-street North before mentioned; and thence by that street bearing north 5 degrees 30 minutes east 46¼ links, north 7 degrees 34 minutes east 84¼ links, north 12 degrees 29 minutes east 44¼ links, north 17 degrees 53 minutes east 48¼ links north 26 degrees 6 minutes east 43¼ links, north 51 degrees 10 minutes west 92¼ links, and north 4 degrees 54 minutes east 1 chain 81¼ links; thence by lines bearing north 77 degrees 14 minutes east 2 chains 23½ links, south 84 degrees 59 minutes east 97¼ links, the convex sides of a series of arcs of 1 chain 50 links radii curving to the left, the chords of which bear north 18 degrees 58 minutes east 48½ links, north 5 degrees 12 minutes east 36½ links, north 7 degrees 9 minutes west 36¼ links, north 21 degrees 40 minutes west 37 links, north 37 degrees 9 minutes west 46¼ links, north 60 degrees 22 minutes west 44¼ links, north 84 degrees 46 minutes west 33¼ links; thence by lines bearing north 16 degrees 42 minutes west 45¼ links, north 33 degrees 31 minutes east 1 chain 57¼ links, north 39 degrees 49 minutes west 88¼ links; again by the convex sides of a series of arcs of 2 chains radii curving to the left, the chords of which bear north 55 degrees 35 minutes west 50½ links, north 71 degrees 39 minutes west 60 links, and south 84 degrees 55 minutes west 60 links; again

Sydney Corporation (Amendment).

again by lines bearing south 26 degrees 23 minutes west $23\frac{6}{10}$ links, south 84 degrees 29 minutes west $40\frac{2}{10}$ links, and south 41 degrees 50 minutes west $14\frac{9}{10}$ links to the eastern side of George-street North aforesaid ; thence by that street bearing north $44\frac{1}{2}$ minutes west $54\frac{7}{10}$ links, to the point of commencement, as surveyed and shown on plan catalogued Ms. 2,695 Sy. in the Department of Lands.

PART III.

Belmore Park.

County of Cumberland, parish of St. Lawrence, City of Sydney. Area, 7 acres 3 roods $15\frac{1}{2}$ perches : Commencing on the north-eastern side of Rawson-place at a point distant 77 feet south-easterly from its intersection with the south-eastern side of Pitt-street ; and bounded thence by Rawson-place south-easterly to Elizabeth-street ; thence by Elizabeth-street northerly to Hay-street ; thence by Hay street westerly to the road of approach to the Central Railway Station ; and thence by that road generally southerly to the point of commencement, but exclusive of a tramway 17 feet wide intersecting the park from Rawson-place generally north easterly to Hay-street, as shown on plan catalogued Ms. 2,885 Sy.

 SCHEDULE FOUR.
Public ways vested in the council.

Day-street, extending from Erskine-street southerly and easterly to Sussex-street but excluding over-bridge, and bridge and piers of Pymont Bridge.

Road to horse ferry, extending from George-street North to high-water mark at Dawes' Point Ferry.

Circular Quay roadway, from the horse ferry road north-easterly, south-easterly, south-westerly, including Circular Quay ; thence north-easterly and easterly to high-water mark at North Sydney horse ferry, Bennelong Point.

Tarpeian Way, extending from Macquarie-street North north-easterly to its intersection with the road leading to Botanical Gardens.

Argyle-street, extending from boundary of Harbour Trust property to Circular Quay road.

Cowper Wharf roadway, from its northern termination at western side of Woolloomooloo Bay southerly and generally easterly to a fenced line opposite Duke-street.

The whole of these areas are shown upon plan catalogued R. 162, City Surveyor's Office, Town Hall.

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.

*Legislative Assembly Chamber,
Sydney, 18 December, 1908.* }

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. 27, 1908.

An Act to provide for the making and levying of rates on the unimproved capital value of land in the City of Sydney; for the suspension in the said city of certain Acts relating to land tax; to include the municipality of Camperdown in the said city; to vest in the council certain lands and certain public places and public institutions; to authorise the council to establish and maintain milk depots; for widening Elizabeth-street and Liverpool-street; for the payment of certain sums by the council to the Treasury; to authorise the council to resume certain lands and borrow certain moneys; to amend the Sydney Corporation Act, 1902, the Public Health Act, 1902, the Hyde, Cook, and Phillip Parks Act, 1904, and other Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 22nd December, 1908.]

BE

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

JOHN J. COHEN,
Chairman of Committees of the Legislative Assembly.

Sydney Corporation (Amendment).

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:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Sydney Corporation (Amendment) Act, 1908," and shall be construed with the Sydney Corporation Act, 1902, hereinafter referred to as the Principal Act.

Division of Act.

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

PART I.—PRELIMINARY—*ss.* 1–2.

PART II.—RATE ON UNIMPROVED CAPITAL VALUE—*ss.* 3–12.

PART III.—EXTENSION OF CITY—*ss.* 13–24.

PART IV.—BELMORE MARKETS—*ss.* 25–30.

PART V.—ADDITIONAL POWERS AND DUTIES—*ss.* 31–39.

PART II.

RATE ON UNIMPROVED CAPITAL VALUE.

Definitions.

3. (1) In this Part, and in construing for the purposes of this Part enactments thereby incorporated or applied,—

"Ratable property" or "ratable land" means property ratable under the Principal Act not being—

- (i) land the property of the Crown; or
- (ii) land situated within Camperdown Ward, and being or forming part of land now vested in the University of Sydney, or in any college within such University: Provided that such land is used for the purposes of education, or for purposes incidental thereto or connected therewith, and is not under lease from such University, or any such college; or
- (iii) land vested in the Chief Commissioner for Railways and Tramways, or in the Sydney Harbour Trust Commissioners, or in the Board of Water Supply and Sewerage.

"Unimproved capital value" and "owner" have the meanings given to "unimproved value" and "owner" respectively in the Land and Income Tax Assessment Act of 1895.

(2) In enactments of the Local Government Act, 1906, incorporated hereby—

"An area" shall be read as the city of Sydney.

"A council" shall be read as the municipal council of Sydney.

"Prescribed" means prescribed by this Part or by the Principal Act, or by by-laws made thereunder.

Sydney Corporation (Amendment).

4. The council shall, in and for the year one thousand nine hundred and nine, and in every succeeding year, make and levy a general rate of not less than one penny in the pound upon the unimproved capital value of all ratable property in the city. Such rate shall be in addition to any rate under the Principal Act or any other rate under this Act :

Rate on unimproved capital value.

Provided that the total amount leviable under this Part, or under this Part and the Principal Act, as the case may be, shall not exceed the amount which would be yielded by a rate of threepence in the pound on the unimproved capital value, and two shillings in the pound on the average annual value taken together of all ratable property in the city.

5. The Governor shall forthwith, on the council imposing such rate on such unimproved capital value, proclaim that the operation of the enactments mentioned in Schedule Three to the Local Government Act, 1906, are and the same shall thereupon be suspended in the city.

Suspension of land tax.

Such suspension shall take effect from the first day of the year in which the said rate on such unimproved capital value is first made as aforesaid : Provided that such suspension shall not apply to the land tax for the years from one thousand eight hundred and ninety-six up to the year in which such rate is first made as aforesaid :

Provided also that exemptions and deductions from and in respect of income tax under sections seventeen and twenty-eight of the Land and Income Tax Assessment Act of 1895, and section one of the Land and Income Tax (Declaratory) Act, 1898, shall be made in relation to land, and the income derived from land, subject to rates under this Part as in the case of land subject to land tax.

6. (1) The council, for the purpose of making rates under this Part, may, from time to time, and shall at least once in every five years, cause valuation to be made of the unimproved capital value of all ratable property in the city, and for that purpose shall appoint valuers who shall make the declaration provided for in section one hundred and eleven of the Principal Act :

Valuations.

Provided that the council may adopt the valuations under the Land and Income Tax Assessment Act of 1895 as the first valuation of unimproved capital value under this Part :

Provided also that the council may, without causing a fresh valuation to be made, adopt as the valuations for any period the whole or any part of the valuations in force at the close of the next preceding period, when such valuations are considered by the council to be still just and equitable.

Any such valuation shall be in force until a fresh valuation is made.

The valuation may, in the discretion of the valuers, be made of any parcel of land separately owned, or of any parcel separately occupied.

Sydney Corporation (Amendment).

(2) Section one hundred and eighteen of the Principal Act shall apply to valuations under this Part.

Service of notice of valuations.

7. Notice of the valuation shall be served on the owner of the property valued. Any such notice may be served as prescribed in section two hundred and sixteen of the Principal Act.

Alteration of valuations.

8. Any valuation or entry of valuation made under this Part may be altered at any time where it is found that an error has been made as to the area or ownership of land, or any mistake of calculation of values has been made, or where there is a change of ownership. Where any land has been subdivided, and a portion sold, the valuation of such land may be altered, and such valuation and any unpaid rates due on such land may be apportioned by the council. Such alteration and apportionment shall be initialled by the Lord Mayor and town clerk after resolution of the council making such alteration or apportionment. Such alteration or apportionment shall take effect from the date fixed by the resolution of the council :

Provided that in every such case of alteration or apportionment notice thereof shall be served, and an appeal therefrom shall lie, as with respect to valuations.

Other minor errors in an assessment book not affecting the amount at which land is valued may be altered as aforesaid.

Valuations made during current year.

9. Where such valuation is made of property which was not ratable under this Part at the commencement of the then current year, the rate thereon shall be proportionate to the portion of such year during which such land was ratable.

Where such valuation is made of property which had not been rated, but which was so ratable at the commencement of the then current year, the rate thereon shall be for the whole of such year.

Assessment books and appeals from assessments.

10. The provisions of the Principal Act relating to the making of assessment books, and to appeals from assessments, and to the making and levying of rates, and the time when the same shall be payable, shall, mutatis mutandis, but subject to this Act, apply to valuations and assessments and rates made under this Part : Provided that the right of appeal under this Part is extended to any person aggrieved by an assessment, and that the rate may be fixed and ordered by the council at any time before or after the thirty-first day of March in any year.

Payment of rates.

11. (1) The amount of any rate under this Part shall be paid to the council by the owner of the property in respect of which the rate is levied, unless the property is vested in and under a lease from the council granted for a term of not less than thirty years, in which case the amount of any such rate shall be paid by the lessee from the council or the person for the time being receiving or entitled to receive the rack rents of the property.

Sydney Corporation (Amendment).

(2) Provided that where a lessee of ratable property has before the first day of November, one thousand nine hundred and eight, agreed with the owner, or with the mesne lessee from whom he immediately holds, to pay municipal or local government taxes, whether under those designations or under any words of description which would include municipal or local government taxes, the owner and all the lessees, including mesne lessees, shall, notwithstanding such agreement and during the currency of such agreement, be respectively liable, as between themselves, for so much of the rate under this Part as is equal to the amount of the land tax, or tax in lieu of land tax, on the land which they respectively would have been liable to pay under the Acts mentioned in Schedule Three to the Local Government Act, 1906, if the operation of the said Acts had not been suspended, based on the valuation of the unimproved capital value under this Part. The adjustment of the Commissioners of Taxation under the fourth section of the Land Tax (Leases) Act, 1902, shall be made on the application of any person interested in such agreement, and shall be on the basis of such valuation, and of a land tax or tax in lieu of land tax, without exemptions, and after the first adjustment, there shall be a readjustment by the commissioners at every subsequent period of valuation. Such adjustment may be made, notwithstanding the suspension of the operation of the said Act, and shall be final and shall not be subject to appeal in any court.

Proviso when lessee
has agreed to pay
rates.

Any person interested in any such agreement as aforesaid may notify the council of the terms of such agreement. Where such notification has been received by the council, such council shall (notwithstanding the provisions of subsection one of this section) first proceed for the recovery of the whole of any rates due under this Part from the lessee who is the last lessee within the knowledge of the council bound by any such agreement. Unless the council be notified as aforesaid before the making of any rates, the council may recover the whole of the rates from such lessor.

Failing in any legal proceedings against any person as aforesaid the council shall next so proceed against the lessor from whom such person immediately holds; and, failing in any such proceedings against a lessor who is a mesne lessee, the council shall next so proceed against the lessor from whom he immediately holds; and so on.

Any lessee who has paid, or any mesne lessee who has paid or suffered the deduction as hereinafter provided of any such rates may recover as a debt from, or deduct from any moneys due to, the lessor from whom he immediately holds, the proportionate amount of rates determined as aforesaid by the said commissioners to be the portion payable in respect of the property rated by all the persons under whom he derives title; and any lessor who has made any payment to the council or to his immediate lessor in respect of such rates may recover

as

Sydney Corporation (Amendment).

as a debt from any lessee under him such portion thereof as such lessee is liable for under his agreement and the terms of this subsection.

The council, the commissioners aforesaid, and any authorised servant of either of them, may demand the production within a reasonable time of any agreement as aforesaid from any owner, lessee, or person having the custody of such agreement, or require any person in occupation of land, or in receipt of the rent of land, to answer any question for the purposes of this subsection. If such owner, lessee, or person refuses or neglects on demand as aforesaid to produce any such agreement, or if any person when duly required refuses to answer any question for the purposes of this subsection, or wilfully makes a false answer thereto, he shall be liable to a penalty not exceeding fifty pounds. A certificate of such adjustment aforesaid purporting to be signed by the said commissioners, or their secretary, or registrar, shall be prima facie evidence of such adjustment. In this subsection the word "lessor" includes his successors in title.

Incorporation of provisions of Local Government Act.

12. The provisions of subsections five, seven, eight, and nine of section one hundred and forty-four, and the whole of sections one hundred and forty-five, one hundred and forty-six, and one hundred and forty-eight of the Local Government Act, 1906, relating to rates under that Act, shall apply, mutatis mutandis, to rates under this Part: Provided that references to lessees, licensees, or tenants in those sections are omitted.

PART III.

EXTENSION OF CITY.

Camperdown included within city.

13. The council of the municipality of Camperdown is dissolved, and the said municipality is included within the city, and shall form part of the city, and a ward thereof to be known as Camperdown Ward, constituted in addition to the twelve wards in the Principal Act mentioned, and shall be subject to any Acts, by-laws, and regulations affecting the city.

Boundaries of city and of Camperdown Ward.

14. (1) The Governor shall, by proclamation published in the Gazette, set forth—

- (a) in Schedule A to such proclamation, the extended boundaries of the city so as to include therein the municipality of Camperdown, and such boundaries shall take the place of the boundaries set out in Schedule Two to the Principal Act as amended by the Sydney Corporation Amendment Act, 1905; and
- (b) in Schedule B to such proclamation, the boundaries of the area comprised in the said municipality. Such

Sydney Corporation (Amendment).

Such proclamation may be made and published at any time after the passing of this Act.

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

(3) The boundaries set forth in Schedule B to such proclamation shall be the boundaries of Camperdown Ward.

15. On the commencement of this Act all real and personal property and all right and interest therein and all management and control of any land or thing then vested in or belonging to the council of the municipality of Camperdown shall vest in and belong to the municipal council of Sydney. All rates, moneys, liquidated and unliquidated claims payable to or recoverable by, and all suits, actions, and proceedings pending at the suit of, the council of the said municipality, and all contracts and agreements entered into with such council at such commencement shall respectively be rates, moneys, liquidated and unliquidated claims payable to, or recoverable by, and suits, actions, and proceedings pending at the suit of and contracts with the municipal council of Sydney.

Vesting in council of property of Camperdown municipality.

The municipal council of Sydney may pursue the same remedies for the recovery of such rates, moneys, and claims, and for the prosecution of such suits, actions, and proceedings as if the same had originally been payable to, recoverable by, or instituted at the suit of the council, and the council may enforce and realise any security or charge in respect of such rates, moneys, and claims existing in favour of the council of the said municipality as if such security or charge were existing in favour of the municipal council of Sydney.

16. All debts due and moneys payable by, and all claims liquidated and unliquidated recoverable against, the council of the municipality of Camperdown shall cease to be due and payable by and recoverable against the said council, and shall, subject to the exceptions and provisos hereinafter mentioned, be debts due and moneys payable by and claims recoverable against the municipal council of Sydney:

Vesting of debts.

Provided that the said council may at any time (notwithstanding that any debt of such municipality is then payable at a future date or overdue) upon giving fourteen days' notice in writing to the creditor or his attorney of its intention so to do, redeem and discharge such debt by the payment or tender to such creditor or his attorney of the principal sum payable to him, together with interest thereon to the date of such payment or tender at the rate which such principal sum bears, and thereupon the said creditor and his attorney shall deliver to the council freed and discharged from all claims whatsoever all securities for and documents representing the said debt or any part thereof, or the interest due or to accrue due thereon: But

Sydney Corporation (Amendment).

But if any such creditor is absent from the State or cannot be found, or his address cannot be ascertained after reasonable inquiry, the said council may, without giving any notice as aforesaid, pay any such principal sum and interest as aforesaid to the date of such payment into the Supreme Court in its equitable jurisdiction, and thereupon the debt or claim of such creditor shall be discharged, and the said Court may upon the application of the person entitled to such debt make such order as to the payment out of such principal and interest as it may think fit:

Provided also that notwithstanding anything hereinbefore contained, the municipal council of Sydney shall not be liable for damage sustained by any person before the commencement of this Act in consequence of the failure of the municipality of Camperdown or its council to perform any duty imposed by sections seventy-three and seventy-four of the Local Government Act, 1906.

Vesting of care and control of public ways.

17. (1) The control, management, and direction of all public ways of which the council of the municipality of Camperdown has at the commencement of this Act the care, control, and management, is vested in the Municipal Council of Sydney, and such ways shall for the purpose of any Act or by-law affecting the city be deemed to be public ways within the meaning of the Principal Act.

The council shall within one year of such commencement expend the sum of ten thousand pounds upon the improvement or repair of such public ways.

(2) In any proceedings by or on behalf of the municipal council of Sydney it shall not be necessary to prove the gazettal or alignment of such public ways, but it shall be sufficient evidence of the fact that any such way is a public way if it is proved that it is a thoroughfare in the nature of a street, or road, or way, and is so used by the public.

Acquisition of land for widening streets.

18. Within one year from the commencement of this Act the council shall acquire the necessary lands for the purpose of widening Pyrmont Bridge road, Brodie-street, and University-street, and extending Barr-street, University-street, Park-street, and Gibbens-street:

Provided that nothing in this section shall affect the powers of resumption and purchase conferred by the Sydney Corporation Amendment Act, 1905, or the Sydney Corporation Amendment Act, 1906.

Power of council to borrow.

19. For the purpose of paying and discharging the debts and liabilities of the council of the municipality of Camperdown as hereinbefore provided the municipal council of Sydney may borrow sums of money not exceeding in the whole thirty thousand pounds. The provisions of the Sydney Corporation Amendment Act, 1905, as to the borrowing and repayment of moneys for the purposes therein mentioned shall apply to and govern any borrowing under this section.

Sydney Corporation (Amendment).

20. (1) The council shall direct valuers appointed by it to enter in a ward assessment book for Camperdown Ward an assessment under the Principal Act of all ratable property within such ward, whether occupied or unoccupied. Such assessment when confirmed by the council shall remain in force subject to the original and annual rights of appeal conferred by the Principal Act, and subject to the provisions of section one hundred and seventeen of the Principal Act as amended by the Sydney Corporation Amendment Act, 1905, until the council causes a new assessment of ratable property in the city to be made. Assessment for city rate.

(2) For the purpose of such or any subsequent assessment of such ratable property and any rate to be raised thereon the provisions of the said Acts shall apply :

Provided that lands and buildings described in paragraph (ii) of subsection one of section three shall not be ratable property.

(3) The valuers may if they think fit adopt the valuation under the Local Government Act, 1906, of the assessed annual value of such property in force at the commencement of this Act as their valuation of the net average annual value of such property.

(4) The powers conferred by this section may be exercised at any time after the passing of this Act.

21. If the assessment-book for Camperdown Ward is not made and confirmed by the council before the thirty-first day of March, one thousand nine hundred and nine, the council may nevertheless cause rates to be raised for the other wards of the city, and shall, after the assessment for the Camperdown Ward has been so confirmed and signed by the town clerk, raise a rate on ratable property in the said ward of the same amount in the pound as the city rate for that year. City rate on Camperdown Ward.

22. The council shall also, in the year one thousand nine hundred and nine, and in each year thereafter for a period of twenty years, cause an additional rate of threepence in the pound on the net average annual value of the ratable property, or an additional rate on the unimproved capital value of ratable land situated in such ward which will yield approximately the same amount of money to be raised, such money to be applied for the purposes of providing a sinking fund for the repayment of the moneys borrowed for the purposes of this Act, and of making payments on account of the interest on such moneys, and such rate shall be in addition to the city rate. For the purpose of such additional rate, the provisions of the Principal Act and the Sydney Corporation Amendment Act, 1905, and this Part, or the provisions of Part II of this Act, as the case may be, shall apply as in the case of the city rate. All rates raised by the council under this section shall be paid into and form part of the city fund. Additional rate on Camperdown Ward.

23. (1) Within twenty-one days after the commencement of this Act there shall be an election of two aldermen of the city for Camperdown Ward. Such election shall be held upon a day to be fixed by the Lord Mayor, of which day he shall give notice in the Gazette and in one newspaper. Election for Camperdown Ward.

Sydney Corporation (Amendment).

(2) Such aldermen shall, subject to the provisions of the Principal Act, hold office until the next election of aldermen of the city, but they shall then be eligible for re-election if still qualified.

Roll of electors for that ward.

24. For the purpose of the said election or any election to fill an extraordinary vacancy for Camperdown Ward prior to the next election of aldermen for the city the roll of electors in force at the commencement of this Act for the municipality of Camperdown shall be the roll of citizens entitled to vote for Camperdown Ward, but so that no person shall be entitled to more than one vote at such election. The provisions of Part V of the Principal Act shall, so far as the same are not inconsistent herewith, apply to and govern such election and all matters and things incidental thereto. The town clerk may affix a number to each name on the roll for Camperdown Ward.

PART IV.

BELMORE MARKETS.

Land in Schedule One vested in council.

25. The land described in Schedule One is vested in the council for an estate in fee simple, free from all conditions, reservations, and dedications, statutory or otherwise, and may be dealt with under and subject to the provisions of this Part.

Power of council to sell or lease.

26. The council may, subject to such building conditions as the Premier for the time being may approve, sell or lease either the whole or any portion of the land described in Schedule One, in one or more lots, by public auction or private contract, and on such terms and conditions (including power to take securities for any balance of purchase money, or to allow a period for the payment of the same) as the council may think fit, and may execute the necessary assurances for carrying out any such sale or lease.

Nothing herein contained shall invalidate or affect any leases current at the commencement of this Act.

Power of council to borrow.

27. The council may from time to time, with the approval of the Governor, borrow any sum or sums of money for the construction of markets on the land already resumed or to be hereafter purchased or resumed for market purposes, and the same conditions, qualifications, and provisions shall regulate the borrowing of such moneys and the repayment thereof as if the same had been borrowed by virtue of the powers conferred upon the council by the Sydney Corporation Amendment Act, 1905.

Sydney Corporation (Amendment).

28. (1) The net proceeds of realisation of any land in Schedule One sold by the council under the provisions of this Part shall be set apart by the council and applied in or towards repayment of any loan raised, or to be raised, by the council for the purchase or resumption of land for market purposes or for the construction of markets thereon.

Application of purchase moneys, &c.

(2) The council may reduce the annual payments to any sinking fund formed in connection with any such loan to the same extent, and may invest the proceeds of any such realisation in the same manner, as if the lands sold under the authority of this Part had been sold under the powers conferred by the Sydney Corporation Amendment Act, 1905.

Investment of proceeds of realisation and reduction of payments to sinking fund.

29. The interest upon the moneys set apart and invested under the provisions hereinbefore contained, and the rents and proceeds of any land leased by the council under the said provisions shall from time to time be paid into the city fund.

Payment to city fund.

30. The land described in Schedule Two is hereby vested in and placed under the control, management, and direction of the council as a "public way" within the meaning of the Principal Act.

Widening Pitt-street.

PART V.
ADDITIONAL POWERS AND DUTIES.

31. On the commencement of this Act the council shall take over the maintenance and control of the lending branch of the Public Library of New South Wales, established in the Queen Victoria Markets; and all books, papers, and fittings in such lending branch are vested in the council.

Maintenance and control of lending branch of Public Library.

The provisions of sections nine, ten, eleven, and twelve of the Sydney Corporation Amendment Act, 1906, relating to free reading and lending libraries shall apply to the said lending branch of the said Public Library.

32. The council may establish infants' milk depots, and for that purpose may, with the approval of the Governor, borrow moneys under the same conditions, qualifications, and provisions as regulate the borrowing of moneys under the Sydney Corporation Amendment Act, 1905.

Establishment of milk depots.

The council may maintain and manage such milk depots, and pay for such maintenance and management out of the city fund.

33.

Sydney Corporation (Amendment).

Council appointed trustees of Observatory Park, Dawes Point Reserve, and Belmore Park.

33. (1) All trustees heretofore appointed by the Governor under the authority of any statute for the lands described in Schedule Three are hereby removed, and the council are hereby appointed trustees of the said lands, with the same powers and estate in the said lands, and subject to the same limitations, as if the appointment were made under the provisions of the Public Parks Act, 1902.

(2) The Governor may resume, under the provisions of the Public Works Act, 1900, without compensation, any portion of the lands described in Part I of Schedule Three for a line of railway to North Sydney, or for building purposes, or any portion of the lands described in Part II of the said Schedule for a roadway or as a site for the Mint or for piers for a bridge across Sydney Harbour.

Control of certain public ways.

34. The control, management, and direction of the public ways mentioned in Schedule Four are vested in the council.

Increase of width of Elizabeth-street and Liverpool-street.

35. (1) The council may increase the width of Elizabeth-street by adding to such street a strip of the land now forming part of Hyde Park, to a distance not exceeding eighteen feet, from the western boundary of such park. Of such land so added, not more than six feet from such boundary may be used as a carriage-way, and the remainder may be used as a footway only.

(2) The council may increase the width of Liverpool-street by adding to such street a strip of the land now forming part of Hyde Park, to a distance not exceeding fifteen feet, from the southern boundary of such park.

(3) Such streets as so widened shall be public ways.

Payment towards maintenance and interest on cost of Pymont bridge.

36. (1) From and after the commencement of this Act the council shall each year pay into the Treasury the sum of two thousand two hundred pounds towards the control and maintenance of Pymont bridge and its approaches, and the sum of five thousand one hundred pounds in respect of interest on the cost of the said bridge :

Provided that this provision shall cease to have effect if and when the said bridge is removed or demolished.

Payment towards regulation of traffic.

(2) The council shall each year pay into the Treasury the sum of seven thousand five hundred pounds towards the cost of the regulation of traffic in the city.

(3) Such amounts shall respectively be paid by half-yearly instalments on or before the the thirtieth day of June and the thirty-first day of December in each year, and shall be carried to the Consolidated Revenue Fund.

Lighting Domain.

37. The council shall undertake the lighting of the Domain at a cost not exceeding one thousand five hundred pounds per annum.

Amendment of s. 11 (1) of Principal Act.

38. Subsection one of section eleven of the Principal Act is amended by inserting at the end thereof the following :—"The council shall pay into the Treasury a sum fixed by the Colonial Treasurer as the cost of collecting the list by the police. Such sum shall be carried to the Consolidated Revenue Fund."

Sydney Corporation (Amendment).

39. The council shall each year pay into the Treasury the sum of one thousand six hundred pounds towards the amount payable by the Crown in respect of the salaries of the medical officer of health for the Metropolitan district, and his assistant, and the inspector of nuisances and sanitary inspectors for the city. Amount payable by council to Crown.

SCHEDULES.

SCHEDULE ONE.

Belmore Markets—Land vested in the council.

(a) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at the intersection of the southern building line of Campbell-street with the eastern building line of George-street; bounded on the north by the southern building line of Campbell-street to its intersection with the western building line of Parker-lane; thence on the east by the western building line of Parker-lane to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to its intersection with the eastern building line of George-street; thence on the west by the eastern building line of George-street, to the point of commencement,—containing 1 rood 25½ perches, or thereabouts.

(b) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at the intersection of the southern building line of Campbell-street with its intersection with the western building line to Pitt-street; bounded thence on the east by the western building line of Pitt-street to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to its intersection with the eastern building line of Parker-lane; thence on the west by the eastern building line of Parker-lane to its intersection with the southern building line of Campbell-street; thence on the north by the southern building line of Campbell-street, to the point of commencement,—containing 3 roods 33½ perches, or thereabouts.

(c) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at a point on the southern building line of Campbell-street, distant 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; bounded thence on the north by the southern building line of Campbell-street to its intersection with the western building line of Castlereagh-street; thence on the east by the western building line of Castlereagh-street to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to a point distant 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; thence on the west by a line northerly, to the point of commencement,—containing 1 acre 1 rood 27 perches, or thereabouts.

Sydney Corporation (Amendment).

SCHEDULE TWO.

Belmore Markets—Land for public way.

All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at a point on the southern building line of Campbell-street, distant 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; bounded thence on the north by the southern building line of Campbell-street to its intersection with the eastern building line of Pitt-street; thence on the west by the eastern building line of Pitt-street to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to a point 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; thence on the east by a line northerly, to the point of commencement,—containing 26 perches, or thereabouts.

SCHEDULE THREE.

PART I.

Observatory Park.

All those two pieces or parcels of land, containing an aggregate area of 5 acres 3 roods 14 perches, situated at and near Flagstaff Hill, city of Sydney, parish of St. Philip, county of Cumberland.

Firstly, 5 acres 2 roods 9 perches, situated as aforesaid: Commencing on the western side of Upper Fort street at a point bearing south 52 degrees 25 minutes west and distant 1 chain 14 links from the intersection of the eastern side of that street with the southern side of Essex-street; and bounded thence by lines bearing north 74 degrees 39 minutes west $79\frac{9}{10}$ links, north 89 degrees 23 minutes west 1 chain, south 82 degrees west $25\frac{3}{10}$ links, and south 2 degrees 5 minutes west $67\frac{8}{10}$ links, to the northern side of an old brick wall forming the northern boundary of the Fort-street Model Public School grounds; thence by that wall and another old brick wall forming the western boundary of the Fort-street Model Public School grounds before-mentioned, bearing north 87 degrees 31 minutes west 1 chain $99\frac{3}{10}$ links, and south 4 degrees 47 minutes east 1 chain $67\frac{6}{10}$ links, to a point in the easterly prolongation of the southern side of a dwarf stone wall; thence by that prolongation and the southern side of that wall bearing westerly to another dwarf stone wall on the eastern side of Kent-street; thence by the eastern side of that street bearing north 13 degrees 31 minutes west 2 chains $22\frac{1}{10}$ links, to the southern side of a brick wall; thence by that brick wall and its prolongation easterly, in all bearing north 77 degrees 10 minutes east 1 chain $36\frac{4}{10}$ links to the western side of another dwarf stone wall; thence by that wall bearing northerly, north-easterly, easterly, and south-easterly to the western side of Upper Fort street before mentioned; and thence by that street bearing southerly, to the point of commencement,—exclusive of an area of 1 acre 1 rood 4 perches, formerly dedicated for Observatory on the twenty-ninth day of April, one thousand eight hundred and eighty-four, which has been deducted from the total area, and shown upon a plan in the Department of Lands catalogued C. 34-2,063 Roll.

Secondly, 1 rood 5 perches, situated as aforesaid: Commencing at the westerly intersection of the southern side of Argyle-street with the northern side of Watson-road; and bounded thence on the south and south-east by the southern and south-eastern sides of the existing wall, situated on the northern and north-western side of Watson-road, bearing easterly and north-easterly to the southern side of Argyle-street before-mentioned; and thence on the north by the southern side of Argyle-street, bearing westerly, to the point of commencement:

Which said parcels of land are shown upon a plan in the Department of Lands, catalogued Ms. 2,489, Sy.

PART

Sydney Corporation (Amendment).

PART II.

Dawes Point Reserve.

County of Cumberland, parish of St. Phillip, city of Sydney, at Dawes' Point. Area, 4 acres 1 rood $18\frac{1}{2}$ perches: Commencing on the eastern side of George-street North, at a point bearing south 51 minutes east 3 chains 39 $\frac{1}{2}$ links from the outer edge of the base course of the sea wall fronting Port Jackson, being a point in the northerly prolongation of the eastern side of George-street North, being also the north-western corner of an area of $\frac{1}{10}$ of a perch occupied as a cable hut site by the Commonwealth of Australia: and bounded thence by a line bearing north 89 degrees 5 minutes east 47 $\frac{8}{10}$ links; thence by the concave side of an arc of 91 links radius curving to the right, the chord of which bears north 77 degrees 57 minutes east 88 $\frac{8}{10}$ links; thence by lines bearing south 73 degrees 4 minutes east 1 chain 89 $\frac{4}{10}$ links, north 23 degrees 4 minutes east 67 links, south 63 degrees 51 minutes east 40 links, north 23 degrees 15 minutes east 46 $\frac{6}{10}$ links, north 4 degrees 3 minutes east 22 $\frac{9}{10}$ links, north 23 degrees 39 minutes east 19 $\frac{6}{10}$ links, south 67 degrees 16 minutes east 31 links, north 23 degrees 42 minutes east 48 links, north 67 degrees 40 minutes west 26 $\frac{8}{10}$ links, north 21 degrees 12 minutes east 11 $\frac{9}{10}$ links to the outer edge of the base course of the sea wall before mentioned; and thence by the outer edge of the said wall being a line bearing south 65 degrees 52 minutes east 1 chain 14 $\frac{9}{10}$ links, the concave side of an arc of 1 chain 86 links radius curving to the right, the chord of which bears south 53 degrees 12 minutes east 90 $\frac{6}{10}$ links, and a line bearing south 38 degrees 10 minutes east 1 chain 14 $\frac{4}{10}$ links to the inner edge of a wall forming the western boundary of the constructed road heading from the horse ferry to George-street North; thence by the said wall being the convex side of an arc of 24 links radius curving to the left, the chord of which bears south 16 degrees 10 minutes west 33 $\frac{6}{10}$ links, a line bearing south 27 degrees 18 minutes east 1 chain 21 $\frac{2}{10}$ links, the concave side of an arc of 1 chain 10 links radius curving to the right, the chord of which bears south 18 degrees 20 minutes east 35 $\frac{1}{10}$ links, a line bearing south 8 degrees 56 minutes east 2 chains 18 $\frac{3}{10}$ links, the concave side of an arc of 1 chain 34 links radius curving to the right, the chord of which bears south 14 degrees 53 minutes west 1 chain, the concave side of an arc of 1 chain 34 links radius curving to the right, the chord of which bears south 52 degrees 13 minutes west 71 links, a line bearing south 80 degrees 33 minutes west 1 chain 33 $\frac{9}{10}$ links, the convex side of an arc of 1 chain 76 $\frac{1}{2}$ links radius curving to the left, the chord of which bears south 70 degrees 18 minutes west 40 $\frac{1}{2}$ links, a line bearing south 62 degrees 32 minutes west 2 chains 5 $\frac{8}{10}$ links and the convex sides of a series of arcs of 3 chains 28 links radii curving to the left, the chords of which bear south 54 degrees 3 minutes west 1 chain, south 37 degrees 11 minutes west 1 chain, and south 21 degrees west 75 $\frac{4}{10}$ links to the south-eastern corner of a stone wall; and thence by the south-eastern side of that wall and by the north-western side of a brick building, being a line bearing south 52 degrees 41 minutes west 2 chains 34 $\frac{1}{2}$ links to the eastern side of George-street North before mentioned; and thence by that street bearing north 5 degrees 30 minutes east 46 $\frac{7}{10}$ links, north 7 degrees 34 minutes east 84 $\frac{8}{10}$ links, north 12 degrees 29 minutes east 44 $\frac{8}{10}$ links, north 17 degrees 53 minutes east 48 $\frac{9}{10}$ links north 26 degrees 6 minutes east 43 $\frac{2}{10}$ links, north 51 degrees 10 minutes west 92 $\frac{7}{10}$ links, and north 4 degrees 54 minutes east 1 chain 81 $\frac{6}{10}$ links; thence by lines bearing north 77 degrees 14 minutes east 2 chains 23 $\frac{1}{2}$ links, south 84 degrees 59 minutes east 97 $\frac{3}{10}$ links, the convex sides of a series of arcs of 1 chain 50 links radii curving to the left, the chords of which bear north 18 degrees 58 minutes east 48 $\frac{1}{2}$ links, north 5 degrees 12 minutes east 36 $\frac{1}{2}$ links, north 7 degrees 9 minutes west 36 $\frac{6}{10}$ links, north 21 degrees 40 minutes west 37 links, north 37 degrees 9 minutes west 46 $\frac{1}{10}$ links, north 60 degrees 22 minutes west 44 $\frac{2}{10}$ links, north 84 degrees 46 minutes west 33 $\frac{4}{10}$ links; thence by lines bearing north 16 degrees 42 minutes west 45 $\frac{2}{10}$ links, north 33 degrees 31 minutes east 1 chain 57 $\frac{1}{10}$ links, north 39 degrees 49 minutes west 88 $\frac{1}{10}$ links; again by the convex sides of a series of arcs of 2 chains radii curving to the left, the chords of which bear north 55 degrees 35 minutes west 50 $\frac{1}{2}$ links, north 71 degrees 39 minutes west 60 links, and south 84 degrees 55 minutes west 60 links; again

Sydney Corporation (Amendment).

again by lines bearing south 26 degrees 23 minutes west $23\frac{6}{10}$ links, south 84 degrees 29 minutes west $40\frac{2}{10}$ links, and south 41 degrees 50 minutes west $14\frac{9}{10}$ links to the eastern side of George-street North aforesaid; thence by that street bearing north $44\frac{1}{2}$ minutes west $54\frac{7}{10}$ links, to the point of commencement, as surveyed and shown on plan catalogued Ms. 2,695 Sy. in the Department of Lands.

PART III.

Belmore Park.

County of Cumberland, parish of St. Lawrence, City of Sydney. Area, 7 acres 3 roods $15\frac{1}{2}$ perches: Commencing on the north-eastern side of Rawson-place at a point distant 77 feet south-easterly from its intersection with the south-eastern side of Pitt-street; and bounded thence by Rawson-place south-easterly to Elizabeth-street; thence by Elizabeth-street northerly to Hay-street; thence by Hay street westerly to the road of approach to the Central Railway Station; and thence by that road generally southerly to the point of commencement, but exclusive of a tramway 17 feet wide intersecting the park from Rawson-place generally north easterly to Hay-street, as shown on plan catalogued Ms. 2,885 Sy.

 SCHEDULE FOUR.
Public ways vested in the council.

Day-street, extending from Erskine-street southerly and easterly to Sussex-street but excluding over-bridge, and bridge and piers of Pymont Bridge.

Road to horse ferry, extending from George-street North to high-water mark at Dawes' Point Ferry.

Circular Quay roadway, from the horse ferry road north-easterly, south-easterly, south-westerly, including Circular Quay; thence north-easterly and easterly to high-water mark at North Sydney horse ferry, Bennelong Point.

Tarpeian Way, extending from Macquarie-street North north-easterly to its intersection with the road leading to Botanical Gardens.

Argyle-street, extending from boundary of Harbour Trust property to Circular Quay road.

Cowper Wharf roadway, from its northern termination at western side of Woolloomooloo Bay southerly and generally easterly to a fenced line opposite Duke-street.

The whole of these areas are shown upon plan catalogued R. 162, City Surveyor's Office, Town Hall.

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

HARRY H. RAWSON,
Governor.

State Government House,
Sydney, 22nd December, 1908.

SYDNEY CORPORATION (AMENDMENT) BILL.

SCHEDULE showing the Legislative Assembly's Disagreements from, and Amendments upon, the Legislative Council's Amendments, referred to in Message of 18th December, 1908.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

- Page 3, clause 4, lines 9 and 10. *Omit* "nor more than threepence in the pound"
Page 3, clause 4. At end of clause *add*: "Provided that the total amount leviable
" under this Part, or under this Part and the Principal Act, as the case
" may be, shall not exceed the amount which would be yielded by a rate
" of threepence in the pound on the unimproved capital value, and two
" shillings in the pound on the average annual value taken together of all
" ratable property in the city."
Page 9, clause 22, line 36. *Reinsert* "to be raised"
Page 9, clause 22, line 42. *After* "Part" *insert* "or the provisions of Part II of
" this Act, as the case may be"
-

REPLY COMMISSION (AMENDMENT) 1931

COMMISSIONER OF THE LAND OFFICE, HONG KONG
IN REPLY TO THE LEGISLATIVE COUNCIL'S AMENDMENT, REFERRED TO IN PARAGRAPH 1
OF THE REPORT OF THE COMMISSION, 1931

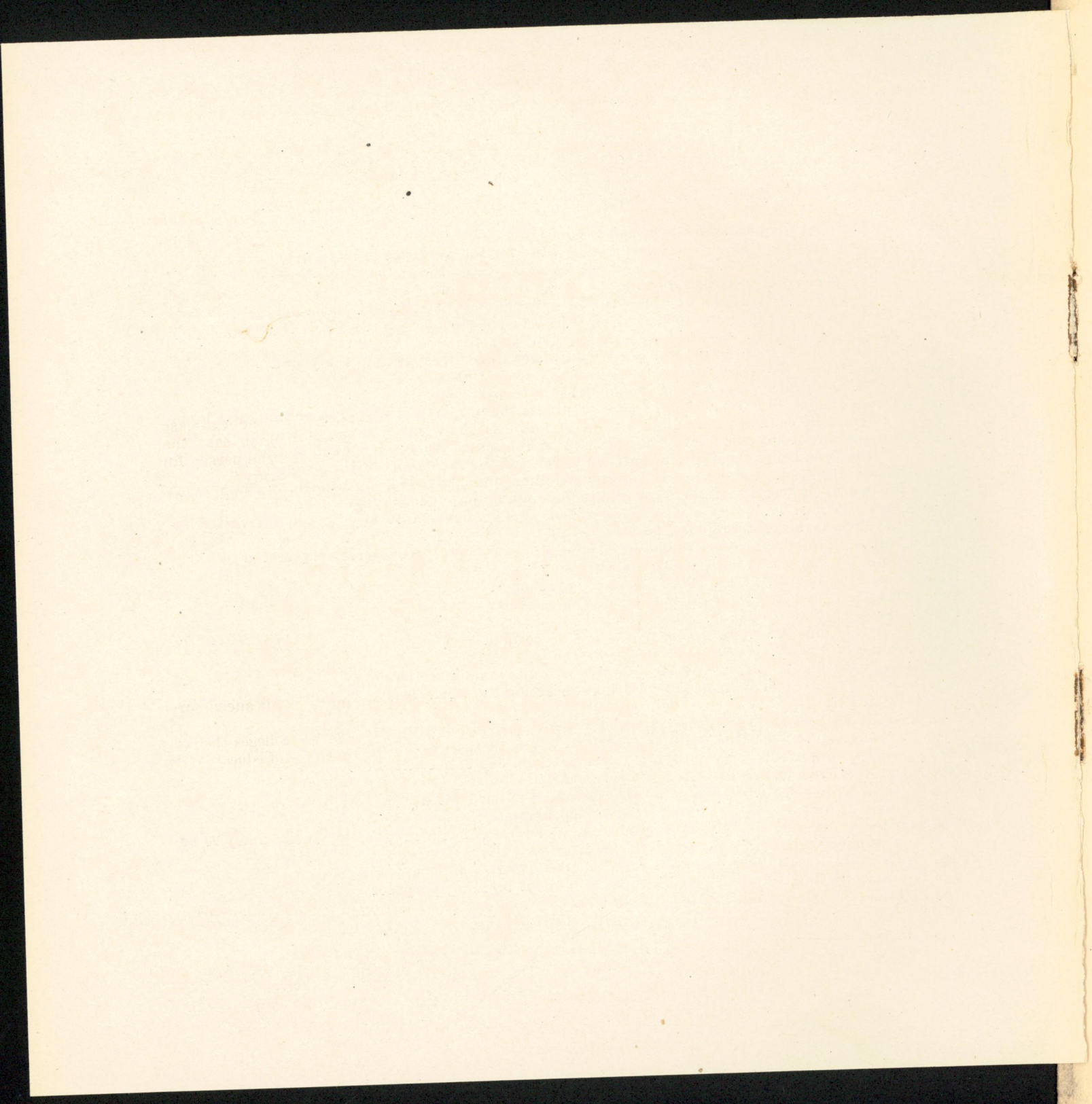
WILLIAM A. ARNOLD,
Chief of the Legislative Assembly

Page 4, clause 2, line 2 and 3. "and" to be inserted after "and" in the second line of the clause.
Page 5, clause 3, line 1. "and" to be inserted after "and" in the first line of the clause.
Page 5, clause 3, line 2. "and" to be inserted after "and" in the second line of the clause.
Page 5, clause 3, line 3. "and" to be inserted after "and" in the third line of the clause.
Page 5, clause 3, line 4. "and" to be inserted after "and" in the fourth line of the clause.
Page 5, clause 3, line 5. "and" to be inserted after "and" in the fifth line of the clause.
Page 5, clause 3, line 6. "and" to be inserted after "and" in the sixth line of the clause.
Page 5, clause 3, line 7. "and" to be inserted after "and" in the seventh line of the clause.
Page 5, clause 3, line 8. "and" to be inserted after "and" in the eighth line of the clause.
Page 5, clause 3, line 9. "and" to be inserted after "and" in the ninth line of the clause.
Page 5, clause 3, line 10. "and" to be inserted after "and" in the tenth line of the clause.
Page 5, clause 3, line 11. "and" to be inserted after "and" in the eleventh line of the clause.
Page 5, clause 3, line 12. "and" to be inserted after "and" in the twelfth line of the clause.
Page 5, clause 3, line 13. "and" to be inserted after "and" in the thirteenth line of the clause.
Page 5, clause 3, line 14. "and" to be inserted after "and" in the fourteenth line of the clause.
Page 5, clause 3, line 15. "and" to be inserted after "and" in the fifteenth line of the clause.
Page 5, clause 3, line 16. "and" to be inserted after "and" in the sixteenth line of the clause.
Page 5, clause 3, line 17. "and" to be inserted after "and" in the seventeenth line of the clause.
Page 5, clause 3, line 18. "and" to be inserted after "and" in the eighteenth line of the clause.
Page 5, clause 3, line 19. "and" to be inserted after "and" in the nineteenth line of the clause.
Page 5, clause 3, line 20. "and" to be inserted after "and" in the twentieth line of the clause.
Page 5, clause 3, line 21. "and" to be inserted after "and" in the twenty-first line of the clause.
Page 5, clause 3, line 22. "and" to be inserted after "and" in the twenty-second line of the clause.
Page 5, clause 3, line 23. "and" to be inserted after "and" in the twenty-third line of the clause.
Page 5, clause 3, line 24. "and" to be inserted after "and" in the twenty-fourth line of the clause.
Page 5, clause 3, line 25. "and" to be inserted after "and" in the twenty-fifth line of the clause.
Page 5, clause 3, line 26. "and" to be inserted after "and" in the twenty-sixth line of the clause.
Page 5, clause 3, line 27. "and" to be inserted after "and" in the twenty-seventh line of the clause.
Page 5, clause 3, line 28. "and" to be inserted after "and" in the twenty-eighth line of the clause.
Page 5, clause 3, line 29. "and" to be inserted after "and" in the twenty-ninth line of the clause.
Page 5, clause 3, line 30. "and" to be inserted after "and" in the thirtieth line of the clause.
Page 5, clause 3, line 31. "and" to be inserted after "and" in the thirty-first line of the clause.
Page 5, clause 3, line 32. "and" to be inserted after "and" in the thirty-second line of the clause.
Page 5, clause 3, line 33. "and" to be inserted after "and" in the thirty-third line of the clause.
Page 5, clause 3, line 34. "and" to be inserted after "and" in the thirty-fourth line of the clause.
Page 5, clause 3, line 35. "and" to be inserted after "and" in the thirty-fifth line of the clause.
Page 5, clause 3, line 36. "and" to be inserted after "and" in the thirty-sixth line of the clause.
Page 5, clause 3, line 37. "and" to be inserted after "and" in the thirty-seventh line of the clause.
Page 5, clause 3, line 38. "and" to be inserted after "and" in the thirty-eighth line of the clause.
Page 5, clause 3, line 39. "and" to be inserted after "and" in the thirty-ninth line of the clause.
Page 5, clause 3, line 40. "and" to be inserted after "and" in the fortieth line of the clause.
Page 5, clause 3, line 41. "and" to be inserted after "and" in the forty-first line of the clause.
Page 5, clause 3, line 42. "and" to be inserted after "and" in the forty-second line of the clause.
Page 5, clause 3, line 43. "and" to be inserted after "and" in the forty-third line of the clause.
Page 5, clause 3, line 44. "and" to be inserted after "and" in the forty-fourth line of the clause.
Page 5, clause 3, line 45. "and" to be inserted after "and" in the forty-fifth line of the clause.
Page 5, clause 3, line 46. "and" to be inserted after "and" in the forty-sixth line of the clause.
Page 5, clause 3, line 47. "and" to be inserted after "and" in the forty-seventh line of the clause.
Page 5, clause 3, line 48. "and" to be inserted after "and" in the forty-eighth line of the clause.
Page 5, clause 3, line 49. "and" to be inserted after "and" in the forty-ninth line of the clause.
Page 5, clause 3, line 50. "and" to be inserted after "and" in the fiftieth line of the clause.

SYDNEY CORPORATION (AMENDMENT) BILL.

SCHEDULE of the Amendments referred to in Message of 10th December, 1908.

- Page 1, Title. *Omit* "public libraries, art galleries, museums, and"
- Page 2, clause 3, line 18. *After* "in" *insert* "**construing for the purposes of this Part**"
- Page 2, clause 3, lines 21 to 27. *Omit* "land the property of the Crown, or vested in the University of Sydney or in the colleges thereof, and used by such University or colleges, or any of them, solely for the purposes of education, or vested in the Chief Commissioner for Railways and Tramways, or in the Sydney Harbour Trust Commissioners, or in the Board of Water Supply and Sewerage"; *insert* new paragraphs (i) (ii) and (iii)
- Page 3, clause 4, line 9. *After* "pound" *insert* "**nor more than threepence in the pound**"
- Page 3, clause 6, line 45. *Omit* "each" first occurring; *insert* "**any**"
- Page 3, clause 6, line 45. *Omit* "each" second occurring; *insert* "**any**"
- Page 4, clause 11, line 40. *After* "levied" *insert* "**unless the property is vested in and under a lease from the council granted for a term of not less than thirty years, in which case the amount of any such rate shall be paid by the lessee from the council or the person for the time being receiving or entitled to receive the rack rents of the property**"
- Page 5, clause 11, line 4. *After* "taxes" *insert* "**whether under those designations or under any words of description which would include municipal or local government taxes**"
- Page 5, clause 11, line 17. *After* "made" *insert* "**on the application of any person interested in such agreement and shall be**"
- Page 5, clause 11, line 24. *Omit* "The lessor who has made"; *insert* "**Any person interested in**"
- Page 5, clause 11, line 25. *Omit* "shall"; *insert* "**may**"
- Page 5, clause 11, line 26. *Omit* "lease"; *insert* "**agreement**"
- Page 5, clause 11, line 30. *Omit* "in possession of the property rated as"
- Page 5, clause 11, lines 31 and 32. *Omit* "such lessor notifies"
- Page 5, clause 11, line 32. *After* "council" *insert* "**be notified**"
- Page 5, clause 11, line 33. *Omit* "such"; *insert* "**the**"
- Page 6, clause 11, line 2. *After* "council" *insert* "**or to his immediate lessor**"
- Page 6, clause 11. At end of clause *add* "**In this subsection the word 'lessor' includes his successors in title**"
- Page 9, clause 20, lines 13 to 15. *Omit* "vested in the University of Sydney, or in the colleges thereof, and used by such University or colleges, or any of them, solely for the purposes of education"; *insert* "**described in paragraph (ii) of subsection one of section three**"
- Page 9, clause 22, line 30. *Omit* "may"; *insert* "**shall**"
- Page 9, clause 22, line 34. *After* "land" *insert* "**situated in such ward**"
- Page 9, clause 22, line 35. *After* "yield" *insert* "**approximately**"
- Page 9, clause 22, lines 35 and 36. *Omit* "situate in such ward to be raised"; *insert* "**such money to be applied**"
- Page 11, clause 32, lines 38 and 39. *Omit* "libraries, art galleries, museums, and"
- Page 12, clause 33, line 10. *After* "Sydney" *insert* "**or for building purposes**"
- Page 13, clause 39, line 2. *Omit* "five"; *insert* "**six**"



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, 2 December, 1908.* }

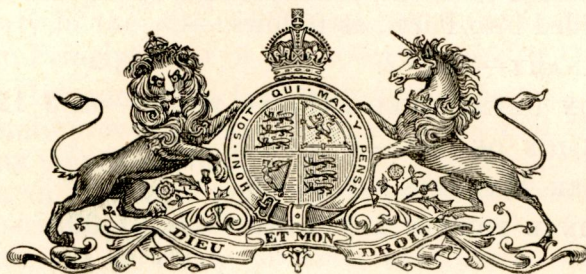
RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

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

*Legislative Council Chamber,
Sydney, 10th December, 1908.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. , 1908.

An Act to provide for the making and levying of rates on the unimproved capital value of land in the City of Sydney ; for the suspension in the said city of certain Acts relating to land tax ; to include the municipality of Camperdown in the said city ; to vest in the council certain lands and certain public places and public institutions ; to authorise the council to establish and maintain public libraries, art galleries, museums, and milk depots ; for widening Elizabeth-street and Liverpool-street ; for the payment of certain sums by the council to the Treasury ; to authorise the council to resume certain lands and borrow certain moneys ; to amend the Sydney Corporation Act, 1902, the Public Health Act, 1902, the Hyde, Cook, and Phillip Parks Act, 1904, and other Acts ; and for purposes consequent thereon or incidental thereto.

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

Sydney Corporation (Amendment).

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 :—

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PART I.

PRELIMINARY.

1. This Act may be cited as the "Sydney Corporation (Amend-^{Short title.}ment) Act, 1908," and shall be construed with the Sydney Corporation Act, 1902, hereinafter referred to as the Principal Act.

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

Division of Act.

PART I.—PRELIMINARY—*ss.* 1-2.

PART II.—RATE ON UNIMPROVED CAPITAL VALUE—*ss.* 3-12.

PART III.—EXTENSION OF CITY—*ss.* 13-24.

PART IV.—BELMORE MARKETS—*ss.* 25-30.

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PART V.—ADDITIONAL POWERS AND DUTIES—*ss.* 31-39.

PART II.

RATE ON UNIMPROVED CAPITAL VALUE.

3. (1) In this Part, and in construing for the purposes of this ^{Definitions.} Part enactments thereby incorporated or applied,—

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"Ratable property" or "ratable land" means property ratable under the Principal Act not being ~~land the property of the~~ Crown, or vested in the University of Sydney or in the colleges thereof, and used by such University or colleges, or any of them, solely for the purposes of education, or vested in the Chief Commissioner for Railways and Tramways, or in the Sydney Harbour Trust Commissioners, or in the Board of Water Supply and Sewerage—

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(i) land the property of the Crown; or

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(ii) land situated within Camperdown Ward, and being or forming part of land now vested in the University of Sydney, or in any college within such University: Provided that such land is used for the purposes of education, or for purposes incidental thereto or connected therewith, and is not under lease from such University, or any such college; or

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(iii) land vested in the Chief Commissioner for Railways and Tramways, or in the Sydney Harbour Trust Commissioners, or in the Board of Water Supply and Sewerage.

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"Unimproved capital value" and "owner" have the meanings given to "unimproved value" and "owner" respectively in the Land and Income Tax Assessment Act of 1895. (2)

Sydney Corporation (Amendment).

(2) In enactments of the Local Government Act, 1906, incorporated hereby—

“An area” shall be read as the city of Sydney.

“A council” shall be read as the municipal council of Sydney.

5 “Prescribed” means prescribed by this Part or by the Principal Act, or by by-laws made thereunder.

4. The council shall, in and for the year one thousand nine hundred and nine, and in every succeeding year, make and levy a general rate of not less than one penny in the pound **nor more than** ^{Rate on unimproved capital value.} **threepence in the pound** upon the unimproved capital value of all **10** ratable property in the city. Such rate shall be in addition to any rate under the Principal Act or any other rate under this Act.

5. The Governor shall forthwith, on the council imposing such ^{Suspension of land tax.} rate on such unimproved capital value, proclaim that the operation of **15** the enactments mentioned in Schedule Three to the Local Government Act, 1906, are and the same shall thereupon be suspended in the city.

Such suspension shall take effect from the first day of the year in which the said rate on such unimproved capital value is first made as aforesaid: Provided that such suspension shall not apply **20** to the land tax for the years from one thousand eight hundred and ninety-six up to the year in which such rate is first made as aforesaid:

Provided also that exemptions and deductions from and in respect of income tax under sections seventeen and twenty-eight of the Land and Income Tax Assessment Act of 1895, and section one **25** of the Land and Income Tax (Declaratory) Act, 1898, shall be made in relation to land, and the income derived from land, subject to rates under this Part as in the case of land subject to land tax.

6. (1) The council, for the purpose of making rates under this ^{Valuations.} Part, may, from time to time, and shall at least once in every five **30** years, cause valuation to be made of the unimproved capital value of all ratable property in the city, and for that purpose shall appoint valuers who shall make the declaration provided for in section one hundred and eleven of the Principal Act:

Provided that the council may adopt the valuations under the **35** Land and Income Tax Assessment Act of 1895 as the first valuation of unimproved capital value under this Part:

Provided also that the council may, without causing a fresh valuation to be made, adopt as the valuations for any period the whole or any part of the valuations in force at the close of the next **40** preceding period, when such valuations are considered by the council to be still just and equitable.

Any such valuation shall be in force until a fresh valuation is made.

The valuation may, in the discretion of the valuers, be made **45** of each any parcel of land separately owned, or of each any parcel separately occupied. (2)

Sydney Corporation (Amendment).

(2) Section one hundred and eighteen of the Principal Act shall apply to valuations under this Part.

7. Notice of the valuation shall be served on the owner of the property valued. Any such notice may be served as prescribed in section two hundred and sixteen of the Principal Act. Service of notice of valuations.

8. Any valuation or entry of valuation made under this Part may be altered at any time where it is found that an error has been made as to the area or ownership of land, or any mistake of calculation of values has been made, or where there is a change of ownership. Alteration of valuations.

10 Where any land has been subdivided, and a portion sold, the valuation of such land may be altered, and such valuation and any unpaid rates due on such land may be apportioned by the council. Such alteration and apportionment shall be initialled by the Lord Mayor and town clerk after resolution of the council making such alteration or apportionment. Such alteration or apportionment shall take effect from the date fixed by the resolution of the council :

Provided that in every such case of alteration or apportionment notice thereof shall be served, and an appeal therefrom shall lie, as with respect to valuations.

20 Other minor errors in an assessment book not affecting the amount at which land is valued may be altered as aforesaid.

9. Where such valuation is made of property which was not ratable under this Part at the commencement of the then current year, the rate thereon shall be proportionate to the portion of such year during which such land was ratable. Valuations made during current year.

Where such valuation is made of property which had not been rated, but which was so ratable at the commencement of the then current year, the rate thereon shall be for the whole of such year.

10. The provisions of the Principal Act relating to the making of assessment books, and to appeals from assessments, and to the making and levying of rates, and the time when the same shall be payable, shall, mutatis mutandis, but subject to this Act, apply to valuations and assessments and rates made under this Part : Provided that the right of appeal under this Part is extended to any person aggrieved by an assessment, and that the rate may be fixed and ordered by the council at any time before or after the thirty-first day of March in any year. Assessment books and appeals from assessments.

11. (1) The amount of any rate under this Part shall be paid to the council by the owner of the property in respect of which the rate is levied, unless the property is vested in and under a lease from the council granted for a term of not less than thirty years, in which case the amount of any such rate shall be paid by the lessee from the council or the person for the time being receiving or entitled to receive the rack rents of the property, Payment of rates.

Sydney Corporation (Amendment).

(2) Provided that where a lessee of ratable property has before the first day of November, one thousand nine hundred and eight, agreed with the owner, or with the mesne lessee from whom he immediately holds, to pay municipal or local government taxes, Proviso when lessee has agreed to pay rates.

5 **whether under these designations or under any words of description which would include municipal or local government taxes,** the owner and all the lessees, including mesne lessees, shall, notwithstanding such agreement and during the currency of such agreement, be respectively liable, as between themselves, for so much of the rate

10 under this Part as is equal to the amount of the land tax, or tax in lieu of land tax, on the land which they respectively would have been liable to pay under the Acts mentioned in Schedule Three to the Local Government Act, 1906, if the operation of the said Acts had not been

15 under this Part. The adjustment of the Commissioners of Taxation under the fourth section of the Land Tax (Leases) Act, 1902, shall be made **on the application of any person interested in such agreement,** and shall be on the basis of such valuation, and of a land tax or tax in lieu of land tax, without exemptions, and after the first adjustment,

20 there shall be a readjustment by the commissioners at every subsequent period of valuation. Such adjustment may be made, notwithstanding the suspension of the operation of the said Act, and shall be final and shall not be subject to appeal in any court.

~~The lessor who has made~~ **Any person interested in any such** agreement as aforesaid shall **may** notify the council of the terms of such lease agreement. Where such notification has been received by the council, such council shall (notwithstanding the provisions of subsection one of this section) first proceed for the recovery of the whole of any rates due under this Part from the lessee who is

30 ~~in possession of the property rated as~~ the last lessee within the knowledge of the council bound by any such agreement. Unless ~~such lessor notifies~~ the council **be notified** as aforesaid before the making of any rates, the council may recover the whole of ~~such~~ **the** rates from such lessor.

35 Failing in any legal proceedings against any person as aforesaid the council shall next so proceed against the lessor from whom such person immediately holds; and, failing in any such proceedings against a lessor who is a mesne lessee, the council shall next so proceed against the lessor from whom he immediately holds; and so on.

40 Any lessee who has paid, or any mesne lessee who has paid or suffered the deduction as hereinafter provided of any such rates may recover as a debt from, or deduct from any moneys due to, the lessor from whom he immediately holds, the proportionate amount of rates determined as aforesaid by the said commissioners to be the portion

45 payable in respect of the property rated by all the persons under whom he

Sydney Corporation (Amendment).

he derives title; and any lessor who has made any payment to the council or to his immediate lessor in respect of such rates may recover as a debt from any lessee under him such portion thereof as such lessee is liable for under his agreement and the terms of this subsection.

5 The council, the commissioners aforesaid, and any authorised servant of either of them, may demand the production within a reasonable time of any agreement as aforesaid from any owner, lessee, or person having the custody of such agreement, or require any person in occupation of land, or in receipt of the rent of land, to
10 answer any question for the purposes of this subsection. If such owner, lessee, or person refuses or neglects on demand as aforesaid to produce any such agreement, or if any person when duly required refuses to answer any question for the purposes of this subsection, or wilfully makes a false answer thereto, he shall be liable to a penalty
15 not exceeding fifty pounds. A certificate of such adjustment aforesaid purporting to be signed by the said commissioners, or their secretary, or registrar, shall be prima facie evidence of such adjustment. In this subsection the word "lessor" includes his successors in title.

20 12. The provisions of subsections five, seven, eight, and nine of section one hundred and forty-four, and the whole of sections one hundred and forty-five, one hundred and forty-six, and one hundred and forty-eight of the Local Government Act, 1906, relating to rates under that Act, shall apply, mutatis mutandis, to rates under this Part: Provided that references to lessees, licensees, or tenants
25 in those sections are omitted.

Incorporation of provisions of Local Government Act.

PART III.

EXTENSION OF CITY.

30 13. The council of the municipality of Camperdown is dissolved, and the said municipality is included within the city, and shall form part of the city, and a ward thereof to be known as Camperdown Ward, constituted in addition to the twelve wards in the Principal Act mentioned, and shall be subject to any Acts, by-laws, and regulations affecting the city.

Camperdown included within city.

35 14. (1) The Governor shall, by proclamation published in the Gazette, set forth—

Boundaries of city and of Camperdown Ward.

(a) in Schedule A to such proclamation, the extended boundaries of the city so as to include therein the municipality of Camperdown, and such boundaries shall take the place of the boundaries set out in Schedule Two to the Principal Act as amended by the Sydney Corporation Amendment Act, 1905; and

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(b) in Schedule B to such proclamation, the boundaries of the area comprised in the said municipality. Such

Sydney Corporation (Amendment).

Such proclamation may be made and published at any time after the passing of this Act.

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

(3) The boundaries set forth in Schedule B to such proclamation shall be the boundaries of Camperdown Ward.

15 **15.** On the commencement of this Act all real and personal property and all right and interest therein and all management and control of any land or thing then vested in or belonging to the council of the municipality of Camperdown shall vest in and belong to the municipal council of Sydney. All rates, moneys, liquidated and unliquidated claims payable to or recoverable by, and all suits, actions, and proceedings pending at the suit of, the council of the said municipality, and all contracts and agreements entered into with such council at such commencement shall respectively be rates, moneys, liquidated and unliquidated claims payable to, or recoverable by, and suits, actions, and proceedings pending at the suit of and contracts with the municipal council of Sydney.

Vesting in council of property of Camperdown municipality.

The municipal council of Sydney may pursue the same remedies for the recovery of such rates, moneys, and claims, and for the prosecution of such suits, actions, and proceedings as if the same had originally been payable to, recoverable by, or instituted at the suit of the council, and the council may enforce and realise any security or charge in respect of such rates, moneys, and claims existing in favour of the council of the said municipality as if such security or charge were existing in favour of the municipal council of Sydney.

35 **16.** All debts due and moneys payable by, and all claims liquidated and unliquidated recoverable against, the council of the municipality of Camperdown shall cease to be due and payable by and recoverable against the said council, and shall, subject to the exceptions and provisos hereinafter mentioned, be debts due and moneys payable by and claims recoverable against the municipal council of Sydney:

Vesting of debts.

40 Provided that the said council may at any time (notwithstanding that any debt of such municipality is then payable at a future date or overdue) upon giving fourteen days' notice in writing to the creditor or his attorney of its intention so to do, redeem and discharge such debt by the payment or tender to such creditor or his attorney of the principal sum payable to him, together with interest thereon to the date of such payment or tender at the rate which such principal sum bears, and thereupon the said creditor and his attorney shall deliver to the council freed and discharged from all claims whatsoever all securities for and documents representing the said debt or any part thereof, or the interest due or to accrue due thereon: But

Sydney Corporation (Amendment).

But if any such creditor is absent from the State or cannot be found, or his address cannot be ascertained after reasonable inquiry, the said council may, without giving any notice as aforesaid, pay any such principal sum and interest as aforesaid to the date
 5 of such payment into the Supreme Court in its equitable jurisdiction, and thereupon the debt or claim of such creditor shall be discharged, and the said Court may upon the application of the person entitled to such debt make such order as to the payment out of such principal and interest as it may think fit:

10 Provided also that notwithstanding anything hereinbefore contained, the municipal council of Sydney shall not be liable for damage sustained by any person before the commencement of this Act in consequence of the failure of the municipality of Camperdown or its council to perform any duty imposed by sections seventy-three and
 15 seventy-four of the Local Government Act, 1906.

17. (1) The control, management, and direction of all public ways of which the council of the municipality of Camperdown has at the commencement of this Act the care, control, and management, is
 20 vested in the Municipal Council of Sydney, and such ways shall for the purpose of any Act or by-law affecting the city be deemed to be public ways within the meaning of the Principal Act.

The council shall within one year of such commencement expend the sum of ten thousand pounds upon the improvement or repair of such public ways.

25 (2) In any proceedings by or on behalf of the municipal council of Sydney it shall not be necessary to prove the gazettal or alignment of such public ways, but it shall be sufficient evidence of the fact that any such way is a public way if it is proved that it is a thoroughfare in the nature of a street, or road, or way, and is so used
 30 by the public.

18. Within one year from the commencement of this Act the council shall acquire the necessary lands for the purpose of
 35 widening Pymont Bridge road, Brodie-street, and University-street, and extending Barr-street, University-street, Park-street, and Gibbens-street:

Provided that nothing in this section shall affect the powers of resumption and purchase conferred by the Sydney Corporation Amendment Act, 1905, or the Sydney Corporation Amendment Act, 1906.

40 19. For the purpose of paying and discharging the debts and liabilities of the council of the municipality of Camperdown as hereinbefore provided the municipal council of Sydney may borrow sums of money not exceeding in the whole thirty thousand pounds. The provisions of the Sydney Corporation Amendment Act, 1905, as
 45 to the borrowing and repayment of moneys for the purposes therein mentioned shall apply to and govern any borrowing under this section.

Sydney Corporation (Amendment).

20. (1) The council shall direct valuers appointed by it to enter in a ward assessment book for Camperdown Ward an assessment under the Principal Act of all ratable property within such ward, whether occupied or unoccupied. Such assessment when confirmed by the council shall remain in force subject to the original and annual rights of appeal conferred by the Principal Act, and subject to the provisions of section one hundred and seventeen of the Principal Act as amended by the Sydney Corporation Amendment Act, 1905, until the council causes a new assessment of ratable property in the city to be made.
- 10 (2) For the purpose of such or any subsequent assessment of such ratable property and any rate to be raised thereon the provisions of the said Acts shall apply:
- Provided that lands and buildings ~~vested in the University of Sydney, or in the colleges thereof, and used by such University or colleges, or any of them, solely for the purposes of education, described in paragraph~~ (ii) of subsection one of section three shall not be ratable property.
- 15 (3) The valuers may if they think fit adopt the valuation under the Local Government Act, 1906, of the assessed annual value of such property in force at the commencement of this Act as their
- 20 valuation of the net average annual value of such property.
- (4) The powers conferred by this section may be exercised at any time after the passing of this Act.
21. If the assessment-book for Camperdown Ward is not made and confirmed by the council before the thirty-first day of March, one
- 25 thousand nine hundred and nine, the council may nevertheless cause rates to be raised for the other wards of the city, and shall, after the assessment for the Camperdown Ward has been so confirmed and signed by the town clerk, raise a rate on ratable property in the said ward of the same amount in the pound as the city rate for that year.
- 30 22. The council may shall also, in the year one thousand nine hundred and nine, and in each year thereafter for a period of twenty years, cause an additional rate of threepence in the pound on the net average annual value of the ratable property, or an additional rate on the unimproved capital value of ratable land **situated in such ward**
- 35 ~~which will yield approximately the same amount of money, situate in such ward to be raised~~ **such money to be applied** for the purposes of providing a sinking fund for the repayment of the moneys borrowed for the purposes of this Act, and of making payments on account of the interest on such moneys and such rate shall be in addition to
- 40 the city rate. For the purpose of such additional rate, the provisions of the Principal Act and the Sydney Corporation Amendment Act, 1905, and this Part, shall apply as in the case of the city rate. All rates raised by the council under this section shall be paid into and form part of the city fund.

Assessment for city rate.

City rate on Camperdown Ward.

Additional rate on Camperdown Ward.

Sydney Corporation (Amendment).

23. (1) Within twenty-one days after the commencement of this Act there shall be an election of two aldermen of the city for Camperdown Ward. Such election shall be held upon a day to be fixed by the Lord Mayor, of which day he shall give notice in the Gazette and in one newspaper.

(2) Such aldermen shall, subject to the provisions of the Principal Act, hold office until the next election of aldermen of the city, but they shall then be eligible for re-election if still qualified.

24. For the purpose of the said election or any election to fill an extraordinary vacancy for Camperdown Ward prior to the next election of aldermen for the city the roll of electors in force at the commencement of this Act for the municipality of Camperdown shall be the roll of citizens entitled to vote for Camperdown Ward, but so that no person shall be entitled to more than one vote at such election.

25. The provisions of Part V of the Principal Act shall, so far as the same are not inconsistent herewith, apply to and govern such election and all matters and things incidental thereto. The town clerk may affix a number to each name on the roll for Camperdown Ward.

PART IV.

20

BELMORE MARKETS.

25. The land described in Schedule One is vested in the council for an estate in fee simple, free from all conditions, reservations, and dedications, statutory or otherwise, and may be dealt with under and subject to the provisions of this Part.

26. The council may, subject to such building conditions as the Premier for the time being may approve, sell or lease either the whole or any portion of the land described in Schedule One, in one or more lots, by public auction or private contract, and on such terms and conditions (including power to take securities for any balance of purchase money, or to allow a period for the payment of the same) as the council may think fit, and may execute the necessary assurances for carrying out any such sale or lease.

Nothing herein contained shall invalidate or affect any leases current at the commencement of this Act.

27. The council may from time to time, with the approval of the Governor, borrow any sum or sums of money for the construction of markets on the land already resumed or to be hereafter purchased or resumed for market purposes, and the same conditions, qualifications, and provisions shall regulate the borrowing of such moneys and the

Sydney Corporation (Amendment).

the repayment thereof as if the same had been borrowed by virtue of the powers conferred upon the council by the Sydney Corporation Amendment Act, 1905.

- 5** **28.** (1) The net proceeds of realisation of any land in Schedule One sold by the council under the provisions of this Part shall be set apart by the council and applied in or towards repayment of any loan raised, or to be raised, by the council for the purchase or resumption of land for market purposes or for the construction of markets thereon. Application of purchase moneys, &c.
- 10** (2) The council may reduce the annual payments to any sinking fund formed in connection with any such loan to the same extent, and may invest the proceeds of any such realisation in the same manner, as if the lands sold under the authority of this Part had been sold under the powers conferred by the Sydney Corporation Amendment Act, 1905. Investment of proceeds of realisation and reduction of payments to sinking fund.
- 15** **29.** The interest upon the moneys set apart and invested under the provisions hereinbefore contained, and the rents and proceeds of any land leased by the council under the said provisions shall from time to time be paid into the city fund. Payment to city fund.
- 20** **30.** The land described in Schedule Two is hereby vested in and placed under the control, management, and direction of the council as a "public way" within the meaning of the Principal Act. Widening Pitt-street.

PART V.

ADDITIONAL POWERS AND DUTIES.

- 25** **31.** On the commencement of this Act the council shall take over the maintenance and control of the lending branch of the Public Library of New South Wales, established in the Queen Victoria Markets; and all books, papers, and fittings in such lending branch are vested in the council. Maintenance and control of lending branch of Public Library.
- 30** The provisions of sections nine, ten, eleven, and twelve of the Sydney Corporation Amendment Act, 1906, relating to free reading and lending libraries shall apply to the said lending branch of the said Public Library.
- 35** **32.** The council may establish infants' milk depots, and for that purpose may, with the approval of the Governor, borrow moneys under the same conditions, qualifications, and provisions as regulate the borrowing of moneys under the Sydney Corporation Amendment Act, 1905. Establishment of milk depots.
- 40** The council may maintain and manage such ~~libraries, art galleries, museums, and~~ milk depots, and pay for such maintenance and management out of the city fund. **33.**

Sydney Corporation (Amendment).

33. (1) All trustees heretofore appointed by the Governor under the authority of any statute for the lands described in Schedule Three are hereby removed, and the council are hereby appointed trustees of the said lands, with the same powers and estate in the said 5 lands, and subject to the same limitations, as if the appointment were made under the provisions of the Public Parks Act, 1902.

Council appointed trustees of Observatory Park, Dawes Point Reserve, and Belmore Park.

(2) The Governor may resume, under the provisions of the Public Works Act, 1900, without compensation, any portion of the lands described in Part I of Schedule Three for a line of railway to 10 North Sydney, or for building purposes, or any portion of the lands described in Part II of the said Schedule for a roadway or as a site for the Mint or for piers for a bridge across Sydney Harbour.

34. The control, management, and direction of the public ways mentioned in Schedule Four are vested in the council.

Control of certain public ways.

15 35. (1) The council may increase the width of Elizabeth-street by adding to such street a strip of the land now forming part of Hyde Park, to a distance not exceeding eighteen feet, from the western boundary of such park. Of such land so added, not more than six feet from such boundary may be used as a carriage-way, and the remainder 20 may be used as a footway only.

Increase of width of Elizabeth-street and Liverpool-street.

(2) The council may increase the width of Liverpool-street by adding to such street a strip of the land now forming part of Hyde Park, to a distance not exceeding fifteen feet, from the southern boundary of such park.

25 (3) Such streets as so widened shall be public ways.

36. (1) From and after the commencement of this Act the council shall each year pay into the Treasury the sum of two thousand two hundred pounds towards the control and maintenance of Pymont bridge and its approaches, and the sum of five thousand one hundred 30 pounds in respect of interest on the cost of the said bridge :

Payment towards maintenance and interest on cost of Pymont bridge.

Provided that this provision shall cease to have effect if and when the said bridge is removed or demolished.

(2) The council shall each year pay into the Treasury the sum of seven thousand five hundred pounds towards the cost of the 35 regulation of traffic in the city.

Payment towards regulation of traffic.

(3) Such amounts shall respectively be paid by half-yearly instalments on or before the the thirtieth day of June and the thirty-first day of December in each year, and shall be carried to the Consolidated Revenue Fund.

40 37. The council shall undertake the lighting of the Domain at a cost not exceeding one thousand five hundred pounds per annum.

Lighting Domain.

38. Subsection one of section eleven of the Principal Act is amended by inserting at the end thereof the following :—"The council shall pay into the Treasury a sum fixed by the Colonial Treasurer as 45 the cost of collecting the list by the police. Such sum shall be carried to the Consolidated Revenue Fund."

Amendment of s. 11 (1) of Principal Act.

Sydney Corporation (Amendment).

39. The council shall each year pay into the Treasury the sum of one thousand five hundred pounds towards the amount payable by the Crown in respect of the salaries of the medical officer of health for the Metropolitan district, and his assistant, and the inspector of nuisances and sanitary inspectors for the city.

SCHEDULES.

SCHEDULE ONE.

Be'more Markets—Land vested in the council.

- (a) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at the intersection of the southern building line of Campbell-street with the eastern building line of George-street; bounded on the north by the southern building line of Campbell-street to its intersection with the western building line of Parker-lane; thence on the east by the western building line of Parker-lane to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to its intersection with the eastern building line of George-street; thence on the west by the eastern building line of George-street, to the point of commencement,—containing 1 rood 25½ perches, or thereabouts.
- (b) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at the intersection of the southern building line of Campbell-street with its intersection with the western building line to Pitt-street; bounded thence on the east by the western building line of Pitt-street to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to its intersection with the eastern building line of Parker-lane; thence on the west by the eastern building line of Parker-lane to its intersection with the southern building line of Campbell-street; thence on the north by the southern building line of Campbell-street, to the point of commencement,—containing 3 roods 33½ perches, or thereabouts.
- (c) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at a point on the southern building line of Campbell-street, distant 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; bounded thence on the north by the southern building line of Campbell-street to its intersection with the western building line of Castlereagh-street; thence on the east by the western building line of Castlereagh-street to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to a point distant 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; thence on the west by a line northerly, to the point of commencement,—containing 1 acre 1 rood 27 perches, or thereabouts.

Sydney Corporation (Amendment).

SCHEDULE TWO.

Belmore Markets—Land for public way.

All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at
 5 a point on the southern building line of Campbell-street, distant 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; bounded thence on the north by the southern building line of Campbell-street to its intersection with the eastern building line of Pitt-street; thence on the west by the eastern building line of Pitt-street to its intersection with the northern building line of
 10 Hay-street; thence on the south by the northern building line of Hay-street to a point 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; thence on the east by a line northerly, to the point of commencement,—containing 26 perches, or thereabouts.

SCHEDULE THREE.

15

PART I.

Observatory Park.

All those two pieces or parcels of land, containing an aggregate area of 5 acres 3 roods 14 perches, situated at and near Flagstaff Hill, city of Sydney, parish of St. Philip, county of Cumberland.

20 Firstly, 5 acres 2 roods 9 perches, situated as aforesaid: Commencing on the western side of Upper Fort street at a point bearing south 52 degrees 25 minutes west and distant 1 chain 14 links from the intersection of the eastern side of that street with the southern side of Essex-street; and bounded thence by lines bearing north 74 degrees 39 minutes west $79\frac{9}{10}$ links, north 89 degrees 23 minutes west 1 chain, south
 25 82 degrees west $25\frac{3}{10}$ links, and south 2 degrees 5 minutes west $67\frac{8}{10}$ links, to the northern side of an old brick wall forming the northern boundary of the Fort-street Model Public School grounds; thence by that wall and another old brick wall forming the western boundary of the Fort-street Model Public School grounds before-mentioned, bearing north 87 degrees 31 minutes west 1 chain $99\frac{3}{10}$ links, and south 4 degrees
 30 47 minutes east 1 chain $67\frac{5}{10}$ links, to a point in the easterly prolongation of the southern side of a dwarf stone wall; thence by that prolongation and the southern side of that wall bearing westerly to another dwarf stone wall on the eastern side of Kent-street; thence by the eastern side of that street bearing north 13 degrees 31 minutes west 2 chains $22\frac{1}{10}$ links, to the southern side of a brick wall; thence by that brick wall
 35 and its prolongation easterly, in all bearing north 77 degrees 10 minutes east 1 chain $36\frac{4}{10}$ links to the western side of another dwarf stone wall; thence by that wall bearing northerly, north-easterly, easterly, and south-easterly to the western side of Upper Fort street before mentioned; and thence by that street bearing southerly, to the point of commencement,—exclusive of an area of 1 acre 1 rood 4 perches, formerly dedicated for
 40 Observatory on the twenty-ninth day of April, one thousand eight hundred and eighty-four, which has been deducted from the total area, and shown upon a plan in the Department of Lands catalogued C. 34-2,063 Roll.

Secondly, 1 rood 5 perches, situated as aforesaid: Commencing at the westerly intersection of the southern side of Argyle-street with the northern side of Watson-road;
 45 and bounded thence on the south and south-east by the southern and south-eastern sides of the existing wall, situated on the northern and north-western side of Watson-road, bearing easterly and north-easterly to the southern side of Argyle-street before-mentioned; and thence on the north by the southern side of Argyle-street, bearing westerly, to the point of commencement:

50 Which said parcels of land are shown upon a plan in the Department of Lands, catalogued Ms. 2,489, Sy. PART

Sydney Corporation (Amendment).

PART II.

Dawes Point Reserve.

County of Cumberland, parish of St. Phillip, city of Sydney, at Dawes' Point, Area, 4 acres 1 rood 18½ perches : Commencing on the eastern side of George-street North, 5 at a point bearing south 51 minutes east 3 chains 39½ links from the outer edge of the base course of the sea wall fronting Port Jackson, being a point in the northerly prolongation of the eastern side of George-street North, being also the north-western corner of an area of $\frac{7}{10}$ of a perch occupied as a cable hut site by the Commonwealth of Australia : and bounded thence by a line bearing north 89 degrees 5 minutes east 47 $\frac{2}{10}$ 10 links ; thence by the concave side of an arc of 91 links radius curving to the right, the chord of which bears north 77 degrees 57 minutes east 88 $\frac{8}{10}$ links ; thence by lines bearing south 73 degrees 4 minutes east 1 chain 89 $\frac{4}{10}$ links, north 23 degrees 4 minutes east 67 links, south 63 degrees 51 minutes east 40 links, north 23 degrees 15 minutes east 46 $\frac{9}{10}$ links, north 4 degrees 3 minutes east 22 $\frac{9}{10}$ links, north 23 degrees 39 minutes 15 east 19 $\frac{8}{10}$ links, south 67 degrees 16 minutes east 31 links, north 23 degrees 42 minutes east 48 links, north 67 degrees 40 minutes west 26 $\frac{8}{10}$ links, north 21 degrees 12 minutes east 11 $\frac{8}{10}$ links to the outer edge of the base course of the sea wall before mentioned ; and thence by the outer edge of the said wall being a line bearing south 65 degrees 52 minutes east 1 chain 14 $\frac{9}{10}$ links, the concave side of an arc of 1 chain 86 links radius 20 curving to the right, the chord of which bears south 53 degrees 12 minutes east 90 $\frac{6}{10}$ links, and a line bearing south 38 degrees 10 minutes east 1 chain 14 $\frac{4}{10}$ links to the inner edge of a wall forming the western boundary of the constructed road heading from the horse ferry to George-street North ; thence by the said wall being the convex side of an arc of 24 links radius curving to the left, the chord of which bears south 16 degrees 25 10 minutes west 33 $\frac{8}{10}$ links, a line bearing south 27 degrees 18 minutes east 1 chain 21 $\frac{2}{10}$ links, the concave side of an arc of 1 chain 10 links radius curving to the right, the chord of which bears south 18 degrees 20 minutes east 35 $\frac{1}{10}$ links, a line bearing south 8 degrees 56 minutes east 2 chains 18 $\frac{3}{10}$ links, the concave side of an arc of 1 chain 34 links radius curving to the right, the chord of which bears south 14 degrees 53 minutes 30 west 1 chain, the concave side of an arc of 1 chain 34 links radius curving to the right, the chord of which bears south 52 degrees 13 minutes west 71 links, a line bearing south 80 degrees 33 minutes west 1 chain 33 $\frac{9}{10}$ links, the convex side of an arc of 1 chain 76 $\frac{1}{2}$ links radius curving to the left, the chord of which bears south 70 degrees 18 minutes west 40 $\frac{1}{2}$ links, a line bearing south 62 degrees 32 minutes west 2 chains 5 $\frac{8}{10}$ links 35 and the convex sides of a series of arcs of 3 chains 28 links radii curving to the left, the chords of which bear south 54 degrees 3 minutes west 1 chain, south 37 degrees 11 minutes west 1 chain, and south 21 degrees west 75 $\frac{4}{10}$ links to the south-eastern corner of a stone wall ; and thence by the south-eastern side of that wall and by the north-western side of a brick building, being a line bearing south 52 degrees 41 minutes west 40 2 chains 34 $\frac{1}{2}$ links to the eastern side of George-street North before mentioned ; and thence by that street bearing north 5 degrees 30 minutes east 46 $\frac{7}{10}$ links, north 7 degrees 34 minutes east 84 $\frac{8}{10}$ links, north 12 degrees 29 minutes east 44 $\frac{8}{10}$ links, north 17 degrees 53 minutes east 48 $\frac{9}{10}$ links north 26 degrees 6 minutes east 43 $\frac{2}{10}$ links, north 51 degrees 10 minutes west 92 $\frac{7}{10}$ links, and north 4 degrees 54 minutes east 1 chain 81 $\frac{6}{10}$ links ; 45 thence by lines bearing north 77 degrees 14 minutes east 2 chains 23 $\frac{1}{2}$ links, south 84 degrees 59 minutes east 97 $\frac{3}{10}$ links, the convex sides of a series of arcs of 1 chain 50 links radii curving to the left, the chords of which bear north 18 degrees 58 minutes east 48 $\frac{1}{2}$ links, north 5 degrees 12 minutes east 36 $\frac{1}{2}$ links, north 7 degrees 9 minutes west 36 $\frac{7}{10}$ links, north 21 degrees 40 minutes west 37 links, north 37 degrees 9 minutes west 46 $\frac{1}{10}$ links, north 60 degrees 22 minutes west 44 $\frac{2}{10}$ links, north 84 degrees 46 minutes west 33 $\frac{9}{10}$ links ; thence by lines bearing north 16 degrees 42 minutes west 45 $\frac{2}{10}$ links, north 33 degrees 31 minutes east 1 chain 57 $\frac{1}{10}$ links, north 39 degrees 49 minutes west 88 $\frac{1}{10}$ links ; again by the convex sides of a series of arcs of 2 chains radii curving to the left, the chords of which bear north 55 degrees 35 minutes west 50 $\frac{1}{2}$ links, 55 north 71 degrees 39 minutes west 60 links, and south 84 degrees 55 minutes west 60 links ; again

Sydney Corporation (Amendment).

again by lines bearing south 26 degrees 23 minutes west $23\frac{6}{10}$ links, south 84 degrees 29 minutes west $40\frac{2}{10}$ links, and south 41 degrees 50 minutes west $14\frac{9}{10}$ links to the eastern side of George-street North aforesaid ; thence by that street bearing north $44\frac{1}{2}$ minutes west $54\frac{7}{10}$ links, to the point of commencement, as surveyed and shown on plan catalogued 5 Ms. 2,695 Sy. in the Department of Lands.

PART III.

Belmore Park.

County of Cumberland, parish of St. Lawrence, City of Sydney. Area, 7 acres
3 roads $15\frac{1}{2}$ perches : Commencing on the north-eastern side of Rawson-place at a point
10 distant 77 feet south-easterly from its intersection with the south-eastern side of Pitt-
street ; and bounded thence by Rawson-place south-easterly to Elizabeth-street ; thence
by Elizabeth-street northerly to Hay-street ; thence by Hay-street westerly to the road
of approach to the Central Railway Station ; and thence by that road generally southerly
to the point of commencement, but exclusive of a tramway 17 feet wide intersecting the
15 park from Rawson-place generally north easterly to Hay-street, as shown on plan
catalogued Ms. 2,885 Sy.

SCHEDULE FOUR.

Public ways vested in the council.

Day-street, extending from Erskine-street southerly and easterly to Sussex-street
20 but excluding over-bridge, and bridge and piers of Pymont Bridge.

Road to horse ferry, extending from George-street North to high-water mark at
Dawes' Point Ferry.

Circular Quay roadway, from the horse ferry road north-easterly, south-easterly,
south-westerly, including Circular Quay ; thence north-easterly and easterly to high-
25 water mark at North Sydney horse ferry, Bennelong Point.

Tarpeian Way, extending from Macquarie-street North north-easterly to its
intersection with the road leading to Botanical Gardens.

Argyle-street, extending from boundary of Harbour Trust property to Circular
Quay road.

30 Cowper Wharf roadway, from its northern termination at western side of
Woolcomooloo Bay southerly and generally easterly to a fenced line opposite Duke-
street.

The whole of these areas are shown upon plan catalogued R. 162, City Surveyor's
Office, Town Hall.

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, 2 December, 1908.* }

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

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

*Legislative Council Chamber,
Sydney, November, 1908.* }

Clerk of the Parliaments.

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. , 1908.

An Act to provide for the making and levying of rates on the unimproved capital value of land in the City of Sydney ; for the suspension in the said city of certain Acts relating to land tax ; to include the municipality of Camperdown in the said city ; to vest in the council certain lands and certain public places and public institutions ; to authorise the council to establish and maintain ~~public—libraries,~~ art—galleries, ~~—museums,~~ and milk depots ; for widening Elizabeth-street and Liverpool-street ; for the payment of certain sums by the council to the Treasury ; to authorise the council to resume certain lands and borrow certain moneys ; to amend the Sydney Corporation Act, 1902, the Public Health Act, 1902, the Hyde, Cook, and Phillip Parks Act, 1904, and other Acts ; and for purposes consequent thereon or incidental thereto.

Sydney Corporation (Amendment).

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 :—

5

PART I.

PRELIMINARY.

1. This Act may be cited as the "Sydney Corporation (Amend- Short title.
ment) Act, 1908," and shall be construed with the Sydney Corporation
Act, 1902, hereinafter referred to as the Principal Act.

10

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

Division of Act.

PART I.—PRELIMINARY—*ss.* 1-2.

PART II.—RATE ON UNIMPROVED CAPITAL VALUE—*ss.* 3-12.

PART III.—EXTENSION OF CITY—*ss.* 13-24.

PART IV.—BELMORE MARKETS—*ss.* 25-30.

15

PART V.—ADDITIONAL POWERS AND DUTIES—*ss.* 31-39.

PART II.

RATE ON UNIMPROVED CAPITAL VALUE.

3. (1) In this Part, and in construing for the purposes of this Part enactments thereby incorporated or applied,— Definitions.

20

"Ratable property" or "ratable land" means property ratable under the Principal Act not being land the property of the Crown, or vested in the University of Sydney or in the colleges thereof, and used by such University or colleges, or any of them, solely for the purposes of education, or vested in the Chief Commissioner for Railways and Tramways, or in the Sydney Harbour Trust Commissioners, or in the Board of Water Supply and Sewerage—

25

(i) land the property of the Crown; or

30

(ii) land situated within Camperdown Ward, and being or forming part of land now vested in the University of Sydney, or in any college within such University: Provided that such land is used for the purposes of education, or for purposes incidental thereto or connected therewith, and is not under lease from such University, or any such college; or

35

(iii) land vested in the Chief Commissioner for Railways and Tramways, or in the Sydney Harbour Trust Commissioners, or in the Board of Water Supply and Sewerage.

40

"Unimproved capital value" and "owner" have the meanings given to "unimproved value" and "owner" respectively in the Land and Income Tax Assessment Act of 1895. (2)

Sydney Corporation (Amendment).

(2) In enactments of the Local Government Act, 1906, incorporated hereby—

“An area” shall be read as the city of Sydney.

“A council” shall be read as the municipal council of Sydney.

5 “Prescribed” means prescribed by this Part or by the Principal Act, or by by-laws made thereunder.

4. The council shall, in and for the year one thousand nine hundred and nine, and in every succeeding year, make and levy a general rate of not less than one penny in the pound **nor more than** ^{Rate on unimproved capital value.} **threepence in the pound** upon the unimproved capital value of all ratable property in the city. Such rate shall be in addition to any rate under the Principal Act or any other rate under this Act.

5. The Governor shall forthwith, on the council imposing such rate on such unimproved capital value, proclaim that the operation of ^{Suspension of land tax.} the enactments mentioned in Schedule Three to the Local Government Act, 1906, are and the same shall thereupon be suspended in the city.

Such suspension shall take effect from the first day of the year in which the said rate on such unimproved capital value is first made as aforesaid: Provided that such suspension shall not apply ^{Suspension of land tax.} to the land tax for the years from one thousand eight hundred and ninety-six up to the year in which such rate is first made as aforesaid:

Provided also that exemptions and deductions from and in respect of income tax under sections seventeen and twenty-eight of the Land and Income Tax Assessment Act of 1895, and section one ^{Suspension of land tax.} of the Land and Income Tax (Declaratory) Act, 1898, shall be made in relation to land, and the income derived from land, subject to rates under this Part as in the case of land subject to land tax.

6. (1) The council, for the purpose of making rates under this ^{Valuations.} Part, may, from time to time, and shall at least once in every five years, cause valuation to be made of the unimproved capital value of all ratable property in the city, and for that purpose shall appoint valuers who shall make the declaration provided for in section one hundred and eleven of the Principal Act:

Provided that the council may adopt the valuations under the ^{Valuations.} Land and Income Tax Assessment Act of 1895 as the first valuation of unimproved capital value under this Part:

Provided also that the council may, without causing a fresh valuation to be made, adopt as the valuations for any period the whole or any part of the valuations in force at the close of the next ^{Valuations.} preceding period, when such valuations are considered by the council to be still just and equitable.

Any such valuation shall be in force until a fresh valuation is made.

The valuation may, in the discretion of the valuers, be made ^{Valuations.} of each any parcel of land separately owned, or of each any parcel separately occupied.

Sydney Corporation (Amendment).

(2) Section one hundred and eighteen of the Principal Act shall apply to valuations under this Part.

7. Notice of the valuation shall be served on the owner of the property valued. Any such notice may be served as prescribed in section two hundred and sixteen of the Principal Act. Service of notice of valuations.

8. Any valuation or entry of valuation made under this Part may be altered at any time where it is found that an error has been made as to the area or ownership of land, or any mistake of calculation of values has been made, or where there is a change of ownership. Alteration of valuations.
10 Where any land has been subdivided, and a portion sold, the valuation of such land may be altered, and such valuation and any unpaid rates due on such land may be apportioned by the council. Such alteration and apportionment shall be initialled by the Lord Mayor and town clerk after resolution of the council making such alteration or apportionment. Such alteration or apportionment shall take effect from the date fixed by the resolution of the council:

15 Provided that in every such case of alteration or apportionment notice thereof shall be served, and an appeal therefrom shall lie, as with respect to valuations.

20 Other minor errors in an assessment book not affecting the amount at which land is valued may be altered as aforesaid.

9. Where such valuation is made of property which was not ratable under this Part at the commencement of the then current year, the rate thereon shall be proportionate to the portion of such year during which such land was ratable. Valuations made during current year.

25 Where such valuation is made of property which had not been rated, but which was so ratable at the commencement of the then current year, the rate thereon shall be for the whole of such year.

10. The provisions of the Principal Act relating to the making of assessment books, and to appeals from assessments, and to the making and levying of rates, and the time when the same shall be payable, shall, mutatis mutandis, but subject to this Act, apply to valuations and assessments and rates made under this Part: Provided that the right of appeal under this Part is extended to any person Assessment books and appeals from assessments.
30 aggrieved by an assessment, and that the rate may be fixed and ordered by the council at any time before or after the thirty-first day of March in any year.
35

11. (1) The amount of any rate under this Part shall be paid to the council by the owner of the property in respect of which the rate is levied, unless the property is vested in and under a lease from the council granted for a term of not less than thirty years, in which case the amount of any such rate shall be paid by the lessee from the council or the person for the time being receiving or entitled to receive the rack rents of the property. Payment of rates.
40

Sydney Corporation (Amendment).

(2) Provided that where a lessee of ratable property has before the first day of November, one thousand nine hundred and eight, agreed with the owner, or with the mesne lessee from whom he immediately holds, to pay municipal or local government taxes, ^{Proviso when lessee has agreed to pay rates.} whether under those designations or under any words of description which would include municipal or local government taxes, the owner and all the lessees, including mesne lessees, shall, notwithstanding such agreement and during the currency of such agreement, be respectively liable, as between themselves, for so much of the rate under this Part as is equal to the amount of the land tax, or tax in lieu of land tax, on the land which they respectively would have been liable to pay under the Acts mentioned in Schedule Three to the Local Government Act, 1906, if the operation of the said Acts had not been suspended, based on the valuation of the unimproved capital value under this Part. The adjustment of the Commissioners of Taxation under the fourth section of the Land Tax (Leases) Act, 1902, shall be made on the application of any person interested in such agreement, and shall be on the basis of such valuation, and of a land tax or tax in lieu of land tax, without exemptions, and after the first adjustment, there shall be a readjustment by the commissioners at every subsequent period of valuation. Such adjustment may be made, notwithstanding the suspension of the operation of the said Act, and shall be final and shall not be subject to appeal in any court.

~~The lessor who has made~~ Any person interested in any such agreement as aforesaid shall may notify the council of the terms of such lease agreement. Where such notification has been received by the council, such council shall (notwithstanding the provisions of subsection one of this section) first proceed for the recovery of the whole of any rates due under this Part from the lessee who is in possession of the property rated as the last lessee within the knowledge of the council bound by any such agreement. Unless such ~~lessor notifies~~ the council be notified as aforesaid before the making of any rates, the council may recover the whole of ~~such~~ the rates from such lessor.

35 Failing in any legal proceedings against any person as aforesaid the council shall next so proceed against the lessor from whom such person immediately holds; and, failing in any such proceedings against a lessor who is a mesne lessee, the council shall next so proceed against the lessor from whom he immediately holds; and so on.

40 Any lessee who has paid, or any mesne lessee who has paid or suffered the deduction as hereinafter provided of any such rates may recover as a debt from, or deduct from any moneys due to, the lessor from whom he immediately holds, the proportionate amount of rates determined as aforesaid by the said commissioners to be the portion

45 payable in respect of the property rated by all the persons under whom he

Sydney Corporation (Amendment).

he derives title; and any lessor who has made any payment to the council or to his immediate lessor in respect of such rates may recover as a debt from any lessee under him such portion thereof as such lessee is liable for under his agreement and the terms of this subsection.

5 The council, the commissioners aforesaid, and any authorised servant of either of them, may demand the production within a reasonable time of any agreement as aforesaid from any owner, lessee, or person having the custody of such agreement, or require any person in occupation of land, or in receipt of the rent of land, to
10 answer any question for the purposes of this subsection. If such owner, lessee, or person refuses or neglects on demand as aforesaid to produce any such agreement, or if any person when duly required refuses to answer any question for the purposes of this subsection, or wilfully makes a false answer thereto, he shall be liable to a penalty
15 not exceeding fifty pounds. A certificate of such adjustment aforesaid purporting to be signed by the said commissioners, or their secretary, or registrar, shall be prima facie evidence of such adjustment. In this subsection the word "lessor" includes his successors in title.

12. The provisions of subsections five, seven, eight, and nine
20 of section one hundred and forty-four, and the whole of sections one hundred and forty-five, one hundred and forty-six, and one hundred and forty-eight of the Local Government Act, 1906, relating to rates under that Act, shall apply, mutatis mutandis, to rates under this Part: Provided that references to lessees, licensees, or tenants
25 in those sections are omitted.

Incorporation of provisions of Local Government Act.

PART III.

EXTENSION OF CITY.

13. The council of the municipality of Camperdown is dissolved,
30 and the said municipality is included within the city, and shall form part of the city, and a ward thereof to be known as Camperdown Ward, constituted in addition to the twelve wards in the Principal Act mentioned, and shall be subject to any Acts, by-laws, and regulations affecting the city.

Camperdown included within city.

14. (1) The Governor shall, by proclamation published in the
35 Gazette, set forth—

Boundaries of city and of Camperdown Ward.

- (a) in Schedule A to such proclamation, the extended boundaries
40 of the city so as to include therein the municipality of Camperdown, and such boundaries shall take the place of the boundaries set out in Schedule Two to the Principal Act as amended by the Sydney Corporation Amendment Act, 1905; and
- (b) in Schedule B to such proclamation, the boundaries of the
area comprised in the said municipality. Such

Sydney Corporation (Amendment).

Such proclamation may be made and published at any time after the passing of this Act.

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

(3) The boundaries set forth in Schedule B to such proclamation shall be the boundaries of Camperdown Ward.

15. On the commencement of this Act all real and personal property and all right and interest therein and all management and control of any land or thing then vested in or belonging to the council of the municipality of Camperdown shall vest in and belong to the municipal council of Sydney. All rates, moneys, liquidated and unliquidated claims payable to or recoverable by, and all suits, actions, and proceedings pending at the suit of, the council of the said municipality, and all contracts and agreements entered into with such council at such commencement shall respectively be rates, moneys, liquidated and unliquidated claims payable to, or recoverable by, and suits, actions, and proceedings pending at the suit of and contracts with the municipal council of Sydney.

Vesting in council of property of Camperdown municipality.

The municipal council of Sydney may pursue the same remedies for the recovery of such rates, moneys, and claims, and for the prosecution of such suits, actions, and proceedings as if the same had originally been payable to, recoverable by, or instituted at the suit of the council, and the council may enforce and realise any security or charge in respect of such rates, moneys, and claims existing in favour of the council of the said municipality as if such security or charge were existing in favour of the municipal council of Sydney.

16. All debts due and moneys payable by, and all claims liquidated and unliquidated recoverable against, the council of the municipality of Camperdown shall cease to be due and payable by and recoverable against the said council, and shall, subject to the exceptions and provisos hereinafter mentioned, be debts due and moneys payable by and claims recoverable against the municipal council of Sydney:

Vesting of debts.

Provided that the said council may at any time (notwithstanding that any debt of such municipality is then payable at a future date or overdue) upon giving fourteen days' notice in writing to the creditor or his attorney of its intention so to do, redeem and discharge such debt by the payment or tender to such creditor or his attorney of the principal sum payable to him, together with interest thereon to the date of such payment or tender at the rate which such principal sum bears, and thereupon the said creditor and his attorney shall deliver to the council freed and discharged from all claims whatsoever all securities for and documents representing the said debt or any part thereof, or the interest due or to accrue due thereon:

But

Sydney Corporation (Amendment).

But if any such creditor is absent from the State or cannot be found, or his address cannot be ascertained after reasonable inquiry, the said council may, without giving any notice as aforesaid, pay any such principal sum and interest as aforesaid to the date
5 of such payment into the Supreme Court in its equitable jurisdiction, and thereupon the debt or claim of such creditor shall be discharged, and the said Court may upon the application of the person entitled to such debt make such order as to the payment out of such principal and interest as it may think fit:

10 Provided also that notwithstanding anything hereinbefore contained, the municipal council of Sydney shall not be liable for damage sustained by any person before the commencement of this Act in consequence of the failure of the municipality of Camperdown or its council to perform any duty imposed by sections seventy-three and
15 seventy-four of the Local Government Act, 1906.

17. (1) The control, management, and direction of all public ways of which the council of the municipality of Camperdown has at the commencement of this Act the care, control, and management, is vested in the Municipal Council of Sydney, and such ways shall for
20 the purpose of any Act or by-law affecting the city be deemed to be public ways within the meaning of the Principal Act.

The council shall within one year of such commencement expend the sum of ten thousand pounds upon the improvement or repair of such public ways.

25 (2) In any proceedings by or on behalf of the municipal council of Sydney it shall not be necessary to prove the gazettal or alignment of such public ways, but it shall be sufficient evidence of the fact that any such way is a public way if it is proved that it is a thoroughfare in the nature of a street, or road, or way, and is so used
30 by the public.

18. Within one year from the commencement of this Act the council shall acquire the necessary lands for the purpose of widening Pymont Bridge road, Brodie-street, and University-street, and extending Barr-street, University-street, Park-street, and Gibbens-
35 street:

Provided that nothing in this section shall affect the powers of resumption and purchase conferred by the Sydney Corporation Amendment Act, 1905, or the Sydney Corporation Amendment Act, 1906.

40 19. For the purpose of paying and discharging the debts and liabilities of the council of the municipality of Camperdown as hereinbefore provided the municipal council of Sydney may borrow sums of money not exceeding in the whole thirty thousand pounds. The provisions of the Sydney Corporation Amendment Act, 1905, as
45 to the borrowing and repayment of moneys for the purposes therein mentioned shall apply to and govern any borrowing under this section.

Sydney Corporation (Amendment).

20. (1) The council shall direct valuers appointed by it to enter ^{Assessment for city} in a ward assessment book for Camperdown Ward an assessment under ^{rate.} the Principal Act of all ratable property within such ward, whether occupied or unoccupied. Such assessment when confirmed by the council shall remain in force subject to the original and annual rights of appeal conferred by the Principal Act, and subject to the provisions of section one hundred and seventeen of the Principal Act as amended by the Sydney Corporation Amendment Act, 1905, until the council causes a new assessment of ratable property in the city to be made.

10 (2) For the purpose of such or any subsequent assessment of such ratable property and any rate to be raised thereon the provisions of the said Acts shall apply:

15 Provided that lands and buildings ~~vested in the University of Sydney, or in the colleges thereof, and used by such University or colleges, or any of them, solely for the purposes of education,~~ **described in paragraph (ii) of subsection one of section three** shall not be ratable property.

20 (3) The valuers may if they think fit adopt the valuation under the Local Government Act, 1906, of the assessed annual value of such property in force at the commencement of this Act as their valuation of the net average annual value of such property.

(4) The powers conferred by this section may be exercised at any time after the passing of this Act.

21. If the assessment-book for Camperdown Ward is not made and confirmed by the council before the thirty-first day of March, one ^{City rate on} thousand nine hundred and nine, the council may nevertheless cause ^{Camperdown Ward.} rates to be raised for the other wards of the city, and shall, after the assessment for the Camperdown Ward has been so confirmed and signed by the town clerk, raise a rate on ratable property in the said ward of the same amount in the pound as the city rate for that year.

30 22. The council ~~may~~ shall also, in the year one thousand nine hundred and nine, and in each year thereafter for a period of twenty ^{Additional rate on} years, cause an additional rate of threepence in the pound on the net ^{Camperdown Ward.} average annual value of the ratable property, or an additional rate on the unimproved capital value of ratable land **situated in such ward** ~~which will yield approximately the same amount of money, situate in such ward to be raised such money to be applied~~ for the purposes of providing a sinking fund for the repayment of the moneys borrowed for the purposes of this Act, and of making payments on account of the interest on such moneys and such rate shall be in addition to ⁴⁰ the city rate. For the purpose of such additional rate, the provisions of the Principal Act and the Sydney Corporation Amendment Act, 1905, and this Part, shall apply as in the case of the city rate. All rates raised by the council under this section shall be paid into and form part of the city fund.

Sydney Corporation (Amendment).

23. (1) Within twenty-one days after the commencement of this Act there shall be an election of two aldermen of the city for Camperdown Ward. Such election shall be held upon a day to be fixed by the Lord Mayor, of which day he shall give notice in the Gazette and in one newspaper.

Election for
Camperdown Ward.

(2) Such aldermen shall, subject to the provisions of the Principal Act, hold office until the next election of aldermen of the city, but they shall then be eligible for re-election if still qualified.

24. For the purpose of the said election or any election to fill an extraordinary vacancy for Camperdown Ward prior to the next election of aldermen for the city the roll of electors in force at the commencement of this Act for the municipality of Camperdown shall be the roll of citizens entitled to vote for Camperdown Ward, but so that no person shall be entitled to more than one vote at such election.

25 The provisions of Part V of the Principal Act shall, so far as the same are not inconsistent herewith, apply to and govern such election and all matters and things incidental thereto. The town clerk may affix a number to each name on the roll for Camperdown Ward.

Roll of electors for
that ward.

PART IV.

20

BELMORE MARKETS.

25. The land described in Schedule One is vested in the council for an estate in fee simple, free from all conditions, reservations, and dedications, statutory or otherwise, and may be dealt with under and subject to the provisions of this Part.

Land in Schedule
One vested in
council.

26. The council may, subject to such building conditions as the Premier for the time being may approve, sell or lease either the whole or any portion of the land described in Schedule One, in one or more lots, by public auction or private contract, and on such terms and conditions (including power to take securities for any balance of purchase money, or to allow a period for the payment of the same) as the council may think fit, and may execute the necessary assurances for carrying out any such sale or lease.

Power of council to
sell or lease.

Nothing herein contained shall invalidate or affect any leases current at the commencement of this Act.

27. The council may from time to time, with the approval of the Governor, borrow any sum or sums of money for the construction of markets on the land already resumed or to be hereafter purchased or resumed for market purposes, and the same conditions, qualifications, and provisions shall regulate the borrowing of such moneys and the

Power of council to
borrow.

Sydney Corporation (Amendment).

the repayment thereof as if the same had been borrowed by virtue of the powers conferred upon the council by the Sydney Corporation Amendment Act, 1905.

- 28.** (1) The net proceeds of realisation of any land in Schedule **5** One sold by the council under the provisions of this Part shall be set apart by the council and applied in or towards repayment of any loan raised, or to be raised, by the council for the purchase or resumption of land for market purposes or for the construction of markets thereon. Application of purchase moneys, &c.
- (2) The council may reduce the annual payments to any **10** sinking fund formed in connection with any such loan to the same extent, and may invest the proceeds of any such realisation in the same manner, as if the lands sold under the authority of this Part had been sold under the powers conferred by the Sydney Corporation Amendment Act, 1905. Investment of proceeds of realisation and reduction of payments to sinking fund.
- 15** **29.** The interest upon the moneys set apart and invested under the provisions hereinbefore contained, and the rents and proceeds of any land leased by the council under the said provisions shall from time to time be paid into the city fund. Payment to city fund.
- 20** **30.** The land described in Schedule Two is hereby vested in and placed under the control, management, and direction of the council as a "public way" within the meaning of the Principal Act. Widening Pitt-street.

PART V.

ADDITIONAL POWERS AND DUTIES.

- 25** **31.** On the commencement of this Act the council shall take over the maintenance and control of the lending branch of the Public Library of New South Wales, established in the Queen Victoria Markets; and all books, papers, and fittings in such lending branch are vested in the council. Maintenance and control of lending branch of Public Library.

The provisions of sections nine, ten, eleven, and twelve of the **30** Sydney Corporation Amendment Act, 1906, relating to free reading and lending libraries shall apply to the said lending branch of the said Public Library.

- 32.** The council may establish infants' milk depots, and for that purpose may, with the approval of the Governor, borrow moneys under **35** the same conditions, qualifications, and provisions as regulate the borrowing of moneys under the Sydney Corporation Amendment Act, 1905. Establishment of milk depots.

The council may maintain and manage such ~~libraries, art galleries, museums, and~~ milk depots, and pay for such maintenance **40** and management out of the city fund. **33.**

Sydney Corporation (Amendment).

33. (1) All trustees heretofore appointed by the Governor under the authority of any statute for the lands described in Schedule Three are hereby removed, and the council are hereby appointed trustees of the said lands, with the same powers and estate in the said lands, and subject to the same limitations, as if the appointment were made under the provisions of the Public Parks Act, 1902. Council appointed trustees of Observatory Park, Dawes Point Reserve, and Belmore Park.
- (2) The Governor may resume, under the provisions of the Public Works Act, 1900, without compensation, any portion of the lands described in Part I of Schedule Three for a line of railway to
 1) North Sydney, or for building purposes, or any portion of the lands described in Part II of the said Schedule for a roadway or as a site for the Mint or for piers for a bridge across Sydney Harbour.
34. The control, management, and direction of the public ways mentioned in Schedule Four are vested in the council. Control of certain public ways.
- 15 35. (1) The council may increase the width of Elizabeth-street by adding to such street a strip of the land now forming part of Hyde Park, to a distance not exceeding eighteen feet, from the western boundary of such park. Of such land so added, not more than six feet from such boundary may be used as a carriage-way, and the remainder
 20 may be used as a footway only. Increase of width of Elizabeth-street and Liverpool-street.
- (2) The council may increase the width of Liverpool-street by adding to such street a strip of the land now forming part of Hyde Park, to a distance not exceeding fifteen feet, from the southern boundary of such park.
- 25 (3) Such streets as so widened shall be public ways.
- 30 36. (1) From and after the commencement of this Act the council shall each year pay into the Treasury the sum of two thousand two hundred pounds towards the control and maintenance of Pyrmont bridge and its approaches, and the sum of five thousand one hundred pounds in respect of interest on the cost of the said bridge : Payment towards maintenance and interest on cost of Pyrmont bridge.
- Provided that this provision shall cease to have effect if and when the said bridge is removed or demolished.
- (2) The council shall each year pay into the Treasury the sum of seven thousand five hundred pounds towards the cost of the
 35 regulation of traffic in the city. Payment towards regulation of traffic.
- (3) Such amounts shall respectively be paid by half-yearly instalments on or before the the thirtieth day of June and the thirty-first day of December in each year, and shall be carried to the Consolidated Revenue Fund.
- 40 37. The council shall undertake the lighting of the Domain at a cost not exceeding one thousand five hundred pounds per annum. Lighting Domain.
- 45 38. Subsection one of section eleven of the Principal Act is amended by inserting at the end thereof the following :—“The council shall pay into the Treasury a sum fixed by the Colonial Treasurer as the cost of collecting the list by the police. Such sum shall be carried to the Consolidated Revenue Fund.” Amendment of s. 11 (1) of Principal Act.
- 39.

Sydney Corporation (Amendment).

39. The council shall each year pay into the Treasury the sum of one thousand ~~five~~ six hundred pounds towards the amount payable by the Crown in respect of the salaries of the medical officer of health for the Metropolitan district, and his assistant, and the inspector of nuisances and sanitary inspectors for the city. Amount payable by council to Crown.

SCHEDULES.

SCHEDULE ONE.

Belmore Markets—Land vested in the council.

- (a) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at the intersection of the southern building line of Campbell-street with the eastern building line of George-street; bounded on the north by the southern building line of Campbell-street to its intersection with the western building line of Parker-lane; thence on the east by the western building line of Parker-lane to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to its intersection with the eastern building line of George-street; thence on the west by the eastern building line of George-street, to the point of commencement,—containing 1 rood 25½ perches, or thereabouts.
- 26 (b) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at the intersection of the southern building line of Campbell-street with its intersection with the western building line to Pitt-street; bounded thence on the east by the western building line of Pitt-street to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to its intersection with the eastern building line of Parker-lane; thence on the west by the eastern building line of Parker-lane to its intersection with the southern building line of Campbell-street; thence on the north by the southern building line of Campbell-street, to the point of commencement,—containing 3 roods 33½ perches, or thereabouts.
- 35 (c) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at a point on the southern building line of Campbell-street, distant 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; bounded thence on the north by the southern building line of Campbell-street to its intersection with the western building line of Castlereagh-street; thence on the east by the western building line of Castlereagh-street to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to a point distant 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; thence on the west by a line northerly, to the point of commencement,—containing 1 acre 1 rood 27 perches, or thereabouts.

Sydney Corporation (Amendment).

SCHEDULE TWO.

Belmore Markets—Land for public way.

All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at
 5 a point on the southern building line of Campbell-street, distant 100 feet easterly from
 the intersection of that building line with the western building line of Pitt-street;
 bounded thence on the north by the southern building line of Campbell-street to its
 intersection with the eastern building line of Pitt-street; thence on the west by the
 eastern building-line of Pitt-street to its intersection with the northern building line of
 10 Hay-street; thence on the south by the northern building line of Hay-street to a point
 100 feet easterly from the intersection of that building line with the western building
 line of Pitt-street; thence on the east by a line northerly, to the point of commence-
 ment,—containing 26 perches, or thereabouts.

SCHEDULE THREE.

PART I.

Observatory Park.

All those two pieces or parcels of land, containing an aggregate area of 5 acres
 3 roods 14 perches, situated at and near Flagstaff Hill, city of Sydney, parish of St.
 Philip, county of Cumberland.
 15
 20 Firstly, 5 acres 2 roods 9 perches, situated as aforesaid: Commencing on the
 western side of Upper Fort street at a point bearing south 52 degrees 25 minutes west
 and distant 1 chain 14 links from the intersection of the eastern side of that street
 with the southern side of Essex-street; and bounded thence by lines bearing north 74
 degrees 39 minutes west $79\frac{9}{10}$ links, north 89 degrees 23 minutes west 1 chain, south
 25 82 degrees west $25\frac{3}{10}$ links, and south 2 degrees 5 minutes west $67\frac{8}{10}$ links, to the
 northern side of an old brick wall forming the northern boundary of the Fort-street
 Model Public School grounds; thence by that wall and another old brick wall forming
 the western boundary of the Fort-street Model Public School grounds before-mentioned,
 bearing north 87 degrees 31 minutes west 1 chain $99\frac{3}{10}$ links, and south 4 degrees
 30 47 minutes east 1 chain $67\frac{6}{10}$ links, to a point in the easterly prolongation of the southern
 side of a dwarf stone wall; thence by that prolongation and the southern side of that
 wall bearing westerly to another dwarf stone wall on the eastern side of Kent-street;
 thence by the eastern side of that street bearing north 13 degrees 31 minutes west
 2 chains $22\frac{1}{10}$ links, to the southern side of a brick wall; thence by that brick wall
 35 and its prolongation easterly, in all bearing north 77 degrees 10 minutes east 1 chain
 $36\frac{6}{10}$ links to the western side of another dwarf stone wall; thence by that wall bearing
 northerly, north-easterly, easterly, and south-easterly to the western side of Upper Fort
 street before mentioned; and thence by that street bearing southerly, to the point of
 commencement,—exclusive of an area of 1 acre 1 rood 4 perches, formerly dedicated for
 40 Observatory on the twenty-ninth day of April, one thousand eight hundred and
 eighty-four, which has been deducted from the total area, and shown upon a plan in
 the Department of Lands catalogued C. 34-2,063 Roll.

Secondly, 1 rood 5 perches, situated as aforesaid: Commencing at the westerly
 intersection of the southern side of Argyle-street with the northern side of Watson-road;
 45 and bounded thence on the south and south-east by the southern and south-eastern sides
 of the existing wall, situated on the northern and north-western side of Watson-road,
 bearing easterly and north-easterly to the southern side of Argyle-street before-mentioned;
 and thence on the north by the southern side of Argyle-street, bearing westerly, to the
 point of commencement:

50 Which said parcels of land are shown upon a plan in the Department of Lands,
 catalogued Ms. 2,489, Sy.

PART

Sydney Corporation (Amendment).

PART II.

Dawes Point Reserve.

County of Cumberland, parish of St. Phillip, city of Sydney, at Dawes' Point. Area, 4 acres 1 rood 18½ perches: Commencing on the eastern side of George-street North, at a point bearing south 51 minutes east 3 chains 39½ links from the outer edge of the base course of the sea wall fronting Port Jackson, being a point in the northerly prolongation of the eastern side of George-street North, being also the north-western corner of an area of 1/10 of a perch occupied as a cable hut site by the Commonwealth of Australia: and bounded thence by a line bearing north 89 degrees 5 minutes east 47.8/10 links; thence by the concave side of an arc of 91 links radius curving to the right, the chord of which bears north 77 degrees 57 minutes east 88.8/10 links; thence by lines bearing south 73 degrees 4 minutes east 1 chain 89.4/10 links, north 23 degrees 4 minutes east 67 links, south 63 degrees 51 minutes east 40 links, north 23 degrees 15 minutes east 46.9/10 links, north 4 degrees 3 minutes east 22.9/10 links, north 23 degrees 39 minutes east 19.6/10 links, south 67 degrees 16 minutes east 31 links, north 23 degrees 42 minutes east 48 links, north 67 degrees 40 minutes west 26.8/10 links, north 21 degrees 12 minutes east 11.9/10 links to the outer edge of the base course of the sea wall before mentioned; and thence by the outer edge of the said wall being a line bearing south 65 degrees 52 minutes east 1 chain 14.9/10 links, the concave side of an arc of 1 chain 86 links radius curving to the right, the chord of which bears south 53 degrees 12 minutes east 90.6/10 links, and a line bearing south 38 degrees 10 minutes east 1 chain 14.4/10 links to the inner edge of a wall forming the western boundary of the constructed road heading from the horse ferry to George-street North; thence by the said wall being the convex side of an arc of 24 links radius curving to the left, the chord of which bears south 16 degrees 10 minutes west 33.8/10 links, a line bearing south 27 degrees 18 minutes east 1 chain 21.2/10 links, the concave side of an arc of 1 chain 10 links radius curving to the right, the chord of which bears south 18 degrees 20 minutes east 35.1/10 links, a line bearing south 8 degrees 56 minutes east 2 chains 18.3/10 links, the concave side of an arc of 1 chain 34 links radius curving to the right, the chord of which bears south 14 degrees 53 minutes west 1 chain, the concave side of an arc of 1 chain 34 links radius curving to the right, the chord of which bears south 52 degrees 13 minutes west 71 links, a line bearing south 80 degrees 33 minutes west 1 chain 33.9/10 links, the convex side of an arc of 1 chain 76½ links radius curving to the left, the chord of which bears south 70 degrees 18 minutes west 40½ links, a line bearing south 62 degrees 32 minutes west 2 chains 5.8/10 links and the convex sides of a series of arcs of 3 chains 28 links radii curving to the left, the chords of which bear south 54 degrees 3 minutes west 1 chain, south 37 degrees 11 minutes west 1 chain, and south 21 degrees west 75.4/10 links to the south-eastern corner of a stone wall; and thence by the south-eastern side of that wall and by the north-western side of a brick building, being a line bearing south 52 degrees 41 minutes west 40 2 chains 34½ links to the eastern side of George-street North before mentioned; and thence by that street bearing north 5 degrees 30 minutes east 46.7/10 links, north 7 degrees 34 minutes east 84.8/10 links, north 12 degrees 29 minutes east 44.8/10 links, north 17 degrees 53 minutes east 48.9/10 links north 26 degrees 6 minutes east 43.2/10 links, north 51 degrees 10 minutes west 92.7/10 links, and north 4 degrees 54 minutes east 1 chain 81.6/10 links; thence by lines bearing north 77 degrees 14 minutes east 2 chains 23½ links, south 84 degrees 59 minutes east 97.3/10 links, the convex sides of a series of arcs of 1 chain 50 links radii curving to the left, the chords of which bear north 18 degrees 58 minutes east 48½ links, north 5 degrees 12 minutes east 36½ links, north 7 degrees 9 minutes west 36.6/10 links, north 21 degrees 40 minutes west 37 links, north 37 degrees 9 minutes west 46.1/10 links, north 60 degrees 22 minutes west 44.2/10 links, north 84 degrees 46 minutes west 33.4/10 links; thence by lines bearing north 16 degrees 42 minutes west 45.2/10 links, north 33 degrees 31 minutes east 1 chain 57.1/10 links, north 39 degrees 49 minutes west 88.1/10 links; again by the convex sides of a series of arcs of 2 chains radii curving to the left, the chords of which bear north 55 degrees 35 minutes west 50½ links, north 71 degrees 39 minutes west 60 links, and south 84 degrees 55 minutes west 60 links; again

Sydney Corporation (Amendment).

again by lines bearing south 26 degrees 23 minutes west $23\frac{6}{10}$ links, south 84 degrees 29 minutes west $40\frac{5}{10}$ links, and south 41 degrees 50 minutes west $14\frac{9}{10}$ links to the eastern side of George-street North aforesaid; thence by that street bearing north $44\frac{1}{2}$ minutes west $54\frac{7}{10}$ links, to the point of commencement, as surveyed and shown on plan catalogued 5 Ms. 2,695 Sy. in the Department of Lands.

PART III.

Belmore Park.

County of Cumberland, parish of St. Lawrence, City of Sydney. Area, 7 acres 3 roods $15\frac{1}{2}$ perches: Commencing on the north-eastern side of Rawson-place at a point distant 77 feet south-easterly from its intersection with the south-eastern side of Pitt-street; and bounded thence by Rawson-place south-easterly to Elizabeth-street; thence by Elizabeth-street northerly to Hay-street; thence by Hay street westerly to the road of approach to the Central Railway Station; and thence by that road generally southerly to the point of commencement, but exclusive of a tramway 17 feet wide intersecting the park from Rawson-place generally north easterly to Hay-street, as shown on plan catalogued Ms. 2,885 Sy.

SCHEDULE FOUR.

Public ways vested in the council.

Day-street, extending from Erskine-street southerly and easterly to Sussex-street but excluding over-bridge, and bridge and piers of Pymont Bridge.

Road to horse ferry, extending from George-street North to high-water mark at Dawes' Point Ferry.

Circular Quay roadway, from the horse ferry road north-easterly, south-easterly, south-westerly, including Circular Quay; thence north-easterly and easterly to high-water mark at North Sydney horse ferry, Bennelong Point.

Tarpeian Way, extending from Macquarie-street North north-easterly to its intersection with the road leading to Botanical Gardens.

Argyle-street, extending from boundary of Harbour Trust property to Circular Quay road.

Cowper Wharf roadway, from its northern termination at western side of Woolloomooloo Bay southerly and generally easterly to a fenced line opposite Duke-street.

The whole of these areas are shown upon plan catalogued R. 162, City Surveyor's Office, Town Hall.

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, 2 December, 1908.* }

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. , 1908.

An Act to provide for the making and levying of rates on the unimproved capital value of land in the City of Sydney ; for the suspension in the said city of certain Acts relating to land tax ; to include the municipality of Camperdown in the said city ; to vest in the council certain lands and certain public places and public institutions ; to authorise the council to establish and maintain public libraries, art galleries, museums, and milk depots ; for widening Elizabeth-street and Liverpool-street ; for the payment of certain sums by the council to the Treasury ; to authorise the council to resume certain lands and borrow certain moneys ; to amend the Sydney Corporation Act, 1902, the Public Health Act, 1902, the Hyde, Cook, and Phillip Parks Act, 1904, and other Acts ; and for purposes consequent thereon or incidental thereto.

Sydney Corporation (Amendment).

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:—

5

PART I.

PRELIMINARY.

1. This Act may be cited as the "Sydney Corporation (Amend- Short title.
ment) Act, 1908," and shall be construed with the Sydney Corporation
Act, 1902, hereinafter referred to as the Principal Act.

10

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

Division of Act.

PART I.—PRELIMINARY—*ss.* 1-2.

PART II.—RATE ON UNIMPROVED CAPITAL VALUE—*ss.* 3-12.

PART III.—EXTENSION OF CITY—*ss.* 13-24.

PART IV.—BELMORE MARKETS—*ss.* 25-30.

15

PART V.—ADDITIONAL POWERS AND DUTIES—*ss.* 31-39.

PART II.

RATE ON UNIMPROVED CAPITAL VALUE.

3. (1) In this Part, and in enactments thereby incorporated or Definitions.
applied,—

20

"Ratable property" or "ratable land" means property ratable
under the Principal Act not being land the property of the
Crown, or vested in the University of Sydney or in the
colleges thereof, and used by such University or colleges, or
any of them, solely for the purposes of education, or vested
25 in the Chief Commissioner for Railways and Tramways, or
in the Sydney Harbour Trust Commissioners, or in the
Board of Water Supply and Sewerage.

25

"Unimproved capital value" and "owner" have the meanings
given to "unimproved value" and "owner" respectively in
30 the Land and Income Tax Assessment Act of 1895.

30

(2) In enactments of the Local Government Act, 1906,
incorporated hereby—

"An area" shall be read as the city of Sydney.

"A council" shall be read as the municipal council of Sydney.

35

"Prescribed" means prescribed by this Part or by the Principal
Act, or by by-laws made thereunder.

Sydney Corporation (Amendment).

4. The council shall, in and for the year one thousand nine hundred and nine, and in every succeeding year, make and levy a general rate of not less than one penny in the pound upon the unimproved capital value of all ratable property in the city. Such rate shall be in addition to any rate under the Principal Act or any other rate under this Act. Rate on unimproved capital value.

5. The Governor shall forthwith, on the council imposing such rate on such unimproved capital value, proclaim that the operation of the enactments mentioned in Schedule Three to the Local Government Act, 1906, are and the same shall thereupon be suspended in the city. Suspension of land tax.

Such suspension shall take effect from the first day of the year in which the said rate on such unimproved capital value is first made as aforesaid: Provided that such suspension shall not apply to the land tax for the years from one thousand eight hundred and ninety-six up to the year in which such rate is first made as aforesaid:

Provided also that exemptions and deductions from and in respect of income tax under sections seventeen and twenty-eight of the Land and Income Tax Assessment Act of 1895, and section one of the Land and Income Tax (Declaratory) Act, 1898, shall be made in relation to land, and the income derived from land, subject to rates under this Part as in the case of land subject to land tax.

6. (1) The council, for the purpose of making rates under this Part, may, from time to time, and shall at least once in every five years, cause valuation to be made of the unimproved capital value of all ratable property in the city, and for that purpose shall appoint valuers who shall make the declaration provided for in section one hundred and eleven of the Principal Act: Valuations.

Provided that the council may adopt the valuations under the Land and Income Tax Assessment Act of 1895 as the first valuation of unimproved capital value under this Part:

Provided also that the council may, without causing a fresh valuation to be made, adopt as the valuations for any period the whole or any part of the valuations in force at the close of the next preceding period, when such valuations are considered by the council to be still just and equitable.

Any such valuation shall be in force until a fresh valuation is made.

The valuation may, in the discretion of the valuers, be made of each parcel of land separately owned, or of each parcel separately occupied.

(2) Section one hundred and eighteen of the Principal Act shall apply to valuations under this Part.

7. Notice of the valuation shall be served on the owner of the property valued. Any such notice may be served as prescribed in section two hundred and sixteen of the Principal Act. Service of notice of valuations.

Sydney Corporation (Amendment).

8. Any valuation or entry of valuation made under this Part Alteration of valuations. may be altered at any time where it is found that an error has been made as to the area or ownership of land, or any mistake of calculation of values has been made, or where there is a change of ownership.

5 Where any land has been subdivided, and a portion sold, the valuation of such land may be altered, and such valuation and any unpaid rates due on such land may be apportioned by the council. Such alteration and apportionment shall be initialled by the Lord Mayor and town clerk after resolution of the council making such alteration or apportionment. Such alteration or apportionment shall take effect from the date fixed by the resolution of the council :

10 Provided that in every such case of alteration or apportionment notice thereof shall be served, and an appeal therefrom shall lie, as with respect to valuations.

15 Other minor errors in an assessment book not affecting the amount at which land is valued may be altered as aforesaid.

9. Where such valuation is made of property which was not ratable under this Part at the commencement of the then current year, the rate thereon shall be proportionate to the portion of such year during which such land was ratable. Valuations made during current year.

20 Where such valuation is made of property which had not been rated, but which was so ratable at the commencement of the then current year, the rate thereon shall be for the whole of such year.

10. The provisions of the Principal Act relating to the making Assessment books and appeals from assessments. of assessment books, and to appeals from assessments, and to the making and levying of rates, and the time when the same shall be payable, shall, mutatis mutandis, but subject to this Act, apply to valuations and assessments and rates made under this Part : Provided that the right of appeal under this Part is extended to any person aggrieved by an assessment, and that the rate may be fixed and ordered by the council at any time before or after the thirty-first day of March in any year.

11. (1) The amount of any rate under this Part shall be paid Payment of rates. to the council by the owner of the property in respect of which the rate is levied.

(2) Provided that where a lessee of ratable property has before the first day of November, one thousand nine hundred and eight, agreed with the owner, or with the mesne lessee from whom he immediately holds, to pay municipal or local government taxes, the Proviso when lessee has agreed to pay rates. owner and all the lessees, including mesne lessees, shall, notwithstanding such agreement and during the currency of such agreement, be respectively liable, as between themselves, for so much of the rate under this Part as is equal to the amount of the land tax, or tax in lieu of land tax, on the land which they respectively would have been liable to pay under the Acts mentioned in Schedule Three to the Local Government

Sydney Corporation (Amendment).

Government Act, 1906, if the operation of the said Acts had not been suspended, based on the valuation of the unimproved capital value under this Part. The adjustment of the Commissioners of Taxation under the fourth section of the Land Tax (Leases) Act, 1902, shall be
5 made on the basis of such valuation, and of a land tax or tax in lieu of land tax, without exemptions, and after the first adjustment, there shall be a readjustment by the Commissioners at every subsequent period of valuation. Such adjustment may be made, notwithstanding the suspension of the operation of the said Act, and shall be final and
10 shall not be subject to appeal in any court.

The lessor who has made any such agreement as aforesaid shall notify the council of the terms of such lease. Where such notification has been received by the council, such council shall (notwithstanding the provisions of subsection one of this section) first proceed for the
15 recovery of the whole of any rates due under this Part from the lessee who is in possession of the property rated as the last lessee within the knowledge of the council bound by any such agreement. Unless such lessor notifies the council as aforesaid before the making of any rates, the council may recover the whole of such rates from such lessor.

20 Failing in any legal proceedings against any person as aforesaid the council shall next so proceed against the lessor from whom such person immediately holds; and, failing in any such proceedings against a lessor who is a mesne lessee, the council shall next so proceed against the lessor from whom he immediately holds; and so on.

25 Any lessee who has paid, or any mesne lessee who has paid or suffered the deduction as hereinafter provided of any such rates may recover as a debt from, or deduct from any moneys due to, the lessor from whom he immediately holds, the proportionate amount of rates determined as aforesaid by the said commissioners to be the portion
30 payable in respect of the property rated by all the persons under whom he derives title; and any lessor who has made any payment to the council in respect of such rates may recover as a debt from any lessee under him such portion thereof as such lessee is liable for under his agreement and the terms of this subsection.

35 The council, the commissioners aforesaid, and any authorised servant of either of them, may demand the production within a reasonable time of any agreement as aforesaid from any owner, lessee, or person having the custody of such agreement, or require any person in occupation of land, or in receipt of the rent of land, to
40 answer any question for the purposes of this subsection. If such owner, lessee, or person refuses or neglects on demand as aforesaid to produce any such agreement, or if any person when duly required refuses to answer any question for the purposes of this subsection, or wilfully makes a false answer thereto, he shall be liable to a penalty
not

Sydney Corporation (Amendment).

not exceeding fifty pounds. A certificate of such adjustment aforesaid purporting to be signed by the said commissioners, or their secretary, or registrar, shall be prima facie evidence of such adjustment.

12. The provisions of subsections five, seven, eight, and nine of section one hundred and forty-four, and the whole of sections one hundred and forty-five, one hundred and forty-six, and one hundred and forty-eight of the Local Government Act, 1906, relating to rates under that Act, shall apply, mutatis mutandis, to rates under this Part: Provided that references to lessees, licensees, or tenants in those sections are omitted.

Incorporation of provisions of Local Government Act.

PART III.

EXTENSION OF CITY.

13. The council of the municipality of Camperdown is dissolved, and the said municipality is included within the city, and shall form part of the city, and a ward thereof to be known as Camperdown Ward, constituted in addition to the twelve wards in the Principal Act mentioned, and shall be subject to any Acts, by-laws, and regulations affecting the city.

Camperdown included within city.

14. (1) The Governor shall, by proclamation published in the Gazette, set forth—

Boundaries of city and of Camperdown Ward.

(a) in Schedule A to such proclamation, the extended boundaries of the city so as to include therein the municipality of Camperdown, and such boundaries shall take the place of the boundaries set out in Schedule Two to the Principal Act as amended by the Sydney Corporation Amendment Act, 1905; and

(b) in Schedule B to such proclamation, the boundaries of the area comprised in the said municipality.

Such proclamation may be made and published at any time after the passing of this Act.

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

(3) The boundaries set forth in Schedule B to such proclamation shall be the boundaries of Camperdown Ward.

15. On the commencement of this Act all real and personal property and all right and interest therein and all management and control of any land or thing then vested in or belonging to the council

Vesting in council of property of Camperdown municipality.

of

Sydney Corporation (Amendment).

of the municipality of Camperdown shall vest in and belong to the municipal council of Sydney. All rates, moneys, liquidated and unliquidated claims payable to or recoverable by, and all suits, actions, and proceedings pending at the suit of, the council of the said municipality, and all contracts and agreements entered into with such council at such commencement shall respectively be rates, moneys, liquidated and unliquidated claims payable to, or recoverable by, and suits, actions, and proceedings pending at the suit of and contracts with the municipal council of Sydney.

10 The municipal council of Sydney may pursue the same remedies for the recovery of such rates, moneys, and claims, and for the prosecution of such suits, actions, and proceedings as if the same had originally been payable to, recoverable by, or instituted at the suit of the council, and the council may enforce and realise any security or
15 charge in respect of such rates, moneys, and claims existing in favour of the council of the said municipality as if such security or charge were existing in favour of the municipal council of Sydney.

16. All debts due and moneys payable by, and all claims liquidated and unliquidated recoverable against, the council of the
20 municipality of Camperdown shall cease to be due and payable by and recoverable against the said council, and shall, subject to the exceptions and provisos hereinafter mentioned, be debts due and moneys payable by and claims recoverable against the municipal council of Sydney:

Provided that the said council may at any time (notwithstanding
25 that any debt of such municipality is then payable at a future date or overdue) upon giving fourteen days' notice in writing to the creditor or his attorney of its intention so to do, redeem and discharge such debt by the payment or tender to such creditor or his attorney of the principal sum payable to him, together with interest thereon to the
30 date of such payment or tender at the rate which such principal sum bears, and thereupon the said creditor and his attorney shall deliver to the council freed and discharged from all claims whatsoever all securities for and documents representing the said debt or any part thereof, or the interest due or to accrue due thereon:

35 But if any such creditor is absent from the State or cannot be found, or his address cannot be ascertained after reasonable inquiry, the said council may, without giving any notice as aforesaid, pay any such principal sum and interest as aforesaid to the date of such payment into the Supreme Court in its equitable jurisdiction,
40 and thereupon the debt or claim of such creditor shall be discharged, and the said Court may upon the application of the person entitled to such debt make such order as to the payment out of such principal and interest as it may think fit:

Provided also that notwithstanding anything hereinbefore
45 contained, the municipal council of Sydney shall not be liable for
damag

Sydney Corporation (Amendment).

damage sustained by any person before the commencement of this Act in consequence of the failure of the municipality of Camperdown or its council to perform any duty imposed by sections seventy-three and seventy-four of the Local Government Act, 1906.

5 **17.** (1) The control, management, and direction of all public Vesting of care and
ways of which the council of the municipality of Camperdown has at control of public
the commencement of this Act the care, control, and management, is ways.
vested in the Municipal Council of Sydney, and such ways shall for
the purpose of any Act or by-law affecting the city be deemed to be
10 public ways within the meaning of the Principal Act.

The council shall within one year of such commencement expend the sum of ten thousand pounds upon the improvement or repair of such public ways.

15 (2) In any proceedings by or on behalf of the municipal council of Sydney it shall not be necessary to prove the gazettal or alignment of such public ways, but it shall be sufficient evidence of the fact that any such way is a public way if it is proved that it is a thoroughfare in the nature of a street, or road, or way, and is so used by the public.

20 **18.** Within one year from the commencement of this Act Acquisition of land
the council shall acquire the necessary lands for the purpose of for widening streets.
widening Pyrmont Bridge road, Brodie-street, and University-street, and extending Barr-street, University-street, Park-street, and Gibbens-street :

25 Provided that nothing in this section shall affect the powers of resumption and purchase conferred by the Sydney Corporation Amendment Act, 1905, or the Sydney Corporation Amendment Act, 1906.

30 **19.** For the purpose of paying and discharging the debts and Power of council to
liabilities of the council of the municipality of Camperdown as borrow.
hereinbefore provided the municipal council of Sydney may borrow sums of money not exceeding in the whole thirty thousand pounds. The provisions of the Sydney Corporation Amendment Act, 1905, as to the borrowing and repayment of moneys for the purposes therein
35 mentioned shall apply to and govern any borrowing under this section.

40 **20.** (1) The council shall direct valuers appointed by it to enter Assessment for city
in a ward assessment book for Camperdown Ward an assessment under rate.
the Principal Act of all ratable property within such ward, whether occupied or unoccupied. Such assessment when confirmed by the
council shall remain in force subject to the original and annual rights
of appeal conferred by the Principal Act, and subject to the provisions
of section one hundred and seventeen of the Principal Act as amended
by the Sydney Corporation Amendment Act, 1905, until the council
causes a new assessment of ratable property in the city to be made.

45 (2) For the purpose of such or any subsequent assessment of such ratable property and any rate to be raised thereon the provisions of the said Acts shall apply :
Provided

Sydney Corporation (Amendment).

Provided that lands and buildings vested in the University of Sydney, or in the colleges thereof, and used by such University or colleges, or any of them, solely for the purposes of education, shall not be ratable property.

5 (3) The valuers may if they think fit adopt the valuation under the Local Government Act, 1906, of the assessed annual value of such property in force at the commencement of this Act as their valuation of the net average annual value of such property.

10 (4) The powers conferred by this section may be exercised at any time after the passing of this Act.

21. If the assessment-book for Camperdown Ward is not made and confirmed by the council before the thirty-first day of March, one thousand nine hundred and nine, the council may nevertheless cause rates to be raised for the other wards of the city, and shall, after the
15 assessment for the Camperdown Ward has been so confirmed and signed by the town clerk, raise a rate on ratable property in the said ward of the same amount in the pound as the city rate for that year.

22. The council may also, in the year one thousand nine hundred and nine, and in each year thereafter for a period of twenty
20 years, cause an additional rate of threepence in the pound on the net average annual value of the ratable property, or an additional rate on the unimproved capital value of ratable land which will yield the same amount of money, situate in such ward to be raised for the purposes of providing a sinking fund for the repayment of the moneys borrowed
25 for the purposes of this Act, and of making payments on account of the interest on such moneys and such rate shall be in addition to the city rate. For the purpose of such additional rate, the provisions of the Principal Act and the Sydney Corporation Amendment Act, 1905, and this Part, shall apply as in the case of the city rate. All
30 rates raised by the council under this section shall be paid into and form part of the city fund.

23. (1) Within twenty-one days after the commencement of this Act there shall be an election of two aldermen of the city for Camperdown Ward. Such election shall be held upon a day to be
35 fixed by the Lord Mayor, of which day he shall give notice in the Gazette and in one newspaper.

(2) Such aldermen shall, subject to the provisions of the Principal Act, hold office until the next election of aldermen of the city, but they shall then be eligible for re-election if still qualified.

40 24. For the purpose of the said election or any election to fill an extraordinary vacancy for Camperdown Ward prior to the next election of aldermen for the city the roll of electors in force at the commencement of this Act for the municipality of Camperdown shall be the roll of citizens entitled to vote for Camperdown Ward, but so
45 that no person shall be entitled to more than one vote at such election.

The

Sydney Corporation (Amendment).

The provisions of Part V of the Principal Act shall, so far as the same are not inconsistent herewith, apply to and govern such election and all matters and things incidental thereto. The town clerk may affix a number to each name on the roll for Camperdown Ward.

5

PART IV.

BELMORE MARKETS.

25. The land described in Schedule One is vested in the council for an estate in fee simple, free from all conditions, reservations, and dedications, statutory or otherwise, and may be dealt with under and
 10 subject to the provisions of this Part. Land in Schedule One vested in council.

26. The council may, subject to such building conditions as the Premier for the time being may approve, sell or lease either the whole or any portion of the land described in Schedule One, in one or more lots, by public auction or private contract, and on such terms
 15 and conditions (including power to take securities for any balance of purchase money, or to allow a period for the payment of the same) as the council may think fit, and may execute the necessary assurances for carrying out any such sale or lease. Power of council to sell or lease.

Nothing herein contained shall invalidate or affect any leases
 20 current at the commencement of this Act.

27. The council may from time to time, with the approval of the Governor, borrow any sum or sums of money for the construction of markets on the land already resumed or to be hereafter purchased or resumed for market purposes, and the same conditions, qualifications, and provisions shall regulate the borrowing of such moneys and the repayment thereof as if the same had been borrowed by virtue of the powers conferred upon the council by the Sydney Corporation Amendment Act, 1905. Power of council to borrow.

28. (1) The net proceeds of realisation of any land in Schedule One sold by the council under the provisions of this Part shall be set apart by the council and applied in or towards repayment of any loan raised, or to be raised, by the council for the purchase or resumption of land for market purposes or for the construction of markets thereon. Application of purchase moneys, &c.

(2) The council may reduce the annual payments to any sinking fund formed in connection with any such loan to the same extent, and may invest the proceeds of any such realisation in the same manner, as if the lands sold under the authority of this Part had been sold under the powers conferred by the Sydney Corporation Amendment Act, 1905. Investment of proceeds of realisation and reduction of payments to sinking fund.

Sydney Corporation (Amendment).

29. The interest upon the moneys set apart and invested under the provisions hereinbefore contained, and the rents and proceeds of any land leased by the council under the said provisions shall from time to time be paid into the city fund.

5 30. The land described in Schedule Two is hereby vested in and placed under the control, management, and direction of the council as a "public way" within the meaning of the Principal Act.

PART V.

ADDITIONAL POWERS AND DUTIES.

10 31. On the commencement of this Act the council shall take over the maintenance and control of the lending branch of the Public Library of New South Wales, established in the Queen Victoria Markets; and all books, papers, and fittings in such lending branch are vested in the council.

15 The provisions of sections nine, ten, eleven, and twelve of the Sydney Corporation Amendment Act, 1906, relating to free reading and lending libraries shall apply to the said lending branch of the said Public Library.

20 32. The council may establish infants' milk depots, and for that purpose may, with the approval of the Governor, borrow moneys under the same conditions, qualifications, and provisions as regulate the borrowing of moneys under the Sydney Corporation Amendment Act, 1905.

25 The council may maintain and manage such libraries, art galleries, museums, and milk depots, and pay for such maintenance and management out of the city fund.

30 33. (1) All trustees heretofore appointed by the Governor under the authority of any statute for the lands described in Schedule Three are hereby removed, and the council are hereby appointed trustees of the said lands, with the same powers and estate in the said lands, and subject to the same limitations, as if the appointment were made under the provisions of the Public Parks Act, 1902.

35 (2) The Governor may resume, under the provisions of the Public Works Act, 1900, without compensation, any portion of the lands described in Part I of Schedule Three for a line of railway North Sydney or any portion of the lands described in Part II of the said Schedule for a roadway or as a site for the Mint or for piers for a bridge across Sydney Harbour.

34. The control, management, and direction of the public ways mentioned in Schedule Four are vested in the council.

35.

Sydney Corporation (Amendment).

35. (1) The council may increase the width of Elizabeth-street by adding to such street a strip of the land now forming part of Hyde Park, to a distance not exceeding eighteen feet, from the western boundary of such park. Of such land so added, not more than six feet from such boundary may be used as a carriage-way, and the remainder may be used as a footway only.

Increase of width of Elizabeth-street and Liverpool-street.

(2) The council may increase the width of Liverpool-street by adding to such street a strip of the land now forming part of Hyde Park, to a distance not exceeding fifteen feet, from the southern boundary of such park.

(3) Such streets as so widened shall be public ways.

36. (1) From and after the commencement of this Act the council shall each year pay into the Treasury the sum of two thousand two hundred pounds towards the control and maintenance of Pymont bridge and its approaches, and the sum of five thousand one hundred pounds in respect of interest on the cost of the said bridge :

Payment towards maintenance and interest on cost of Pymont bridge.

Provided that this provision shall cease to have effect if and when the said bridge is removed or demolished.

(2) The council shall each year pay into the Treasury the sum of seven thousand five hundred pounds towards the cost of the regulation of traffic in the city.

Payment towards regulation of traffic.

(3) Such amounts shall respectively be paid by half-yearly instalments on or before the the thirtieth day of June and the thirty-first day of December in each year, and shall be carried to the Consolidated Revenue Fund.

37. The council shall undertake the lighting of the Domain at a cost not exceeding one thousand five hundred pounds per annum.

Lighting Domain.

38. Subsection one of section eleven of the Principal Act is amended by inserting at the end thereof the following :—"The council shall pay into the Treasury a sum fixed by the Colonial Treasurer as the cost of collecting the list by the police. Such sum shall be carried to the Consolidated Revenue Fund."

Amendment of s. 11 (1) of Principal Act.

39. The council shall each year pay into the Treasury the sum of one thousand five hundred pounds towards the amount payable by the Crown in respect of the salaries of the medical officer of health for the Metropolitan district, and his assistant, and the inspector of nuisances and sanitary inspectors for the city.

Amount payable by council to Crown.

Sydney Corporation (Amendment).

SCHEDULES.

SCHEDULE ONE.

Belmore Markets—Land vested in the council.

(a) All that piece or parcel of land situated in the parish of Saint Lawrence, city of
5 Sydney, county of Cumberland, and State of New South Wales: Commencing at the
intersection of the southern building line of Campbell-street with the eastern building line
of George-street; bounded on the north by the southern building line of Campbell-street to
its intersection with the western building line of Parker-lane; thence on the east by the
western building line of Parker-lane to its intersection with the northern building line
10 of Hay-street; thence on the south by the northern building line of Hay-street to its
intersection with the eastern building line of George-street; thence on the west by the
eastern building line of George-street, to the point of commencement,—containing 1 rood
25½ perches, or thereabouts.

(b) All that piece or parcel of land situated in the parish of Saint Lawrence, city of
15 Sydney, county of Cumberland, and State of New South Wales: Commencing at the
intersection of the southern building line of Campbell-street with its intersection with
the western building line to Pitt-street; bounded thence on the east by the western
building line of Pitt-street to its intersection with the northern building line of Hay-street;
thence on the south by the northern building line of Hay-street to its intersection with
20 the eastern building line of Parker-lane; thence on the west by the eastern building line
of Parker-lane to its intersection with the southern building line of Campbell-street;
thence on the north by the southern building line of Campbell-street, to the point of
commencement,—containing 3 roods 33¼ perches, or thereabouts.

(c) All that piece or parcel of land situated in the parish of Saint Lawrence, city of
25 Sydney, county of Cumberland, and State of New South Wales: Commencing at a
point on the southern building line of Campbell-street, distant 100 feet easterly from
the intersection of that building line with the western building line of Pitt-street;
bounded thence on the north by the southern building line of Campbell-street to its
intersection with the western building line of Castlereagh-street; thence on the east by
30 the western building line of Castlereagh-street to its intersection with the northern
building line of Hay-street; thence on the south by the northern building line of
Hay-street to a point distant 100 feet easterly from the intersection of that building
line with the western building line of Pitt-street; thence on the west by a line northerly,
to the point of commencement,—containing 1 acre 1 rood 27 perches, or thereabouts.

35

SCHEDULE TWO.

Belmore Markets—Land for public way.

All that piece or parcel of land situated in the parish of Saint Lawrence, city of
Sydney, county of Cumberland, and State of New South Wales: Commencing at
a point on the southern building line of Campbell-street, distant 100 feet easterly from
40 the intersection of that building line with the western building line of Pitt-street;
bounded thence on the north by the southern building line of Campbell-street to its
intersection with the eastern building line of Pitt-street; thence on the west by the
eastern building line of Pitt-street to its intersection with the northern building line of
Hay-street; thence on the south by the northern building line of Hay-street to a point
45 100 feet easterly from the intersection of that building line with the western building
line of Pitt-street; thence on the east by a line northerly, to the point of commence-
ment,—containing 26 perches, or thereabouts.

SCHEDULE

Sydney Corporation (Amendment).

SCHEDULE THREE.

PART I.

Observatory Park.

All those two pieces or parcels of land, containing an aggregate area of 5 acres 3 roods 14 perches, situated at and near Flagstaff Hill, city of Sydney, parish of St. Philip, county of Cumberland.

5 Firstly, 5 acres 2 roods 9 perches, situated as aforesaid: Commencing on the western side of Upper Fort street at a point bearing south 52 degrees 25 minutes west and distant 1 chain 14 links from the intersection of the eastern side of that street and the southern side of Essex-street; and bounded thence by lines bearing north 74 degrees 39 minutes west $79\frac{9}{10}$ links, north 89 degrees 23 minutes west 1 chain, south 82 degrees west $25\frac{3}{10}$ links, and south 2 degrees 5 minutes west $67\frac{8}{10}$ links, to the northern side of an old brick wall forming the northern boundary of the Fort-street Model Public School grounds; thence by that wall and another old brick wall forming the western boundary of the Fort-street Model Public School grounds before-mentioned, bearing north 87 degrees 31 minutes west 1 chain $99\frac{3}{10}$ links, and south 4 degrees 47 minutes east 1 chain $67\frac{6}{10}$ links, to a point in the easterly prolongation of the southern side of a dwarf stone wall; thence by that prolongation and the southern side of that wall bearing westerly to another dwarf stone wall on the eastern side of Kent-street; 10 thence by the eastern side of that street bearing north 13 degrees 31 minutes west 2 chains $22\frac{1}{10}$ links, to the southern side of a brick wall; thence by that brick wall and its prolongation easterly, in all bearing north 77 degrees 10 minutes east 1 chain $36\frac{4}{10}$ links to the western side of another dwarf stone wall; thence by that wall bearing northerly, north-easterly, easterly, and south-easterly to the western side of Upper Fort 15 street before mentioned; and thence by that street bearing southerly, to the point of commencement,—exclusive of an area of 1 acre 1 rood 4 perches, formerly dedicated for Observatory on the twenty-ninth day of April, one thousand eight hundred and eighty-four, which has been deducted from the total area, and shown upon a plan in the Department of Lands catalogued C. 34-2,063 Roll.

20 Secondly, 1 rood 5 perches, situated as aforesaid: Commencing at the westerly intersection of the southern side of Argyle-street with the northern side of Watson-road; and bounded thence on the south and south-east by the southern and south-eastern sides of the existing wall, situated on the northern and north-western side of Watson-road, bearing easterly and north-easterly to the southern side of Argyle-street before-mentioned; 25 and thence on the north by the southern side of Argyle-street, bearing westerly, to the point of commencement:

30 Which said parcels of land are shown upon a plan in the Department of Lands, catalogued Ms. 2,489, Sy.

PART II.

Dawes Point Reserve.

40 County of Cumberland, parish of St. Phillip, city of Sydney, at Dawes' Point. Area, 4 acres 1 rood $18\frac{1}{2}$ perches: Commencing on the eastern side of George-street North, at a point bearing south 51 minutes east 3 chains $39\frac{1}{2}$ links from the outer edge of the base course of the sea wall fronting Port Jackson, being a point in the northerly 45 prolongation of the eastern side of George-street North, being also the north-western corner of an area of $\frac{1}{10}$ of a perch occupied as a cable hut site by the Commonwealth of Australia: and bounded thence by a line bearing north 89 degrees 5 minutes east $47\frac{8}{10}$ links; thence by the concave side of an arc of 91 links radius curving to the right, the chord of which bears north 77 degrees 57 minutes east $88\frac{8}{10}$ links; thence by lines 50 bearing south 73 degrees 4 minutes east 1 chain $89\frac{4}{10}$ links, north 23 degrees 4 minutes east 67 links, south 63 degrees 51 minutes east 40 links, north 23 degrees 15 minutes east $46\frac{9}{10}$ links, north 4 degrees 3 minutes east $22\frac{9}{10}$ links, north 23 degrees 39 minutes east $19\frac{6}{10}$ links, south 67 degrees 16 minutes east 31 links, north 23 degrees 42 minutes east 48 links, north 67 degrees 40 minutes west $26\frac{8}{10}$ links, north 21 degrees 12 minutes east

Sydney Corporation (Amendment).

east $11\frac{9}{10}$ links to the outer edge of the base course of the sea wall before mentioned ; and thence by the outer edge of the said wall being a line bearing south 65 degrees 52 minutes east 1 chain $14\frac{9}{10}$ links, the concave side of an arc of 1 chain 86 links radius curving to the right, the chord of which bears south 53 degrees 12 minutes east $90\frac{9}{10}$ links, and a line bearing south 38 degrees 10 minutes east 1 chain $14\frac{4}{10}$ links to the inner edge of a wall forming the western boundary of the constructed road heading from the horse ferry to George-street North ; thence by the said wall being the convex side of an arc of 24 links radius curving to the left, the chord of which bears south 16 degrees 10 minutes west $33\frac{8}{10}$ links, a line bearing south 27 degrees 18 minutes east 1 chain $21\frac{6}{10}$ links, the concave side of an arc of 1 chain 10 links radius curving to the right, the chord of which bears south 18 degrees 20 minutes east $35\frac{1}{10}$ links, a line bearing south 8 degrees 56 minutes east 2 chains $18\frac{3}{10}$ links, the concave side of an arc of 1 chain 34 links radius curving to the right, the chord of which bears south 14 degrees 53 minutes west 1 chain, the concave side of an arc of 1 chain 34 links radius curving to the right, the chord of which bears south 52 degrees 13 minutes west 71 links, a line bearing south 80 degrees 33 minutes west 1 chain $33\frac{9}{10}$ links, the convex side of an arc of 1 chain $76\frac{1}{2}$ links radius curving to the left, the chord of which bears south 70 degrees 18 minutes west $40\frac{1}{2}$ links, a line bearing south 62 degrees 32 minutes west 2 chains $5\frac{8}{10}$ links and the convex sides of a series of arcs of 3 chains 28 links radii curving to the left, the chords of which bear south 54 degrees 3 minutes west 1 chain, south 37 degrees 11 minutes west 1 chain, and south 21 degrees west $75\frac{4}{10}$ links to the south-eastern corner of a stone wall ; and thence by the south-eastern side of that wall and by the north-western side of a brick building, being a line bearing south 52 degrees 41 minutes west 2 chains $34\frac{1}{2}$ links to the eastern side of George-street North before mentioned ; and thence by that street bearing north 5 degrees 30 minutes east $46\frac{7}{10}$ links, north 7 degrees 34 minutes east $84\frac{8}{10}$ links, north 12 degrees 29 minutes east $44\frac{8}{10}$ links, north 17 degrees 53 minutes east $48\frac{9}{10}$ links north 26 degrees 6 minutes east $43\frac{2}{10}$ links, north 51 degrees 10 minutes west $92\frac{7}{10}$ links, and north 4 degrees 54 minutes east 1 chain $81\frac{6}{10}$ links ; thence by lines bearing north 77 degrees 14 minutes east 2 chains $23\frac{1}{2}$ links, south 84 degrees 59 minutes east $97\frac{3}{10}$ links, the convex sides of a series of arcs of 1 chain 50 links radii curving to the left, the chords of which bear north 18 degrees 58 minutes east $48\frac{1}{2}$ links, north 5 degrees 12 minutes east $36\frac{1}{2}$ links, north 7 degrees 9 minutes west $36\frac{1}{10}$ links, north 21 degrees 40 minutes west 37 links, north 37 degrees 9 minutes west $46\frac{1}{10}$ links, north 60 degrees 22 minutes west $44\frac{8}{10}$ links, north 84 degrees 46 minutes west $33\frac{4}{10}$ links ; thence by lines bearing north 16 degrees 42 minutes west $45\frac{9}{10}$ links, north 33 degrees 31 minutes east 1 chain $57\frac{1}{10}$ links, north 39 degrees 49 minutes west $88\frac{1}{10}$ links ; again by the convex sides of a series of arcs of 2 chains radii curving to the left, the chords of which bear north 55 degrees 35 minutes west $50\frac{1}{2}$ links, north 71 degrees 39 minutes west 60 links, and south 84 degrees 55 minutes west 60 links ; again by lines bearing south 26 degrees 23 minutes west $23\frac{6}{10}$ links, south 84 degrees 29 minutes west $40\frac{8}{10}$ links, and south 41 degrees 50 minutes west $14\frac{9}{10}$ links to the eastern side of George-street North aforesaid ; thence by that street bearing north $44\frac{1}{2}$ minutes west $54\frac{7}{10}$ links, to the point of commencement, as surveyed and shown on plan catalogued Ms. 2,695 Sy. in the Department of Lands.

45

PART III.

Belmore Park.

County of Cumberland, parish of St. Lawrence, City of Sydney. Area, 7 acres 3 roods $15\frac{1}{2}$ perches : Commencing on the north-eastern side of Rawson-place at a point distant 77 feet south-easterly from its intersection with the south-eastern side of Pitt-street ; and bounded thence by Rawson-place south-easterly to Elizabeth-street ; thence by Elizabeth-street northerly to Hay-street ; thence by Hay street westerly to the road of approach to the Central Railway Station ; and thence by that road generally southerly to the point of commencement, but exclusive of a tramway 17 feet wide intersecting the park from Rawson-place generally north easterly to Hay-street, as shown on plan catalogued Ms. 2,885 Sy.

SCHEDULE,

Sydney Corporation (Amendment).

SCHEDULE FOUR.

Public ways vested in the council.

- Day-street, extending from Erskine-street southerly and easterly to Sussex-street but excluding over-bridge, and bridge and piers of Pyrmont Bridge.
- 5 Road to horse ferry, extending from George-street North to high-water mark at Dawes' Point Ferry.
- Circular Quay roadway, from the horse ferry road north-easterly, south-easterly, south-westerly, including Circular Quay; thence north-easterly and easterly to high-water mark at North Sydney horse ferry, Bennelong Point.
- 10 Tarpeian Way, extending from Macquarie-street North north-easterly to its intersection with the road leading to Botanical Gardens.
- Argyle-street, extending from boundary of Harbour Trust property to Circular Quay road.
- Cowper Wharf roadway, from its northern termination at western side of
- 15 Woolloomooloo Bay southerly and generally easterly to a fenced line opposite Duke-street.
- The whole of these areas are shown upon plan catalogued R. 162, City Surveyor's Office, Town Hall.

No. , 1908.

A BILL

To provide for the making and levying of rates on the unimproved capital value of land in the City of Sydney; for the suspension in the said city of certain Acts relating to land tax; to include the municipality of Camperdown in the said city; to vest in the council certain lands and certain public places and public institutions; to authorise the council to establish and maintain public libraries, art galleries, museums, and milk depots; for widening Elizabeth-street and Liverpool-street; for the payment of certain sums by the council to the Treasury; to authorise the council to resume certain lands and borrow certain moneys; to amend the Sydney Corporation Act, 1902, the Public Health Act, 1902, the Hyde, Cook, and Phillip Parks Act, 1904, and other Acts; and for purposes consequent thereon or incidental thereto.

[MR. WADE;—25 *November*, 1908, A.M.]

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:—

PART I.

5

PRELIMINARY.

Short title.

1. This Act may be cited as the "Sydney Corporation (Amendment) Act, 1908," and shall be construed with the Sydney Corporation Act, 1902, hereinafter referred to as the Principal Act.

Division of Act.

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

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PART I.—PRELIMINARY—*ss.* 1-2.

PART II.—RATE ON UNIMPROVED CAPITAL VALUE—*ss.* 3-12.

PART III.—EXTENSION OF CITY—*ss.* 13-24.

PART IV.—BELMORE MARKETS—*ss.* 25-30.

PART V.—ADDITIONAL POWERS AND DUTIES—*ss.* 31-40.

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PART II.

RATE ON UNIMPROVED CAPITAL VALUE.

Definitions.

3. (1) In this Part, and in enactments thereby incorporated or applied,—

"Ratable property" or "ratable land" means property ratable under the Principal Act not being land the property of the Crown, or vested in the University of Sydney or in the colleges thereof, and used by such University or colleges, or any of them, solely for the purposes of education, or vested in the Chief Commissioner for Railways and Tramways, or in the Sydney Harbour Trust Commissioners, or in the Board of Water Supply and Sewerage.

"Unimproved capital value" and "owner" have the meanings given to "unimproved value" and "owner" respectively in the Land and Income Tax Assessment Act of 1895.

(2) In enactments of the Local Government Act, 1906, incorporated hereby—

"An area" shall be read as the city of Sydney.

"A council" shall be read as municipal council of Sydney.

"Prescribed" means prescribed by this Part or by the Principal Act, or by by-laws made thereunder.

4.

4. The council shall, in and for the year one thousand nine hundred and nine, and in every succeeding year, make and levy a general rate of not less than one penny in the pound upon the unimproved capital value of all ratable property in the city. Such rate shall be in addition to any rate under the Principal Act or any other rate under this Act.

Rate on unimproved capital value.

5. The Governor shall forthwith, on the council imposing such rate on such unimproved capital value, proclaim that the operation of the enactments mentioned in Schedule Three to the Local Government Act, 1906, are and the same shall thereupon be suspended in the city.

Suspension of land tax.

Such suspension shall take effect from the first day of the year in which the said rate on such unimproved capital value is first made as aforesaid: Provided that such suspension shall not apply to the land tax for the years from one thousand eight hundred and ninety-six up to the year in which such rate is first made as aforesaid.

6. (1) The council, for the purpose of making rates under this Part, may, from time to time, and shall at least once in every five years, cause valuation to be made of the unimproved capital value of all ratable property in the city, and for that purpose shall appoint valuers who shall make the declaration provided for in section one hundred and eleven of the Principal Act:

Valuations.

Provided that the council may adopt the valuations under the Land and Income Tax Assessment Act of 1895 as the first valuation of unimproved capital value under this Part:

Provided also that the council may, without causing a fresh valuation to be made, adopt as the valuations for any period the whole or any part of the valuations in force at the close of the next preceding period, when such valuations are considered by the council to be still just and equitable.

Any such valuation shall be in force until a fresh valuation is made.

(2) A separate valuation shall be made as to each block of land separately owned.

(3) Section one hundred and eighteen of the Principal Act shall apply to valuations under this Part.

7. Notice of the valuation shall be served on the owner of the property valued. Any such notice may be served as prescribed in section two hundred and sixteen of the Principal Act.

Service of notice of valuations.

8. Any valuation or entry of valuation made under this Part may be altered at any time where it is found that an error has been made as to the area or ownership of land, or any mistake of calculation of values has been made, or where there is a change of ownership. Where any land has been subdivided, and a portion sold, the valuation of such land may be altered, and such valuation and any unpaid rates due

Alteration of valuations.

due on such land may be apportioned by the council. Such alteration and apportionment shall be initialled by the Lord Mayor and town clerk after resolution of the council making such alteration or apportionment. Such alteration or apportionment shall take effect from the date fixed by the resolution of the council :

Provided that in every such case of alteration or apportionment notice thereof shall be served, and an appeal therefrom shall lie, as with respect to valuations.

Other minor errors in an assessment book not affecting the amount at which land is valued may be altered as aforesaid.

Valuations made during current year.

9. Where such valuation is made of property which was not ratable under this Part at the commencement of the then current year, the rate thereon shall be proportionate to the portion of such year during which such land was ratable.

Where such valuation is made of property which had not been rated, but which was so ratable at the commencement of the then current year, the rate thereon shall be for the whole of such year.

Assessment books and appeals from assessments.

10. The provisions of the Principal Act relating to the making of assessment books, and to appeals from assessments, and to the making and levying of rates, and the time when the same shall be payable, shall, mutatis mutandis, but subject to this Act, apply to valuations and assessments and rates made under this Part : Provided that the right of appeal under this Part is extended to any person aggrieved by an assessment, and that the rate may be fixed and ordered by the council at any time before or after the 31st day of March in any year.

Payment of rates.

11. (1) The amount of any rate under this Part shall be paid to the council by the owner of the property in respect of which the rate is levied.

Proviso when lessee has agreed to pay rates.

(2) Provided that where a lessee of ratable property has before the first day of November, one thousand nine hundred and eight, agreed with the owner, or with the mesne lessee from whom he immediately holds, to pay municipal or local government taxes, the owner and all the lessees, including mesne lessees, shall, notwithstanding such agreement and during the currency of such agreement, be respectively liable, as between themselves, for so much of the rate under this Part as is equal to the amount of the land tax, or tax in lieu of land tax, on the land which they respectively would have been liable to pay under the Acts mentioned in Schedule Three to the Local Government Act, 1906, if the operation of the said Acts had not been suspended, based on the valuation of the unimproved capital value under this Part. The adjustment of the Commissioners of Taxation under the fourth section of the Land Tax (Leases) Act, 1902, shall be made on the basis of such valuation, and of a land tax or tax in lieu of land tax, without exemptions, and after the first adjustment, there shall

shall be a readjustment by the Commissioners at every subsequent period of valuation. Such adjustment may be made, notwithstanding the suspension of the operation of the said Act, and shall be final and shall not be subject to appeal in any court.

5 The lessor who has made any such agreement as aforesaid shall notify the council of the terms of such lease. Where such notification has been received by the council, such council shall (notwithstanding the provisions of subsection one of this section) first proceed for the recovery of the whole of any rates due under this Part from the lessee
10 who is in possession of the property rated as the last lessee within the knowledge of the council bound by any such agreement. Unless such lessor notifies the council as aforesaid before the making of any rates, the council may recover the whole of such rates from such lessor.

Failing in any legal proceedings against any person as aforesaid
15 the council shall next so proceed against the lessor from whom such person immediately holds; and, failing in any such proceedings against a lessor who is a mesne lessee, the council shall next so proceed against the lessor from whom he immediately holds; and so on.

Any lessee who has paid, or any mesne lessee who has paid or
20 suffered the deduction as hereinafter provided of any such rates may recover as a debt from, or deduct from any moneys due to, the lessor from whom he immediately holds, the proportionate amount of rates determined as aforesaid by the said commissioners to be the portion payable in respect of the property rated by all the persons under whom
25 he derives title; and any lessor who has made any payment to the council in respect of such rates may recover as a debt from any lessee under him such portion thereof as such lessee is liable for under his agreement and the terms of this subsection.

The council, the commissioners aforesaid, and any authorised
30 servant of either of them, may, under the prescribed penalty, demand the production within a reasonable time of any agreement as aforesaid from any owner, lessee, or person having the custody of such agreement, or require any person in occupation of land, or in receipt of the rent of land, to answer any question for the purposes of this
35 subsection. A certificate of such adjustment aforesaid purporting to be signed by the said commissioners, or their secretary, or registrar, shall be prima facie evidence of such adjustment.

12. The provisions of subsections five, six, seven, eight, and
40 nine of section one hundred and forty-four, and the whole of sections one hundred and forty-five, one hundred and forty-six, and one hundred and forty-eight of the Local Government Act, 1906, relating to rates under that Act, shall apply, mutatis mutandis, to rates under this Part: Provided that references to lessees, licensees, or tenants in those sections are omitted.

Incorporation of
provisions of Local
Government Act.

PART III.

EXTENSION OF CITY.

Camperdown
included within
city.

13. The council of the municipality of Camperdown is dissolved, and the said municipality is included within the city, and shall form part of the city, and a ward thereof to be known as Camperdown Ward, constituted in addition to the twelve wards in the Principal Act mentioned, and shall be subject to any Acts, by-laws, and regulations affecting the city. 5

Boundaries of city
and of Camperdown
Ward.

14. (1) The Governor shall, by proclamation published in the Gazette, set forth— 10

(a) in Schedule A to such proclamation, the extended boundaries of the city so as to include therein the municipality of Camperdown, and such boundaries shall take the place of the boundaries set out in Schedule Two to the Principal Act as amended by the Sydney Corporation Amendment Act, 1905; 15
and

(b) in Schedule B to such proclamation, the boundaries of the area comprised in the said municipality.

Such proclamation may be made and published at any time after the passing of this Act. 20

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

(3) The boundaries set forth in Schedule B to such proclamation shall be the boundaries of Camperdown Ward.

Vesting in council of
property of Camper-
down municipality.

15. On the commencement of this Act all real and personal property and all right and interest therein and all management and control of any land or thing then vested in or belonging to the council of the municipality of Camperdown shall vest in and belong to the municipal council of Sydney. All rates, moneys, liquidated and unliquidated claims payable to or recoverable by, and all suits, actions, and proceedings pending at the suit of, the council of the said municipality at such commencement shall respectively be rates, moneys, liquidated and unliquidated claims payable to, or recoverable by, and suits, actions, and proceedings pending at the suit of the municipal council of Sydney. 30 35

The municipal council of Sydney may pursue the same remedies for the recovery of such rates, moneys, and claims, and for the prosecution of such suits, actions, and proceedings as if the same had originally been payable to, recoverable by, or instituted at the suit of the 40
the

the council, and the council may enforce and realise any security or charge in respect of such rates, moneys, and claims existing in favour of the council of the said municipality as if such security or charge were existing in favour of the municipal council of Sydney.

5 16. All debts due and moneys payable by, and all claims Vesting of debts.
liquidated and unliquidated recoverable against, the council of the
municipality of Camperdown shall cease to be due and payable by and
recoverable against the said council, and shall, subject to the exceptions
and provisos hereinafter mentioned, be debts due and moneys payable
10 by and claims recoverable against the municipal council of Sydney:

Provided that the said council may at any time (notwithstanding
that any debt of such municipality is then payable at a future date or
overdue) upon giving fourteen days' notice in writing to the creditor
or his attorney of its intention so to do, redeem and discharge such
15 debt by the payment or tender to such creditor or his attorney of the
principal sum payable to him, together with interest thereon to the
date of such payment or tender at the rate which such principal sum
bears, and thereupon the said creditor and his attorney shall deliver
to the council freed and discharged from all claims whatsoever all
20 securities for and documents representing the said debt or any part
thereof, or the interest due or to accrue due thereon:

But if any such creditor is absent from the State or cannot
be found, or his address cannot be ascertained after reasonable
inquiry, the said council may, without giving any notice as aforesaid,
25 pay any such principal sum and interest as aforesaid to the date
of such payment into the Supreme Court in its equitable jurisdiction,
and thereupon the debt or claim of such creditor shall be discharged,
and the said Court may upon the application of the person entitled to
such debt make such order as to the payment out of such principal
30 and interest as it may think fit:

Provided also that notwithstanding anything hereinbefore
contained, the municipal council of Sydney shall not be liable for
damage sustained by any person before the commencement of this Act
in consequence of the failure of the municipality of Camperdown or
35 its council to perform any duty imposed by sections seventy-three and
seventy-four of the Local Government Act, 1906.

17. (1) The control, management, and direction of all public Vesting of care and
ways of which the council of the municipality of Camperdown has at control of public
the commencement of this Act the care, control, and management, is ways.
40 vested in the Municipal Council of Sydney, and such places shall for
the purpose of any Act or by-law affecting the city be deemed to be
public ways within the meaning of the Principal Act.

The council shall within one year of such commencement
expend the sum of ten thousand pounds upon the improvement or
45 repair of such public ways.

Sydney Corporation (Amendment).

(2) In any proceedings by or on behalf of the municipal council of Sydney it shall not be necessary to prove the gazettal or alignment of such public ways, but it shall be sufficient evidence of the fact that any such place is a public way if it is proved that such place is a thoroughfare in the nature of a street, or road, or way, and is so used by the public. 5

Acquisition of land for widening streets.

18. Within one year from the commencement of this Act the council shall acquire the necessary lands for the purpose of widening Pyrmont Bridge road, Brodie-street, and University-street, and extending Barr-street, University-street, Park-street, and Gibbens-street: 10

Provided that nothing in this section shall affect the powers of resumption and purchase conferred by the Sydney Corporation Amendment Act, 1905, or the Sydney Corporation Amendment Act, 1906. 15

Power of council to borrow.

19. For the purpose of paying and discharging the debts and liabilities of the council of the municipality of Camperdown as hereinbefore provided the municipal council of Sydney may borrow sums of money not exceeding in the whole thirty thousand pounds. The provisions of the Sydney Corporation Amendment Act, 1905, as to the borrowing and repayment of moneys for the purposes therein mentioned shall apply to and govern any borrowing under this section. 20

Assessment for city rate.

20. (1) The council shall direct valuers appointed by it to enter in a ward assessment book for Camperdown Ward an assessment under the Principal Act of all ratable property within such ward, whether occupied or unoccupied. Such assessment when confirmed by the council shall remain in force subject to the original and annual rights of appeal conferred by the Principal Act, and subject to the provisions of section one hundred and seventeen of the Principal Act as amended by the Sydney Corporation Amendment Act, 1905, until the council causes a new assessment of ratable property in the city to be made. 25 30

(2) For the purpose of such or any subsequent assessment of such ratable property and any rate to be raised thereon the provisions of the said Acts shall apply:

Provided that lands and buildings vested in the University of Sydney, or in the colleges thereof, and used by such University or colleges, or any of them, solely for the purposes of education, shall not be ratable property. 35

(3) The valuers may if they think fit adopt the valuation under the Local Government Act, 1906, of the assessed annual value of such property in force at the commencement of this Act as their valuation of the net average annual value of such property. 40

(4) The powers conferred by this section may be exercised at any time after the passing of this Act.

21. If the assessment-book for Camperdown Ward is not made and confirmed by the council before the thirty-first day of March, one thousand nine hundred and nine, the council may nevertheless cause rates to be raised for the other wards of the city, and shall, after the assessment for the Camperdown Ward has been so confirmed and signed by the town clerk, raise a rate on ratable property in the said ward of the same amount in the pound as the city rate for that year. City rate on Camperdown Ward.
22. The council shall also, in the year one thousand nine hundred and nine, and in each year thereafter for a period of twenty years, cause an additional rate of threepence in the pound on the net average annual value of the ratable property situate in such ward to be raised for the purposes of providing a sinking fund for the repayment of the moneys borrowed for the purposes of this Act, and of making payments on account of the interest on such moneys and such rate shall be in addition to the city rate. For the purpose of such additional rate, the provisions of the Principal Act and the Sydney Corporation Amendment Act, 1905, shall apply as in the case of the city rate. All rates raised by the council under this section shall be paid into and form part of the city fund. Additional rate on Camperdown Ward.
23. (1) Within twenty-one days after the commencement of this Act there shall be an election of two aldermen of the city for Camperdown Ward. Such election shall be held upon a day to be fixed by the Lord Mayor, of which day he shall give notice in the Gazette and in one newspaper. Election for Camperdown Ward.
- (2) Such aldermen shall, subject to the provisions of the Principal Act, hold office until the next election of aldermen of the city, but they shall then be eligible for re-election if still qualified.
24. For the purpose of the said election or any election to fill an extraordinary vacancy for Camperdown Ward prior to the next election of aldermen for the city the roll of electors in force at the commencement of this Act for the municipality of Camperdown shall be the roll of citizens entitled to vote for Camperdown Ward, but so that no person shall be entitled to more than one vote at such election. The provisions of Part V of the Principal Act shall, so far as the same are not inconsistent herewith, apply to and govern such election and all matters and things incidental thereto. The town clerk may affix a number to each name on the roll for Camperdown Ward. Roll of electors for that ward.

PART IV.

BELMORE MARKETS.

Land in Schedule
One vested in
council.

25. The land described in Schedule One is vested in the council for an estate in fee simple, free from all conditions, reservations, and dedications, statutory or otherwise, and may be dealt with under and subject to the provisions of this Act. 5

Power of council to
sell or lease.

26. The council may, subject to such building conditions as the Premier for the time being may approve, sell or lease either the whole or any portion of the land described in Schedule One, in one or more lots, by public auction or private contract, and on such terms and conditions (including power to take securities for any balance of 10 purchase money, or to allow a period for the payment of the same) as the council may think fit, and may execute the necessary assurances for carrying out any such sale or lease.

Nothing herein contained shall invalidate or affect any leases current at the commencement of this Act. 15

Power of council to
borrow.

27. The council may from time to time, with the approval of the Governor, borrow any sum or sums of money for the construction of markets on the land already resumed or to be hereafter purchased or resumed for market purposes, and the same conditions, qualifications, and provisions shall regulate the borrowing of such moneys and 20 the repayment thereof as if the same had been borrowed by virtue of the powers conferred upon the council by the Sydney Corporation Amendment Act, 1905.

Application of
purchase moneys, &c.

28. (1) The net proceeds of realisation of any land in Schedule One sold by the council under the provisions of this Act shall be set 25 apart by the council and applied in or towards repayment of any loan raised, or to be raised, by the council for the purchase or resumption of land for market purposes or for the construction of markets thereon.

Investment of
proceeds of
realisation and
reduction of
payments to sinking
fund.

(2) The council may reduce the annual payments to any sinking fund formed in connection with any such loan to the same 30 extent, and may invest the proceeds of any such realisation in the same manner, as if the lands sold under the authority of this Act had been sold under the powers conferred by the Sydney Corporation Amendment Act, 1905.

Payment to city
fund.

29. The interest upon the moneys set apart and invested under 35 the provisions hereinbefore contained, and the rents and proceeds of any land leased by the council under the said provisions shall from time to time be paid into the city fund.

Widening Pitt-street.

30. The land described in Schedule Two is hereby vested in and placed under the control, management, and direction of the council as 40 a "public way" within the meaning of the Principal Act.

PART

PART V.

ADDITIONAL POWERS AND DUTIES.

5 **31.** On the commencement of this Act the council shall take over the maintenance and control of the lending branch of the Public Library of New South Wales, established in the Queen Victoria Markets; and all books, papers, and fittings in such lending branch are vested in the council. Maintenance and control of lending branch of Public Library.

10 The provisions of sections nine, ten, eleven, and twelve of the Sydney Corporation Amendment Act, 1906, relating to free reading and lending libraries shall apply to the said lending branch of the said Public Library.

15 **32.** The council may establish public libraries, art galleries, museums, and infants' milk depots, and for that purpose may, with the approval of the Governor, borrow moneys under the same conditions, qualifications, and provisions as regulate the borrowing of moneys under the Sydney Corporation Amendment Act, 1905. Establishment of libraries, art galleries, museums, and milk depots.

The council may maintain and manage such libraries, art galleries, museums, and milk depots, and pay for such maintenance and management out of the city fund.

20 **33.** (1) All trustees heretofore appointed by the Governor under the authority of any statute for the lands described in Schedule Three are hereby removed, and the council are hereby appointed trustees of the said lands, with the same powers and estate in the said lands, and subject to the same limitations, as if the appointment were made under the provisions of the Public Parks Act, 1902. Council appointed trustees of Observatory Park, Dawes Point Reserve, and Belmore Park.

25 (2) The Governor may resume, under the provisions of the Public Works Act, 1900, without compensation, any portion of the lands described in Part I of Schedule Three for a line of railway to North Sydney or any portion of the lands described in Part II of the said Schedule for a roadway or as a site for the Mint or for piers for a bridge across Sydney Harbour.

34. The control, management, and direction of the public ways mentioned in Schedule Four are vested in the council. Control of certain public ways.

35 **35.** (1) The council may increase the width of Elizabeth-street by adding to such street a strip of the land now forming part of Hyde Park, to a distance not exceeding eighteen feet, from the western boundary of such park. Of such land so added, not more than six feet from such boundary may be used as a carriage-way, and the remainder may be used as a footway only. Increase of width of Elizabeth-street and Liverpool-street.

40 (2) The council may increase the width of Liverpool-street by adding to such street a strip of the land now forming part of Hyde Park, to a distance not exceeding fifteen feet, from the southern boundary of such park.

(3) Such streets as so widened shall be public ways.

Payment towards
maintenance and
interest on cost of
Pyrmont bridge.

36. (1) From and after the commencement of this Act the council shall each year pay into the Treasury the sum of two thousand two hundred pounds towards the control and maintenance of Pyrmont bridge and its approaches, and the sum of five thousand one hundred pounds being interest on the cost of the said bridge :

5

Provided that this provision shall cease to have effect if and when the said bridge is removed or demolished.

Payment towards
regulation of traffic.

(2) The council shall each year pay into the Treasury the sum of seven thousand five hundred pounds towards the cost of the regulation of traffic in the city ; such sums shall be carried to the 10 Consolidated Revenue Fund.

(3) Such amounts shall respectively be paid by half-yearly instalments on or before the the thirtieth day of June and the thirty-first day of December in each year.

Lighting Domain.

37. The council shall undertake the lighting of the Domain at 15 a cost not exceeding one thousand five hundred pounds per annum.

Amendment of
s. 11 (1) of
Principal Act.

38. Subsection one of section eleven of the Principal Act is amended by inserting at the end thereof the following :—"The council shall pay into the Treasury a sum fixed by the Colonial Treasurer as the cost of collecting the list by the police. Such sum shall be carried 20 to the Consolidated Revenue Fund."

Amendment of s. 18
of Public Health
Act.

39. Subsection one of section eighteen of the Public Health Act, 1902, is amended by inserting at the end thereof the following :—" Provided that the municipal council of the city of Sydney pay the salaries of the medical officer of health for the said city and his 25 assistant out of the city fund."

Repeal of s. 58 of
Principal Act.

40. Section fifty-eight of the Principal Act is repealed, and the following is substituted :--

The Governor may appoint an inspector of nuisances and sanitary inspectors for the city ; the salaries of such offices shall be 30 paid out of the city fund.

SCHEDULES.

SCHEDULE ONE.

Belmore Markets—Land vested in the council.

(a) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at the intersection of the southern building line of Campbell-street with the eastern building line of George-street; bounded on the north by the southern building line of Campbell-street to its intersection with the western building line of Parker-lane; thence on the east by the western building line of Parker-lane to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to its intersection with the eastern building line of George-street; thence on the west by the eastern building line of George-street, to the point of commencement,—containing 1 rood 25½ perches, or thereabouts.

(b) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at the intersection of the southern building line of Campbell-street with its intersection with the western building line to Pitt-street; bounded thence on the east by the western building line of Pitt-street to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to its intersection with the eastern building line of Parker-lane; thence on the west by the eastern building line of Parker-lane to its intersection with the southern building line of Campbell-street; thence on the north by the southern building line of Campbell-street, to the point of commencement,—containing 3 roods 33½ perches, or thereabouts.

(c) All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at a point on the southern building line of Campbell-street, distant 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; bounded thence on the north by the southern building line of Campbell-street to its intersection with the western building line of Castlereagh-street; thence on the east by the western building line of Castlereagh-street to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to a point distant 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; thence on the west by a line northerly, to the point of commencement,—containing 1 acre 1 rood 27 perches, or thereabouts.

SCHEDULE TWO.

Belmore Markets—Land for public way.

All that piece or parcel of land situated in the parish of Saint Lawrence, city of Sydney, county of Cumberland, and State of New South Wales: Commencing at a point on the southern building line of Campbell-street, distant 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; bounded thence on the north by the southern building line of Campbell-street to its intersection with the eastern building line of Pitt-street; thence on the west by the eastern building line of Pitt-street to its intersection with the northern building line of Hay-street; thence on the south by the northern building line of Hay-street to a point 100 feet easterly from the intersection of that building line with the western building line of Pitt-street; thence on the east by a line northerly, to the point of commencement,—containing 26 perches, or thereabouts.

SCHEDULE THREE.

PART I.

Observatory Park.

All those two pieces or parcels of land, containing an aggregate area of 5 acres 3 roods 14 perches, situated at and near Flagstaff Hill, city of Sydney, parish of St. Philip, county of Cumberland.

Firstly, 5 acres 2 roods 9 perches, situated as aforesaid: Commencing on the western side of Upper Fort street at a point bearing south 52 degrees 25 minutes west and distant 1 chain 14 links from the intersection of the eastern side of that street with the southern side of Essex-street; and bounded thence by lines bearing north 74 10 degrees 39 minutes west $79\frac{9}{10}$ links, north 89 degrees 23 minutes west 1 chain, south 82 degrees west $25\frac{3}{10}$ links, and south 2 degrees 5 minutes west $67\frac{8}{10}$ links, to the northern side of an old brick wall forming the northern boundary of the Fort-street Model Public School grounds; thence by that wall and another old brick wall forming the western boundary of the Fort-street Model Public School grounds before-mentioned, 15 bearing north 87 degrees 31 minutes west 1 chain $99\frac{3}{10}$ links, and south 4 degrees 47 minutes east 1 chain $67\frac{8}{10}$ links, to a point in the easterly prolongation of the southern side of a dwarf stone wall; thence by that prolongation and the southern side of that wall bearing westerly to another dwarf stone wall on the eastern side of Kent-street; 20 thence by the eastern side of that street bearing north 13 degrees 31 minutes west 2 chains $22\frac{1}{10}$ links, to the southern side of a brick wall; thence by that brick wall and its prolongation easterly, in all bearing north 77 degrees 10 minutes east 1 chain $36\frac{8}{10}$ links to the western side of another dwarf stone wall; thence by that wall bearing 25 northerly, north-easterly, easterly, and south-easterly to the western side of Upper Fort street before mentioned; and thence by that street bearing southerly, to the point of commencement,—exclusive of an area of 1 acre 1 rood 4 perches, formerly dedicated for Observatory on the twenty-ninth day of April, one thousand eight hundred and eighty-four, which has been deducted from the total area, and shown upon a plan in the Department of Lands catalogued C. 34-2,063 Roll.

Secondly, 1 rood 5 perches, situated as aforesaid: Commencing at the westerly 30 intersection of the southern side of Argyle-street with the northern side of Watson-road; and bounded thence on the south and south-east by the southern and south-eastern sides of the existing wall, situated on the northern and north-western side of Watson-road, bearing easterly and north-easterly to the southern side of Argyle-street before-mentioned; 35 and thence on the north by the southern side of Argyle-street, bearing westerly, to the point of commencement:

Which said parcels of land are shown upon a plan in the Department of Lands, catalogued Ms. 2,489, Sy.

PART II.

Dawes Point Reserve.

County of Cumberland, parish of St. Phillip, city of Sydney, at Dawes' Point. 40
Area, 4 acres 1 rood $18\frac{1}{2}$ perches: Commencing on the eastern side of George-street North, at a point bearing south 51 minutes east 3 chains $39\frac{1}{2}$ links from the outer edge of the base course of the sea wall fronting Port Jackson, being a point in the northerly prolongation of the eastern side of George-street North, being also the north-western 45 corner of an area of $\frac{1}{10}$ of a perch occupied as a cable hut site by the Commonwealth of Australia: and bounded thence by a line bearing north 89 degrees 5 minutes east $47\frac{8}{10}$ links; thence by the concave side of an arc of 91 links radius curving to the right, the chord of which bears north 77 degrees 57 minutes east $88\frac{8}{10}$ links; thence by lines bearing south 73 degrees 4 minutes east 1 chain $89\frac{8}{10}$ links, north 23 degrees 4 minutes 50 east 67 links, south 63 degrees 51 minutes east 40 links, north 23 degrees 15 minutes east $46\frac{8}{10}$ links, north 4 degrees 3 minutes east $22\frac{9}{10}$ links, north 23 degrees 39 minutes east $19\frac{8}{10}$ links, south 67 degrees 16 minutes east 31 links, north 23 degrees 42 minutes east 48 links, north 67 degrees 40 minutes west $26\frac{8}{10}$ links, north 21 degrees 12 minutes east

east $11\frac{9}{10}$ links to the outer edge of the base course of the sea wall before mentioned ; and thence by the outer edge of the said wall being a line bearing south 65 degrees 52 minutes east 1 chain $14\frac{9}{10}$ links, the concave side of an arc of 1 chain 86 links radius curving to the right, the chord of which bears south 53 degrees 12 minutes east $90\frac{8}{10}$ links, and a line bearing south 38 degrees 10 minutes east 1 chain $14\frac{4}{10}$ links to the inner edge of a wall forming the western boundary of the constructed road heading from the horse ferry to George-street North ; thence by the said wall being the convex side of an arc of 24 links radius curving to the left, the chord of which bears south 16 degrees 10 minutes west $33\frac{8}{10}$ links, a line bearing south 27 degrees 18 minutes east 1 chain $21\frac{2}{10}$ links, the concave side of an arc of 1 chain 10 links radius curving to the right, the chord of which bears south 18 degrees 20 minutes east $35\frac{1}{10}$ links, a line bearing south 8 degrees 56 minutes east 2 chains $18\frac{3}{10}$ links, the concave side of an arc of 1 chain 34 links radius curving to the right, the chord of which bears south 14 degrees 53 minutes west 1 chain, the concave side of an arc of 1 chain 34 links radius curving to the right, the chord of which bears south 52 degrees 13 minutes west 71 links, a line bearing south 80 degrees 33 minutes west 1 chain $33\frac{9}{10}$ links, the convex side of an arc of 1 chain $76\frac{1}{2}$ links radius curving to the left, the chord of which bears south 70 degrees 18 minutes west $40\frac{1}{2}$ links, a line bearing south 62 degrees 32 minutes west 2 chains $5\frac{5}{10}$ links and the convex sides of a series of arcs of 3 chains 28 links radii curving to the left, the chords of which bear south 54 degrees 3 minutes west 1 chain, south 37 degrees 11 minutes west 1 chain, and south 21 degrees west $75\frac{4}{10}$ links to the south-eastern corner of a stone wall ; and thence by the south-eastern side of that wall and by the north-western side of a brick building, being a line bearing south 52 degrees 41 minutes west 2 chains $34\frac{1}{2}$ links to the eastern side of George-street North before mentioned ; and thence by that street bearing north 5 degrees 30 minutes east $46\frac{7}{10}$ links, north 7 degrees 34 minutes east $84\frac{8}{10}$ links, north 12 degrees 29 minutes east $44\frac{8}{10}$ links, north 17 degrees 53 minutes east $48\frac{9}{10}$ links north 26 degrees 6 minutes east $43\frac{2}{10}$ links, north 51 degrees 10 minutes west $92\frac{7}{10}$ links, and north 4 degrees 54 minutes east 1 chain $81\frac{6}{10}$ links ; thence by lines bearing north 77 degrees 14 minutes east 2 chains $23\frac{1}{2}$ links, south 84 degrees 59 minutes east $97\frac{3}{10}$ links, the convex sides of a series of arcs of 1 chain 50 links radii curving to the left, the chords of which bear north 18 degrees 58 minutes east $48\frac{1}{2}$ links, north 5 degrees 12 minutes east $36\frac{1}{2}$ links, north 7 degrees 9 minutes west $36\frac{7}{10}$ links, north 21 degrees 40 minutes west 37 links, north 37 degrees 9 minutes west $46\frac{1}{10}$ links, north 60 degrees 22 minutes west $44\frac{5}{10}$ links, north 84 degrees 46 minutes west $33\frac{4}{10}$ links ; thence by lines bearing north 16 degrees 42 minutes west $45\frac{2}{10}$ links, north 33 degrees 31 minutes east 1 chain $57\frac{1}{10}$ links, north 39 degrees 49 minutes west $88\frac{1}{10}$ links ; again by the convex sides of a series of arcs of 2 chains radii curving to the left, the chords of which bear north 55 degrees 35 minutes west $50\frac{1}{2}$ links, north 71 degrees 39 minutes west 60 links, and south 84 degrees 55 minutes west 60 links ; again by lines bearing south 26 degrees 23 minutes west $23\frac{6}{10}$ links, south 84 degrees 29 minutes west $40\frac{6}{10}$ links, and south 41 degrees 50 minutes west $14\frac{9}{10}$ links to the eastern side of George-street North aforesaid ; thence by that street bearing north $44\frac{1}{2}$ minutes west $54\frac{7}{10}$ links, to the point of commencement, as surveyed and shown on plan catalogued Ms. 2,695 Sy. in the Department of Lands.

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PART III.

Belmore Park.

County of Cumberland, parish of St. Lawrence, City of Sydney. Area, 7 acres 3 roods $15\frac{1}{2}$ perches : Commencing on the north-eastern side of Rawson-place at a point distant 77 feet south-easterly from its intersection with the south-eastern side of Pitt-street ; and bounded thence by Rawson-place south-easterly to Elizabeth-street ; thence by Elizabeth-street northerly to Hay-street ; thence by Hay-street westerly to the road of approach to the Central Railway Station ; and thence by that road generally southerly to the point of commencement, but exclusive of a tramway 17 feet wide intersecting the park from Rawson-place generally north-easterly to Hay-street, as shown on plan 55 catalogued Ms. 2,885 Sy.

SCHEDULE.

SCHEDULE FOUR.

Public ways vested in the council.

Day-street, extending from Erskine-street southerly and easterly to Sussex-street but excluding over-bridge, and bridge and piers of Pyrmont Bridge.

Road to horse ferry, extending from George-street North to high-water mark at 5 Dawes' Point Ferry.

Circular Quay roadway, from the horse ferry road north-easterly, south-easterly, south-westerly, including Circular Quay; thence north-easterly and easterly to high-water mark at North Sydney horse ferry, Bennelong Point.

Tarpeian Way, extending from Macquarie-street North north-easterly to its 10 intersection with the road leading to Botanical Gardens.

Argyle-street, extending from boundary of Harbour Trust property to Circular Quay road.

Cowper Wharf roadway, from its northern termination at western side of Woolloomooloo Bay southerly and generally easterly to a fenced line opposite Duke-15 street.

The whole of these areas are shown upon plan catalogued R. 162, City Surveyor's Office, Town Hall.

[1s.]