

LOCAL GOVERNMENT (AMENDING) ACT.

Act No. 12, 1917.

An Act to amend the Local Government Act, 1906; George V,
No. 12.
to authorise the imposition of an annual charge upon pipes, wires, rails, poles, cables, tunnels, or structures in public places, to validate certain charges; and for purposes consequent thereon or incidental thereto. [Assented to, 7th November, 1917.]

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

1. This Act shall be construed with the Local Government Act, 1906, and may be cited as the "Local Government (Amending) Act, 1917." Short title.

2. Section two hundred and nine of the Local Government Act, 1906, is repealed, and the following section inserted in its stead:— Amendment
of s. 209,
Local
Government
Act, 1906.

209. (1) In any case where before or after the commencement of this Act, any rail, pipe, wire, pole, cable, tunnel, or structure, has (whether under the authority of any statute or otherwise) been laid, erected, suspended, constructed, or placed upon, under, or over any public place, in any area, the council may make a fair annual charge upon the person for the time being in possession, occupation, or enjoyment of such rail, pipe, wire, pole, cable, tunnel, or structure, in respect thereof. Such annual charge may be made, levied, and recovered in accordance with the provisions of this Act relating to the making, levying, and recovery of rates.

(2)

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(2) The fair annual charge shall be based upon the nature and extent of the benefit enjoyed by the person concerned.

(3) If any person is aggrieved by the amount of such annual charge, he may appeal therefrom to the court of petty sessions for the district in which the council's office is situated, and such court shall settle the amount of such annual charge.

Should either party be dissatisfied with the amount settled by the court of petty sessions, he may within a period of twenty-one days from such finding appeal to a judge of the district court for the district within which the council's office is situated, which appeal shall be by way of rehearing, and the decision of such judge shall be final and binding on both parties.

(4) Nothing in this section shall be deemed to apply to the Crown.

Validation of
previous
charges.

3. Every charge made prior to the commencement of this Act purporting to have been made under section two hundred and nine of the Local Government Act, 1906, and in respect of which the amount thereof has been settled either by agreement or by a competent tribunal, shall be deemed to have been and to be of equal validity as if it had been made under this Act.