

SYDNEY CORPORATION
(AMENDMENT) (No. 2) ACT.

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. 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.

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”.

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)”.

4.

George V,
No. 12.

Amendment
of s. 4.
Ibid.

New section
to follow 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".

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.

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

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".

New sections
after s. 11.
Ibid.

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

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.

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.