

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

W. S. MOWLE,
Acting Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 12 April, 1916.

New South Wales.



ANNO SEXTO

GEORGII V REGIS.

Act No. 12, 1916.

An Act to make better provision for the local government of the City of Sydney ; to amend the Sydney Corporation Act, 1902, and the Sydney Corporation (Amendment) Act, 1908, and certain other Acts ; and for purposes consequent thereon or incidental thereto. [Assented to, 13th April, 1916.]

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

1.

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

THOS. H. THROWER,
Chairman of Committees of the Legislative Assembly.

Sydney Corporation (Amendment) (No. 2).

Short title
and
definition.

1. This Act may be cited as the "Sydney Corporation (Amendment) (No. 2) Act, 1916," and shall be construed with the Sydney Corporation Act, 1902 (hereinafter referred to as the Principal Act), and the Sydney Corporation (Amendment) Act, 1908.

Amendment
of s. 120
of Principal
Act.

2. Section one hundred and twenty of the Principal Act is amended as follows:—

- (a) In subsection one after the words "the council shall" insert the words "in any year in which it thinks fit"; and
- (b) in subsection two after "the thirty-first day of March in every year" insert the words "in which a city rate is raised".

Amendment
of s. 3 (1) of
Sydney
Corporation
(Amendment)
Act, 1908.

3. Subsection one of section three of the Sydney Corporation (Amendment) Act, 1908, is hereby amended as follows:—

- (a) Omit paragraph (i).
- (b) At end of definition of "ratable property" insert "'Ratable property or ratable land' shall also include land the property of the Crown (whether built upon or not)".

Amendment
of s. 4.
Ibid.

4. Section four of the Sydney Corporation (Amendment) Act, 1908, is hereby amended by the insertion of the words "subject to section 4A hereof" after the words "one thousand nine hundred and nine and".

New section
to follow s. 4.
Ibid.

5. The Sydney Corporation (Amendment) Act, 1908, is hereby amended by the insertion after section four of the following section:—

4A. The council may in and for any year make and levy a general rate upon the unimproved capital value of all ratable property in the city not exceeding sixpence in the pound on such value. Where any such rate is so made, no other general rate on the unimproved capital value under section four of this Act and no city rate shall be made. And the proviso to section four hereof shall be suspended for such year.

This shall not be taken to affect the power of the council to make a rate under section twenty-two of this Act.

6.

Sydney Corporation (Amendment) (No. 2).

6. Subsection one of section eleven of the Sydney Corporation (Amendment) Act, 1908, is amended as follows:—

- (a) After "under a lease from the council" insert the words "or the Crown";
- (b) after "paid by the lessee from the council" insert the words "or the Crown".

7. The following new sections are inserted next after section eleven of the said Act:—

11A. In any year in which the council makes and levies a rate on the unimproved capital value of land under section 4A of this Act, the method to be adopted in ascertaining the several amounts payable as between lessor and lessee in respect of such rate in cases where the lease was made after the first day of November, one thousand nine hundred and eight, and before the passing of this Act, and in such lease the lessee has covenanted to pay municipal or city rates, shall be as follows:—The amount of such rate on the unimproved capital value in excess of three halfpence and not exceeding fourpence one farthing in the pound shall be considered and taken to be for the purposes of adjustment and interpretation of such covenant the amount of the city rate under the Principal Act.

11B. Where any lease or leases relate to a part or parts of a building, the rate upon the land upon which such building is situate shall, for the purpose of determining the liability as between themselves of lessors and lessees, be deemed to be divided into portions corresponding to the occupancies; and such division shall be in proportion to the rental values of the parts of the building separately occupied; and for this purpose the lessor shall be deemed to be the occupier of the parts (if any) of the building which are not leased by him.

In case of difference between lessor and lessees with regard to such rental values the city assessor for the time being shall have power to make an equitable apportionment between such parties, and his decision thereon shall be final and binding on all parties.

Sydney Corporation (Amendment) (No. 2).

New section
at end of
Part II.
Sydney
Corporation
(Amendment)
Act, 1908.

8. The following new section is inserted at the end of Part II of the Sydney Corporation (Amendment) Act, 1908 :—

12A. The council shall make and collect as from the first day of January, one thousand nine hundred and sixteen, a fair rental charge payable by persons owning or in possession of any pipes, wires, cables, or rails on, under, over, or through any public or other places under the control of the council. This shall not apply to the Crown.

If any dispute arises as to the amount of such charges, such dispute shall be finally settled by the decision of the metropolitan district court.

Such charges may be made, levied, and recovered by the council as rates.

The council shall not levy any rates on such pipes, wires, cables, or rails, or on the land occupied thereby.

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

G. STRICKLAND,
Government House, Governor.
Moss Vale, 13th April, 1916.

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

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

*Legislative Assembly Chamber,
Sydney, 7 April, 1916.*

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

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, April, 1916.*

New South Wales.



ANNO SEXTO

GEORGII V REGIS.

Act No. , 1916.

An Act to make better provision for the local government of the City of Sydney ; to amend the Sydney Corporation Act, 1902, and the Sydney Corporation (Amendment) Act, 1908, and certain other Acts ; and for purposes consequent thereon or incidental thereto.

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

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90—

1.

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

Sydney Corporation (Amendment) (No. 2).

1. This Act may be cited as the "Sydney Corporation (Amendment) (No. 2) Act, 1916," and shall be construed with the Sydney Corporation Act, 1902 (hereinafter referred to as the Principal Act), and the Sydney Corporation (Amendment) Act, 1908.

Short title and definition.

2. Section one hundred and twenty of the Principal Act is amended as follows:—

Amendment of s. 120 of Principal Act.

(a) In subsection one after the words "the council shall" insert the words "in any year in which it thinks fit"; and

(b) in subsection two after "the thirty-first day of March in every year" insert the words "in which a city rate is raised".

3. Subsection one of section three of the Sydney Corporation (Amendment) Act, 1908, is hereby amended as follows:—

Amendment of s. 3 (1) of Sydney Corporation (Amendment) Act, 1908.

(a) Omit paragraph (i).

(b) At end of definition of "ratable property" insert "ratable property or ratable land" shall also include land the property of the Crown (whether built upon or not)."

4. Section four of the Sydney Corporation (Amendment) Act, 1908, is hereby amended by the insertion of the words "subject to section 4A hereof" after the words "one thousand nine hundred and nine and".

Amendment of s. 4. *Ibid.*

5. The Sydney Corporation (Amendment) Act, 1908, is hereby amended by the insertion after section four of the following section:—

New section to follow s. 4. *Ibid.*

4A. The council may in and for any year make and levy a general rate upon the unimproved capital value of all ratable property in the city not exceeding sixpence in the pound on such value. Where any such rate is so made, no other general rate on the unimproved capital value under section four of this Act and no city rate shall be made. **And the proviso to section four hereof shall be suspended for such year.**

This shall not be taken to affect the power of the council to make a rate under section twenty-two of this Act.

6.

Sydney Corporation (Amendment) (No. 2).

6. Subsection one of section eleven of the Sydney Corporation (Amendment) Act, 1908, is amended as follows:—

Amendment
of s. 11 (1) of
Sydney
Corporation
(Amendment)
Act, 1908.

5 (a) After "under a lease from the council" insert the words "or the Crown";

(b) after "paid by the lessee from the council" insert the words "or the Crown".

7. The following new sections are inserted next after section eleven of the said Act:—

New sections
after s. 11.

10 11A. In any year in which the council makes and levies a rate on the unimproved capital value of land under section 4A of this Act, the method to be adopted in ascertaining the several amounts payable as between lessor and lessee in respect of such rate in cases where the lease ~~was made after the commencement of the Sydney Corporation (Amendment) Act, 1908,~~ is in existence at the date of the passing of this Act, and the lessee has covenanted to pay municipal or city rates, shall be as follows:—The amount of such rate on the unimproved capital value in excess of three halfpence and not exceeding fourpence one farthing in the pound shall be considered and taken to be for the purposes of adjustment and interpretation of such covenant the amount of the city rate under the Principal Act.

Ibid.

25 11B. Where any lease or leases relate to a part or parts of a building, the rate upon the land upon which such building is situate shall, for the purpose of determining the liability as between themselves of lessors and lessees, be deemed to be divided into portions corresponding to the occupancies; and such division shall be in proportion to the rental values of the parts of the building separately occupied; and for this purpose the lessor shall be deemed to be the occupier of the parts (if any) of the building which are not leased by him.

35 In case of difference between lessor and lessees with regard to such rental values the city assessor for the time being shall have power to make an equitable apportionment between such parties, and his decision thereon shall be final and binding on all parties.

40

Sydney Corporation (Amendment) (No. 2).

8. The following new section is inserted at the end of Part II of the Sydney Corporation (Amendment) Act, 1908 :—

New section
at end of
Part II.

5 12A. The council shall make and collect as from
the first day of January, one thousand nine hundred
and sixteen, a fair rental charge payable by persons
owning or in possession of any pipes, wires, cables,
or rails on, under, over, or through any public
or other places under the control of the council.
10 This shall not apply to the Crown.

Sydney
Corporation
(Amendment)
Act, 1908.

 If any dispute arises as to the amount of such
charges, such dispute shall be finally settled by the
decision of the metropolitan district court.

15 Such charges may be made, levied, and recovered
by the council as rates.

 The council shall not levy any rates on such
pipes, wires, cables, or rails, or on the land occu-
pied thereby.

Sydney Corporation (Amendment) Bill, 1916.

THE following extracts from the Sydney Corporation Act, 1902, and the Sydney Corporation (Amendment) Act, 1908, are prepared in order to show the effect of the above Bill.

Amendments proposed to be made by the above Bill in the provisions of the existing Act are inserted here in black type.

Sydney Corporation Act, 1902.

110. (1) The council shall from time to time direct valuers appointed by them to enter in a ward ^{Unaltered.} assessment book for each ward in the form or to the effect of the form in the eleventh schedule hereto an assessment of all ratable property of whatsoever kind within the city, whether occupied or unoccupied :

Provided that when any ratable property owned or occupied as a whole is not wholly situate within the boundaries of any one ward, but extends into or over two or more wards, such property may be assessed as a whole and be deemed to be situate in any one ward selected by the valuers and the assessment thereof entered in the ward assessment book for any such ward.

(2) Such assessment shall be made according to the fair average annual value of such property, ^{Unaltered.} with a deduction therefrom for outgoings not in any case exceeding ten per centum upon such annual value, and such books when completed shall be by such valuers delivered to the town clerk.

(3) If any building is omitted from such assessment by any valuer, the council may enter an ^{Unaltered.} assessment for such building, which entry shall be as binding and have the same effect as if it had been originally made by such valuer.

(4) Every building, whether vested in or occupied by the Crown or not, and all lands, whether ^{Unaltered.} occupied or not, within the city, save as hereinafter mentioned, shall be deemed to be "ratable property" within the meaning of this Act.

(5) No land vested in trustees for purposes of public recreation, health, or enjoyment, and no ^{Unaltered.} hospital, benevolent asylum, or other building used solely for charitable purposes, and no building used solely for public worship, or any school under the Public Instruction Act of 1880, shall be liable to be assessed or rated in respect of any rate under this Act.

(6) In assessing the average annual value of unoccupied land for the purpose of this section, ^{Unaltered.} such value shall be deemed to be a sum not exceeding six per centum per annum on the estimated capital value of such land.

* * * * *

120. (1) The council shall, **in any year in which it thinks fit**, on the assessment so made as ^{Altered.} aforesaid, cause such rate to be raised as to them may seem proper for the general expenditure of the city (exclusive of lighting), not exceeding two shillings in the pound upon the assessment aforesaid, which rate shall be designated the "city rate."

(2) All such rates shall, on or before the thirty-first day of **March** in every year **in which a city** ^{Altered.} **rate is raised**, be fixed and ordered by the council to be paid into the office of the city treasurer by such instalments and on such days as may be fixed by the council.

Sydney Corporation (Amendment) Act, 1908.

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

“Ratable property” or “ratable land” shall also include land the property of the Crown (whether built upon or not).

“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) * * * * *

Altered.

4. The council shall, in and for the year one thousand nine hundred and nine, and subject to section 4A hereof, 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:

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.

New clause.

4A. The council may in and for any year make and levy a general rate upon the unimproved capital value of all ratable property in the city not exceeding sixpence in the pound on such value. Where any such rate is so made, no other general rate on the unimproved capital value under section four of this Act and no city rate shall be made.

This shall not be taken to affect the power of the council to make a rate under section twenty-two of this Act.

* * * * *

Altered.

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 or the Crown 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 Crown or the person for the time being receiving or entitled to receive the rack rents of the property.

Unaltered.

(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.

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 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 questions 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.

11A. In any year in which the council makes and levies a rate on the unimproved capital value of land under section 4A of this Act, the method to be adopted in ascertaining the several amounts payable as between lessor and lessee in respect of such rate in cases where the lease was made after the commencement of the Sydney Corporation (Amendment) Act, 1903, and the lessee has covenanted to pay municipal or city rates, shall be as follow:—The amount of such rate on the unimproved capital value in excess of three-halfpence and not exceeding fourpence one farthing in the pound shall be considered and taken to be for the purpose of adjustment and interpretation of such covenant the amount of the city rate under the Principal Act. New clause.

11B. Where any lease or leases relate to a part or parts of a building, the rate upon the land upon which such building is situate shall, for the purpose of determining the liability as between themselves of lessors and lessees, be deemed to be divided into portions corresponding to the occupancies; and such division shall be in proportion to the rental values of the parts of the building separately occupied; and for this purpose the lessor shall be deemed to be the occupier of the parts (if any) of the building which are not leased by him. New clause.

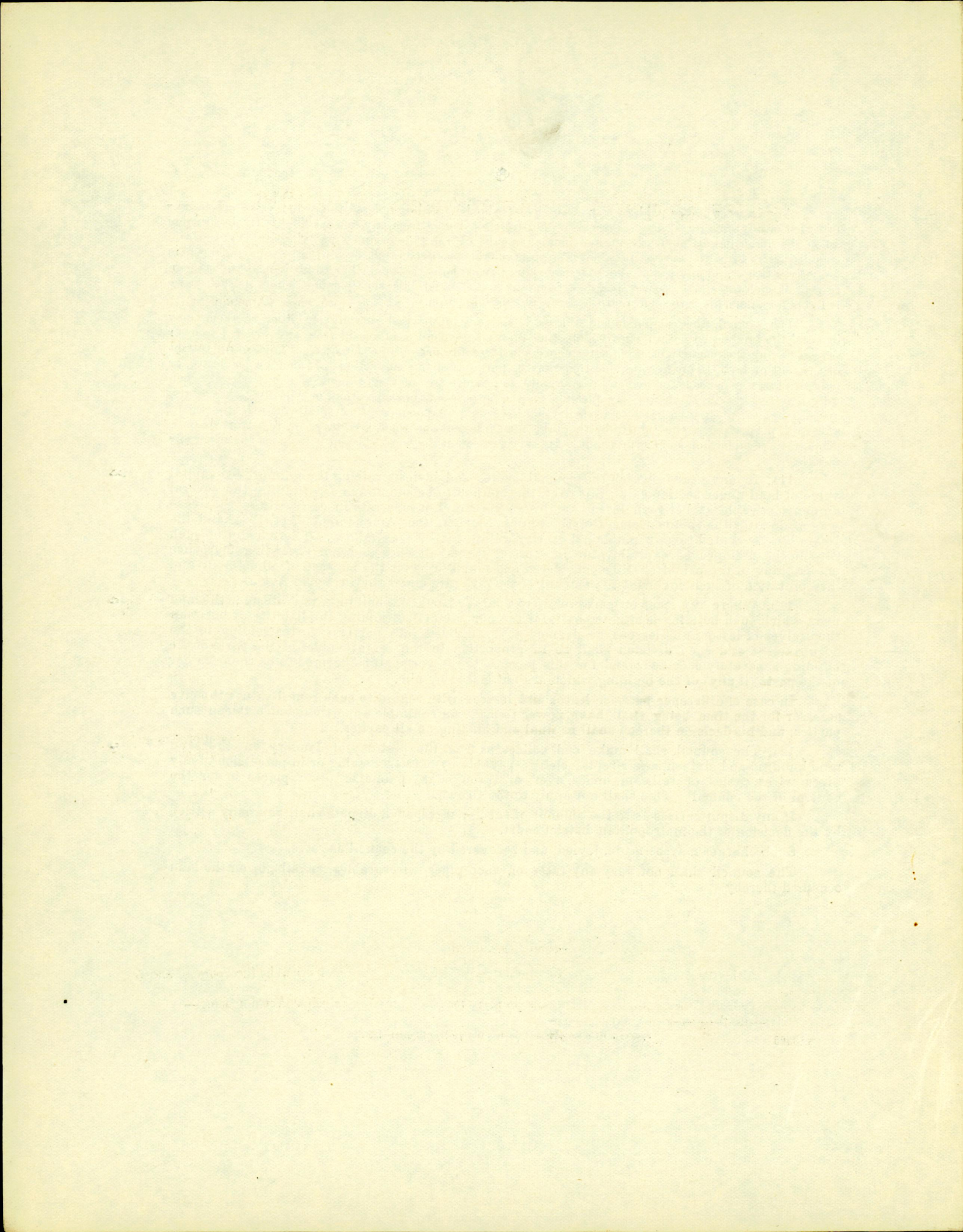
In case of difference between lessor and lessees with regard to such rental values the city assessor for the time being shall have power to make an equitable apportionment between such parties, and his decision thereon shall be final and binding on all parties.

12A. The council shall make and collect, as from the first day of January, one thousand nine hundred and sixteen, a fair rental charge payable by persons owning or in possession of any pipes, wires, cables, or rails on, under, over, or through any public or other places under the control of the council. This shall not apply to the Crown. New clause.

If any dispute arises as to the amount of such charges, such dispute shall be finally settled by the decision of the metropolitan district court.

Such charges may be made, levied, and recovered by the council as rates.

The council shall not levy any rates on such pipes, wires, cables, or rails, or on the land occupied thereby.



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

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

*Legislative Assembly Chamber,
Sydney, 7 April, 1916.*

New South Wales.



ANNO SEXTO

GEORGII V REGIS.

Act No. , 1916.

An Act to make better provision for the local government of the City of Sydney ; to amend the Sydney Corporation Act, 1902, and the Sydney Corporation (Amendment) Act, 1908, and certain other Acts ; and for purposes consequent thereon or incidental thereto.

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

Sydney Corporation (Amendment) (No. 2).

1. This Act may be cited as the “Sydney Corporation (Amendment) (No. 2) Act, 1916,” and shall be construed with the Sydney Corporation Act, 1902 (hereinafter referred to as the Principal Act), and the Sydney Corporation (Amendment) Act, 1908.

Short title
and
definition.

2. Section one hundred and twenty of the Principal Act is amended as follows:—

Amendment
of s. 120
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Act.

(a) In subsection one after the words “the council shall” insert the words “in any year in which it thinks fit”; and

(b) in subsection two after “the thirty-first day of March in every year” insert the words “in which a city rate is raised”.

3. Subsection one of section three of the Sydney Corporation (Amendment) Act, 1908, is hereby amended as follows:—

Amendment
of s. 3 (1) of
Sydney
Corporation
(Amendment)
Act, 1908.

(a) Omit paragraph (i).

(b) At end of definition of “ratable property” insert “‘ratable property or ratable land’ shall also include land the property of the Crown (whether built upon or not).”

4. Section four of the Sydney Corporation (Amendment) Act, 1908, is hereby amended by the insertion of the words “subject to section 4A hereof” after the words “one thousand nine hundred and nine and”.

Amendment
of s. 4.
Ibid.

5. The Sydney Corporation (Amendment) Act, 1908, is hereby amended by the insertion after section four of the following section:—

New section
to follow s. 4.
Ibid.

4A. The council may in and for any year make and levy a general rate upon the unimproved capital value of all ratable property in the city not exceeding sixpence in the pound on such value. Where any such rate is so made, no other general rate on the unimproved capital value under section four of this Act and no city rate shall be made.

This shall not be taken to affect the power of the council to make a rate under section twenty-two of this Act.

Sydney Corporation (Amendment) (No. 2).

6. Subsection one of section eleven of the Sydney Corporation (Amendment) Act, 1908, is amended as follows:—

Amendment
of s. 11 (1) of
Sydney
Corporation
(Amendment)
Act, 1908.

5 (a) After "under a lease from the council" insert the words "or the Crown";

(b) after "paid by the lessee from the council" insert the words "or the Crown".

7. The following new sections are inserted next after section eleven of the said Act:—

New sections
after s. 11.

10 11A. In any year in which the council makes and levies a rate on the unimproved capital value of land under section 4A of this Act, the method to be adopted in ascertaining the several amounts payable as between lessor and lessee in respect of such rate in cases where the lease was made after the commencement of the Sydney Corporation (Amendment) Act, 1908, and the lessee has covenanted to pay municipal or city rates, shall be as follows:—The amount of such rate on the unimproved capital value in excess of three halfpence and not exceeding fourpence one farthing in the pound shall be considered and taken to be for the purposes of adjustment and interpretation of such covenant the amount of the city rate under the Principal Act.

Ibid.

25 11B. Where any lease or leases relate to a part or parts of a building, the rate upon the land upon which such building is situate shall, for the purpose of determining the liability as between themselves of lessors and lessees, be deemed to be divided into portions corresponding to the occupancies; and such division shall be in proportion to the rental values of the parts of the building separately occupied; and for this purpose the lessor shall be deemed to be the occupier of the parts (if any) of the building which are not leased by him.

35 In case of difference between lessor and lessees with regard to such rental values the city assessor for the time being shall have power to make an equitable apportionment between such parties, and
40 his decision thereon shall be final and binding on all parties.

Sydney Corporation (Amendment) (No. 2).

8. The following new section is inserted at the end of Part II of the Sydney Corporation (Amendment) Act, 1908 :—

5 12A. The council shall make and collect as from the first day of January, one thousand nine hundred and sixteen, a fair rental charge payable by persons owning or in possession of any pipes, wires, cables, or rails on, under, over, or through any public or other places under the control of the council.

10 This shall not apply to the Crown.

 If any dispute arises as to the amount of such charges, such dispute shall be finally settled by the decision of the metropolitan district court.

15 Such charges may be made, levied, and recovered by the council as rates.

 The council shall not levy any rates on such pipes, wires, cables, or rails, or on the land occupied thereby.