

SYDNEY CORPORATION ACT.

Act No. 58, 1932.

An Act to consolidate the Acts relating to the Corporation of the City of Sydney. [Assented to, 22nd December, 1932.]

George V.
No. 58, 1932.

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.

DIVISION 1.—*Short title, &c.*

1. This Act may be cited as the "Sydney Corporation Act, 1932," and is divided into Parts, as follows:—

Short title
and division
into Parts.

PART I.—PRELIMINARY—ss. 1-4.

DIVISION 1.—*Short title, &c.—s. 1.*

DIVISION 2.—*Interpretation—s. 2.*

DIVISION 3.—*Repeal and savings—ss. 3, 4.*

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AND WARDS—ss. 5–8.

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PROCEDURE—ss. 265–293.

SCHEDULES.

DIVISION.

DIVISION 2.—*Interpretation.*

2. In this Act the following words within inverted commas shall, unless the context otherwise indicates, have the meanings and include the persons, animals, and things set against them respectively,—

“Boarding-house”—Any house, edifice, building, or other structure, permanent or otherwise, and any part of the same (not being premises licensed under the Liquor Act, 1912) in which more than three persons, exclusive of the family of the proprietor thereof, are lodged or boarded for hire for a term of one week or upwards.

“Building”—Any house, dwelling, office, shop, store, warehouse, manufactory, counting-house, stable, coach-house, theatre, or other building or erection whatsoever, with the appurtenances thereto belonging.

“Building-line”—A line inside of and in all its parts corresponding with the outer line of the curbing as now or hereafter lawfully defined, and at the authorised distance therefrom, as shown upon the plan approved by the council of any street, such building-line being so measured irrespective of the width of the carriage-way.

“By-law”—Any by-law or regulation duly made or deemed to have been duly made under the authority of this Act.

“Cattle”—Horses, asses, mules, sheep, lambs, oxen, bulls, cows, calves, pigs, and goats.

“Cesspit”—Any pan or other receptacle for night-soil.

“Citizen”—Every person whose name is included in the roll of citizens.

“City”—The city of Sydney.

“Civic Office”—The office of Lord Mayor, alderman, town clerk, treasurer, health officer, engineer, surveyor, or inspector of nuisances for the city.

“Common lodging-house”—Any house, edifice, building, or other structure, permanent or otherwise (not being premises licensed under the Liquor Act

Interpreta-
tion of terms.
Act No. 35,
1902, s. 3.

(b) (ii).

(i).

(b) (ii).

Act, 1912) in which persons are harboured or lodged for hire, for a single night, or for less than a week at one time, or part of which is let or may be let for any term less than a week at one time.

“Corporation”—The Lord Mayor, aldermen, and citizens of the city.

“Council”—The Municipal Council of Sydney.

Act No. 65, 1931,
s. 5 (1) (a) (i).

“Crown”—Includes any statutory body representing the Crown.

“Justice”—A justice of the peace.

“Landlord”—The owner or person at the time receiving rent from the tenant of any premises.

“Metropolitan Abattoir Area”—The area determined by section six of the Meat Industry Act, 1915.

“Newspaper”—Newspaper published in the city.

Act No. 34,
1929, s. 5 (i).

“Owner”—In relation to property, includes every person who jointly or severally, whether at law or in equity—

(a) is entitled to the property for any estate of freehold in possession; or

(b) is entitled to receive, or is in receipt of, or if the property were let to a tenant would be entitled to receive the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise:

Provided that the Crown shall be deemed to be the owner of—

(i) all lands of the Crown; and

(ii) all lands vested in a statutory body representing the Crown.

Act No. 65,
1931, s. 5 (1)
(a) (ii).

“Premises”—Any land, whether a building be erected thereon or not.

“Prescribed”—Prescribed by this Act or by by-laws made thereunder.

“Public way”—Any road, highway, street, square, lane, court, alley, or other public thoroughfare or place, whether the same be in actual use or not.

“Rate”

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“ Rate ”—Any rate made payable under the provisions of this Act.

“ Restaurant ” or “ eating-house ”—Includes any premises where meals or refreshment may be obtained by any person on payment therefor, but does not include premises licensed under the Liquor Act, 1912.

“ Rolls ”—The lists of citizens for the several wards duly certified as hereinafter provided.

“ Statutory body representing the Crown ”—Any body defined by or proclaimed under the Local Government Act, 1919, as amended by subsequent Acts, as a statutory body representing the Crown.

“ Tenant ”—Any person occupying any premises not being employed and paid as a bona fide servant of the owner thereof.

“ Town Clerk ”—The town clerk or other person legally authorised to act as such for the time being.

“ Wards ”—The wards into which the city is divided.

Act No. 7, 1924, s. 3 (a).

DIVISION 3.—*Repeal and savings.*

3. (1) The Acts mentioned in the First Schedule to Repeal this Act are, to the extent therein expressed, hereby First Schedule. repealed.

(2) The provisions of this Act shall not have any operation so far as the same are inconsistent with the Metropolitan Traffic Act, 1900, or the Acts relating to the Metropolitan Water, Sewerage and Drainage Board.

(3) Unless otherwise expressly provided nothing in this Act shall affect any of the provisions of the Public Health Act, 1902, the Width of Streets and Lanes Act, 1902, the Noxious Trades Act, 1902, the Fisheries Act, 1902, the Pure Foods Act, 1908, the Theatres and Public Halls Act, 1908, the Fire Brigades Act, 1909, the Motor Traffic Act, 1909, the Factories and Shops Act, 1912, the Height of Buildings (Metropolitan Police District) Act, 1912, the Government Railways Act, 1912, the Liquor

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Liquor Act, 1912, the Meat Industry Act, 1915, the Valuation of Land Act, 1916, the Local Government Act, 1919, or any Act amending or replacing those Acts, or take away powers vested in any person or body by any of such Acts or by any by-laws, regulations or ordinances made thereunder.

Act No. 69,
1915, Sch. 2.

(4) Nothing in this Act shall be deemed to confer on the Municipal Council of Sydney any power—

- (a) relating to the construction, erection, establishment, maintenance, regulation, and licensing, within the county of Cumberland, of cattle sale-yards or markets, other than sale-yards or markets for the sale of milch cows and horses;
- (b) relating to the licensing of places within the county of Cumberland for the slaughter of pigs, calves, and sheep;
- (c) relating to the construction, establishment, maintenance, and regulation of markets for the sale of meat within the aforesaid county.

Saving of
transactions.
cf. L.G. Act,
1919, s. 8.

4. (1) The repeal by this Act of any enactment shall not, as far as relates to any previous or pending transaction or matter, affect property vested, acts and things validated or authorised, rights, powers and protection acquired, liabilities incurred, or indemnities given by or under the repealed enactments.

Savings of
public ways.

(2) The repeal by this Act of any enactment shall not affect the status of any road as a public way, road, street, or highway within the meaning of this or any other Act.

Other
savings.

(3) This section shall not limit any saving in this Act or in the Interpretation Act, 1897.

Savings as to
members, rates,
&c.
cf. L.G. Act,
1919, s. 9.

(4) Notwithstanding the repeal of any Acts by this Act, and save so far as otherwise expressly provided by this Act,—

Council
continue
office.

- (a) the members of the council in office at the commencement of this Act shall remain in office for the period hereinafter provided, and this Act shall apply to them; and such members, while in office, shall be the Municipal Council of Sydney and the Lord Mayor thereof;
- (b)

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(b) all regulations, by-laws, proclamations, notifications, declarations of office, appointments of officers, and orders in force at the commencement of this Act shall be regulations, by-laws, proclamations, notifications, declarations of office, appointments of officers, and orders under this Act, and shall notwithstanding the provisions of this Act continue in force until amended or repealed in pursuance of this Act; By-laws, &c.,
continued in
force.

(c) all citizen's rolls in force at the commencement of this Act shall be citizens' rolls under this Act until new rolls are compiled and in force under this Act; Rolls.

(d) all rates, charges, fees, penalties, and sums of money which under the Acts hereby repealed are, at the commencement of this Act, due or payable to or leviable or enforceable by or for the council shall be paid to and may be received, levied, enforced and recovered by the council for the time being and shall remain a charge on property or land as if this Act had not passed; Rates to be
due as if this
Act had not
been passed.

(e) all rights and liabilities acquired and incurred, and all contracts and undertakings entered into, all securities lawfully given, and all applications, actions, suits, and proceedings pending at the commencement of this Act, shall respectively be vested and attach, and may be enforced, realized, carried on, and prosecuted as if this Act had not passed, and shall not abate or be discontinued, or be prejudicially affected by the operation of this Act; Rights,
liabilities,
contracts,
&c., to vest
and attach.

(f) where in any form or document used after the commencement of this Act reference is made to the provisions of any enactment repealed by this Act the reference shall be deemed to be a reference to the corresponding provisions (if any) of this Act; Forms under
repealed
Acts.

(g) where in any Act, ordinances, regulations, or by-laws reference is made to the provisions of any Act repealed by this Act such reference shall be deemed to be to the corresponding provisions (if any) of this Act; References
to repealed
Acts.

(h)

cf. Landlord
and Tenant
Act, 1899,
s. 2(3).

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This Act to
apply to
things done
under Acts
repealed.

(h) where, by the operation of section twenty-three of the Sydney Corporation Act, 1902, any person has been disqualified for the office of alderman such person shall be deemed to be disqualified for civic office under this Act until the removal of the disqualification as provided by that section and the provisions of this Act relating to disqualification for civic office shall apply accordingly.

(5) Save so far as there is anything in this Act inconsistent therewith, this Act shall apply to all matters and things, surcharges, applications and approvals made, done, commenced, or given under the Acts hereby repealed, and at the commencement of this Act of any force or effect or capable of acquiring any force or effect by virtue of the Acts hereby repealed, as if this Act had been in force at the time when they were made, done, commenced, or given, and they were made, done, commenced, or given hereunder.

(6) Printed notices, forms, books, and formal documents prescribed and customarily used under the provisions of the Acts hereby repealed may be used in place of the corresponding notices, forms, books, and formal documents under this Act.

Act No. 34,
1929, s. 8 (5)

(7) Assessments for the purposes of rating may continue to be made in accordance with or based upon ward assessment books compiled in accordance with the boundaries of the wards existing at the commencement of the Sydney Corporation (Amendment) Act, 1929, in the same manner and to the same extent in all respects as if subsection five of section eight of that Act had not been repealed.

PART II.

CORPORATE POWERS AND CITY BOUNDARIES AND
WARDS.

5. The municipal council of the city, hereinafter called Constitution of the council, shall consist of the Lord Mayor and aldermen, who are from time to time in office in 1902, s. 5. ^{Act No. 35,} accordance with the provisions of this Act.

6. The Lord Mayor, aldermen, and citizens of the city Municipal of Sydney shall continue to be a corporation under the council to style and title of "The Municipal Council of Sydney," ^{continue to be a cor-}poration. ^{*Ibid.* s. 6.} and under that name—

- (a) shall have perpetual succession and a common seal;
- (b) may sue and be sued in all courts;
- (c) may purchase and hold real and personal property of any description whatsoever to the use and for the purposes only of the said corporation;
- (d) may grant, alienate, and convey, sell, or assign, any real or personal estate; and may, subject to the provisions of this Act, demise any real or personal estate;
- (e) generally may exercise, subject to the provisions of this Act, all powers incident to a body corporate.

7. The boundaries of the city of Sydney shall continue to be those described in the Second Schedule hereto until altered under the provisions of this Act. ^{Boundaries of city.}

Ibid. s. 7.
Act No. 27,
1908, s. 14.
Act No. 7,
1924, s. 15.
Act No. 34,
1929, s. 8 (i) (j).
Second Schedule.

8. (1) The city of Sydney shall be divided into five Wards of the city. ^{Act No. 54,}

(2) The boundaries of the wards and the names assigned to the wards shall continue to be those set out in the Third Schedule hereto until altered under the provisions of this Act. ^{1929, s. 6.} ^{Third Schedule.}

PART

PART III.

QUALIFICATIONS OF CITIZENS.

Qualifications of citizens.
Act No. 35, 1902, s. 9.

Act No. 7, 1924, s. 4.
Act No. 34, 1929, s. 5 (b).

9. (1) The following persons if of the age of twenty-one years or upwards shall be entitled to be placed on the citizens' roll for any ward:—

(a) Any person, male or female, being a natural-born or naturalised British subject who on the first day of May of the year in which a roll is to be prepared as hereinafter provided is jointly or severally the owner of a freehold interest in possession of any property in that ward assessed at a yearly value of five pounds or upwards or of a leasehold interest in any property in that ward of a yearly value of twenty-five pounds or upwards.

In the case of properties owned by public companies, or bodies corporate, or trustees, the directors of such companies, or bodies corporate, or the trustees, shall have power to nominate their manager or secretary, or one of their own number, as the person to be placed on the roll in respect of such property; or, failing such nomination, the manager or secretary of any such company, or the trustee whose name first appears in the instrument creating such trust shall be so enrolled.

(b) Any person, male or female, being a natural-born or naturalised British subject, who has been continuously during the six months next preceding the first day of May of the year in which a roll is to be prepared as hereinafter provided in joint or several occupation of any house, warehouse, counting-house, shop, or other building, including any room or part of a house separately occupied in that ward of a yearly value of ten pounds or upwards.

And where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not, for the purposes of this section, be deemed

deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

But any such house, warehouse, counting-house, shop, building, room or part of a house need not be throughout the six months constituting the period of qualification under this subsection the same property, provided it is in the same ward.

In the case of properties occupied by public companies or bodies corporate, or trustees, the directors of such companies or bodies corporate, or the trustees, shall have power to nominate their manager or secretary, or one of their own number, as the person to be placed on the roll in respect of such property; or, failing such nomination, the manager or secretary of any such company, or the trustee whose name first appears in the instrument creating such trust shall be so enrolled.

(c) Any person, male or female, being a natural-born British subject or naturalised person, who as a lodger has continuously during the six months next preceding the first day of May of the year in which a roll is to be prepared as hereinafter provided occupied jointly or severally any lodgings in the same dwelling-house in the said ward, of a clear yearly value of ten pounds or upwards.

(2) For the purposes of this section the word "female" shall include married women.

(3) Provided that in the case of a joint occupation under paragraph (b) of subsection one or a joint occupation as a lodger under paragraph (c) of that subsection only one of such joint occupiers or joint lodgers shall be entitled to be placed on the roll, unless the premises jointly occupied under paragraph (b) of subsection one are of the yearly value of twenty pounds or upwards, or unless such lodgings are of the clear yearly value of twenty pounds or upwards, in which cases such number of the said occupiers or lodgers as, when divided into the

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The joint occupiers or lodgers who shall be so entitled shall be determined by a majority of the occupiers or lodgers, evidenced by agreement signed by such majority, and handed to the collector of the roll for the ward, and delivered by him with the list to the chamber magistrate of the Central Police Court, or failing such agreement, according to the alphabetical order of the surnames of the occupiers or lodgers.

Where citizen has more than one qualification under paragraph (a).

(4) Provided also that any person having a qualification mentioned in paragraph (a) of subsection one shall not be entitled to have his name placed on the roll for any ward in virtue of any other qualification under paragraph (b) or paragraph (c) of that subsection which he may possess; but he shall be entitled to have his name placed on the roll for every ward in which he is qualified under the said paragraph (a) of subsection one by virtue of his ownership or lesseeship of property in that ward.

Under paragraphs (b) or (c).

(5) Provided, further, that any person having more than one qualification under paragraph (b) or paragraph (c) of subsection one, or under both those paragraphs, shall be only entitled to have his name placed on the roll for one ward; and he may by notice in writing given to the chamber magistrate of the Central Police Court choose the roll on which his name shall be placed, and if he does not make such choice before the expiration of the time prescribed for making out the lists of citizens the chamber magistrate aforesaid shall make such choice.

PART IV.

LISTS AND ROLLS OF CITIZENS.

10. (1) On or before the first day of May in every year in which an election of aldermen is to be held the stipendiary magistrates, and the acting and deputy stipendiary magistrates, of the Metropolitan Police District, or any three of such magistrates, shall appoint members of the police force as collectors for each ward.

Every such collector shall, before entering on his duties, make and subscribe a declaration before a justice in the form of the Fourth Schedule, which declaration shall be kept as a record in the Central Police Court.

(2) Such magistrates or any three of them shall also appoint clerks of the revision courts to be held for that year under this Act.

11. (1) (a) The collectors appointed for each ward shall, in the months of May and June in every such year, make out a list arranged in the alphabetical order of the surnames of the persons who on inquiry such collectors consider are entitled to have their names placed on the roll for such ward, and shall deliver such list to the chamber magistrate of the Central Police Court.

(b) 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.

(2) The said chamber magistrate shall forthwith on receipt of any such list cause it to be printed, and shall supply copies at a reasonable price to any person requiring the same, and shall cause a copy to be affixed on every Court of Petty Sessions in the city, and at some convenient place in each ward where there may be no Court of Petty Sessions.

(3) The town clerk shall procure a copy of such list and cause it to be posted at the Town Hall.

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Lists exhibited.
Act No. 35, 1902, s. 12.
Act No. 7, 1924, s. 4 (4).
Fifth Schedule.

12. (1) The said list shall contain the names and qualifications of all persons qualified to vote, alphabetically arranged according to the form in the Fifth Schedule, and shall be signed by the chamber magistrate, and exhibited at the places provided for under the last preceding section from the first to the thirty-first day of August in each such year.

(2) Twice at least during such time the town clerk shall cause notice to be published in two newspapers of such lists being so open to inspection.

Notices of claims and objections.
Act No. 35, 1902, s. 13.
Act No. 7, 1924, s. 4 (5).
Sixth Schedule.

13. (1) At any time after the first and before the thirty-first day of August in any such year, any person whose name is not on such list may by notice in writing given by him or by some person on his behalf to the chamber magistrate of the Central Police Court make claim in the form of the Sixth Schedule to have his name inserted in such list.

Seventh Schedule.

During the said period any person may by notice in writing given by him as aforesaid in the form of the Seventh Schedule object to the name of any person being retained on such list.

(2) As soon as possible after the said thirty-first day of August, the said chamber magistrate shall—

- (a) cause to be arranged in the alphabetical order of their surnames and printed in a paper the names of the persons so claiming;
- (b) cause to be arranged as aforesaid and printed in another paper the names of the persons so objected to;
- (c) supply copies at a reasonable price to any person requiring the same;
- (d) cause copies of such papers to be affixed on every Court of Petty Sessions in the city and at such places in each ward where the lists have been affixed;
- (e) keep them so affixed until the roll for the ward has been prepared.

Revision courts to be held.
Act No. 35, 1902, s. 14.
Act No. 7, 1924, s. 4 (6).

14. (1) During the month of September in every such year revision courts for revising the lists for the wards of the city shall be held at such places within the city as the stipendiary magistrates and deputy and acting stipendiary

stipendiary magistrates of the Metropolitan Police District ^{No. 58, 1932.} or any three of them may prescribe by notification in the Gazette and one or more newspapers.

A copy of such notification shall be affixed on every Court of Petty Sessions in the city and at such places in each ward where the lists have been affixed.

(2) Each revision court shall be an open court, and shall be constituted by one or more of such magistrates.

15. (1) The chamber magistrate of the Central Police Court shall at the opening of any such revision court produce the list for the ward and copies of the papers containing the names of the persons claiming to be inserted in the list and of the persons objected to. Procedure at revision courts. Act No. 35, 1902, s. 15.

(2) The magistrate presiding at any such revision court shall— Correction of lists.

- (a) remove from the list the name of every person proved to be dead, whether objection has or has not been made under this Act;
- (b) remove from the list the name of every person objected to in pursuance of this Act on the appearance of the person so objecting, or his agent or advocate, and on proof that the person whose name is on the list has not the qualification entitling him to be placed on the roll for the ward;
- (c) insert in the list the name of every person claiming in pursuance of this Act, on proof that he has the qualification aforesaid; and
- (d) correct all errors and supply all omissions in such list as to the names, descriptions, and qualifications under this Act of any persons.

(3) The magistrate so presiding shall, in open court, write his initials against any addition to or alteration of the list made as aforesaid. Initialling. Alterations.

16. The magistrate presiding as aforesaid shall cause a fair copy to be made of the list as altered or added to in the revision court, and after certifying to the correctness of the same, shall forward it to the town clerk. Roll to be certified. *Ibid.* s. 16.

Such

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Such copy shall be the roll for the ward until a new roll is prepared, and shall be prima facie evidence that the roll has been duly made and of the correctness of the contents thereof.

Power of
revision
court to
examine
evidence.

Act No. 35,
1902, s. 17.

17. (1) A revision court shall have power to hear, receive, and examine evidence, and by summons under the hand of the revision clerk to require all such persons as it thinks fit to appear personally before it, at a time and place to be named in such summons, and to produce to the court all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination.

Any person so required who, without sufficient excuse, neglects or refuses to comply with such summons, or, having appeared before the said court, refuses without such excuse to take an oath or affirmation, or having taken such oath or affirmation, refuses to answer the questions put to him, may be dealt with in all respects as a person refusing or neglecting to appear or to take an oath or affirmation, or to give evidence before a Court of Petty Sessions.

Frivolous
claims or
objection.s.

(2) If it appear to a revision court that any person has made or attempted to sustain any groundless, frivolous, or vexatious claim or objection, such court may order the payment by such person of any sum not exceeding ten pounds as costs to be paid to any other person in resisting such claim or objection.

Adjourn-
ment of court.

Any sum so ordered to be paid may, if not paid within the time specified in the order, be recovered before any Court of Petty Sessions in the city by the person named in the order as being entitled thereto.

Governor
may vary
times and
validate
irregularities.
Act No. 7,
1924, s. 4 (7).

(3) A revision court may adjourn from time to time, and if one hour after the time appointed for the holding of the court the magistrate is not present the revision clerk may adjourn such court to another hour or day.

18. The Governor may by proclamation in the Gazette before or after the time at or during or within which anything may or shall be done in pursuance of this Part, alter or extend such time, or may validate anything done after such time, or done irregularly in matter of form.

PART V.

THE ELECTION AND RETIREMENT OF LORD MAYOR
AND ALDERMEN.

19. (1) On the first day of December, one thousand nine hundred and thirty-three, and on the first day of December in every third year thereafter, there shall be an election of aldermen of the city; and on such election being held, the aldermen then in office shall retire, but may at such election be re-elected, if otherwise qualified.

Retirement and election of aldermen.
Act No. 35, 1902, s. 18.
Act No. 16, 1906, s. 14.
Act No. 50, 1918, s. 2.
Act No. 31, 1929, s. 3(3)(a).
Act No. 23, 1932, s. 2(1).

(2) Any person, male or female, on the roll for any ward of the city shall be qualified to be elected as alderman.

(3) The aldermen of the city in office at the commencement of this Act may, subject to the provisions of this Act, remain in office until the election of aldermen in the year one thousand nine hundred and thirty-three is held under this section, and shall then retire from office but may at such election be re-elected if otherwise qualified.

20. (1) On the ninth day of December in every year the aldermen shall assemble at the Town Hall for the purpose of electing one of their own number to be Lord Mayor of the city for the forthcoming year.

The Lord Mayor shall enter into office on the first day of January next following his election, and shall hold office until the thirty-first day of December following, and shall be eligible for re-election if still qualified.

The person who at the date of the commencement of this Act holds the office of Lord Mayor shall continue to hold such office until the thirty-first day of December, one thousand nine hundred and thirty-two, and shall be eligible for re-election if still qualified.

(2) If the aldermen fail to elect a Lord Mayor on or before the thirtieth day of December in any year, the Governor may appoint one of their number to be Lord Mayor.

21. The Lord Mayor may receive from the city fund such allowance for his services as the council may from time to time determine.

Remuneration of the Lord Mayor.
Act No. 35, 1902, s. 20.

22.

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Election of aldermen. **22.** There shall be three aldermen for each ward, who shall be elected by the persons on the roll for such ward.

Act No. 35, 1902,
s. 21.

Act No. 34,
1929, s. 3 (3) (b).

Election expenses—
Penalty. **23.** (1) No candidate at any election shall expend, either by himself or his agent, more than fifty pounds in connection with such election.

Act No. 55,
1902, s. 22.

The details of such expenditure verified by statutory declaration shall be furnished to the town clerk within seven days after the holding of an election.

(2) Any candidate who spends more than the said fifty pounds in connection with any such election, or fails to furnish the details of his expenditure within the time limited in the last preceding section, shall be liable to a penalty of twenty pounds, to be recovered in a summary manner in any court of competent jurisdiction, and if elected such election shall be void.

Persons disqualified.
Ibid. s. 23.

24. (1) The following persons shall be disqualified from being elected to hold the office of alderman, or, if in office, shall also be deemed to have ceased to hold such office, that is to say,—

- (a) a Supreme Court Judge;
- (b) a District Court Judge;
- (c) every person holding any place of profit under the Crown or the council;
- (d) every military or naval officer in full pay in any force other than the volunteer force;
- (e) every person of unsound mind;
- (f) every uncertificated bankrupt or insolvent; and
- (g) every person who has compounded with his creditors.

(2) Every person who has compounded with his creditors shall cease to be disqualified at the expiration of three years from the date of the composition.

(3) Every bankrupt or insolvent shall cease to be disqualified at the expiration of three years from his becoming bankrupt or insolvent provided he has obtained his certificate.

(4)

(4) Every citizen holding the office of Lord Mayor or alderman who is declared bankrupt or insolvent or compounds with his creditors shall thereupon cease to hold his office, and be disqualified from election to any civic office until he has obtained his certificate or paid his debts in full, or obtained a release from his creditors.

25. Any person who, while holding any civic office under this Act, continues to be or becomes directly or indirectly, by means of partnership with any other person, or otherwise howsoever knowingly engaged or interested in any contract, agreement, or employment, with or on behalf of the council, except as a shareholder, but not being a director in any joint stock company, shall be liable to a penalty not exceeding one hundred pounds nor less than fifty pounds, and shall be for three years thereafter disqualified from holding any civic office :

Provided that a person shall not be disqualified for a civic office or be liable to a penalty by reason only of having a direct or indirect pecuniary interest in any agreement with the council for or with respect to—

- (a) the publication of advertisements in a newspaper of which he is the owner or part owner ; or
- (b) the supply to him by the council of any service in like manner and subject to the like conditions applicable in the case of persons who are not aldermen ; or
- (c) the performance by the council at his expense of work in connection with public ways or sanitation ; or
- (d) the occupation of public ways by him during the erection of buildings ; or
- (e) the making good by him without payment of any damage to public ways caused by him, or the payment by him to the council of the cost of making good such damage ; or
- (f) the renting of any land from the council by him in any case where the agreement was made before his election ; or
- (g) the renting by him from the council of a building hall or room for the purpose of holding a meeting or entertainment therein ; or

(h)

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- (h) the payment to or by the council of any claim in respect of a dividing fence; or
- (i) the settlement by him of any claim he may have against the council for compensation in respect of property in which he has an interest upon the resumption of the same by the council under its statutory powers.

Members of
Legislative
Council and
Assembly
exempt.

Act No. 35,
1902, s. 25.

Returning
officer.

Ibid. s. 26.

26. Members of the Legislative Council and Legislative Assembly respectively may claim exemption from serving in any civic office.

27. (1) The returning officer for the election of aldermen shall be the town clerk or such other citizen as the Governor may appoint in that behalf by notification in the Gazette and one or more newspapers.

(2) The returning officer shall appoint in writing under his hand presiding officers to conduct such elections within the respective wards.

If any such officer is prevented from attending by unavoidable accident, a substitute with like powers may be appointed in the same manner.

Nomination
of aldermen.
Ibid. s. 27.
Act No. 34,
1929, s. 3
(3) (c).

28. (1) On and after the tenth day, and until noon of the fifth day next before any election of aldermen, any two citizens qualified to vote in any ward may by writing nominate to the returning officer, for election in that ward, one other citizen and no more.

No such nomination shall be received and no proceedings in respect of the same shall be taken unless it be accompanied by a consent to such nomination signed by the person nominated.

(2) On the two days next before the election, and on the day of election, there shall be published under the hand of the returning officer in two newspapers, the names and residences of all citizens so nominated, specifying their wards and the names and residences of two at least of their nominators.

Election
when no
opposition.
Act No. 35,
1902, s. 28

29. If, at any election of aldermen, no greater number of persons in any ward are nominated for election than the number then to be elected, the returning officer shall declare, in manner hereinafter provided, each person nominated to be duly elected.

30.

30. Every person nominated may appoint a scrutineer ^{No. 58, 1932.} on his behalf at the election for which such person may ^{Scrutineers.} be nominated, to act at each polling-place, and one ^{Act No. 35,} ^{1902, s. 29.} scrutineer to represent him upon the examination and ^{Act No. 34,} ^{1929, s. 7 (a).} count of the votes. Each such scrutineer before so acting ^{1929, s. 7 (a).} shall subscribe and make a declaration in the form in

^{Eighth}
^{Schedule.}

31. (1) For every election of aldermen the returning ^{Polling} ^{booths.} officer shall cause booths to be erected or rooms to be ^{Act No. 35,} ^{1902, s. 30.} provided at one or more polling-place or polling-places in and for each ward as he may deem necessary, and shall cause such booths or rooms to be so divided and arranged as to carry into effect the provisions of this Act with inner compartments opening only into the room in which the ballot-box is placed, and supplied with writing materials so that the voters may fill up their ballot-papers in secrecy.

(2) Every person wilfully intruding into any compartment shall be deemed guilty of a misdemeanour, and may be forthwith given into custody by the presiding officer and dealt with accordingly.

32. (1) The returning officer shall also cause to be ^{Ballot-boxes,} ^{&c., supplied.} furnished for the use of each polling-place printed copies ^{Ibid. s. 31.} of the roll, and a sufficient number of ballot papers, according to the form in the Ninth Schedule hereto, ^{Ninth} ^{Schedule.} together with a ballot-box with a secure lock and with an aperture for the reception of the ballot-papers, and shall appoint a poll clerk.

(2) A public notice of the situation of each polling-place shall be published by the returning officer in any two daily newspapers published two days before the day of election.

33. There shall be one key only to each ballot-box, ^{Key of ballot-} ^{box.} which the returning officer shall always keep, and the boxes shall be by him locked before the election and ^{Ibid. s. 32.} unlocked after the election.

34. The voting shall at every election commence at ^{Hours of} eight o'clock in the morning, and shall finally close at ^{voting.} half-past seven o'clock in the evening of the same day, ^{Ibid. s. 33.} unless adjourned as hereinafter provided : ^{Act No. 37,} ^{1915, s. 2.}

Provided

No. 58, 1932.

Provided that if at the last-mentioned hour any citizens are in the polling booth and desire to vote, the votes of such citizens shall be taken, and for that purpose the voting shall not close until such citizens have voted.

Mode of voting.

Act No. 35, 1902, s. 34.

Act No. 22, 1917, s. 3.

Act No. 34, 1929, s. 7 (b).

Ninth Schedule.

35. (1) Each citizen shall enter unattended, unless in case of necessity, into the booth or room in which the ballot-box is kept, and thereupon the presiding officer or poll clerk, having marked off the name of such citizen on a copy of the roll specially provided for that purpose (which shall be *prima facie* evidence of the identity of such voter with the person whose name shall be so marked off on the roll and of the fact of his having voted at such election), shall give him a ballot-paper according to the form in the Ninth Schedule hereto, after initialling the same on the back.

(2) Such citizen shall take such ballot-papers into an inner compartment and there without delay place a cross opposite the name of every candidate for whom he intends to vote, and shall then fold up each ballot-paper so as to conceal the names, and immediately put it into the ballot-box, and thereupon he shall at once quit such booth or room and shall not re-enter the same during the election.

(3) No two voters shall be in the same inner compartment at the same time.

(4) Every voter shall vote for the full number of aldermen to be elected for the ward and no more, otherwise the vote shall be rejected as informal.

Postal voting.
Ibid. s. 7 (c).

36. (1) Any person claiming to vote at any polling-place who—

- (a) does not reside within the city; or
- (b) though he resides within the city is seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at the polling booth to vote, or in the case of a woman will, by approaching maternity, be precluded from attending at the polling booth to vote—

may not later than the third day before any election of aldermen apply to the Returning Officer to be allowed to vote by post.

(2)

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(2) The provisions of sections 114A to 114M, both inclusive, of the Parliamentary Electorates and Elections Act, 1912-1929, shall, mutatis mutandis, and with such modifications, amendments, or alterations as may be prescribed by the by-laws, apply with respect to any such application and the recording of a vote by the applicant if a postal ballot-paper is issued to him by the Returning Officer in pursuance of the application aforesaid.

(3) The postal ballot-paper and the postal vote certificate referred to in the said sections of the said Act shall for the purpose of this section be in or to the effect of the forms in the Tenth Schedule to this Act.

Tenth
Schedule.

37. Any presiding officer, scrutineer, or poll clerk may Presiding officer how vote in any ward other than that in which he acts, by to vote. immediately before the examination of the contents of Act No. 35, the several ballot-boxes, depositing his ballot-paper in the 1902, s. 35. ballot-box for such ward.

38. In case any citizen desirous of voting is blind, or blind or cannot read, the presiding officer shall openly in the illiterate citizens. ballot-room place a cross opposite the name of any *Ibid.* s. 36. person nominated upon such ballot-paper for whom the Act No. 22, citizen shall declare his intention to vote, and shall there- 1917, s. 4. upon exhibit the same to the scrutineers.

39. At the close of the poll the ballot-boxes shall be Disposal of ballot-boxes. sealed up or otherwise secured by the several presiding officers in the presence of such scrutineers as choose to attend, so as to prevent any ballot-papers being taken therefrom or inserted therein, and shall forthwith be conveyed by the presiding officers to the Town Hall, and be delivered to the returning officer.

40. (1) Immediately after such delivery to the returning officer of the said boxes, the whole of the ballot-papers shall be examined, and the votes counted by the returning officer and such other presiding officers and scrutineers as may attend, and the result of the election shall be thereby ascertained, and shall be reported to the Lord Mayor by the returning officer.

(2) The Lord Mayor shall, on the second day after the election, declare in the Gazette which shall then be published expressly for the purpose, and in two newspapers, the names of the aldermen so elected for the several

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— several wards, and the town clerk shall send by post a separate notice in writing of his election to every such alderman, addressed to his usual place of abode.

Disposal of
ballot-papers.Act No. 35,
1902, s. 39.

41. (1) All such ballot-papers, together with the polling lists used thereat, shall be sealed up and deposited by the town clerk with the records of the council, and the sealed packets containing the same shall be endorsed as being the papers connected with the election to which they relate.

(2) In case any question arises touching the election, such papers, upon production thereof, with a certificate thereon under the hand of the town clerk that the same were so in his custody, shall be received as conclusive evidence of such being the original papers in any legal proceedings.

(3) After three months such packets with their contents may be destroyed.

Declaration
by voter
Act No. 7,
1924, s. 6(a).
Eleventh
Schedule.

42. (1) Before any person claiming to vote shall be permitted to vote he shall make and subscribe before the presiding officer a declaration in the form contained in the Eleventh Schedule hereto.

(2) The presiding officer may, and at the request of any scrutineer shall, put to any person claiming to vote all or any of the following questions :—

- (a) Are you the person whose name appears as number on the citizens' roll for this ward ?
- (b) Are you of the full age of twenty-one years ?
- (c) Have you already voted either here or elsewhere at this election ?
- (d) Are you disqualified from voting ?

(3) Every person wilfully making a false answer to any such question, or wilfully making a false declaration under this section, shall be deemed guilty of a misdemeanour.

(4)

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(4) No person shall be allowed to vote unless he makes such declaration and (if asked) answers such questions satisfactorily.

(5) If any person refuses to answer fully any question put to him by the presiding officer, or by his answer shows that he is not entitled to vote, his claim to vote shall be rejected.

43. When any extraordinary vacancy occurs in the office of alderman the citizens entitled to vote shall, upon a day to be fixed by the Lord Mayor not exceeding fourteen days after the occurrence of such vacancy, of which day he shall give notice in the Gazette and in one newspaper, elect another citizen to supply such vacancy who shall thereupon hold such office for the residue of the regular term of office of his predecessor, but he shall then be eligible for re-election if still qualified.

44. Where the proceedings at any election of aldermen are interrupted or obstructed by any riot or open violence the poll may be adjourned to the following or such other day and hour as the presiding officer shall determine and declare, and if necessary shall be in like manner further adjourned until all interruption or obstruction has ceased, when the poll shall be resumed.

45. If from any other cause any election of an alderman shall not take place on the day appointed for the same it shall stand adjourned until the same day of the following week, of which three days' previous notice shall be given by the returning officer in the Gazette and in one or more newspapers, and the alderman going out of office shall continue in office until after such adjourned election.

46. In the event of the number of votes being equal for any two or more candidates the returning officer shall have a casting vote and give the same in writing and thereupon declare which of such candidates is duly elected.

47. No election under this Act shall be questioned by reason of any defect in the right or title to act or any want of right or title to act on the part of any returning or presiding officer if he has really acted at such election, nor by reason of any formal defect in any declaration or other instrument or in any publication under this Act.

Nor

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Nor shall any of the proceedings of the council afterwards be rendered invalid thereby, and no advantage shall be taken of any such defect respecting any such election in any action brought in any court of justice.

Void or
lapsed
election.

Act No. 35,
1902, s. 46.

48. In case no election of the Lord Mayor or of any alderman takes place upon the day provided for such election, or if in case of any such election being held, the same is afterwards declared void, whether through the default of any officer concerned in such election, or by any accident or other means whatsoever, the corporation or council shall not thereby be deemed to be dissolved or to be disabled from taking any necessary steps for the election of a Lord Mayor or alderman for the future.

In any such case the election to any such civic office shall be held as in the case of an extraordinary vacancy, and every act necessary to be done for completing such election shall be as valid as if the election were held upon the day or within the time originally appointed for that purpose.

Extraordinary
elections
conducted as in
ordinary
elections.

Ibid. s. 47.

Oath of
allegiance
and declara-
tion of office.

Ibid. s. 48

49. Subject to the provisions of this Act, every election upon any extraordinary vacancy in any civic office shall be held and carried out in all respects in the same way as an ordinary election for the same office.

50. Every Lord Mayor and alderman shall previously to acting as such take the oath of allegiance to His Majesty, and make and subscribe the following declaration of office and transmit the same to the town clerk.

I, _____, having been elected Lord Mayor (or alderman) of the city of Sydney, do hereby declare that I will duly and faithfully fulfil the duties of the office according to the best of my judgment and ability.

And the neglect to make such declaration within fourteen days after notice of his election shall be deemed a refusal to accept office.

Absence
from council
meetings.

Ibid. s. 49.

51. Every citizen holding the office of Lord Mayor or alderman who is absent from his official duties or the meetings of the council (unless for illness certified by a duly qualified medical practitioner) for more than three consecutive months, not having obtained leave of absence from the council, shall thereupon cease to hold his office.

52. (1) An extraordinary vacancy in the office of a Lord Mayor or alderman shall be held to occur upon any of such persons ceasing to hold office before the expiration of the period for which he has been elected or is entitled to hold office.

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What to constitute an extraordinary vacancy.
Act No. 35, 1902, s. 50.

Act No. 23, 1911, s. 2.

(2) Whenever, in consequence of absence from illness or otherwise, it is not possible for any alderman, or town clerk, or any other officer or person to perform any duty which by this Act he is directed to perform the Lord Mayor may appoint any other alderman or person to perform the same for the time being.

(3) If the Lord Mayor is absent or is about to be absent from New South Wales, or is absent from his office by reason of illness or otherwise, the council may appoint an alderman as deputy.

During such absence of the Lord Mayor such deputy shall perform all the duties and exercise all the powers imposed or conferred on the Lord Mayor, and shall preside at all meetings of the council at which he is present.

53. (1) The provisions of section one hundred and eleven, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and thirty, one hundred and thirty-five, one hundred and thirty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty, and one hundred and fifty-one of the Parliamentary Electorates and Elections Act, 1912-1929, shall, mutatis mutandis, apply to all elections held under this Act.

Bribery and intimidation.
Act No. 35, 1902, s. 51.

Act No. 34, 1929, s. 8
(1) (b).

(2) The commission of any of the acts mentioned in the said sections shall render void the election of the person committing such act, either by himself or by an agent, and when committed with his knowledge and consent shall disqualify him from holding or acting in any municipal office during the period of two years next following such commission.

54. No action or suit shall be maintainable by any publican or any owner or keeper of any shop, booth, tent, or other place of entertainment against any candidate or any agent of any such candidate for any liquor, food, or refreshment of any kind, whether for man or beast, supplied

What actions not maintainable against candidates, &c.

Act No. 35, 1902, s. 52.

No. 58, 1932.

supplied upon the credit of any such candidate or agent as aforesaid during the progress of any such election under this Act.

Penalty for offering or taking reward for voting or abstaining from voting.
Act No. 35, 1902, s. 53.

55. If any person having or claiming any right to vote in any election of Lord Mayor or alderman under this Act asks or takes any money or other reward by way of gift, loan, or other device, or agrees or contracts for any money, gift, office, employment, or other reward whatsoever, to give or to forbear to give his vote in any such election, or if any person by himself or by any person employed by him, by any gift or reward, or by any promise, agreement, or security for any gift or reward, corrupts, or procures, or offers to corrupt or procure any person to give or withhold his vote in any such election, such person shall, for every such offence, be liable to a penalty of fifty pounds.

Second voting and personation.
Ibid. s. 54.

56. Any person who votes or attempts to vote a second time in the same ward at the same election for any alderman, or who votes or attempts to vote in or for any ward, in respect of which he is not qualified, or who personates or attempts to personate any other person for the purpose of voting at any such election, shall be guilty of a misdemeanour, and be punished accordingly.

Lord Mayor ex officio a justice, &c.
Ibid. s. 55.
Act No. 34, 1929, s. 8 (1) (c).

Disputed elections or exercise of office.
Act No. 35, 1902, s. 56.

57. The Lord Mayor shall, during his mayoralty, be ex officio a justice of the peace for the State, and shall preside at all municipal proceedings, and shall have precedence in the city and in all other places on all occasions next after members of the Legislative Assembly.

58. (1) If it appears upon affidavit that any person declared to be elected Lord Mayor or an alderman, has been unduly elected, or that any person has been elected to, or holds, or exercises such office of Lord Mayor or alderman, and is incapable, under the provisions hereof, of being or continuing such Lord Mayor or alderman, the Supreme Court, or any Judge thereof, may grant a rule or order calling upon such person to show cause to the Court why he should not be ousted of the said office.

(2) Upon the return of such rule or order, if it appears to the Court that such person so elected, or holding, or exercising such office respectively, was unduly elected, or was, at the time of his election, or while holding or exercising such office, incapable under the provisions hereof

hereof of being or continuing such Lord Mayor or alderman, as the case may be, the Court may make such rule or order absolute, or may discharge such rule or order, and in either case with or without the payment of costs to or by either party, as the Court deems meet.

(3) The person against whom any rule is made absolute as aforesaid shall be deemed thereby to be ousted of such office accordingly.

(4) No such rule or order shall in any case be granted if, at the time of the application for such rule or order, more than one month has elapsed after the election, or after the time of the disqualification of the person against whom such application is made.

59. All acts and proceedings of the council, or of any person holding the office of Lord Mayor or alderman, and acting as such shall, notwithstanding it is afterwards discovered that there was some defect in the election of any such person, or that he was disqualified, or had not duly made such declaration as aforesaid, be as valid and effectual as if such person had been duly elected or qualified, or had duly made such declaration.

PART VI.

APPOINTMENT OF OFFICERS.

60. (1) The council may nominate any person or Inspector of persons for the position of inspector of nuisances or nuisances. sanitary inspector of the city, and the Governor may appoint any person so nominated at such salary as he thinks fit.

(2) On such appointment being so made such salary shall be payable out of the city fund.

61.

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Appointment of officers.

Act No. 35,

1902, s. 59.

61. (1) The council shall appoint a town clerk, a city treasurer, a health officer (being a duly qualified medical practitioner), a city engineer, and a city surveyor, and such other officers and servants as may be necessary, and shall, either at the time of their appointment or from time to time, by special resolution of the council in that behalf, or by any by-laws, assign to them respectively such duties, salaries, wages, or other remuneration as the council may deem right.

(2) Every such officer or servant who, by virtue of his office or employment, may receive or have in his hands or under his control any moneys the property of the corporation or council shall give security sufficient in the opinion of the council for the duly accounting for any such moneys, and until he shall have given such security shall not enter upon the discharge of his duties nor be entitled to receive any salary.

Custody of seal and muniments.
Ibid. s. 60.

62. The town clerk shall have the charge and custody, in the Town Hall or such other place in Sydney, as the council shall direct, of the common seal and of all charters, grants, deeds, muniments, and records of the corporation or council or relating to the property thereof as well as all rolls, ballot-papers, ballot-boxes, and all books, letters, and documents not relating to accounts.

suspension of officers and servants.
Ibid. s. 61.

63. (1) The Lord Mayor may suspend any officer or servant of the council guilty in his opinion of misconduct or neglect, and may appoint a substitute, taking from him if deemed necessary security for the faithful discharge of his duties :

Provided that the Lord Mayor shall report the matter to the council at their next meeting, and that such substitute shall hold office and receive remuneration not exceeding that of the person suspended and only until the council decide whether such person shall be reinstated or dismissed.

(2) If the council confirm such suspension or dismiss the officer or servant he shall not be entitled to any salary or wages after the day of suspension.

Collectors, &c.
to pay over moneys.
Ibid. s. 62.

64. (1) Every collector or other officer appointed or employed by the council to collect money shall, within three

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Collectors,
&c., to pay
over moneys.

three days after he has received any moneys belonging to the corporation, pay over the same to the city treasurer, whose receipt shall be a sufficient discharge for the same.

(2) Every such collector or officer shall, within such time and in such manner as the council may by any by-law or otherwise direct, deliver to the council true and perfect accounts and statements in writing under his hand of all moneys received by him.

65. If any such collector or other officer fail to render such accounts or statements as aforesaid, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay any moneys of the corporation that may be in his hands when thereunto required, or if for three days after being thereunto required he fails to deliver up to the council or to any person appointed by the council to receive the same, all books, papers and writings, property, effects, matters, and things in his possession or power relating to the execution of his office or belonging to the corporation or council, then on complaint thereof being made to any justice he shall summon such officer to appear before him or any other justice, at a time and place to be set forth in such summons, to answer such charge.

Upon the appearance of such officer, or upon proof that such summons was personally served upon him or left at his last known place of abode, such justice may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer.

If it appear, either upon confession of such officer or upon inspection of the accounts or other evidence, that any moneys of the corporation are in the hands of such officer, or owing by him to the corporation, such justice may order such officer to pay the same, and if he fail to pay the amount such orders, warrants, and proceedings may be made, issued, and taken as are authorised under any statute in force for the time being under which justices have summary jurisdiction for enforcing the payment or punishing the party offending for non-payment of money ordered to be paid and not paid.

Any officer employed by the council who shall wilfully destroy any documents of or belonging to the council shall be deemed guilty of a misdemeanour.

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Remedy
against
absconders.
Act No. 35,
1902, s. 64.

66. If any person duly authorised by the council to act on behalf of the corporation makes oath before any justice that he truly believes, upon grounds to be stated in his deposition that it is the intention of any such officer as aforesaid to abscond, such justice may, instead of a summons, issue his warrant for bringing such officer before such or any other justice.

No person executing such warrant shall keep such officer in custody longer than twenty-four hours without bringing him before some justice, who may either discharge such officer if he think there is no sufficient ground for his detention, or order him to be detained in custody so as to be brought before him or some other justice again at a time and place to be named in such order, unless such officer give bail to the satisfaction of such justice for his appearance at the time and place appointed to answer the complaint of the corporation.

Not to
affect other
remedies.
Ibid. s. 65.

67. No such proceedings or other dealing with any such officer as aforesaid shall prejudice or affect any remedy which the corporation may otherwise have by any existing law against such officer or his surety.

PART VII.

COUNCIL MEETINGS.

Notice of
meeting.
Ibid. s. 67.

68. Notice of the time and place of every intended meeting of the council shall be signed by the town clerk, and shall be left at or sent by post to the usual or last known place of abode or business of every member of the council in time for reaching him twenty-four hours at least before the intended meeting, and such notice shall state the business to be transacted at the meeting, and no other shall be entertained.

69. (1) The Lord Mayor may call meetings of the council when he thinks fit and for such purpose shall direct the proper notices to be sent by the town clerk.

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Special meetings.

Act No. 35,

1902, s. 68.

(2) The Lord Mayor shall, on receiving a requisition in writing in that behalf, signed by at least five aldermen, stating the objects for which they require a special meeting, call the same.

If the Lord Mayor refuses or delays for seven days to call such meeting, the aldermen making such requisition may call such meeting, and may by writing under their hands direct the town clerk to send the requisite notices for the same.

70. The quorum of members of council for transacting business shall be seven, and if that number be not assembled within fifteen minutes after the hour fixed the meeting shall lapse.

Ibid. s. 69.

Act No. 23,

1932, s. 3.

If the Lord Mayor be present he shall have the power of adjourning such meeting till any other day named by him.

71. The Lord Mayor, if present, shall preside at all meetings of the council, or of any committee of which he is a member, and in his absence the aldermen present shall elect one of their number to be chairman for the occasion, and in case of an equality of votes for the election of a chairman, the chairman shall be chosen by lot.

Chairman.

Act No. 35,

1902, s. 70.

72. All questions of whatever kind at any meeting shall be decided by a majority of the votes of members present; but in case of an equality of votes, the chairman shall have a casting vote.

Decision of questions.

Ibid. s. 71.

73. (1) The council may appoint from their own body any committee of any number not less than eight for any purpose which would, in the opinion of the council, be better effected by such committee, with such powers as the council shall appoint, and may fix the quorum of such committee, in default of which five shall be a quorum.

Committees.

Ibid. s. 72.

(2) So far as may be consistent with any provision of this Act, and any by-law in that behalf for the time being in force, every such committee may meet and adjourn at pleasure.

(3)

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(3) The acts of every such committee shall be submitted to the council for approval, and if not confirmed shall have no validity.

Minutes.

Act No. 35,
1902, s. 73.Act No. 39,
1905, s. 4 (i).

74. Minutes of every meeting of the council shall be printed and posted into a book to be kept for that purpose, and shall be read at the next succeeding council meeting, and if approved as correct shall be signed by the chairman of that meeting as being read and confirmed:

Proviso.

Ibid. s. 4 (2).

Provided that the council may at any such meeting, by resolution without notice passed unanimously by the members present, authorise such chairman to sign such minutes as being read and confirmed without such minutes being actually read, and thereupon such chairman shall sign such minutes as being read and confirmed.

PART VIII.

THE REGULATION OF PUBLIC WAYS.

Public ways
vested in
council.Act No. 35,
1902, s. 74.

75. (1) All public ways in the city of Sydney now or hereafter formed shall be vested in, and under the control, management, and direction of the council, who shall have full power to alter, widen, level, divert, extend, construct, improve, maintain, repair, and order such public ways and the footpaths thereof, and to carry off any water, mud, or filth therefrom by means of sewers, channels, or drains, or otherwise, subject to the provisions of this Act, and any by-laws made by the council in that behalf.

(2) No public way shall be opened, altered, widened, diverted, or extended, or the width of the footpath thereof fixed or altered until the approval thereto of the Governor has been obtained and notice of such approval has been published in the Gazette.

No. 58, 1932.

76. (1) For the purpose of opening, altering, widening, diverting, extending, or closing any public way or a portion of a public way in the city, the council may—

- (a) purchase any land;
- (b) exchange any portion of a public way vested in the council for land required by the council for any of the aforesaid purposes;
- (c) sell any land forming part of a way which is not required for any such purpose;

and every portion of land acquired under this section shall be vested in the council as a public way under and subject to the provisions of this Act.

(2) No purchase, sale, or exchange of land under this section shall be valid until the same has been sanctioned by the Governor, and notified in the Gazette.

77. (1) Without limitation of any other power conferred by this or any other Act the council may widen any public way by including in the carriage-way the whole or a part of the footway, and acquiring from an owner of abutting land any land required for the whole or a part of a new footway, subject to a reservation of specified rights in favour of the owner.

(2) Any land required for widening a public way in accordance with this section may be acquired, subject to a reservation of such of the following rights in favour of the owner as the council may at or before the time of acquisition determine, that is to say—

- (a) a right to the ownership, possession, occupation and use of any existing building, room or cellar, so far as the same is at a specified height or depth above or below the level of the new footway, and subject to the right of the council to make such structural alterations as may be required;
- (b) a right to erect any building in accordance with the provisions of any Act relating to the erection of buildings in the city at a specified height above the level of the new footway, and to own, possess, occupy and use the same;
- (c) a right of support for any building coming within paragraph (a) or paragraph (b) of this subsection.

No. 58, 1932.Realign-
ment.
cf. ActNo. 41, 1919,
s. 262.Act No. 7,
1924, s. 6 (c)Act No. 34,
1929, s. 12
(a) (b).

78. (1) The council may cause any aligned public way to be realigned under the Public Roads Act, 1902, in order to widen the way.

(2) Any realignment under this section may be carried into effect by the acquisition under this Act or any amendment thereof of the necessary land, or under the succeeding provisions of this section relating to the realignment method of acquiring land, or by a combination of these methods.

(3) Where the council proposes to apply the realignment method of acquisition to any lands affected by a realignment it shall serve notice accordingly upon the owners of lands affected; and until such notice is served the interests of such owners shall not be affected by the realignment.

(4) A plan showing the realignment shall be lodged by the council in the office of the Registrar-General.

Compensa-
tion.

(5) Under the realignment method compensation for any injurious effects suffered by reason of such realignment may be claimed, but shall be limited to payment of the value of the land taken from any owner by reason of the realignment, together with the damage, if any, caused by the severing of the land from other land of the owner.

Such value and damage shall be ascertained and such compensation shall be payable as at the date when such land is cleared of buildings and obstructions by the owner or lessee, whether for the purpose of rebuilding to the new alignment or not, and, subject to the provisions of this section, from that date the land shall vest in the council for a public way.

(6) In ascertaining the compensation effect shall be given by way of abatement to any enhancement by reason of the widening of the public way in the value of the interests of the owners in any land adjoining the land taken.

Prohibition of
construction
or substantial
repair of
buildings and
works.

(7) Where any public way is realigned, and where the realignment method is applied, the owner of any land or building or work affected by such realignment shall not construct, build, place, reconstruct, rebuild, replace or

or repair any building or work, or portion of a building or work, standing upon the land between the old alignment and the new:

Provided that the council may approve the execution of minor and not substantial repairs and improvements in order to permit of the reasonable preservation and temporary use of any existing building or work, but not so as to violate the intention of this section.

(8) Whether or not the council has elected to apply the realignment method it may at any time, and notwithstanding any such election, decide to purchase or resume any or all of the lands affected by the re-alignment.

(9) Notwithstanding the provisions of the Public Roads Act, 1902, the land between the old alignment and the new shall not form part of the way until the council has acquired title to such land, and has notified the fact in the Gazette, or a dedication thereof as a public way has been effected.

(10) In any case where compensation may be claimed under this section, such claim, in case of dispute, shall be made and determined in the same manner as a claim for compensation for the resumption of land under the provisions of Part XVI of this Act.

79. (1) No street, lane, or alley shall be formed within the city unless such street be of the width of sixty-six feet at least, and such lane or alley of the width of twenty feet at least in every part thereof respectively.

The width of such streets, lanes, and alleys respectively to be ascertained by measuring at right angles to the course thereof from the building line on each side of such street, lane, or alley.

(2) Every such lane or alley shall have one or more entrances thereto of the same width as the lane, and one of such entrances at the least shall be uncovered.

(3) Every such street, lane, or alley shall be formed in all respects, according to any regulations in that behalf in any by-laws duly made under the authority of this Act.

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Public ways
on private
land to be
formed by
owner.Act No. 35,
1902, s. 77.

80. (1) Every person who hereafter proposes to lay out upon his own premises within the city a public way shall before so doing deposit with the town clerk plans and sections signed by the owner, showing the direction, width, and levels of any such proposed public way.

No person shall lay out or form the same until he shall have received a notice from the town clerk signifying the approval thereof of the council, which shall be held to be a dedication of the same to the public.

(2) Every such person shall cause any such intended public way to be formed and ballasted to the approved level in accordance with any special notice in that behalf from the town clerk, and in the absence of any such notice, according to any by-law duly made in that behalf, before the council shall be required to take over the management, control, and direction of such public way.

Or by council
in his default.
Ibid. s. 78.

81. (1) If any person intending to lay out or form any such public way fail to do so for three months after the sending or service of any notice from the town clerk, requiring him so to form such public way as required by any such notice, or any by-law duly made in that behalf, the council may cause such public way to be properly formed, and shall keep an exact account of the expense thereof in a book open to the inspection of any citizen free of charge.

Cost recover-
able from
owner.

(2) Within one month after such public way has been formed and completed by them, the council shall cause an account of the cost thereof to be served upon the owner who caused the same to be so laid out, or his agent.

(3) If within fourteen days after such account has been so served the amount is not paid to the city treasurer, the council shall have the like remedies for recovering the same as in the case of any city rate.

Dedication of
public ways.
Ibid. s. 79.

82. (1) Every such public way shall, when formed and completed, be held to be for ever dedicated to the public use.

(2) Every such public way formed, either at the public expense or otherwise, prior to the fourth day of July, one thousand eight hundred and seventy-nine, and all public ways formed or to be formed thereafter shall be held

held to have been and to be from the time of the formation and completion of the same for ever dedicated to the public use.

83. The Governor may by notice in the Gazette permit any owner of any land formed into a public way and so dedicated to the public use to resume the possession for any purpose of so much of the said way as is more than twelve feet from the curb-stone or exterior edge of the footway fixed according to the provisions of this or any other Act in that behalf, subject to such terms, conditions, and provisions as are prescribed in such notice.

84. Notwithstanding anything to the contrary contained in this Act, the council may, with the approval of the Governor, approve, accept, and take over any lane in the city formed and made prior to the fourth day of July, one thousand eight hundred and seventy-nine, which is under the width of twenty feet.

When dedicated to the public use and so taken over such lane shall be deemed to be a public way within the meaning of this Act.

85. (1) Where it is expedient for public use, convenience, or safety or for preventing unsightly or insanitary conditions that any way should be under the control, management, and direction of the council, the council may, notwithstanding any provision to the contrary in this or any other Act, take over the way in accordance with this section.

(2) The way shall not be so taken over unless the approval of the Governor is first obtained.

(3) Before the approval of the Governor is given, the council shall give notice that it intends to take over the way, to the owners of premises fronting, adjoining, or abutting on the way, and any such owner may within one month lodge any objection with the Minister for consideration by the Governor.

(4) The approval of the Governor shall be notified in the Gazette, and a copy of such Gazette purporting to be printed by the Government Printer shall be conclusive evidence of the approval, and that it is expedient within the meaning of subsection one of this section that

the

Resumption
of portion of
public way in
certain cases.
Act No. 35,
1902, s. 80.

Lanes under
twenty feet
wide may be
taken over.
Ibid. s. 81.

Taking over
ways.
Act No. 7,
1924, s. 6(d).

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the way should be under the control, management, and direction of the council, and that the provisions of subsection three of this section have been duly complied with.

(5) From the date of the notification the way shall vest in the council as a public way, and shall thenceforth be under the control, management, and direction of the council for all purposes of this Act and of any by-law made thereunder.

(6) Where the way has not been levelled, paved, macadamised, drained, or otherwise fully completed to the satisfaction of the council, the council may, either before or within one year after taking over the way, level, pave, macadamise, drain, or otherwise fully complete the same.

All the expenses incurred in so doing shall be paid by the owner of the premises fronting, adjoining, or abutting on the way, or if there is more than one such owner, by the respective owners of the premises in such proportions as the council may determine.

(7) In determining the proportion of such expenses to be paid by the respective owners, the council shall have regard to the benefit to be derived by any premises from such works, and to the amount and value of any work done on or in respect of the way by the owners or occupiers of any such premises.

(8) If within fourteen days after the service upon any such owner of notice of the amount of the expenses so incurred or determined, such amount is not paid to the city treasurer, the council shall have the like remedies for recovering the same as in the case of any city rate.

(9) For the purposes of this section "way" means way, lane, court, square, or alley or portion thereof within the city used as a thoroughfare or as a means of access to the properties of two or more owners, but does not include any land of which the owner is known to the council, or of which the owner can be ascertained from an official search under section one hundred and ninety-seven of the Conveyancing Act, 1919-1930.

(10) This section applies to any way whether formed or not, and whether existing before or after the commencement of the Sydney Corporation (Amendment) Act, 1924.

86. The council may pave, amend, and repair all such footways, gateways, crossings, and other entrances from the street to any premises in the city as now or hereafter may require to be paved, amended, or repaired with such materials as they may deem expedient.

87. The council may sell, grant, alienate, and convey or may demise for any term not exceeding twenty-one years any portion of the land described in the Twelfth Schedule, not being land on which Boundary-street is constructed.

88. (1) If any building or any inner or outer portion thereof, or wall, or anything affixed thereon within the city be deemed by the city building surveyor (who may for that purpose enter upon the premises and examine the same) to be in a ruinous or dangerous state, he may cause a proper hoard or fence to be put up and lights and other appliances to be used for the protection of life and property, all expenses thereof to be paid by the owner or tenant, and shall cause notice in writing, signed by him, to be served upon the owner of such building or any inner or outer portion thereof, or wall, if he be known and resident within the city by leaving the same at his usual place of abode or business, and shall also cause such notice to be put on the door or other conspicuous part of the premises, or otherwise to be served upon the tenant thereof (if any) by leaving the same on the premises, requiring such owner or tenant to take down, secure, or repair such building or any inner or outer portion thereof, wall, or other thing as the case may be, within a reasonable time to be named in such notice.

(2) If such owner or tenant does not comply with the requirements of such notice within the time therein specified, to the satisfaction of the said surveyor, the said surveyor may cause all or so much of such required works, as he may deem necessary, to be done, and all the expenses thereof shall be paid by the owner or tenant to the council.

(3) If, after a written demand of all or any of the expenses hereinbefore mentioned by the town clerk, such owner or tenant neglects or refuses for one month to pay the same, the council shall have authority to enforce payment thereof as in the case of the city rate.

(4)

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Paving of
footways, &c.

Act No. 35,
1902, s. 82.

Power of council
to sell or demise
land not used for
street.
Ibid. s. 83.
Twelfth
Schedule.

Dangerous
buildings to
be taken
down or
repaired at
owner's
expense.

Ibid. s. 84.
Act No. 39,
1905, s. 5.

Act No. 7,
1924, s. 6(e)
(i).

Demolition of
dangerous
walls.

Act No. 7,
1924, s. 6
(e) (i).

Act No. 35,
1902, s. 84(3).
Act No. 36,
1903, s. 5.

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(4) If the tenant is compelled to pay such expenses he may recover the amount against the owner in an action for money paid to his use.

Act No. 7,
1924, s. 6
(e) (iii).

(5) For the purposes of this section or for any of the other purposes of this Act, or whenever otherwise he deems it necessary, the city building surveyor or the city surveyor may close any street or portion of a street in the city for such time as he thinks fit:

Provided that the closing shall be reported to the council at its next meeting, and the council may at any time give such directions to the city building surveyor or the city surveyor as it thinks necessary or proper for preventing or minimising inconvenience or interference with business.

And the
materials
may be sold
for expenses.
Act No. 35,
1902, s. 85.

89. (1) If any such building or wall, or any part thereof, be pulled down by virtue of the powers aforesaid, the city surveyor or building surveyor may, under the direction of the council, sell the materials thereof, or so much of the same as is pulled down, and apply the proceeds of such sale in or towards payment of the expenses incurred in respect of such house or building, and shall pay any surplus arising from such sale to the owner of such building or wall on demand.

(2) The council shall have the same remedies for compelling payment of so much of the said expenses as may remain due after application of such proceeds as for compelling payment of the whole amount.

Rubbish, &c.,
not to be laid
in public way.
Ibid. s. 86.

90. (1) If any person not being authorised by the council deposits any building materials, rubbish, or other thing on, or makes any excavation in any part of a public way without the written authority of the city surveyor, such person shall be liable to a penalty not exceeding five pounds for every day during the continuance of the same until he has obtained such authority.

(2) Such penalties may be recovered either under a separate information for each day, or under one information for the sum of the several penalties so incurred.

Dangerous
places to be
repaired or
enclosed.
Ibid. s. 87.

91. (1) If any building, excavation, or place near any public way is dangerous to the passengers along such way for want of sufficient repairs, protection, enclosure, or otherwise, and if the tenant of the premises on which such building,

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building, excavation, or place is situate, if the same is occupied, and if not occupied, then if the owner thereof does not, within seven days after service of a notice from the city surveyor requiring him to do so, repair or protect the same as required in such notice, and to the satisfaction of the city surveyor, then such surveyor shall cause the same to be repaired or protected in such way as he deems sufficient and proper.

(2) The expenses of such repair, protection, or enclosure shall be repaid to the council by the tenant or owner, as the case may be, of the premises so repaired, protected, or enclosed, and if not so repaid may be recovered in the same way as any city rate.

92. (1) When any building materials, rubbish, or other things are laid on, or any excavation made in any public way within the city, the person laying or making the same, whether by order of the council or not, shall cause a sufficient light to be fixed upon or near the same, and shall continue such light every night from sunset to sunrise while such materials or excavation remain, and shall cause such materials or other things, and such excavation, to be sufficiently fenced and enclosed in such manner as the city surveyor may direct in writing.

(2) Every person offending against this enactment shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding ten shillings for every day while such default is continued, besides being liable in any civil action for any injury sustained by anyone by reason of such default or negligence.

93. The person who, under the last preceding section, shall be liable to any penalty or to any damages in any civil action at the suit of any person shall be the person who, by himself or his servants, has placed any such building materials, rubbish, or other things, or has made such excavation, and not the employer who by contract or otherwise has employed him to do any work for the purposes of which any such building materials, rubbish, or other things, or any such excavation have been placed or made.

94. (1) Every person intending to build or take down or alter or repair the outward part of any building in any public way of the city whereby any street or footway may be.

Hoards and fences.
Ibid. s. 90.

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— be obstructed or rendered inconvenient to passengers shall before beginning the same obtain a hoarding license from the city surveyor, who may if he shall see fit grant the same for a fee of two shillings and sixpence.

(2) Such person shall thereupon cause a sufficient hoard or fence to be put up in order to separate the building where such works are being carried on from the public way with a well protected footway for passengers outside of such hoard or fence, and shall continue the same in good condition to the satisfaction of the city surveyor so long as the public safety or convenience requires, and shall to prevent accidents cause the same to be sufficiently lighted during the night, and shall remove the same when directed in writing by the city surveyor within a reasonable time.

(3) Every person guilty of any default herein shall be liable to a penalty not exceeding ten shillings for every day such default is continued besides being liable to damages in any civil action at the suit of any person on account of any such negligence.

(4) The liability imposed by this section shall be held to be incurred by the person actually doing by himself or his servants or workmen any such work as herein mentioned and not by the person employing him by contract or otherwise to do the work.

No erection,
&c., except
on notice to
council.
Act No. 35,
1902, §. 91.

95. (1) No person shall commence to erect, rebuild, extend, add to, or in any way alter any building in any public way until he has served a notice on the city surveyor stating his intention so to do and at the same time describing the situation of the intended building with full and exact particulars of the intended work; and

- (a) has received the sanction of the said surveyor to such erection, rebuilding, extension, addition, or alteration; or
- (b) seven days have expired without such person having received any notice from the said surveyor that he does not sanction such work.

(2) Every building erected, rebuilt, extended, added to, or altered against the provisions of this section shall be deemed an encroachment, and shall be subject to the provisions hereinafter contained relating to encroachments.

96.

96. No curbing shall be laid down upon land in the city not hitherto forming part of some public way or belonging to the Crown or the corporation without consent of the owner of such land unless so laid down under the authority of the Police Offences Act, 1901. *No. 58, 1932.* *No curbing in private land without consent.* *Act No. 35, 1902, s. 92.*

97. (1) No person shall erect, place, set up, or build in any street or public place within the city, any hoard or scaffolding, or place or erect, by way of enclosure, any posts, bars, rails, boards, or other things for the purpose of making mortar, or of depositing, sifting, screening, or slackening any brick, stone, lime, sand, or any other materials for building or repairing any house or other tenement or erection, or for other works, or for any other purpose, without a license first had and obtained under the hand of the city surveyor. *Hoards not to be erected without surveyor's license.* *Ibid. s. 93.*

(2) The city surveyor shall for every such license *fee.* receive from the person applying therefor the sum of two shillings and sixpence, and shall in such license specify *What is to be specified in license.* the length of time for which the same, when so erected and set up, may be continued, and give such other directions respecting the same as he may think necessary.

(3) If any person places, sets up, erects, or builds, *Erecting without license.* or causes or permits to be erected, placed, set up, or built any such hoard, scaffolding, posts, bars, rails, boards, or other thing for the purposes aforesaid, or for any other purpose without such license, or erects, sets up, or builds, or causes or permits the same to be erected, set up, or built, in any other manner, or to be continued for any longer time than is allowed or expressed in such license, such person or the person by whom he is employed shall forfeit and pay the sum of ten shillings for every day *Penalty.* that the same has been and is set up and continued.

(4) The city surveyor may also cause the same *Surveyor may cause hoard to be removed.* to be pulled down and removed, and the same and all the materials thereof to be kept and detained until such person pays to the city surveyor, or to the person in whose custody the same are, all the penalties incurred by such person, together with the charges of pulling down, removing, and keeping the same, to be ascertained and determined by the city surveyor.

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Proceedings
thereupon.

(5) If the same are not claimed and the said penalties and charges aforesaid are not paid within the space of five days next after the pulling down and removing thereof the city surveyor may order or cause the same to be appraised and sold, and the money arising therefrom, after deducting the said penalties and charges, shall be paid to such person on demand.

Open spaces
and steps
adjoining the
ways to be
enclosed
under
penalty.Act No. 35,
1902, s. 94.

98. (1) Every tenant of any building or premises if the same be occupied, and if not occupied then the owner of such building or premises having any steps, entrance, area, garden, or other open space adjoining any public way or footway thereof, beneath the level of the curb-stone or exterior edge of such public way or footway, shall sufficiently protect and guard the same by rails, fences, or other enclosures so as to prevent danger to street passengers.

(2) For every day during which the same are not so sufficiently protected and guarded, after written requisition to that effect has been made by the city surveyor, the owner or tenant of such building or premises as the case may be shall be liable to a penalty not exceeding two pounds.

Building
line to be
defined by
notice in the
Gazette.*Ibid.* s. 95.

99. (1) Before the footpath in any new public way in the city is laid down the city surveyor shall submit to the council a plan of the same, setting forth the proposed breadth of the carriage-way and footpath.

(2) The council may thereupon, by notice in the Gazette and one or more newspapers, fix and declare the distance from the curb-stone or exterior edge of the footpath in any such public way within which it shall not be lawful to erect any building so that such distance shall not in any case exceed twelve feet, unless with the consent in writing of the owner of the premises, and a line drawn at such distance shall for all purposes be the building line of such way.

(3) Before such notice in the Gazette is published, the council shall by a preliminary notice in the Gazette, and also in one newspaper at the least, call upon all persons interested in such public way to set forth in writing, addressed and transmitted to the town clerk within one month from the first publication of such last-mentioned notice,

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notice, any objection to the adoption of such plan, and also any claim for compensation for any loss or damage which they may sustain by the adoption thereof.

(4) If such claim be well founded, the amount thereof shall be paid by the council after being first settled by arbitration as hereinafter enacted if both parties agree to submit such claim to arbitration.

100. (1) Whenever any question arises in any proceeding at law or in equity touching any actual building line in Sydney it shall be held conclusively that every curb-stone as laid down before the fourth day of July, 1902, s. 96, one thousand eight hundred and seventy-nine, and then subsisting, was lawfully laid down.

(2) Every notice given in the Gazette under the last preceding section of this Act, or under section ninety-five of the Sydney Corporation Act, 1902, or under section eighty-eight of the Sydney Corporation Act of 1879, may be proved as conclusive and binding on all parties by production of the Gazette.

(3) All plans of public ways in the city framed under any Act heretofore in force, or under the last preceding section of this Act, shall also be conclusive evidence of their contents on production thereof by any clerk or officer in the Department of Lands or of the city surveyor, as the case may be.

(4) In any proceedings by or on behalf of the council it shall not be necessary to prove the gazettal or alignment of any public way of which the council of the municipality of Camperdown had prior to the commencement of the Sydney Corporation (Amendment) Act, 1908, the care, control and management.

It shall be sufficient evidence of the fact that any such way is a public way within the meaning of this Act 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.

101. Whenever it is represented by the city surveyor, or by any citizen, to the town clerk for the information of the council, that any building whatever is or has been erected within the distance of twelve feet from the curb-stone or exterior edge of any footpath in any public way in the city, the council shall forthwith direct the city surveyor

Every encroachment to be reported by the city surveyor to the council.

Act No. 35
1902, s. 97.

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surveyor or building surveyor to enter upon the premises where such building is erected, or otherwise ascertain by admeasurement whether the building complained of is within such distance aforesaid, and thereupon such surveyor shall forthwith report to the council the exact amount of encroachments by means of such building upon the said footpath or roadway.

Council
thereupon to
require the
owner to
remove such
encroach-
ment.

Act No. 35,
1902, s. 98.

102. Upon receipt of such surveyor's report, the council shall, without unnecessary delay, take the same into consideration, and upon being satisfied that such building so complained of as an encroachment upon any such footpath is within the said distance, the council shall forthwith cause a notice to be served personally upon the owner or tenant of the premises whereon the said building is either wholly or partially erected, requiring the owner of the said premises, within a time to be stated in such notice, to take down or otherwise remove every portion of such building as is erected within the distance aforesaid.

Tenant receiving
notice to deliver
same to owner of
building under a
penalty.
Ibid. s. 99.

103. If such notice is served personally upon the tenant of such premises he shall forthwith deliver the same personally to the owner thereof, or his agent, under a penalty of twenty pounds.

Arbitrators to
fix the loss,
&c., to be
incurred by
the owner.

Ibid. s. 100.

104. After the delivery of such notice to such owner or his agent as aforesaid the owner or agent (as the case may be) may thereupon require the council, by notice in writing to be served upon the town clerk, to forthwith enter into an agreement for arbitration to refer the question as to the loss, damage, actual or prospective, or expense which may presumably be incurred by the owner by reason of his compliance with the terms of the said notice, and also to decide upon all differences which may arise between the council and himself on account of such compliance by him as aforesaid.

The agreement shall provide that each party shall appoint an arbitrator with power for such arbitrators to appoint an umpire.

Owner may
sue the
council for
the amount
awarded to
him.

Ibid. s. 101.

105. (1) Whenever any such award is duly made and is not lawfully set aside, the owner in whose favour such award may be made shall be entitled, after the expiration of the time therein limited in that behalf and the performance of the conditions stipulated by the terms of the said

said award, to demand and recover by an action brought **No. 58, 1932.** upon the said award against the said council whatever sum has been awarded to be paid to such owner.

(2) The council shall not be compelled to pay more than one moiety of the said sum until the encroachment complained of has been removed.

106. If the owner of any such building neglects or refuses to enter into such arbitration agreement for one month after the receipt by him of the notice before mentioned, and a written demand be made by the council to execute such agreement, and served upon him or his agent, the council may appoint a sole arbitrator, who shall have all the authority vested in a sole arbitrator under the Arbitration Act, 1902.

107. (1) If the owner of any such building neglects or refuses, after receiving the notice before mentioned, to comply with the terms thereof for four months after the delivery of the same to such owner or his agent, the council may direct the city surveyor or building surveyor *Ibid. s. 103* to take down and remove the said building or so much thereof as causes the encroachment complained of.

The city surveyor or building surveyor with his workmen or any contractor employed by either of them for the purpose is hereby authorised thereupon to enter upon the premises and take down and remove the said building or the encroaching portion thereof.

(2) The council may defray all the expenses incurred or occasioned thereby and deduct the amount thereof from any sum which may be awarded to the owner of the said building as aforesaid, and pay the balance (if any) to the said owner.

108. If the owner, landlord, or tenant of any such building or any other person wilfully obstructs the city surveyor or building surveyor, or any workman acting under the authority of either of them in the execution of the work hereinbefore authorised to be done by them respectively, he shall be liable for every such offence to a penalty not exceeding twenty pounds.

109. For the purpose of doing any work upon or under any public way, or whenever any public necessity may arise, the Lord Mayor may prevent any traffic through or along the same, or may take any measures for the protection of the public from accidents.

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—
Penalty for
blasting with
out license.
Act No. 35,
1902, s. 106.

Notice as to
level of
intended
building.
Ibid. s. 107.

110. Every person who blasts, or causes to be blasted, any stone or rock within the city without having a written license under the hand of the city surveyor shall, for every such offence, be liable to a penalty not exceeding ten pounds nor less than one pound.

111. (1) Every person intending to erect or rebuild any building within the city shall, fourteen days at the least before beginning to dig or lay out the foundation, cause a written notice to be entered by himself, his architect, surveyor, or attorney, in a register to be kept at the office of the city surveyor for that purpose, of his intention so to build or rebuild, together with the intended level of the cellar or lowest floor, and the situation and construction of the intended privies, cesspits, and drains in connection with such building.

The city surveyor shall, without fee, signify his approval or disapproval of the same within seven days after such notice.

(2) In default of such notice, or if any such intended works as aforesaid be proceeded with without such approval, or before such last-mentioned seven days shall have elapsed, the offender shall be liable to a penalty not exceeding twenty-five pounds, and the council may cause such works to be altered or otherwise dealt with as they may deem necessary.

(3) The expenses so incurred shall be repaid by, and may be recovered from the offender together with the penalty aforesaid, in a summary way before any two justices.

Cellars or
openings in
footway not
permitted.
Ibid. s. 108.

112. (1) It shall not be lawful for any person to construct any room, cellar, or passage, in, upon, or beneath the surface of the footway of any street or public place within the city.

(2) Any person offending against the provisions of this section shall be liable, on conviction before any two justices, to a penalty of not less than ten pounds nor more than fifty pounds, and such justices shall further order the said offender to remove the said works and to restore the place affected thereby to the satisfaction of the city surveyor within a period not exceeding fourteen days, to be then fixed by the said justices, and in default to

to pay a penalty of ten pounds for every day or part of a day during which the said order shall remain uncomplied with after such fixed time.

113. (1) For the purpose of fully carrying out the provisions of the last preceding section, the city surveyor, under the direction in writing of the Lord Mayor, may enter upon any premises for the purpose of ascertaining the existence of any such forbidden work, or whether any such order of the said justices has been complied with, and afterwards with workmen to enter and carry out the removal of the said works and the restoration of the said place, if such offender fails to comply with the order of the said justices within the time so fixed.

(2) All expenses in connection therewith may be recovered from the said offender in a summary way before any two justices at the suit of the city treasurer, in addition to any penalty incurred under the last preceding section.

114. (1) The council may set apart any part of any public way vested in it, or under its control, for the purpose of laying out, constructing, and maintaining public ways thereon gardens, lawns, plantations, or other ornamental features, and for those purposes may enclose any such part or indicate the boundaries thereof with boundary erections or otherwise.

(2) The council may in any public way erect island refuges, public conveniences, fountains, monuments, statues and the like in such manner as in the opinion of the council will not unduly interfere with public convenience or access to private premises.

(3) The council may concur with any other authority in setting apart any part of a public way as a safety zone at a tramway stopping-place or at any other place on the way where a safety zone is required for the protection of the public.

(4) The powers conferred by this section shall be exercised only with the approval of the Minister.

115. (1) No person other than an employee of the council, or a person acting under the authority of the council, shall take up, relay, or otherwise interfere with any footways and crossings.

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any of the footways or crossings of any public way in the city, unless he is authorised so to do by or under the provisions of this or any other Act.

(2) Any person who commits a breach of the provisions of this section shall be liable to a penalty not exceeding five pounds.

Reinstate-
ment of
openings in
public ways.

Act No. 7,
1924, s. 7 (a).

116. (1) In any case where an opening has been made in a public way in the city by or on behalf of any person, and the city surveyor is of opinion that—

- (a) there is delay in the refilling of the opening or the reinstatement of the public way; or
- (b) the opening has been improperly or insufficiently filled in; or
- (c) the reinstatement has been inefficiently carried out; or
- (d) such filling in and reinstatement have not been carried out and completed with similar materials and in a similar manner to the portion of the public way adjoining the said opening so as to make the same uniform,

the city surveyor may cause such opening to be filled in and the reinstatement made or remade with such materials and in such manner as he may think fit so as to make the same uniform with the portion of the public way adjoining.

(2) The costs incurred by the city surveyor in executing any work under the power contained in subsection one hereof shall be charged against and shall on demand be payable to the council by the person by whom or on whose behalf the opening was made; and in default of payment the council may recover the amount from such person in any court of competent jurisdiction as a debt due by such person to the council.

(3) In this section "person" includes a statutory body representing the Crown and any company or body corporate.

(4) In this section "statutory body representing the Crown" includes any public body proclaimed under this Act as a statutory body representing the Crown.

117. The council shall undertake the construction, control and management of all roads and lanes within the area described in the Fourteenth Schedule hereto, and the same shall be deemed to be vested in the council as public ways under this Act.

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Construction,
control, &c., of
certain roads.Act No. 34, 1929,
s. 14 (5).Fourteenth
Schedule.

PART IX.

DIVISION 1.—*Rate on average annual value.*

118. (1) The council shall from time to time direct Assessment of lands, houses, &c. valuers appointed by them to enter in a ward assessment book for each ward in the form or to the effect of the Act No. 35, form in the Thirteenth Schedule hereto, an assessment of 1902, s. 110. all ratable property of whatsoever kind within the city, Thirteenth Schedule. 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 :

Provided also that where a part only of a parcel of land is ratable, the part which is ratable shall be separately valued.

(2) Such assessment shall be made according to “Ratable property.” the fair average annual value of such property, 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 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)

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

Act No. 7,
1924, s. 7 (c).
Act No. 65,
1931, s. 9 (i)
(a)-(d).

(5) No land vested in trustees for purposes of public recreation, health, or enjoyment, and no hospital, benevolent asylum, or other building used for charitable purposes, or any school under the Public Instruction Act of 1880, or any school registered under the Bursary Endowment Act, 1912, or certified school under the Public Instruction (Amendment) Act, 1916, or any playground used in connection with any such school or any building occupied as a residence by any caretaker, servant, or teacher of any such school which belongs to and is used in connection with the school, shall be liable to be assessed or rated in respect of any rate under this Division of this Part of this Act.

Ibid. s. 5 (1)
(b).

(6) No land or building owned by the Crown except—

- (a) land or a building held under a lease from the Crown by any person for private purposes;
- (b) land or a building occupied and used by the Crown in connection with any industrial undertaking,

shall be liable to be assessed or rated in respect of any rate under this Act.

Paragraph (a) of this subsection shall not operate to render land or a building owned by the Crown liable to be assessed or rated under this Act, by reason only of the fact that such land or building is leased by the Crown to a caretaker at a nominal rental.

Ibid.

(7) Notwithstanding anything contained in the Government Railways Acts, 1912-1930, or in the Sydney Harbour Trust Act, 1900-1930, land or a building in the city which is vested in the Railway Commissioners for New South Wales, or in the Sydney Harbour Trust Commissioners, and which is leased to any person for private purposes, or is occupied and used by the Crown in connection with any industrial undertaking, shall be liable to be assessed and rated under this Act.

(8)

(8) In this section "Industrial undertaking" ^{No. 58, 1932.} means any industrial undertaking to which the provisions ^{Act No. 65, 1931, s. 5 (1)} of the Special Deposits (Industrial Undertakings) Act, (b). 1912-1930, for the time being apply, or any undertaking declared by the Governor by proclamation published in the Gazette to be an industrial undertaking for the purposes of this section.

(9) No land which belongs to a religious body ^{*Ibid.* s. 9 (1)} and which is occupied and used in connection with-- ^{(e).}

- (a) any church or other building used or occupied for public worship;
- (b) any building used or occupied solely as the residence of a minister of religion in connection with any such church or building;
- (c) any building used or occupied for the purpose of religious teaching or training;
- (d) any building used or occupied solely as the residence of the official head and/or the assistant official head of any religious body in the State of New South Wales or in any diocese within that State,

shall be liable to be assessed or rated in respect of any rate under this Act.

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

119. Every such valuer shall, previously to acting in any such valuation, make and subscribe before the Lord Mayor, or any justice, a declaration that he will make all valuations, and otherwise perform the duties of his office faithfully and without favour. ^{Declaration of valuer. Act No. 35, 1902, s. 111.}

120. The town clerk shall, as soon as practicable, but before the expiration of thirty days after the delivery to him of such books, cause notices of the amount of such assessment in the form or to the effect of the form in the Fifteenth Schedule hereto to be served upon the ^{Notice of assessment. *Ibid.* s. 112. Fifteenth Schedule.} respective premises whether occupied or not.

121.

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Appeal from
assessment.
Act No. 35,
1902, s. 113.

Hearing of
appeal.
Ibia. s. 114.
Act No. 10,
1921, s. 25.

121. Any occupier or owner of such premises may, within fourteen days after the expiration of such thirty days as aforesaid, appeal against such assessment, and shall for such purpose deliver at the office of the town clerk a notice in writing of his intention to appeal, stating the grounds of such appeal.

122. (1) Where the valuation of the unimproved capital value of the ratable property, the subject of the assessment, does not exceed five thousand pounds, such appeal may be made to the nearest court of petty sessions, and where such valuation exceeds five thousand pounds, such appeal may be made to the Land and Valuation Court as constituted by the Land and Valuation Court Act, 1921.

(2) The person appealing shall, within the time mentioned in section one hundred and nineteen, give notice in writing of his intention to appeal, stating the grounds of such appeal to the clerk of the court of petty sessions or to the registrar of the Land and Valuation Court, as the case may require.

(3) Notice of the time when and of the place where the said courts will sit for the hearing of appeals shall be published in the Gazette and in one or more newspapers at least seven clear days before the time appointed for the hearing of appeals by such courts respectively.

(4) No appeal shall be entertained unless notice of appeal has been given as required by section one hundred and nineteen.

(5) An appellant may appear at the hearing of an appeal under this section by counsel, solicitor, or agent authorised in writing.

(6) The court hearing the appeal may confirm or alter the assessment, and where it determines that part only of the property is ratable shall determine the value of that part: Provided that an assessment shall not be reduced in amount by reason of the property assessed having decreased in value subsequently to the making of the assessment appealed from.

(7) Any person dissatisfied with the decision of any court of petty sessions as being erroneous in point of law

Act No. 65,
1931, s. 13
(1) (b).

law may appeal therefrom to the Supreme Court in the ^{No. 58, 1932.} manner provided for appeals from the determination of justices in the exercise of their summary jurisdiction.

123. (1) After the expiration of the fourteen days so prescribed by the one hundred and twenty-first section of this Act, without any notice of appeal, or upon the decision by the Land and Valuation Court of any appeal and the necessary alterations (if any) being made in the ward assessment books, the same shall be confirmed by the council and signed by the town clerk, and shall thereupon be the assessment books of the city for the purpose of all city rates until a new assessment be made and new assessment books be completed and confirmed in manner aforesaid :

Provided that in case of an appeal to the Supreme Court, and in case the decision of such appeal should necessitate alterations being made in any ward assessment book, then such alterations shall be made and, when confirmed by the council and signed by the town clerk, shall be deemed portions of the original ward assessment books of the city and be as valid in law as if originally parts thereof.

(2) Such assessment books, after being so confirmed and signed may from time to time be altered by omitting therefrom any ratable land on which any building has been erected, altered, or pulled down, or any ratable property which has been subdivided since the date of any previous assessment, and by inserting in the said books any ratable land on which any building has been erected, altered, or pulled down, or any ratable property which has been subdivided, or any property which has become ratable property since the date of such assessment, or any ratable property which was omitted therefrom with an assessment of the same according to its like annual value.

(3) The alteration in such assessment book shall be made before the thirty-first day of December in every year, and the town clerk shall give notice of every such assessment to the occupier or owner, as the case may be, as in the case of an original assessment.

(4) Such party shall have a like power of appeal as is hereinbefore provided, and on the decision of such appeal (if any), or at the expiry of the time allowed for such

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— such appeal, all alterations in the ward assessment books, when confirmed by the council and signed by the town clerk, shall be deemed portions of the original ward assessment books of the city, and be as valid in law as if originally parts thereof.

Penalty on
occupier for
misstate-
ment.

Act No. 35,
1902, s. 118.

124. Any occupier of property who, on the request of any valuer as aforesaid, or of the town clerk, or of any collector of rates (who are hereby authorised to make such inquiries), refuses or wilfully omits to disclose, or wilfully misstates to such valuer, town clerk, or collector the name of the owner of such property, or of the person receiving or authorised to receive the rents of the same, or anything required for or calculated to affect any such assessment as aforesaid shall, for every such offence, be liable to a penalty not exceeding five pounds.

Assessment
books
evidence.

Ibid. s. 119.

125. The assessment books so made and signed by the town clerk as aforesaid, and all entries made therein, upon production thereof by the town clerk or city treasurer, or any civic officer authorised in that behalf by the council shall, without any other evidence that the requirements of this Act have been complied with, be received in all courts as *prima facie* evidence of the facts therein contained.

Limit of
rates, and
how raised.
Ibid. s. 120.
Act No. 12,
1916, s. 2.

126. (1) The council shall in any year in which it thinks fit on the assessment so made as 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 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.

Rate books.
Act No. 35,
1902, s. 121.
Act No. 34,
1929, s. 8
(1) (d).
Sixteenth
Schedule.

127. (1) Rate books of the city in the form or to the effect of the Sixteenth Schedule hereto signed by the town clerk shall, within three months after the completion of such assessment, be filed by him in the office of the city treasurer, and shall be altered or a new rate book filed within two months after the confirmation of any alteration or addition as aforesaid.

(2)

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(2) Every citizen shall have access to such rate books during office hours, and be permitted to inspect the same upon payment of a fee of one shilling.

(3) Every such rate book so signed, and all entries therein, shall be received in all courts as prima facie evidence of all matters therein set out.

128. (1) Upon the making of any rate a notice signed by the Lord Mayor and town clerk specifying—

(a) the amount in the pound of the rate;

(b) the purpose and period for which the same is made; and

(c) the days on which the same is payable;
shall be published in the Gazette and in each of the daily newspapers.

(2) Upon any such notice being so published, the rate therein mentioned shall be payable and paid at the times specified in such notice by the respective persons liable to pay the same for and in respect of all assessed ratable property within the city according to the assessment in the assessment books then in force for the city.

(3) It shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the rate or the sums which according to such rate such persons are liable to pay or any other particulars than are hereinbefore in that behalf mentioned.

(4) Notwithstanding anything in this or any other Act contained, if the council has caused a valuation of the unimproved capital value of all ratable property in the city to be made and if by reason of the fact that any appeals against such valuation have not been decided by the Land and Valuation Court or the court of petty sessions, as the case may be, the ward assessment books (in this section referred to as the new ward assessment books) have not been confirmed by the council and signed by the town clerk before the day upon which the rate upon the unimproved capital value is made payable in accordance with the preceding subsections of this section, or where the rate is made payable upon several days the first of such days, then and in such case the respective persons liable to pay the rates as levied shall pay such rates upon the assessed ratable properties within the city according

Notice of rate
to be
gazetted.Act No. 35,
1902, s. 122.Act No. 39,
1905, s. 8.Adjustment
of rates
upon new
valuations.Act No. 23,
1932, s. 4 (1).

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according to the assessments in the ward assessment books in force on the day upon which the rate is made payable, but the council shall, after the confirmation of the new ward assessment books in the manner by this Act provided, in all cases where the value in the new ward assessment books of the unimproved capital value of the ratable property is either less or more than the value of the unimproved capital value of such property upon which the rate is payable, refund the excess rate where the value is less than the unimproved capital value upon which the rate is payable, and shall be entitled to and shall recover as arrears of rates the amount short paid where the said value is more than the unimproved capital value upon which the rate is payable.

Act No. 23,
1932, s. 4.

(5) Subsection four of this section shall be deemed to have commenced upon the fifteenth day of September, one thousand nine hundred and thirty-one.

Liability for
payment of
rate.Act No. 35,
1902, s. 123.

129. (1) The rate so made payable shall, in the case of the premises in respect of which the same is payable being occupied, be paid to the city treasurer by the tenant of such premises at the time or respective times at which such rate is made payable or demanded, and in the case of such premises being vacant, then by such person who at the time or respective times at which such rate is made payable is the owner of such premises.

Seventeenth
Schedule.

(2) The city treasurer shall give a receipt for such rate in the form in the Seventeenth Schedule hereto.

(3) If the council fail to recover any such rate in respect of occupied premises from the tenant of the same, they may levy and recover the rate from the owner of such premises.

Land owned
by the
Crown.Act No. 65,
1931, s. 5 (1)
(c).

(4) In the case of land or a building referred to in paragraph (b) of subsection six of section one hundred and eighteen of this Act, the rate shall be paid to the council out of the funds of the particular industrial undertaking.

ibid.

(5) Where the land or building is owned by the Crown and is held by any person under a lease therefrom, the rate shall be paid to the council by the holder of the lease.

130. (1) In any case where a tenant has been so required to pay either a greater amount of rates than he owes for rent, or for a period of time during which he has not been in occupation of the premises, he shall be entitled to deduct the amount in excess from any rent then due or accruing, or to recover the same from his landlord (after he has been asked and has neglected to repay such excess) in an action as for money paid to his use in any court of competent jurisdiction.

(2) Nothing herein contained shall prevent or interfere with any private agreement between landlord and tenant with respect to the ultimate liability of either to pay any specified rate.

131. (1) In case any person liable to pay any rate neglects or refuses to pay the amount thereof to the city treasurer for fourteen days after a notice in the form or to the effect of the Eighteenth Schedule hereto that such rate is due has been left at the premises liable for such rate, or after he has by any such notice been called upon and required to pay such rate, the Lord Mayor may by warrant under his hand distrain the goods and chattels (if any) of such person on the property assessed or elsewhere in the city, and cause such goods and chattels when distrained to be sold, and out of the moneys to arise thereby may pay all costs, charges, and expenses attendant upon such distress and sale, and shall then pay the amount of the rate for which such distress and sale are made, and pay over any surplus to the person so distrained upon.

(2) In every case in which a warrant of distress has been delivered to a collector or bailiff for levy, the same shall be levied for such rate, costs, and expenses, unless the whole of such costs and expenses are paid as well as such rate.

(3) In the event of any such distress not realising sufficient to pay such rate, costs, charges, and expenses, the Lord Mayor may from time to time make further and other distress in like manner until the whole amount of the same has been fully paid.

(4) Such costs shall be according to the scale in the Nineteenth Schedule hereto.

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Warrant of

distress.

Act No. 35,

1902, s. 126.

Twentieth

Schedule.

132. (1) The warrant of distress for the recovery of any rate may be in the form or to the effect of the Twentieth Schedule hereto.

(2) In all cases where a distress may lawfully be made, every police constable shall, upon being so required by any bailiff distraining for rates, aid in making a distress or sale pursuant to such warrant, and for refusing so to do shall be liable to a penalty not exceeding five pounds.

(3) To save expense and simplify the collection of rates the Lord Mayor may include any number of persons in one such warrant, and may direct any warrant for distraining for rates under any of the provisions of this Act to any bailiff or person appointed by him in that behalf.

(4) All such distresses and sales subsequent thereupon shall be conducted and carried out as nearly as practicable in accordance with the provisions of Part V of the Landlord and Tenant Act of 1899.

Distress not
void for want
of form.*Ibid.* s. 127.

133. No distress made under the authority of this Act shall be deemed unlawful, nor shall the person making the same be deemed a trespasser on account of any defect or want of form in the warrant of distress, or in any other proceeding relating thereto, nor shall the person distraining be deemed a trespasser ab initio on account of any irregularity which he may afterwards commit, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.

Special rates
may be made.
Ibid. s. 128.

134. (1) Whenever it appears to the council that any work which they are authorised to execute is for the special benefit of any particular locality in the city, the council may, for defraying the expenses incurred in executing such work, pass a special resolution which shall distinctly define such locality, and exhibit such work on a map annexed thereto.

Upon the same being approved by the Governor the council may make and levy a special rate equally on all ratable property situated within such locality.

(2) No such rate made in any one year shall exceed the amount of sixpence in the pound of the annual value of such property.

(3)

(3) No such special resolution shall be passed ^{No. 58, 1932.} unless a petition signed by not less than two-thirds of the ratepayers in such locality shall have been presented to the council praying that a separate rate may be made and levied, and stating for what period it is desired that such separate rate shall be made and levied.

(4) Every rate made under this section may be ^{Rates to be} made for and in respect of such period as is named in ^{made for} ^{particular} the special resolution, but not exceeding the period ^{period} mentioned in such petition.

(5) The provisions of this section shall not prevent the council from making or levying during any such period another special rate in a different locality if so empowered by this or any other Act.

135. Until an assessment for the purpose of rating ^{Old assessment to be} is made under this Act, the assessment books of the council ^{acted on until} in force at the time of this Act coming into operation ^{new} shall be the assessment books on and under which rates ^{assessment.} ^{Act No. 35,} ^{1902, s. 129.} may be levied, enforced, and recovered.

136. The provisions hereinbefore contained as to ^{All rates} levying and recovering city rates shall be applicable in ^{recoverable as city rates.} every respect to the levying and recovering every other ^{Ibid. s. 130.} rate made and imposed under the authority of this Act.

137. Every purchaser of ratable property situate ^{Purchaser of ratable property to give notice.} within the city shall, within ninety days after the completion of his purchase, give or cause to be given written notice thereof to the council stating his name and address, ^{Ibid. s. 131.} and on failure to comply with the requirements of this section shall be liable to a penalty not exceeding ten pounds.

DIVISION 2.—*Rate on unimproved capital value.*

138. In this Part and in construing for the purposes ^{Definitions.} of this Part enactments thereby incorporated or applied ^{Act No. 27,} ^{1908, s. 3.} and in the Twenty-first Schedule,— ^{Act No. 12,} ^{1916, s. 3.}

“Ratable property” or “ratable land” means property ^{Act No. 21,} ^{1919, s. 3.} ratable under Division 1 of this Part of this ^{Act No. 34,} ^{1929, s. 8 (3)} Act not being— ^{(a).}

(i) land being or forming part of land vested ^{Act No. 65,} ^{1931, s. 5(2).} in the University of Sydney, or in any ^{Twenty-} ^{first} college ^{Schedule.}

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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

- (ii) land vested in the Railway Commissioners for New South Wales, or in the Metropolitan Water, Sewerage and Drainage Board;
- (iii) such lands vested in the Sydney Harbour Trust Commissioners, and the houses and buildings erected thereon as are not leased or occupied for private purposes and by persons other than the said Commissioners, their officers or servants.

“Ratable property” or “ratable land” shall also include land the property of the Crown (whether built upon or not) which is ratable under Division 1 of this Part.

“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.

Rate on unimproved capital value. Act No. 27, 1908, s. 4. Act No. 12, 1916, s. 4.

139. The council shall, in and for the year one thousand nine hundred and thirty-three, and subject to section one hundred and forty 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 other rate under this Act:

Provided that the total amount leviable under this Division of this Part, or under this Division of this Part and any other provisions of this 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.

140.

140. 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 one hundred and thirty-nine of this Act and no city rate shall be made.

The proviso to section one hundred and thirty-nine hereof shall be suspended for such year.

141. The enactments mentioned in the Twenty-second Schedule to this Act are suspended in the city :

Provided always 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 a general rate upon the unimproved capital value was first made in the city.

142. (1) The council, for the purpose of making valuation, rates under this Division of 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 nineteen of this Act :

Provided 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.

(2) Section one hundred and twenty-four of this Act shall apply to valuations under this Division of this Part.

143.

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Service of
notice of
valuation.
Act No. 27,
1908, s. 7.

Alteration of
valuations.
Ibid. s. 8.

143. 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 eighty-three of this Act.

144. Any valuation or entry of valuation made under this Division of 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.
Ibid. s. 9.

145. Where such valuation is made of property which was not ratable under this Division of 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.
Ibid. s. 10.

146. The provisions of Division 1 of Part IX of this 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

shall, mutatis mutandis, but subject to this Division of this Part of this Act, apply to valuations and assessments and rates made under this Division of this Part :

Provided that the right of appeal under this Division of 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.

147. (1) The amount ~~of~~ any rate under this Division ^{Payment of rates.} of this Part shall be paid to the council by the owner of ^{Act No. 27, 1908, s. 11.} the property in respect of which the rate is levied, unless ^{Act No. 12, 1916, s. 6.} the property is vested in and under a lease from the council ^{Act No. 12, 1916, s. 6.} 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.

(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 Division of 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 the Twenty-second Schedule to this ^{Twenty-second Schedule.} Act, if the operation of the said Acts had not been suspended, based on the valuation of the unimproved capital value under this Division of 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.

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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 Division of 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.

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.

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.

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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.

148. In any year in which the council makes and levies a rate on the unimproved capital value of land under section one hundred and forty 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 thirteenth day of April, one thousand nine hundred and sixteen, 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 this Act.

Method of ascertaining rate payable as between lessor and lessee.
Act No. 12, 1916, s. 7.
Act No. 6, 1918, s. 2.

149. 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.

Determination of liability of lessor and lessee.
Act No. 12, 1916, s. 7.

Such division shall be in proportion to the rental values of the parts of the building separately occupied.

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For the purposes of this section 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.

Incorporation of provisions of Local Government Act, 1908, s. 12. Act No. 27, 1908, s. 12. Twenty-first Schedule.

Rental for wires, cables, &c. Act No. 12, 1916, s. 8.

150. The provisions contained in the Twenty-first Schedule to this Act shall apply to rates under this Division of this Part.

151. The council shall make and collect 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.

PART X.

SPECIAL RATES.

Watering streets.

Act No. 35, 1902, s. 151.

152. (1) Upon receiving a petition signed by two-thirds of the ratepayers in any public way in the city, or in any part of such public way, the council shall cause the same to be watered, or they may in their discretion cause any public way to be watered.

(2)

(2) The council may impose upon the tenants or owners of buildings in such public way a uniform rate sufficient to cover the expense of watering such public way.

(3) Such rate shall be assessed upon and according to the amount for which such buildings are assessed for the purposes of the city rate in addition to every other rate hereby authorised and made payable.

(4) Every such rate may be made, levied, enforced, and recovered in like manner as any city rate.

153. In every case in which there is on one side of any public way any public park or reserve one-half only of such watering rate shall be assessed upon and be payable in respect of the buildings on the side of such way opposite such park or reserve.

Only half rate where public park.
Act No. 35, 1902, s. 152.

PART XI.

INJURIES TO LIGHTS OR FOUNTAINS, &c.

154. (1) If any person wilfully takes away, breaks, throws down, or otherwise destroys or damages any lamp in the city erected by the council or at the private expense of any person, or any appendage thereof, or wilfully extinguishes any such lamp, any justice may issue a warrant for apprehending the party accused.

(2) Any person seeing such offence committed may apprehend or assist in apprehending the offender, and may, without warrant, deliver him into the custody of a constable to be conveyed before some justice.

(3) Every person convicted of any such offence shall for every such offence be liable to a penalty of not less than ten shillings nor more than forty shillings, and shall besides make full satisfaction to be assessed by such justice for the damage so done.

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Damages for
careless
injury.Act No. 35,
1902, s. 133.Penalties for
injuring
public
fountains, &c.
Ibid. s. 134.

155. Every person carelessly or negligently breaking, destroying, or damaging any lamp set up as aforesaid or any appendage thereof, and not upon demand making satisfaction, shall be liable to pay such sum of money to the complaining party as any justice may order.

156. (1) Any person who injures any public fountain, pump, cock or water-pipe, cistern or public watercourse, or any part thereof respectively, shall pay the costs of repairing the same, and, if such injury be wilfully done, such person shall be also liable to a penalty not exceeding five pounds.

(2) Any person who shall in any manner clandestinely or unlawfully appropriate to his own use any water from any fountain, pipe, or cistern supplied in any manner by the council, shall be also liable to a penalty not exceeding twenty pounds, and such amount may be recovered before any two justices in a summary way.

(3) Any person who opens or leaves open any cock, or any public fountain or pump, so that the water shall or may run to waste, shall be liable to a penalty not exceeding five pounds.

(4) Any person who shall wash any clothes or other materials at any public fountain or pump shall be liable to a penalty not exceeding one pound.

(5) Any person who shall lead or cause to be led or taken any cattle or other animals to any public fountain or pump now erected or hereafter to be erected for the purpose of watering or cleansing, and shall therein water or cleanse the said cattle or other animals shall, for every such offence, be liable to a penalty not exceeding two pounds :

Proviso.

Provided always that it shall be lawful to water any animal at any fountain specially appropriated for that purpose.

PART XII.

MARKETS, PARKS, SALE-YARDS, &c.

Power to pull
down and
re-erect
buildings.
Ibid. s. 135.

157. The council may pull down and re-erect any building which is lawfully vested in them or do anything thereto necessary or proper so that no private rights are thereby infringed.

158. (1) The council may establish any public market ^{No. 58, 1932.} in the city for the sale of fruit, vegetables, fish, produce, or ^{New markets.} general merchandise. And upon such establishment being ^{Act No. 35,} notified in the Gazette and in each of the daily newspapers, ^{1902, s. 136.} any such market shall be subject to all the laws affecting markets in the city.

(2) Nothing in this section shall confer on the ^{Act No. 69,} Municipal Council of Sydney any power to establish any ^{1915, s. 4 (1),} ^{Sch. 2.} public market for the sale of meat within the metropolitan abattoir area.

159. The council may grant licenses to persons for ^{Hawking} hawking and selling in the city any poultry, fish, vegetables, ^{licenses.} garden produce, and such other articles as may be provided ^{Act No. 35,} ^{1902, s. 137.} in any by-law in that behalf.

160. (1) The council may erect such drinking fountains ^{Power to lay} as they deem proper in the city, and shall have all necessary ^{out parks.} and proper powers for the purpose of laying out any ^{*Ibid.* s. 138 (1).} park, garden, shrubbery, or property belonging to the council.

(2) The council or any ranger or other officer ^{Aid of police} appointed by them may call in the aid of the police for ^{may be called} the removal by force of any person found committing ^{in.} a breach of any by-law made under the provisions of ^{*Ibid.* s. 138 (2).} paragraph (v) of subsection one of section two hundred and ^{Act No. 34,} ^{1929 s. 8 (1).} sixty-three of this Act, or of any person who by disorderly ^{(e).} or insulting conduct in the immediate neighbourhood of any park, garden, or other place causes annoyance or inconvenience to the persons then present or going to or coming from the same.

161. (1) The council may erect and maintain upon ^{Power to} the land known as Prince Alfred Park suitable ^{erect} buildings ^{buildings on} for the purpose of holding annual and other exhibitions ^{Prince Alfred} and for like purposes of public recreation or instruction ^{Park.} as they may deem desirable. ^{Act No. 35,} ^{1902, s. 139.}

(2) The amounts borrowed under the authority of the Act intituled, "An Act to authorise the erection and maintenance of certain buildings in Prince Alfred Park by the municipal council of the city of Sydney," together with any other amounts borrowed and expended upon such buildings, shall be transferred to the city fund, but with the like security and with the same rights and remedies

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remedies in favour of the holders of debentures and all other persons as if the Act forty-third Victoria number three had not been repealed.

Power to let
building.
Act No. 35, 1902,
s. 140.
Act No. 39, 1905,
s. 9 (1).
Act No. 22, 1917,
s. 8.

162. The council may from time to time let the building known as the Old Exhibition Building, in Prince Alfred Park, for such term not exceeding three years, and for such purposes and upon such conditions as the council shall think fit.

Power of
leasing.
Act No. 7,
1924, s. 16(1).

163. (1) The council may grant a lease of any premises or any part thereof held by or belonging to the council.

(2) The lease shall reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case.

(3) The term of the lease shall not exceed—

- (a) in the case of a building lease, ninety-nine years;
- (b) in any other case, twenty-one years.

(4) Where the lease is for a term exceeding two years the lease shall not be granted except upon competition either by public auction or tender:

Act No. 18,
1925, s. 2.

Provided that the council may, in satisfaction or part satisfaction of a claim for compensation in respect of any land resumed by the council, lease such land or part thereof without regard to the foregoing provisions of this subsection or to subsection two of this section.

(5) No lease granted by the council prior to the seventeenth day of September, one thousand nine hundred and twenty-four, shall be held to be invalid merely on the ground that the term of such lease exceeds twenty-one years.

Power to sell
or exchange
metropolitan
sale-yard
lands.
Act No. 35
1902, s. 143.

164. The council may, with the consent of the Governor, sell or exchange any lands purchased or acquired for the purposes of the metropolitan sale-yards referred to in section one hundred and forty-two of the Sydney Corporation Act, 1902, and held by the council at the commencement of this Act.

Sale-yards for
milch cows and
horses.
Ibid. s. 148.
Act No. 69, 1915,
s. 4, Sch. 2.

165. The council may erect, maintain, or license sale-yards within the city, or fourteen miles therefrom, for the sale of milch cows and horses.

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166. When any sale-yards are established, and by-laws in respect to such yards are made and published, the council may take and demand in respect of any milch cows and horses yarded or brought for sale by auction to any sale-yards or premises in the city, or within the distance of fourteen miles therefrom, the fees and charges specified and set forth in by-laws to be made in that behalf, such fees and charges not to exceed the scale prescribed in the Twenty-third Schedule hereto.

Power to
charge fees
for milch
cows and
horses.Act No. 35,
1902, s. 149.Twenty-
third
Schedule.

167. (1) The sale-yards maintained or licensed by the council under the powers conferred by this Act or any Acts hereby repealed shall be the only market or place within the city or within fourteen miles therefrom for the sale of milch cows and horses.

Saleyards for
milch cows
and horses.Act No. 35,
1902, s. 142.Act No. 69,
1915, s. 4,

(2) If any person sells or offers for sale any milch cows or horses in any other place in the city or within fourteen miles from the boundaries thereof he shall, on conviction before two justices, be liable to a penalty of ten shillings for every head of such cattle so sold or offered for sale.

(3) Nothing contained in this section shall apply to milch cows or horses arriving in Sydney by sea, or to private sales of milch cows or horses not exceeding six animals at one place or in one lot.

168. If any person has in his possession any cattle upon any premises within the city he shall forfeit and pay any sum not exceeding five pounds for each and every head of cattle so found in his possession.

Penalty not
exceeding five
pounds for every
head of cattle
kept contrary to
the provision of
this Act.

Act No. 35, 1902,

s. 144.

169. (1) The provisions relating to cattle contained in section one hundred and sixty-eight shall not apply to--

Persons not
liable.

Ibid. s. 145.

- (a) any sale of cattle when the said cattle are not within the district; or
- (b) any wharfinger or common carrier receiving cattle; or
- (c) any milkman or person keeping milch cows or working bullocks; or
- (d) any person keeping any cattle for the purpose of exhibiting the same; or
- (e) any auctioneer or other person keeping cattle for sale; or

(f)

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—

- (f) any person having in his possession cattle imported from places beyond New South Wales; or
- (g) any person keeping horses; or
- (h) any person keeping cattle on premises licensed for the purpose.

(2) In all such cases the burden of proving exemption from liability shall lie upon the person charged with a breach of such provisions.

Power to search premises.
Act No. 35, 1902, s. 146.

170. The inspector of nuisances at all times, and any other officer of the council, when authorised in writing in that behalf by the Lord Mayor of Sydney, shall have power to search any premises on which he has reason to suspect that any cattle are kept contrary to the provisions of this Act.

Any person obstructing or molesting such inspector or other officer so authorised when endeavouring to search such premises shall forfeit and pay a sum not exceeding ten pounds.

Cattle sale-yards fund, &c.
Ibid. s. 147.

171. The proceeds arising from the fees on the sale of cattle at such yards, and all other profits accruing therefrom, received by the council shall, after payment of the current expenses incident to the maintenance of such premises be paid over to the city fund.

Power to lease tolls of markets.
Ibid. s. 150.

172. The council may let or farm out by auction any tolls and dues payable and receivable at any market, and may also so let or farm out by auction or tender any market or stall or shop therein for any period not exceeding three years.

Belmore Markets.
Land in Twenty-fourth Schedule.
Act No. 27, 1908, ss. 25-29.

173. (1) The land described in the Twenty-fourth Schedule may be dealt with under and subject to the provisions of this section.

Power of council to sell or lease.
Twenty-fourth Schedule.

(2) 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 the Twenty-fourth Schedule, 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

Nothing herein contained shall invalidate or affect any leases current at the commencement of this Act. No. 58, 1932.

(3) 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 Part XVI of this Act.

(4) The net proceeds of realisation of any land in the Twenty-fifth Schedule sold by the council under the provisions of this section 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.

(5) 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 section had been sold under the powers conferred by Part XVI of this Act. Investment of proceeds of realisation and reduction of payments to sinking fund.

(6) 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.

174. (1) The council may upon any land in the city (not being portion of a public way) now or hereafter vested in or under the control of or dedicated to the council for any purpose, including any land used as a public park, provide, erect, establish, maintain, control, and manage public gymnasiums, children's playgrounds, drill grounds, sports grounds for athletics, tennis courts and recreation grounds, and may from time to time let on temporary hiring or license any such tennis court, sports or recreation ground, upon such terms and conditions as it thinks fit. Gymnasium. Act No. 7, 1924, s. 8 (1) (a).

(2)

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(2) Subject to the provisions of the Metropolitan Traffic Act, 1900, the Metropolitan Traffic (Amendment) Act, 1913, and any regulations made thereunder, the council may erect and maintain and let on lease or license, upon such terms and conditions as the council thinks fit, newspaper kiosks and stands for the purpose of selling newspapers, fruit, flowers, tobacco, or any other commodity within the city prescribed by by-laws made in that behalf.

Kiosks.
Act No. 7,
1924, s. 8
(1)(a).

175. The council may in any park in the city of which the council is trustee provide, erect, establish, maintain, control, and manage kiosks, refreshment rooms, dressing-rooms, conveniences, and other buildings, and chairs and seats, and may let the same or any of them for such periods and upon such terms and conditions as the council may think fit.

Cartage.
Ibid.

176. The council may provide for and carry on cartage from and to the council's markets.

Rolls of honor.
Ibid.

177. The council may provide, erect, or place in the Town Hall any roll of honor, photograph, painting, decorative fixture or permanent fitting or decoration of a commemorative nature.

Mortuaries,
Ibid.
cf. Act No.
41, 1919, s.
451.

178. The council may license, control, and regulate mortuaries within the city for the temporary repose of the dead pending burial or cremation, and may provide, control, and carry on public mortuaries.

Funeral undertakers.
Act No. 7,
1924, s. 8
(1)(a).

179. The council may license, control, and regulate within the city—

- (a) funeral undertakers; and
- (b) vehicles supplied by funeral undertakers for the use of mourners at funerals.

**Boarding-houses,
barbers'
shops, &c.**
Ibid.

180. The council may license, control, and regulate within the city—

- (a) boarding-houses;
- (b) houses let in lodgings;
- (c) barbers' shops and any premises used for the business of hairdressing or shaving.

**Laundries,
&c.**
Ibid. s. (8)(1)
(a).

181. The council may provide, control, and regulate—

- (a) wash-houses and laundries;
- (b) disinfecting chambers;

(c)

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- (c) lethal chambers for dogs and other animals;
- (d) hostels and common lodging-houses for both sexes or for either sex.

182. The council may subsidise civil ambulance brigades which are certified to it by the New South Wales Ambulance Transport Service Board to be working under and in conformity with the regulations made under the Ambulance Transport Service Act, 1919, and may allow any such brigade to use and occupy any land vested in the council on such terms and conditions as the council may deem proper.

183. (1) The council may license, control, and regulate premises for the storage or sale of meat, fish, fruit, or any article of human food prescribed by the Governor by proclamation published in the Gazette.

Power of council to license premises used for sale of meat, &c.

Ibid.

(2) For the purposes of this section—

- (a) meat shall be deemed to include beef, mutton, lamb, ham, bacon, pork, poultry, rabbit, game, and all such flesh or other edible parts of any animal as are used for human food, but not tinned goods;
- (b) fish shall be deemed to include crustaceans but not tinned goods or oysters;
- (c) fruit shall not be deemed to include tinned or bottled goods.

184. (1) The council may license, control, and regulate premises for the manufacture and sale of ice cream and similar products.

Manufacture of ice cream, &c.

Act No. 7, 1924, s. 8 (1)

(2) Nothing in this section shall affect any of the provisions of the Factories and Shops Act, 1912, or any Act amending or replacing that Act.

185. The council may provide and subsidise maternity and infant welfare centres.

Maternity and infant welfare centres.

Ibid. s. 8 (1) (a).

186. 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 Part XVI of this Act.

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

Council may establish or take over free lending libraries.

Act No. 16,
1906, s. 9.

187. (1) The council may establish and maintain, in the city or any ward thereof, free reading and lending libraries, and may, with the consent of the Governor, take over the maintenance and control of any such library now under the maintenance and control of the Crown.

(2) All such libraries shall be open to the public every day except Sunday, Christmas Day, and Good Friday, for a stated period to be defined in each case by by-laws, and without any restriction other than that which may be necessary for the preservation of the property therein and the observance of good order.

Libraries vested in council.

Ibid. ss. 10, 11.

188. (1) The property used in connection with every such library shall be vested in the council for the permanent use of the public, and the council, acting as trustees thereof, shall be competent to acquire, possess, and hold property in books, papers, instruments, works of art, and other articles, on behalf of any such library, by bequest, purchase, or otherwise.

Cost may be defrayed out of city fund.

(2) The council may defray the cost of establishing and maintaining any such library out of the city fund.

Maintenance and control of lending branch of Public Library.

Act No. 27,
1908, s. 31.

189. The council shall have 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.

The provisions of sections one hundred and eighty-seven, one hundred and eighty-eight, and section two hundred and sixty-three relating to free reading and lending libraries shall apply to the said lending branch of the said Public Library.

Power to erect dwelling-houses.

Act No. 8,
1912, ss. 3, 4.

190. (1) The council may, on any land which has been or may hereafter be purchased or resumed by it for the purpose of carrying out improvements in or remodelling any portion of the city, or which may hereafter be purchased or resumed for the purpose of erecting dwelling-houses

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houses thereon, erect dwelling-houses, and may let them on such terms and on such conditions as the council thinks fit.

(2) The expenses of and in connection with the ^{Expenses,} erection of such buildings may be defrayed out of moneys ^{how} defrayed, borrowed for that purpose.

191. The council may erect and maintain bandstands ^{Bandstands.} within any public park in the city, and also provide ^{Act No. 22, 1917, s. 9.} accommodation for the public to attend at any band or other musical performances in such parks.

The council may engage musicians to give band or other performances at such remuneration or upon such terms as may be agreed upon.

The council may make by-laws providing—

- (a) for payment by persons attending such musical performances in public parks for the use of the accommodation provided by the council, and for the collection of such payment;
- (b) for regulating such performances and the conduct of the same;
- (c) for ensuring orderly and good behaviour by all persons attending at such performances or in the vicinity of the same;
- (d) for the removal from the park of all persons behaving in a disorderly, offensive, or objectionable manner during any such performances;
- (e) for fixing the penalty (not exceeding ten pounds) for any offence against any by-law under this section.

All expenses incurred in the carrying out of the powers granted to the council by this section may be defrayed from the corporate funds of the council.

PART XIII.

FISH MARKETS.

Interpreta-
tion.Act No. 39,
1922, s. 2.
cf. Fisheries
Act, 1902.Power to pur-
chase assets of
Commonwealth
Co-operative
Fish Exchange,
Limited.
Act No. 39, 1922,
s. 3.Accounts.
Ibid. s. 4.Power to
establish fish
markets in
the area
defined in
Schedule.
Ibid. s. 5.Fish only to be
sold by auction
in public
markets.
Ibid. s. 6.
Twenty-fifth
Schedule.**192.** In this Part, unless the context or subject-matter otherwise indicates or requires,—

“ Fish ” means and includes all or any of the varieties of marine or fresh-water fishes and crustacea or marine animal life, but does not include canned, salted, or preserved fish.

“ Sell ” includes offering for sale.

“ The Fisheries Acts ” means the Fisheries Act, 1902, as amended by the Fisheries (Amendment) Act, 1910, or any subsequent Act.

193. The council is empowered to purchase the property and assets of the Commonwealth Co-operative Fish Exchange, Limited, and to sell, lease, or otherwise dispose of the same.**194.** A separate account shall be kept by the council of all moneys received and expended by it in the exercise of the powers conferred by this Part, and such moneys shall be paid into and out of the city fund.**195.** (1) The council may, within the area defined in the Twenty-fifth Schedule, establish public markets for the sale of fish, and may, subject to the provisions of the Fisheries Acts and the regulations made thereunder, regulate, control, and manage the same.

(2) Every such establishment shall be notified in the Gazette, and the production of a copy of the Gazette containing such notification shall be evidence that the place therein specified is a public market.

(3) The provisions of sections two hundred and ninety, two hundred and ninety-one, two hundred and ninety-two, two hundred and ninety-three, three hundred and three, and Part XX of the Local Government Act, 1919, shall not extend to any market established by the council under this Part, or to any fish therein.

196. (1) No person shall sell fish by auction within the area defined in the said Twenty-fifth Schedule except in a market established by the council under this Part, or provided and controlled by the council of a municipality or shire.

(2)

(2) No person other than the original owner shall ^{No. 58, 1932.} sell fish by wholesale within the area defined in the said Twenty-fifth Schedule unless the fish has previously been sold by auction in one of the markets referred to in subsection one of this section.

The onus of proving that the fish has been so sold by auction shall lie upon the person selling the fish by wholesale.

(3) Any person who commits a breach of the provisions of this section shall, upon conviction before a police or stipendiary magistrate or any two justices, be liable to a penalty not exceeding fifty pounds.

197. The council shall not, nor shall any of the servants of the council, engage either as principal or agent in the business of buying or selling fish. ^{Council not to engage in business of selling fish.} ^{Act No. 39 1922, s. 7.}

198. Any person for the time being authorised under the regulations made under the Fisheries Acts, and for the time being in force, to sell fish by auction in any market established by the council, shall be entitled so to do upon payment of such fees as may be prescribed by *Ibid.* s. 8. ^{Right of persons licensed to sell under Fisheries Acts.}

199. (1) In addition to the powers conferred by this Act, the council may make by-laws not inconsistent with the Fisheries Acts or the regulations for the time being in force thereunder—

- (a) regulating the use, letting, and occupation of any market established by the council under this Part;
- (b) regulating the conduct of persons using such markets, resorting thereto, or buying or selling therein;
- (c) preventing and suppressing nuisances and enforcing cleanliness in and in connection with such markets, and for providing for and regulating the storage, removal, treatment, and disposal of garbage, offal, waste, and sewage;
- (d) prescribing how, when, and by whom and under what conditions and restrictions such markets, or any part thereof, may be used and occupied;

(e)

No. 53, 1932.

- (e) defining the duties of officers and servants;
- (f) providing for the inspection of fish and the seizure and destruction of diseased fish, or fish which is unfit for human consumption, which may be brought to or be in or about or be exposed or offered for sale in such markets;
- (g) prescribing, levying, and collecting rents, tolls, fees, and charges for the use of such markets or any part thereof;
- (h) prescribing, levying, and collecting fees for inspection of fish;
- (i) generally for carrying into effect the provisions of this Part.

(2) The council may by any such by-laws fix a maximum penalty for every offence against such by-laws, or any of them, not exceeding twenty pounds.

- (3) Such by-laws shall—
- (a) be approved by the Governor;
- (b) be published in the Gazette;
- (c) take effect from the date of such publication or from a later date to be specified in such by-laws;
- (d) be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such by-laws have been laid before such House disallowing any by-law or part thereof, such by-law or part shall thereupon cease to have effect.

Recovery of
penalties.
Act No. 39,
1922, s. 10

200. Any penalty imposed by this Part or by any by-law made under the powers herein conferred shall be recoverable in a summary manner before a police or stipendiary magistrate or any two justices.

PART XIV.

NUISANCES AND PUBLIC HEALTH.

201. (1) The city health officer shall be a duly qualified medical practitioner, and upon the appearance of any epidemic, endemic, or contagious disease, or any indications thereof within the city or the suburbs, or of any peculiar circumstances or occurrences likely to affect the sanitary condition of the city, he shall immediately report the same to the council, and shall describe or otherwise point out the types and stages of any such disease and the existence of any nuisance or other local cause tending to produce, aggravate, or continue any such disease, or otherwise injure or endanger the public health, and so as to supply the council with the best and most prompt advice as to the means of preventing the spread of any such disease and of promoting the health of the inhabitants of the city.

(2) The other general duties of the city health officer may be regulated and fixed by by-laws under this Act.

202. (1) The city health officer shall, at the first meeting of the council in each month, and at any other time when required by the council, or when he may deem it right, make to the council a full report as to the sanitary condition of the city, with special reference to the foregoing, and any other particulars required by such by-laws.

(2) In order to enable him to make such report and rightly to perform his other duties, he shall have power at all seasonable times, with the aid, if necessary, of the inspector of nuisances, or any other officers or servants of the council, or of any officer of the police, upon the order of the Lord Mayor signed by the town clerk, to enter any public school, manufactory, benevolent or charitable institution, common lodging-house, or burial-ground, or other premises in the city, in or about which anything is suspected to exist prejudicial to the health of the inhabitants or neighbourhood.

203.

No. 58, 1932.

Power of
council to
enter land,
&c., to carry
out advice of
health officer.
Act No. 35,
1902, s. 155.

Cleansing of
streets.
Ibid. s. 156.

203. The council may enter, use, and occupy any premises in the city, and carry into effect any works or operations which they may deem necessary or proper for carrying into effect any such advice as aforesaid of such officer, and any suggestion or recommendation of such officer for preventing or suppressing disease, or securing the health of the inhabitants of the city.

204. (1) The council shall cause all public ways in the city to be properly swept and cleansed, and all filth and refuse matter to be collected and removed therefrom, and also from all premises, and shall also cause all privies and cesspits within the city to be emptied and cleansed at convenient times.

(2) The tenant of any such premises may remove any refuse matter on his own premises to any other place, but only for manure, so that the same be not a nuisance to any neighbour and be removed at such times and in such manner as are approved by the council, either by any special leave or under any by-law in that behalf.

(3) All filth and refuse matter collected by the council from privies, sewers, cesspits, and public ways, or from any premises in the city shall be the property of the council who may sell and dispose of the same and pay the proceeds to the city fund.

Deposit of
night-soil and
refuse.
Ibid. s. 157.

205. (1) The council may provide fit places within or without the boundaries of the city for the deposit of night-soil and other filth and refuse so collected and not sold, and may purchase or rent any land suitable for such purpose, whether the same be within the boundaries of the city or otherwise.

(2) It shall be the duty of the council, within two days after the deposit of any such night-soil, filth, or refuse, to cause the same to be deodorised or to be so otherwise treated as to prevent any offensive smell or other nuisance from being caused by any such deposit.

(3) No such night-soil, filth, or refuse shall in any case be deposited within the boundaries of any municipality now or hereafter to be established, unless with the consent of the council of such municipality in writing and under the corporate seal thereof.

206.

206. The council may, subject to the restrictions in the last preceding section, grant licenses to such persons as they may deem fit to carry away and deposit at such places any night-soil, filth, or refuse from earth-closets or other places, not being the cesspits of privies or water-closets.

No. 58, 1932.

Licenses to remove night-soil.

Act No. 35, 1902, s. 158.

207. Every person not employed or licensed by the council so to do who shall collect or carry away any night-soil, filth, or refuse as aforesaid from any place within the city shall be liable for every such offence to a penalty not exceeding forty shillings.

208. (1) No owner or tenant or agent of any premises within the city shall empty or cause to be emptied any cesspit which may be included in his premises without the sanction in writing of the council or inspector of nuisances.

Owners or occupants of premises not permitted to empty their own cesspits.
Ibid. s. 160.

(2) Such sanction shall not be given unless the officers of the council are from any cause at the time unable to empty such cesspit with the proper night-carts and appliances appointed to be used by them whether supplied by a contractor or by the council.

(3) Any such owner or tenant so offending shall be liable to a penalty not exceeding ten pounds.

209. The council shall cause its own servants or contractors, under the direction of the inspector of nuisances or other officers appointed in that behalf, to empty all cesspits within the city once in every six months or oftener if necessary in the opinion of the inspector of nuisances.

The council to cause cesspits to be emptied.
Ibid. s. 161.

The council shall cause such implements and appliances to be used, and shall take all such other measures in the performance of the work as shall be deemed best adapted for the suppression of offensive smells or of other nuisances.

210. If at any time the cesspit in any premises overflows or bursts, or ceases to be water-tight, or if from any other cause its contents are liable to escape, or the effluvium arising therefrom becomes excessive, or any other nuisance in connection therewith occurs, the tenant or the owner of the premises or his agent (in case the premises are not occupied by any other person than the owner's bona fide servant) shall within twenty-four hours give notice thereof to the inspector of nuisances,

The tenant, &c., of premises to give notice of any nuisance occurring in connection with the cesspit or shall be liable to a penalty of £10.
Ibid. s. 162.

otherwise

No. 58, 1932.

— otherwise such tenant, or owner, or agent, as the case may be, shall be liable to a penalty not exceeding ten pounds.

No sewer or drain to be allowed to connect with cesspits, &c.

Act No. 35, 1902, s. 163.

211. (1) No person shall construct in any manner, whether above or below the surface of the ground, on any premises in the city, a gutter or drain which communicates with a street sewer or gutter in any manner so that the contents of any cesspit, whether in the case of an overflow or otherwise, may be discharged into such street sewer or gutter, without the express written sanction of the city engineer or city surveyor being first obtained.

Penalty.

(2) Whoever offends against this enactment shall be liable to a penalty not exceeding twenty pounds and a further penalty not exceeding two pounds for every day during which the offence is continued after notice in writing in that behalf has been given to the owner, his agent or tenant, or other person, as the case may be, by the inspector of nuisances.

Any drain, &c., now or hereafter constructed contrary to this Act may be filled up, &c.

Ibid. s. 164.

212. The council may fill up, remove, alter, or otherwise deal with any gutter, drain, closet, cesspit, or well, which shall be deemed by the said council to be—

- (a) injurious to health; or
- (b) opposed to decency by exposure or otherwise; or
- (c) an obstruction to the emptying or cleansing of cesspits; or
- (d) constructed or placed contrary to the provisions of this Act or of any by-laws made under its authority.

One week's written notice to be first served on the owner, his agent or tenant.

Ibid. s. 165.

213. Before commencing any such works or operations, the inspector of nuisances shall give at least one week's notice in writing to the owner, his agent, or occupant of the premises, requiring him to perform the work therein specified, and notifying that in default of his compliance therewith during the time which may be allowed by any by-law made for the purpose of dealing with such cases, the council will cause such specified work to be done at his expense.

All reasonable expenses incurred by the council in carrying into effect any of the provisions of this Act for the prevention of nuisances upon or in respect of any premises shall be repaid to the council by the owner, his

Ibid. s. 165.

his agent or tenant, within one week after a written demand of the amount made by the council has been served upon him, otherwise the same may be recovered by the council by summary proceedings in the manner hereinafter set forth.

215. (1) If the tenant of the premises is not also the owner and has not himself caused the matter complained of and specified in the aforesaid notice, and forthwith after the delivery of such notice serves the same on the owner or agent of the premises, and if such owner or agent does not within three days after the service of such notice perform the work so required to be done, such tenant thereupon may comply with the terms of the said notice.

(2) After defraying the necessary expense occasioned thereby, he may deduct the amount from any rent then due by him or accruing, or at his option sue for and recover the same with costs of suit from the owner or his agent as for money paid at his request.

216. (1) No person shall place any closet or make or place any cesspit in any unauthorised spot upon his premises or construct the latter of any unauthorised materials or dimensions; and any person so offending shall be liable to a penalty not exceeding twenty pounds.

(2) If the closet is removed or the cesspit filled up, as the case may be, by the council (which they are hereby authorised to do), the person offending as above mentioned shall also be liable to pay all the expenses incurred thereby which may be recovered by the council by summary proceedings in the manner hereinafter set forth.

217. The council on determining to provide a depot for the reception of night-soil, filth or refuse, may incur all needful expenditure in enclosing or otherwise preparing such depot and providing all proper plant and appliances for dealing with the night-soil, filth or refuse therein, whether by burying the same in the ground or otherwise, and also for making and repairing any roads leading to the depot.

218.

No. 58, 1932.

Power of entry on premises for inspector of nuisances, &c.
Act No. 35, 1902, s. 170.

218. Whenever the inspector of nuisances has reasonable grounds for believing that there exists on any premises in the city a foul closet, whether occasioned by the blocking-up of water-closet pans, or of their discharge pipes, or the surcharge of cesspits, or of earth-closet pans, or insufficient closet accommodation, or any concealed drain connected with the closet, or any other nuisance, such inspector may demand admission on the premises from the owner, his agent or occupant, or other person in charge of the said premises to inspect the same, and thereupon enter at any time (except on Sunday) between the hours of ten o'clock in the morning and four o'clock in the afternoon.

Inspector of nuisances may give notice to owner or occupant to remove any nuisance.
Ibid. s. 171.

219. (1) Such inspector on discovering the existence of any such nuisance as above mentioned or any other of a like kind may thereupon give notice in writing to the owner, his agent, or tenant to remove the same forthwith or within a time to be therein stated, according to the exigency of the case, and to purify the locality by cleansing and by the application of disinfectants or otherwise.

(2) If the owner, his agent, or tenant has not complied with such notice before the expiration of the time limited he shall be liable to a penalty not exceeding twenty pounds and also to pay any reasonable expenses incurred by the council in removing the said nuisance (which the council is hereby empowered to do), which expenses may be sued for and recovered in a summary way as hereinafter provided.

Owner, &c., refusing admittance to inspector of nuisances liable to a penalty.
Ibid. s. 172.

220. If the owner, his agent, or the occupant of any premises refuses permission for the inspector of nuisances or other proper officer to enter as before mentioned or prevents his entry upon the premises, such owner, agent, or occupant shall be liable to a penalty not exceeding five pounds.

Occupant of premises obstructing owner liable to a penalty.
Ibid. s. 173.

221. If the occupant of any premises prevents the owner or his agent from obeying or carrying into effect the provisions of this Act, any justice to whom application is made on affidavit, made before him in this behalf, shall by order in writing require such occupant to desist from such prevention or to permit the execution of the work required to be executed, provided that such work appears to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act.

If

If within three days after the service of such order the occupant against whom it is made does not comply therewith, he shall be liable to a penalty not exceeding five pounds for every day afterwards during the continuance of such non-compliance.

Such penalties may be recovered either under a separate information for each day or under one information for the sum of the several penalties so incurred.

222. Whoever refuses to obey an order of a justice ^{Persons} as hereinbefore provided for the admission of the inspector ^{obstructing} officers in of nuisances or other officer or person authorised to carry execution of into effect any operations or measures under the authority ^{this Act} liable to of this Act or their respective workmen or labourers upon a penalty. any premises, or who wilfully obstructs any person acting ^{Act No. 35,} ^{1902, s. 174.} under the authority or employed in the execution of this Act shall be liable for every such offence to a penalty not exceeding ten pounds.

223. (1) The council may make by-laws for the purpose ^{The subjects} of carrying into effect the provisions of this Part of the ^{of by-laws} ^{against} Act, and particularly in respect of any of the subjects ^{nuisances.} *Ibid. s. 175.*

- (a) regulating the construction in all respects and the dimensions and situations of cesspits and closets to be hereafter made;
- (b) prescribing the extent of closet accommodation to be supplied for dwelling-houses, factories, or any other place of business;
- (c) providing for such alterations as may be requisite in the opinion of the council in that behalf for preserving public health or decency in the case of existing cesspits and closets;
- (d) to appoint a place with the approval of the Governor, either within or without the city, as a depot for the deposit of night-soil, filth, or refuse;
- (e) the method to be employed in the removal of night-soil from cesspits, and also whether by contract or otherwise;
- (f) the manner of its disposal, whether by burying in the earth or otherwise;

(g)

No. 58, 1932.

- (g) if sold or given away for making all necessary conditions and stipulations for the proper transit of night-soil and its ultimate disposition;
- (h) to regulate the height above the surface of the ground and the depth beneath of all cesspits in accordance with the nature of the ground and the probable number of persons for whom they are intended;
- (i) to appoint the days and hours for the inspection of premises or for doing any work authorised by this Act;
- (j) requiring premises in the city to be made proof against rats and to be kept free from rats;
- (k) prescribing and compelling the carrying out of structural alterations in furnaces and chimneys for the purpose of preventing the emission of smoke;
- (l) requiring and regulating the ventilation of existing buildings;
- (m) and generally for carrying into effect the intentions and objects of this Part of the Act;

Act No. 7,
1924, s. 9 (b).*Ibid.**Ibid.*

By-laws may and every by-law made in accordance with the provisions state maximum of this Part of the Act may state some maximum and and minimum minimum penalty for any neglect or breach thereof: Provided that no such penalty shall exceed twenty pounds.

Public
Health
(Amend-
ment) Act,
1915, ss. 4,
20, and
Schedule.

This Part of
the Act not
to affect
common law
remedy.
Act No. 35,
1902, s. 176.

Proper
privies to be
provided.
Ibid. s. 177.

(2) All by-laws which relate to any of the matters mentioned in Part I of the Schedule to the Public Health (Amendment) Act, 1915, shall be subject to the provisions of section four of that Act, and shall have the effect stated in section twenty of that Act.

224. Nothing in this Part contained shall be construed to impair any power of abating nuisances at common law or to affect any other provisions in this Act contained, except as by this Part is expressly declared or necessarily inferred.

225. (1) The city surveyor or building surveyor shall require the owner or his agent of every premises within the city to which no sufficient privy and ashpit with proper door and coverings is attached to provide the

the same where practicable in such situation (not disturbing any building unless the same be a privy then already erected) as they may deem necessary.

(2) Every such privy and ashpit shall be constructed to the satisfaction of the city surveyor or building surveyor so as effectually to prevent the escape of the contents thereof or any effluvium arising therefrom.

226. Where a privy and ashpit are used in common ^{When used in} by the persons occupying or using two or more buildings, ^{common.} the council may dispense with the provision of a privy ^{Act No. 35,} 1902, ^{s. 178.} and ashpit for each such building.

227. (1) The owner or agent of any such building, ^{Penalties for} upon being required so to do, shall provide such building ^{not providing} with such privy and ashpit as aforesaid to the satisfaction ^{such privy,} ^{&c.} of the city surveyor or building surveyor within one *Ibid.* s. 179. month next after notice in writing for that purpose given by the town clerk to him or to the occupier of such building, if occupied, and if the same be not occupied and the owner is not known or cannot be found, then after the posting of such notice on the building.

(2) In default thereof the council shall cause such privy and ashpit to be erected and provided, and the expense thereof may be raised, levied, recovered, and enforced in the same way as the city rate.

228. (1) The city or building surveyor, city health ^{Power of} officer, or inspector of nuisances may inspect any premises ^{inspection.} within the city to ascertain if there be thereon a privy, *Ibid.* s. 180. ashpit, or cesspit as required by this Act and any by-law thereunder, and may also inspect any privy, ashpit, or cesspit upon any premises within the city, and for any such purpose may at all reasonable times in the daytime enter upon any lands and buildings with such assistants and workmen as may be necessary and cause the ground to be opened where thought fit, doing as little damage as may be.

(2) If any such privy, ashpit, or cesspit on such premises be found to be in proper order and condition, the city or building surveyor shall cause the ground to be closed and made good without unnecessary delay, and the expense occasioned thereby shall in that case be defrayed by the council.

No. 58, 1932.

Dust-boxes.

Act No. 35,

1902, s. 181.

229. (1) The council may make provision by means of boxes or otherwise, and may also provide by any by-law in that behalf for the deposit, until removed by the council under any by-law under this Act, of any dust and ashes collected on any premises within the city.

(2) Any person who does not so deposit the dust and ashes collected on his premises and in every respect otherwise comply with any such by-law shall for every day for which he is guilty of such offence be liable to a penalty not exceeding two pounds.

Purifying
unhealthy
dwellings.*Ibid.* s. 182.

230. (1) If, upon the certificate of the city health officer or any other duly qualified medical practitioner, it appears to the council that any building within the city is in a condition dangerous to health, and that the whitewashing, cleansing, or purifying thereof or any part thereof might check or prevent infectious or contagious disease, the town clerk shall give notice in writing to the owner, his agent, or tenant of such building to whitewash, cleanse, or purify the same as the case may require within a reasonable time and in the manner specified in the notice.

(2) In default of compliance with such notice within such time the Lord Mayor may cause the required work to be done, and for such purpose any person duly authorised under the hand of the Lord Mayor may enter such building without other warrant and do such work.

Penalty for
default.

(3) Repayment of the expenses may be recovered in a summary way before any justice against the tenant or owner, or his agent, of such building, who shall also be liable to a penalty not exceeding ten shillings for every day of such default.

Penalty for
non-removal
of offensive
matter.*Ibid.* s. 183.

231. (1) If the tenant of any building or premises in the city which is under lease, whether he is or is not then in actual occupation, or if the owner or the agent of any building or premises in the city which is or are not under lease suffers any stagnant water, muck, filth, or other offensive matter to remain in any part thereof for forty-eight hours after written notice served on him from the town clerk, city surveyor, city health officer, or inspector of nuisances to remove the same, or allows any such matter to flow or soak from any building or cesspit,

cesspit, the council shall forthwith remove or abate such nuisance and do what is necessary to prevent a recurrence thereof, and may for such purpose enter any building or premises and do all things necessary for such purpose.

(2) Repayment of the expense thereof may be recovered against the tenant or owner or agent of such building or premises, as the case may be, and he shall also be liable to a penalty for every such offence not exceeding two pounds, and to a further penalty of one pound for every day during which such nuisance shall continue.

232. The council may erect such public water-closets, privies, urinals, and like conveniences within the city, and in such situations as they think fit, and may defray the expense thereof and of keeping the same in good order, and may make compensation out of the city fund for any injury occasioned to any person by the erection thereof.

233. The council may abate and remove any nuisance within the city unless, after two days' notice in writing under the hand of the town clerk, the same be abated and removed by the owner or his agent, or by the tenant of the premises wherein such nuisance shall exist or have arisen, and may also, after like notice, cleanse, or keep cleansed, or compel to be cleansed and kept cleansed by such owner, his agent, or tenant, every such nuisance, and may recover against such owner, agent, or tenant the whole expense incurred by the council in and about such abatement, removal, and cleansing.

234. (1) The council may—

- (a) control and regulate the situation, character, construction, alteration, maintenance, cleansing and use of furnaces and chimneys so as to prevent as far as possible the formation of smoke; require the alteration of furnaces and chimneys for that purpose; and for the purposes of this paragraph, furnaces connected with one chimney shall be deemed to be one furnace;
- (b) control and regulate the emission, discharge or escape from any premises of smoke, fumes, steam, vapour, dust, oil, waste water or waste products;

- (c) control and regulate the use of premises so as to prevent objectionable noises thereon, or noises thereon at unreasonable hours;
- (d) control and regulate noises in or near any public place, and in particular noise from the exhaust gas of internal combustion engines other than the engines of motor vehicles;
- (e) control and regulate the keeping of animals, and in particular, pigs, pigeons, and poultry on premises;
- (f) control and regulate the erection of stables on premises;
- (g) require buildings and rooms to be properly ventilated;
- (h) require premises to be made proof against rats, and to be kept free from rats;
- (i) prevent the pollution of water and watercourses, whether natural or artificial;
- (j) demolish any building with respect to which a closing order has under the Public Health Act, 1902 (as amended by section sixteen of the Public Health (Amendment) Act, 1915), been duly made, unless within three months after the service of the closing order or within such further time as the council may allow, the building has to the satisfaction of the council been rendered fit for human habitation or occupation.

(2) Where the council requires any structural work or alteration to be done or made upon any premises under this section, the owner of the premises shall be primarily liable to comply with the requirement :

Provided that the council may require the occupier of the premises to do the work or make the alteration in default of compliance by the owner, and in any such case the occupier shall comply with the requirement, and shall be entitled to recover from the owner the cost incurred by such compliance, unless such work or alteration has been rendered necessary by the act or default of the occupier.

(3)

No. 58, 1932.

(3) Nothing in this section shall be deemed to extend to any premises of the Crown.

235. (1) No person shall sell, expose, or have for sale of adulterated or bad food intended, but unfit, for human food, or sell, expose, or forbidden to have for sale any adulterated butter, meal, bread, or other Act No. 35, article of food, or any adulterated milk, knowing either of them to be adulterated. ^{1902, s. 186}

(2) Any person offending against this enactment shall, for every such offence be liable to a penalty not exceeding twenty pounds, and shall also be liable to a further penalty not exceeding five pounds for every day during which any such forbidden article is kept on the premises of such person.

236. No person shall keep, or have in his possession, or retain in any building, shop, or other place, any dead animal, carcass, meat, poultry, or fish unfit for human food, and every person offending against this enactment *Ibid.* s. 187. shall, for every such offence, be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day on or during which he so keeps or retains any such forbidden thing.

237. The inspector of nuisances or city health officer, ^{Inspector of nuisances, &c., may} either generally or for the particular case, may at all reasonable times, accompanied or not by any assistants, *Ibid.* s. 188. enter any building, shop, or place used for the sale of meat, ^{Act No. 7, 1924, s. 8} poultry, or fish for the purpose of seeing that this enactment is complied with, and may seize any dead animal, carcass, meat, poultry, or fish found therein or thereon which in his opinion is unfit for human food, and upon any proceeding in that behalf in a summary way, any justice may, besides inflicting the penalty or penalties above mentioned, order such animal, carcass, meat, poultry, or fish to be destroyed. ^{(1) (d).}

238. (1) Every person who shall—

(a) paste or otherwise affix any placard or other paper upon any building, wall, post, or fence within the city, except on places appointed by the council for the purpose; or

(b)

Penalty for defacing wall.

^{Act No. 35, 1902, s. 189.}

(b) deface any wall, building, or any part of the pavement or curbing by chalk or paint or in any other manner, or write any indecent word or make any indecent drawing thereon, shall be liable to a penalty not exceeding forty shillings.

Any constable or other person may apprehend and convey any one so offending before any justice to be dealt with according to law.

(2) Nothing herein contained shall prevent any person from pasting or affixing any placard or other paper on any building owned or occupied or rented by himself or on any fence, post, or wall connected therewith.

PART XV.

REVENUE AND LOANS.

Accounts.

Act No. 35,

1902, s. 190.

Act No. 7,

1924, ss. 8

(1) (c), 10 (a).

239. (1) The rents, profits, and proceeds of all land, dues, tolls, and other property vested in or belonging to the corporation or the council, and all city and lighting rates levied under this Act and all other city revenue shall by the city treasurer be carried to a fund called the "city fund."

(2) The allowance (if any) to the Lord Mayor and aldermen, and the salaries or other emoluments of the town clerk and other civic officers and servants appointed by the council, and the expenses incurred in or in connection with the preparing, revising, and printing of all lists, rolls, and notices, and all other matters connected with elections, and towards purchasing or erecting and maintaining the corporate and other buildings belonging to the corporation, and all costs, charges, and expenses incurred in carrying out the powers, authorities, duties and functions of the council, and not otherwise provided for, shall be defrayed out of the said city fund.

(3) All such payments shall be by drafts or cheques signed by the Lord Mayor or town clerk and the city treasurer respectively.

(4) No part of any such funds shall be applied to any purpose not authorised by this Act.

No. 58, 1932.

240. (1) The council shall cause books to be provided and kept and true and regular accounts to be entered therein of all sums of money received and paid for and on account of the corporation and of the several purposes for which such sums of money have been received and paid.

Books of
accounts, &c.

Act No. 35,

1902, s. 191.

Act No. 34,

1929, s. 8 (1)

(f).

(2) Such books shall at reasonable times be open to the inspection of the Lord Mayor, or any alderman or auditor of public accounts appointed as hereinafter mentioned, or any mortgagee or holder of debentures without fee or reward, and any such person may also take copies of or extracts from the said books during office hours without any payment.

(3) Any officer having charge of the said books refusing to permit such person so to inspect or take copies or extracts from such books shall be liable to a penalty not exceeding five pounds for every such offence.

241. (1) All the accounts aforesaid with all vouchers and papers relating thereto shall, in the months of July and January in every year, be submitted to such two or more auditors of public accounts as may from time to time be appointed by the Minister for the purpose, and shall be by them examined and audited for the whole of the previous half-year, and if found to be correct the said auditors shall so certify and sign the said accounts.

Auditing of
accounts.

Act No. 35,

1902, s. 192.

Act No. 7,

1924, s. 10

(b) (i).

Act No. 34,

1929, s. 8 (1)

(g).

(2) After such examination and auditing for the second half of every year as aforesaid the city treasurer shall make out in writing and cause to be printed a full abstract of his accounts for the whole year.

(3) A copy of such abstract shall be open to the inspection of all ratepayers of the city and delivered to such as apply for the same on payment of one shilling for each copy, and shall also in the month of February in every year be published in the Gazette and laid upon the table of both Houses of Parliament if then sitting, and if not then sitting within one month after the opening of the ensuing session.

(4) The council shall each year pay into the Treasury such sum as is fixed by the Minister towards the amount payable by the Crown in respect of the salaries of the auditors of public accounts above referred to.

Act No. 7,

1924, s. 10

(b) (ii).

Act No. 34,

1929, s. 8 (1)

(g).

No. 58, 1932.

Reborrowing
on maturity
of loans.Act No. 35,
1902, s. 193.Act No. 39,
1905, s. 11.

242. (1) Whenever any sum borrowed under the provisions of any Act heretofore or hereafter passed becomes payable under the terms and provisions of the debenture or agreement on or under which the same was borrowed, the council may borrow the sum required to pay off the same.

(2) The council may, at any time and from time to time, as it may become necessary, borrow and reborrow the amount required to pay off any sum borrowed or reborrowed under this section.

(3) The council may issue such debentures for securing the payment of the money so borrowed or reborrowed as it thinks fit.

(4) In no case and at no time shall the aggregate current liability in respect of any fund by any Act authorised to be raised by loan by reason of any borrowings or reborrowings hereby authorised exceed as to such funds respectively the limits mentioned in and authorised by the Act under the authority of which the fund was in the first instance raised by loan.

Money may
be raised on
mortgage.Act No. 35,
1902, s. 194.

243. (1) The council may borrow by mortgage debentures or otherwise on the credit of the corporation and on the security of any rates, revenues, or other property, real or personal, belonging to them and not held in trust for any specific purpose, any sum of money not exceeding in the whole the entire revenue of the corporation for five years and not if added to any previous debt exceeding in the aggregate the whole of such revenue for five years next preceding such loan.

(2) No money shall be borrowed on the security of any grant of money or endowment given by the Government towards defraying any expenses of the corporation.

(3) In every mortgage deed the consideration shall be fully stated and the same shall be executed under the common seal of the corporation.

(4) The interest on every mortgage debt, unless otherwise provided by the deed, shall be paid by the city treasurer half-yearly on demand.

244.

244. (1) A full copy of every such mortgage deed shall, within a week after the execution thereof, be entered in a register to be kept for that purpose by the town clerk with an index thereto.

No. 58, 1932.

Mortgages to
be registered.
Act No. 35,
1902, s. 195.

(2) Such register may be inspected at all reasonable times by any citizen or other person interested in any mortgage therein without fee or reward.

245. (1) Any mortgagee under such mortgage may, by endorsement or otherwise, transfer the same or his interest therein to any other person, and in every deed or instrument of transfer the consideration for such transfer shall be duly stated.

(2) Every such transfer deed shall within thirty days after the date thereof be produced to the town clerk, and shall for a fee of five shillings be entered at length in the register aforesaid, and shall thereupon entitle the transferee named in such transfer and so registered, his executors, administrators, and assigns to the full benefit of the original mortgage and the principal and interest moneys thereby secured.

(3) This provision shall apply in all respects to any subsequent transfer by any transferee of any such mortgage debt.

PART XVI.

RESUMPTION.

246. The council may from time to time with the approval of the Governor, in pursuance of the provisions hereinafter mentioned, without further or other authority than this Act, purchase or resume all lands required for the opening of new public ways or the widening, enlarging, or extending of public ways in the city, and all lands of which those required for such purposes form part, and any land required for the purpose of children's play-grounds, or for carrying out improvements in or remodelling any portion of the said city or buildings therein, or for any of the purposes of this Act or the Municipal

Power to
purchase or
resume.

Act No. 39,

1903, s. 16.

Act No. 16,

1906, s. 3.

Act No. 8,

1912, s. 2.

Act No. 60,

1916, s. 7.

Act No. 7,

1924, s. 13(t).

Act No. 34,

1929, s. 10.

No. 58, 1932.

Municipal Council of Sydney Electric Lighting Act, 1896-1928, or for the purpose of the erection of dwelling-houses within the boundaries of the city of Sydney.

The power to purchase or resume lands conferred upon the council by this section, for any of the purposes of the Municipal Council of Sydney Electric Lighting Act, 1896-1928, shall be deemed to extend and always to have extended to the purchase or resumption of lands outside the boundaries of the city as well as of lands within such boundaries.

For the purposes aforesaid, the council shall have power, by its officers or servants, to enter upon and survey any lands within the said city.

Preliminary expenses.

Act No. 39, 1905, s. 17.

247. The council may use the city funds for the purpose of obtaining plans, estimates, and reports as to the cost or desirability of purchasing or resuming lands and constructing works under the authority of this Part:

Provided that in the event of such lands being purchased or resumed, or such works constructed, such preliminary expenditure shall be charged to the special account to which the cost of such purchase, construction, or resumption is charged.

Notices.

Ibid. s. 18.

Act No. 16, 1906, s. 5.

248. The council may from time to time, with the approval of the Governor, cause a notice of the resumption of any of the lands mentioned in this Part, together with a description of the land, to be published in the Gazette and four of the Sydney daily newspapers.

A plan of such land, showing as far as can be ascertained the separate parcels of same where the same is held by more than one owner, shall be deposited with the city surveyor, at the Town Hall, Sydney, and with the Chief Surveyor, at the Department of Lands, Sydney, which plans shall be open for public inspection.

Vesting

Act No. 39,

1905, s. 19.

249. Upon the publication of such notice and description, the land therein described shall, for the purposes and subject to the provisions of this Act, be vested in the council for an estate in fee simple in possession freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights of way, or easements whatsoever.

No. 58, 1932.

250. The owner of any land so resumed, or the person who, but for the provisions of this Act, would have been compensated, such owner, shall be entitled to receive compensation for such land.

Act No. 39,
1905, s. 20.

The amount of such compensation shall be ascertained in accordance with the provisions of the Public Works Act, 1912.

For the purpose of ascertaining and dealing with such compensation, and for other purposes subsidiary thereto, the several sections of the Public Works Act, 1912, hereinafter specified, together with the respective powers, authorities, duties, liabilities, obligations, and other the provisions therein contained are hereby declared to be incorporated with and embodied in this Act to the intent that the same may be applied as fully and effectually to and in respect of the land resumed under this Act, as if the said sections had been specifically enacted herein :

Provided that, wheresoever in any section so incorporated the words "constructing authority" occur, there shall, for the purposes of this Act, be substituted in lieu of such words the expression "council"; that the expression "authorised work," wheresoever occurring in any such section, shall be held to refer to the works authorised by this Act; and that the words "this Act" shall similarly be held to refer to the present Act.

The following are the sections of the said Public Works Act so declared to be incorporated herewith :—

- (a) As to the conversion of the estates of owners of land into a claim for compensation (section forty-five).
- (b) As to notice of claim for compensation and abstract of title (section one hundred and two).
- (c) As to procedure after receipt of notice of claim (section one hundred and three):

Provided that any such notice of valuation Proviso
may within one hundred and twenty days added. after service thereof be varied by notification Act No. 60,
1916, s. 2. to the claimant or his solicitor.

(d)

No. 58, 1932.

Substituted
paragraph.
Act No. 60,
1916, s. 3.

(d) As to the nature of the issue in actions for compensation, verdict and costs, the payment of compensation and mode of assessing compensation and the obligation of the party claiming payment to make out a title (sections one hundred and six, one hundred and twenty-four, and one hundred and twenty-six): Provided that—

(i) section one hundred and six shall be deemed to be amended and shall read as follows:—

106. (1) If the verdict in any action of compensation tried under the provisions of this Division of this Act is for an amount exceeding the amount of the valuation last notified to the claimant, and less than the amount of the claim of the claimant, the council shall pay to the claimant the proportion of his costs, which the excess of the amount of the verdict over such valuation bears to the excess of the claim over such valuation. If the amount of the verdict in such action is equal to or greater than the amount of such claim the council shall pay the costs of the action. If the amount of the verdict in such action is equal to or less than the amount of such valuation the claimant shall pay the costs of the action.

(2) The judge before whom any such action is tried shall in no case have power to direct a reference to arbitration.

(3) Either party in any such action may move for a new trial in accordance with the practice of the Supreme Court or the district court as the case may be;

(ii) in section one hundred and twenty-four the words "as the case may be" shall be deemed to be omitted therefrom and the word "court" shall be substituted in lieu of the words "magistrates, arbitrators,

arbitrators, surveyors, valuators, or jury „ No. 58, 1932.
and “ magistrates, arbitrators, surveyors,
valuators, and jury ” respectively;

- (iii) in the same section the words “ establishment of railway or other public works upon or for which such land was resumed ” shall be deemed to be omitted therefrom and the words “ construction of works by the council upon the land resumed ” inserted in lieu thereof;
- (iv) in the same section the words “ Provided also that in assessing the purchase money or compensation in respect of the resumption of any land comprised or described in Schedules of this Act, no allowance shall be made for compulsory purchase or forced sale ” shall be deemed to be added thereto;
- (v) in section one hundred and twenty-six the following words shall be added after the word “ notification ” at the end of subsection two “ but in all cases where a claim is not served within the ninety days aforesaid the compensation money shall only bear interest from the date of service of notice of claim ”; and subsection three thereof shall be deemed to be omitted.
- (e) As to the deposit of compensation money, in certain cases with the Master in Equity, and the application and investment thereof; as to the payment of such money in certain cases to trustees, or to the parties themselves, the exoneration of the constructing authority in respect thereof after payment, the presumption of ownership and payment of costs (sections fifty-four to sixty-four, both inclusive).
- (f) As to the procedure by the constructing authority in case the owner or occupier of any land resumed under this Act refuses to give up possession thereof, or hinders the constructing authority from entering upon or taking possession of the same (section sixty-five).

(g)

- (g) As to the purchase or redemption of the interests of mortgagees, and the deposit of principal and interest due on mortgages with the Master in Equity, the procedure to be observed when the mortgaged lands are of less value than the mortgage debt, and where part of mortgaged land is taken (sections sixty-six to seventy-one, both inclusive).
- (h) As to the release of lands from rent charges and other encumbrances, and the procedure thereon (sections seventy-two to seventy-five, inclusive).
- (i) As to the apportionment of rent, where lands so resumed are under lease, and as to compensation to tenants (sections seventy-six to seventy-nine, both inclusive).
- (j) Sections fifty-three, one hundred and twenty-seven to one hundred and thirty-one inclusive, one hundred and thirty-five, and one hundred and thirty-six.

Act No. 16,
1906, s. 8.

Provided that as to section fifty-three—

- (1) the words “so seised, possessed, or entitled as aforesaid” shall be deemed to be omitted therefrom;
- (2) the words “as in the preceding subsection mentioned” shall be deemed to be omitted therefrom and the words “and may claim compensation in respect of land resumed, and agree to and settle and determine with the council the amount of such compensation” inserted in lieu thereof;
- (3) the words “and to claim, agree to, and settle and determine with the council the amount of compensation” shall be deemed to be inserted after the word “release” in subsection three thereof;
- (4) subsection five shall be deemed to be omitted therefrom:

Provided

Provided also that as to section one hundred and thirty-five—

- (1) the words “such conveyances” shall be deemed to be omitted from subsection one and the words “conveyances of land resumed under this Act” inserted in lieu thereof;
- (2) the words “all charges and expenses incurred on the part as well of the seller as of the purchaser” shall be deemed to be omitted from subsection two and the words “the following charges and expenses” inserted in lieu thereof;

and in order to carry out the intentions of this section, the words “this Act” or “this Division of this Act,” whenssoever occurring in any of the sections so declared to be incorporated herewith, shall be held to include this present Act, and there shall be substituted for the words “Minister and Crown Solicitor,” wherever occurring in the said section, the words “Lord Mayor and City Solicitor” respectively.

251. (1) Where any land is resumed by the council, the provisions of this section shall have effect.

(2) A copy of the Gazette notification declaring the land to be so resumed, certified under the seal of the council, shall be lodged with the Registrar-General.

The Registrar-General shall, upon the application of the council and upon payment of the fees prescribed by regulation made under the Conveyancing Act, 1919–1930, issue to the council a certificate of title under the Real Property Act, 1900, to the land described in the notification, without causing any examination or report to be made as to the title to the land and without considering such title, except so far as may be necessary to give effect to the provisions of subsection three of this section.

(3) In dealing with the application it shall not be necessary to locate the boundaries of the Crown grant (if any) of the land, but it shall be sufficient if the Registrar-General is satisfied with respect to any certificate of title proposed to be issued by him in pursuance of this section that the land to be comprised in the certificate is included in the resumed land.

(4)

No. 58, 1932.

(4) Where the land or any part thereof is comprised in a Crown grant or certificate of title already registered under the Real Property Act, 1900, the Registrar-General shall, before issuing a certificate of title under this section, cancel the existing grant or certificate of title so far as regards such land or part

(5) If the grant or certificate of title is in the possession of some person other than the council and such person declines to deliver it up for cancellation when required in writing by the Registrar-General so to do, the grant or certificate of title shall be deemed to be wrongfully retained within the meaning of section one hundred and thirty-six of the Real Property Act, 1900.

(6) In any certificate of title issued in pursuance of this section the land may be described in the terms of or by reference to the notice of resumption.

(7) No contribution to the assurance fund shall be payable under the Nineteenth Schedule to the Real Property Act, 1900, upon the issue of any such certificate of title.

(8) This section shall apply to land resumed before or after the commencement of the Sydney Corporation (Amendment) Act, 1924.

Actions for compensation.

Act No. 39, 1905, s. 21.

Act No. 60, 1916, s. 5.

252. If, within ninety days, after the notification to the claimant of the council's valuation, the council and the claimant do not agree as to the amount of compensation, the claimant may institute proceedings in the Supreme Court in the form of an action for compensation against the council, which action shall be tried before a judge of such court:

Provided that where the whole amount of the claim does not exceed four hundred pounds, or where the council and the claimant, by a memorandum signed by the claimant or his solicitor and the city solicitor, agree thereto, the action for compensation shall be instituted in the District Court, Sydney, and tried by a judge of such court.

Compensation to non-
leasholders.
Act No. 60,
1916, s. 6.

253. Any tenant or occupier of land resumed by the council, who would not be entitled under the other provisions of this Act to compensation in respect of such

such resumption, by reason of his tenancy being weekly or monthly only, may within ninety days from the publication of notification of resumption send in a claim in manner hereinafter provided, which claim shall be considered and dealt with by a stipendiary magistrate who shall have full power to deal with such claim and to assess and award compensation to the claimant, or to refuse compensation.

The provisions hereinbefore in this Act contained as to payment of interest and costs shall not apply to claims made under this section, but the magistrate shall have power to deal with and award such costs to the claimant or the council as he may consider just.

The cases in which compensation may be granted under this section shall be limited to the cases where the tenant can prove—

- (1) that he has been in lawful possession of the property resumed for a period of three years prior to the date of resumption; or
- (2) that he has applied for and been refused a lease by the owner not less than six months prior to such resumption; or
- (3) that he has paid a bonus for the purchase of any goodwill of the business carried on by him and appurtenant to the premises in the resumed area.

The amount to be awarded shall be limited to a sum not exceeding fifty pounds to be assessed as compensation for the removal of such tenant's goods and for any disturbance of business which he may have suffered by reason of such resumption.

There shall be no appeal from such decision.

The magistrate may call for the production of any documents in the possession or power of any party which he may think necessary for determining the matter under consideration, and may examine the parties or their witnesses on oath and administer the oaths necessary for that purpose.

The

No. 58, 1932.

The magistrate shall in regard to the issuing of subpœnas compelling the attendance of witnesses and production of documents, the taking of evidence and committal for contempt, have the powers in that behalf conferred on courts of petty sessions.

Powers of the council.
Act No. 39, 1905, s. 22.

254. (1) The council may, in respect of any land purchased or resumed by it under the authority of this Act, do all or any of the following things—

- (a) demolish or repair any buildings or erections thereon;
- (b) construct new buildings or erections thereon;
- (c) close, alter, widen, extend, or divert any existing public way thereon;
- (d) construct and open any new public way thereon;
- (e) alter the levels of such land, and alter existing drains, and construct new drains and storm-water sewers thereon;
- (f) generally alter, remodel, and improve such land and buildings in such manner as the council may think fit;
- (g) sell the whole or any portion of such land, 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 allow such period for payment of same) as the council may think fit;
- (h) exchange the whole or any portion of any such land for any other land, upon such terms and conditions as the council may deem fit, including the payment or receipt of money for equality of exchange, but no such exchange may be made by the council unless the Governor's approval of the proposed exchange and of the terms and conditions thereof has been first obtained.

Power to exchange lands.

Act No. 7, 1924, s. 13 (e) (i).

Act No. 16, 1906, s. 6.
Act No. 7, 1924, s. 13 (e) (ii).
Twenty-sixth Schedule.

(2) All conveyances of land not under the provisions of the Real Property Act, 1900, sold or exchanged under the powers conferred by this section shall, mutatis mutandis, as far as practicable, be in the form of the Twenty-sixth Schedule to this Act.

255.

255. (1) It shall be lawful for the council from time to time, with the approval of the Governor, to borrow, in manner hereinafter provided and subject to the conditions hereinafter prescribed, any sum or sums of money for the aforesaid purposes, or any of them, or for any of the purposes of the Municipal Council of Sydney Electric Lighting Act, or of this Act, or for constructing or improving the public ways of the said city.

All sums lawfully borrowed under this Act shall be deemed to be secured upon the corporate rates and revenues of the council from whatever source arising, and the following conditions, qualifications, and provisions shall regulate the borrowing of moneys and issue of debentures under this Act:—

(a) All moneys borrowed by the council, under the provisions of this Act, shall be raised by the sale of debentures, to be issued in such series at such times and in such manner as the council may think fit.

The council may, on the maturity of any such debentures, issue new debentures to retire or repay the same.

All such original or substituted debentures shall have a currency not exceeding in the aggregate fifty years, and shall bear interest at a rate fixed by the council but not exceeding the rate approved by the Governor in respect of the particular borrowing, and shall be in the form of the Twenty-seventh Schedule hereto, and the council may fix the price either at or above or below par at which such debentures may be sold.

- (b) Every such debenture shall be numbered in regular ascending arithmetical progression, whereof the common difference shall be one, and shall have annexed, for every payment of interest to grow due thereon, a coupon bearing the same number as the debenture.
- (c) Every such debenture shall name the principal sum secured thereby, which shall be twenty pounds, or a multiple of twenty pounds, the rate

rate at which interest is payable thereon, and the time and place where such principal and interest are payable and every such debenture shall be under the corporate seal of the council, and be signed by the city treasurer and either the Lord Mayor or the town clerk, and shall bear date on the day on which it is sealed.

Act No. 22,
1917, s. 6.

- (d) Notwithstanding the provisions of the preceding subsections, in lieu of issuing debentures in the form and subject to the provisions of the preceding subsections, the council may issue debentures to secure repayment of moneys borrowed by it together with interest thereon by equal yearly or half-yearly instalments, and such debentures shall be in the form of the Twenty-eighth Schedule hereto.
- (e) Every such debenture, and any coupon whether annexed thereto or not, may be transferred by simple delivery.

Act No. 23,
1932, s. 5 (2)

(2) Subsection one of this section in so far as it provides for the rate of interest payable on original or substituted debentures shall be deemed to have commenced upon the eighth day of November, one thousand nine hundred and seventeen.

Provisions of
Act to be
cumulative.
Act No. 39,
1905, s. 28.

256. The provisions of this Act shall be read and construed cumulatively with, and not in exclusion or derogation of, any borrowing powers conferred on the council by any Act now or hereafter to be passed.

Payment to
holders of
debentures
and coupons.
Ibid. s. 24.
Act No. 22,
1917, s. 5.

257. The holder of any such debenture issued under the provisions of this Act, shall be entitled to receive payment from the council of the sum named therein, upon presentation of such debenture on or after the due date thereof, at the place where the same is expressed to be made payable.

The holder of any coupon originally annexed to a debenture, and whether separated therefrom or not, shall be entitled to receive payment in like manner of the interest mentioned in such coupon, upon presentation of the same at the place where, and on or after the date when such interest is payable.

258. If default is made by the council in making any payment, whether of principal or interest, to the holder of any such debenture or coupon, the following provisions shall take effect, namely:—

No. 58, 1932.
—
Provisions
where council
makes default
in payment.

(a) The holder of such debenture or coupon shall have full power to make all necessary applications to, and procure all necessary orders and directions from the Supreme Court, for and touching the appointment of a receiver, and the said court shall have power to make all such orders for the appointment of a receiver, or for his removal, and the appointment of another in his place, as may be necessary, and to make any orders and give any directions which the said court may think proper, and such receiver shall be deemed to be an officer, and shall act under the direction of the said court.

(b) Such receiver shall have power to make, levy, and collect all rates and revenues whatsoever payable to the council for or in respect of which he has been appointed receiver, but the rates so made and levied shall not exceed the maximum limits permitted under the provisions of the law in force for the time being, and for such purpose such receiver shall be deemed the council, and may exercise all the powers thereof.

(c) Such receiver shall be entitled to such commission, payable out of the city rates, as remuneration for his services, as the said court may appoint.

(d) Such receiver shall, subject to any order of the said court, pay over all moneys received by him to such holder, and if there be any balance in hand over and above the amount due and payable to him under the provisions of this Act, the receiver shall pay such balance to the council.

259. Except in the case of debentures issued in pursuance of the provisions of paragraph (d) of subsection one of section two hundred and fifty-five, a sinking fund for

Sinking fund.
Act No. 39,
1905, s. 26.
Act No. 22,
1917, s. 7.

No. 58, 1932.

for the repayment of each of the principal sums borrowed under the authority of this Act shall, subject to conditions to be approved by the Governor, be established by the council.

In each and every year, commencing with the year following that in which the loan shall be raised in respect of which any such sinking fund is to be established, the council shall, during the currency of such debentures, pay into such sinking fund a sum of money sufficient, on the basis of three per centum per annum, compound interest, and with like annual payments, to redeem the loan in respect of which such sinking fund shall be established, at the expiration of fifty years from the date thereof:

Provided that the council may, from time to time, reduce the annual payments to such sinking fund to such sum as shall be sufficient, on the basis of three per centum per annum, compound interest, with like annual payments, to provide, at the expiration of the said term of fifty years, a sum equivalent to the difference between the amount of such loan, and the amount then received of the net proceeds of the sales of any land under the powers hereinbefore contained and invested in the manner hereinafter provided.

The money so to be paid, and the net proceeds of realisation of any land sold by the council under the powers hereinbefore conferred, shall be invested upon Government securities, or securities of the council, or securities of any borough or municipal district of the State of New South Wales, or in or upon any of the stocks, funds, or securities, in or upon which, by any general order, cash under the control of the Supreme Court of New South Wales, in its equitable jurisdiction, may, from time to time be invested, or upon such other securities as the Governor by writing may approve, and the produce of all such investments shall be reinvested in like manner.

The council may at any time apply the whole or any part of such sinking fund in or towards the discharge of any moneys borrowed under this Act, but they shall, in every such case, recoup the fund by paying thereinto, every

every half year, a sum equal to the interest which any sum so applied would have produced if left invested. No. 58, 1932.

If the council make default in establishing any such sinking fund as aforesaid, or do not, within seven days after notice in that behalf, under the hand of the State Treasurer, has been given to the town clerk, show to the satisfaction of the State Treasurer or any officer to be appointed by him, that the annual payments and investments required by this Act for the formation of any sinking fund required to be established under this Act have been duly complied with, it shall be lawful for the Governor to apply to the Supreme Court for the appointment of a receiver of the rates and other revenues of the council.

The said court, and the receiver so to be appointed, shall have all such powers, mutatis mutandis, as are hereinbefore provided for the benefit of the holders of unpaid debentures.

260. The net proceeds of realisation of any land sold by the council under the provisions hereinbefore contained, and the investments and securities representing the same, shall be set apart by the council and applied in or towards repayment of the loan raised by the council for the purchase or resumption of such land or the construction of works thereon. Application of proceeds of sales. Act No. 39, 1905, s. 27.

The interest upon such money and the investments or securities representing the same, and the rents and proceeds of lands leased by the council under the powers hereinbefore contained, shall from time to time be paid into the city fund.

261. (1) Notwithstanding the provisions of this or any other Act any money which the Municipal Council of Sydney is authorised under this or any other Act to borrow may be borrowed by a loan raised wholly or in part in the form of debentures or bonds in such country as the Governor may approve and may be negotiated and raised in any currency. Raising of loans in any country. Act No. 3, 1928, s. 2

(a) Such debentures or bonds may be in such form and contain such terms, conditions, and provisions whether with respect to period, interest, Act No. 1, 1930, s. 2 (a)
(b). or

or amount, or with respect to any other matter whatsoever as the council shall think fit, and shall be transferable by simple delivery if such debentures or bonds shall so provide;

- (b) the provisions of sections two hundred and fifty-seven and two hundred and fifty-eight of this Act shall apply to debentures and to bonds issued under the provisions of this Act;
- (c) the provisions of section two hundred and fifty-nine of this Act shall apply to debentures and to bonds issued under the provisions of this Act, provided always that the council may, in connection with any loan raised under the provisions of this Act, agree that a sinking fund shall be established and controlled upon such terms and conditions at such place by such person and in such manner as may be found necessary or expedient in the circumstances of the case, and where any such sinking fund is so established the provisions of the said section two-hundred and fifty-nine of this Act shall not apply to such loan, provided that if any such agreement shall so provide any receiver appointed by the Supreme Court by reason of a default made by the council with respect to such sinking fund, shall have the powers of a receiver appointed under the said section two-hundred and fifty-nine of this Act.

The production of a copy of the Gazette containing a notification of an approval of the Governor shall in favour of a lender or of any holder of a debenture bond or security purporting to be issued by or on behalf of the council be conclusive evidence that the council is authorised to borrow the amount mentioned in the notification in the country and in the currency specified in the notification.

(2) In connection with the raising of any loan under the provisions of this Act, the council may enter into such agreements as the council shall think fit with respect to the form of such debentures or bonds, or for the sale of such debentures or bonds or the granting of an option to purchase such debentures or bonds or for services

services to be performed by any person in Australia or in any other part of the world in connection with such loan or with the issue, management, and redemption of or otherwise with respect to such debentures or bonds, and such agreements may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the council shall think fit.

Copies of any such agreement shall be forwarded to the Minister who shall cause the same to be laid before both Houses of Parliament so soon as possible after the loan is raised.

(3) The Governor may upon the recommendation of the council appoint two or more persons to negotiate in any country the terms and conditions of any loan raised outside Australia and for and on behalf of the council to enter into all such agreements as the council is by this Act authorised to enter into and to sign, execute, or otherwise perfect all such agreements, debentures, or bonds as are by this Act provided for or to enter into all such agreements and execute all such securities and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this or any other Act, and may upon the like recommendation revoke or vary any such appointment and make any fresh appointment.

(4) The production of a copy of the Gazette containing a notification of any such appointment or revocation as aforesaid shall be conclusive evidence of the appointment or revocation.

(5) All debentures or bonds purporting to be issued under the authority of this section and bearing the signatures of such persons so appointed in that behalf shall be deemed to be securities lawfully issued under seal by the Municipal Council of Sydney, and shall be deemed to be secured upon the corporate rates and revenues of the council from whatsoever source arising, and all agreements purporting to be made under the authority of this Act and bearing the signatures of such persons shall be deemed to have been lawfully made by the said council, and if the same shall purport to have been sealed by such persons to have been lawfully executed by the said council under seal.

No. 58, 1932.

A holder of any such debenture or bond shall not be bound to inquire whether the issue of such security was in fact duly authorised.

Provisions of
section to be
cumulative.
Act No. 3,
1928, s. 4.

(6) The provisions of this section shall be read and construed cumulatively with the other provisions of this Act which confer borrowing powers on the council.

(7) All debentures, bonds, or other securities which are at the commencement of this Act or shall thereafter be secured upon the corporate rates and revenues of the council shall rank pari passu without any preference one above another by reason of priority of date or otherwise.

Rate of
interest pay-
able on land
resumed by
council.
Act No. 7,
1924, s. 17.

262. Notwithstanding the provisions of this or of any other Act the rate of interest payable upon compensation for land acquired by the council by resumption or by the realignment method or by any compulsory purchase shall be six per centum per annum.

PART XVII.

BY-LAWS.

By-laws.
Act No. 35,
1902, s. 200.

263. (1) The council may make by-laws for or relating to the following matters and subjects so far as the same are not expressly provided for in this Act:—

- (a) the regulation of their own proceedings and the duties and salaries of their officers and servants;
- (b) the mode of holding, regulating, and determining the validity of elections;
- (c) the collection of all rates;
- (d) the preparation of the rolls, and in particular for collecting by means of house-to-house visitation or otherwise the names of all persons entitled to be enrolled on the citizens' rolls under this Act;

(e)

- (e) the suppression of all nuisances and of houses of ill-fame and disorderly houses;
- (f) the promotion of public health and public decency;
- (g) the keeping of all premises in the city free from offensive or unwholesome matter;
- (h) the regulation of traffic of all kinds in the city also for regulating porters and barrow-men;
- (i) the regulation of the pace at which all horses shall be ridden and vehicles driven in the city;
- (j) the regulation of hawking of all goods in the city;
- (k) the granting of hawking licenses, the fees payable in respect thereof, and the period and conditions for and under which such licenses shall be in force;
- (l) the appointment of places for the inspection and wholesale disposal of fish not being preserved or salted;
- (m) the opening, maintaining, and regulating public ways and the use and traffic of and in the same;
- (n) the inspection and prevention of the sale of unwholesome or adulterated food;
- (o) the sale and mode of delivery of butchers' meat by carcass or otherwise, and the disposal and removal of any blood, offal, or other refuse;
- (p) the conditions upon which licenses for the removal of night-soil, filth, or refuse may be granted and the revocation of such licenses and otherwise in respect thereof;
- (q) the regulation or suppression of any trade causing a nuisance, or which is in any way offensive or noisome;
- (r) the consumption by factory chimneys of their own smoke;
- (s) the form and mode of service of all notices and process, and the form of mortgages and other instruments;
- (t) the construction of communicating drains with main sewers;

(u)

No. 58, 1932.

Act No. 69,
1915, s. 4,
Sch. 2.Act No. 34,
1929, s. 8 (1)
(h) (i)-(iii).

- (u) the regulation of the markets and the amount of tolls and fees on produce brought thereto, the sale of all articles therein, the rents or tolls for the occupation of stalls or standing-places therein, and of tolls for weighing articles at any weighing-bridge, and the effectual collection of all such tolls, rents, and fees;
- (v) the regulation of the use by the public of all public parks, gardens, shrubberies, markets, and places which are the property of or have been, or shall hereafter be granted or dedicated to the council, and the removal of trespassers and other persons causing annoyance or inconvenience thereon;
- (w) the regulation of the manner and times of driving cattle along the public ways of the city;
- (x) the regulation of bathing and the observances of decency therein, and the setting apart places for bathing for the sole use of either sex respectively, and for requiring persons bathing to wear appropriate clothing;
- (y) the erection and use of baths or bathing houses or machines, and charging license and other fees for the same;
- (z) the prevention of the erection of any tent, pavilion, booth, shed, or other structure of calico, canvas, or other inflammable material without the consent of the council;
- (aa) the regulation and control of all gardens, lawns, plantations, and ornamental features laid out, constructed, or maintained by the council in any public way vested in the council or under its control and the prevention of trespass upon or damage to any part of such gardens, lawns, plantations, or ornamental features, or any trees, flowers, shrubs, or other plants growing thereon;
- (bb) the regulation, control, and management of any of the matters mentioned in sections one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-six, and one hundred and eighty-one of this Act;

Act No. 7,
1924, s. 7 (b).*Ibid.* s. 8 (1)
(b).

(cc)

(cc) the licensing, control, and regulation of any of the persons and matters mentioned in sections one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-three, one hundred and eighty-four, and one hundred and eighty-five of this Act; No. 58, 1932.
Act No. 7,
1924, s. 8
(1)(b).

(dd) the fixing of fees and charges in respect of any of the matters mentioned in sections one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-three, one hundred and eighty-four, and one hundred and eighty-five of this Act; *Ibid.*

(ee) the licensing, control, and regulation of restaurants, cafes, tea-rooms, eating-houses, and the like; *Ibid.* s. 11 (a).

(ff) the preparation, keeping, and serving of food in hotels, restaurants, cafes, tea-rooms, eating-houses, and the like; *Ibid.*

(gg) requiring any person who is engaged in the preparation, distribution, sale, carriage, or delivery of articles of human food, and is reported to be suffering from a disease proclaimed as an infectious disease under the Dairies Supervision Act, 1901, to submit to a medical examination by a medical practitioner on behalf of the council and prohibiting such persons from being so engaged while suffering from any such disease; *Ibid.*

(hh) regulating the payment out of the city fund of moneys in respect of the conveyance of aldermen and officers of the council to their homes after late sittings of the council; *Ibid.*

(ii) the keeping clean of lavatories provided in hotels, shops, and the like, for the use of visitors, customers, or persons resorting to the premises, and the supply, use, and cleanliness of towels, soap, and other accessories therein; *Ibid.*

(jj)

No. 58, 1932.Act No. 39, 1905,
s. 12.*Ibid.*

- (jj) for the good government of the city;
- (kk) for the regulation and control of hoardings now or hereafter to be erected in the city, and of bills, placards, and advertisements attached to or painted on any such hoardings;
- Ibid.* (ll) for preventing the erection or use of any hoarding in the city without the consent of the council or the officers appointed by it;
- Ibid.* (mm) for the demolition and removal by the council or any person acting under its authority of any hoarding now or hereafter to be erected in the city, or of any bill, placard, or advertisement attached thereto or painted thereon, which in the opinion of the city surveyor or other officer appointed by the council in this behalf, is or may be objectionable, unsightly, or dangerous, or of any hoarding which shall be erected in the city without the consent of the council or of the officer appointed by it in this behalf, and for the recovery of the expense thereof;
- Ibid.* (nn) for the regulation, control, or prohibition, and removal of signboards, signs, lamps and devices now or hereafter to be erected over or near any public way in the city;
- Ibid.* (oo) for prescribing and regulating the collection and removal from public ways and from any premises in the city of filth and refuse matter, for the cleansing of footways and pavements adjoining any premises, for the payment of charges for the removal of trade refuse from any premises, and for fixing the amount of such charges;
- Ibid.* (pp) for the regulation and control of the construction of furnaces and chimneys in the city in such a way as to prevent so far as possible the formation of smoke, and for prescribing and compelling the carrying out of structural alterations therein for that purpose, and for regulating and controlling the use of such furnaces and chimneys, and for the inspection of such furnaces and chimneys. For the purpose of such by-laws,

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by-laws, any number of furnaces connected with or communicating with any such chimney shall be deemed to be one furnace;

- (qq) for the regulation and control of all stands and ^{Act No. 39, 1905, s. 12.} stalls used in any public way in the city for ^{Act No. 7, 1924, s. 13} the sale of refreshments or fruit, and prescribing ^{(a) (i).} rules to be observed by persons occupying such stands and stalls (including rules for securing the cleanliness of carts, trucks, barrows, baskets, boxes, and crates used by such persons, and the wholesomeness and cleanliness of the commodities sold or offered or exposed for sale), and with respect to the conduct of such persons;
- (rr) for the regulation and control, subject to the provisions of the Child Welfare Act, 1923, of all persons engaged in the sale of articles or goods, or in the occupation of a shoebblack in any public way in the city;
- (ss) for the prevention of betting or wagering in any public way in the city;
- (tt) authorising and regulating the collections for charitable purposes in public ways;
- (uu) regulating free reading and lending libraries *Ibid.* under its control and management;
- (vv) requiring and regulating the provision and maintenance of baths and washtubs in dwelling-houses in the city;
- (ww) regulating and prohibiting the use for habitation of rooms built below the level of the footways of public ways in the city;
- (xx) regulating, controlling, and prohibiting the stacking or storing of timber, firewood, casks, barrels, and other inflammable material;
- (yy) regulating and prohibiting private tips or *Ibid.* dumps for spoil or refuse;
- (zz) requiring and regulating the removal of spoil *Ibid.* or other waste material by owners, lessees, or occupiers;

(aaa)

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—
Act No. 7,
1924, s. 13 (a)
(ii).

(aaa) requiring and regulating the fencing of vacant lands to prevent unsightly or insanitary conditions arising by the dumping of spoil and refuse thereon;

Ibid.

(bbb) requiring and regulating the cleansing of facades of buildings fronting a public way in the city;

Ibid.

(ccc) regulating the floor space and size of rooms in flats in the city;

Ibid.

(ddd) regulating and controlling the construction, maintenance, and repair of awnings in the city; and in particular and without limiting the generality of this paragraph—

(i) prescribing the type or types of awnings and the materials to be used therein;

(ii) regulating the position of awnings;

(iii) permitting, regulating, or prohibiting the display of advertisements on awnings;

(iv) providing for the display of public notices on awnings;

(v) prohibiting persons from erecting awnings without first obtaining the approval in writing of the city building surveyor and the city surveyor;

(vi) requiring the removal of awnings and prescribing the circumstances in which the council may require the removal of awnings;

Ibid.

(eee) regulating and controlling the display of bills, placards, and advertisements in the city, and prohibiting persons from displaying or causing to be displayed in the city any bills, placards, or advertisements in places not appointed by the council for the purpose; and

Ibid. s. 11 (b).

(fff) generally for carrying out the provisions of this Act and for enforcing and securing the observance thereof.

(2)

(2) The council may by any such by-laws fix the ^{No. 58, 1932.} maximum penalty for every offence against such by-laws ^{Penalties under by-laws.} or any of them not exceeding the penalty (if any) already lawfully fixed for the same offence, and in any other case not exceeding ten pounds.

(3) This power to make by-laws shall not be ^{Act No. 34, 1929, s. 8 (1)} deemed to include a power to make by-laws upon the ^{(h) (iv).} matters mentioned in paragraphs (e), (g), and (q) of subsection one of this section so far as such paragraphs include or refer to the carrying on of any noxious trade within the meaning of the Noxious Trades Act, 1902.

(4) For the purposes of paragraphs (kk), (ll), ^{Act No. 39, 1905, s. 2.} and (mm) of subsection one of this section the word "hoarding" includes any hoarding, post, frame, wall, or structure used for the exhibition of placards, bills, or advertisements.

(5) Nothing in this section shall affect the ^{Saving of Act No. 7, 1915.} provisions of the Public Health (Amendment) Act, 1915.

264. (1) Any by-law made by the council under the ^{By-laws to be laid before Parliament.} provisions of this Act or of any Act amending the same shall, subject to the provisions of the Public Health ^{Act No. 35, 1902, s. 201.} (Amendment) Act, 1915,—

- (a) be submitted to the Governor for his approval; ^{Act No. 34, 1929, s. 8 (1)}
- (b) when approved by the Governor, be published in the Gazette;
- (c) take effect from the date of publication, or from a later date specified in the by-law; and
- (d) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(2) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after any by-law has been laid before such House disallowing the by-law or any part thereof, such by-law or part shall thereupon cease to have effect.

(3) In all proceedings in any court, the production of the Gazette containing any such by-law shall be prima facie evidence of such by-law, and that all the provisions of

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of this Act relating to the making and confirmation of such by-law have been duly complied with, and that such by-law is in full force and effect.

(4) If any person disputes the validity of any such by-law, the onus of proving the invalidity of the same shall be upon such person.

PART XVIII.

MISCELLANEOUS PROVISIONS AND PROCEDURE.

Power to resume lands for railway to North Sydney, site for Mint, &c.

Act No. 27, 1908, s. 33 (2).

Twenty-ninth Schedule.

265. Subject to the provisions of the Observatory Park Weather Bureau Site Act, 1923, the Governor may resume, under the provisions of the Public Works Act, 1912, without compensation, any portion of the lands described in Part I of the Twenty-ninth Schedule 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.

Land described in Thirtieth Schedule vested in council.

Act No. 34, 1929, s. 14 (4).

266. The land described in the Thirtieth Schedule to this Act and vested in the council for an estate in fee simple free from all trusts and dedications by subsection four of section fourteen of the Sydney Corporation (Amendment) Act, 1929, shall be held by the council for such purposes of this Act as the council may from time to time determine.

Lighting Domain.

Act No. 27, 1908, s. 37.

Act No. 34, 1929, s. 14 (2).

267. The council shall undertake the lighting of the Domain and the illumination of the Shakespearean statue while remaining therein.

Boundary marks of city and wards.

Act No. 35, 1902, s. 202.

268. (1) The council shall set up and maintain at the expense of the city permanent and conspicuous boundary-marks of some durable material, in accordance, as near as possible, with the boundaries of the city and the several wards, and in the most public and convenient places along or near the line of such boundaries.

(2)

(2) Any person wilfully or maliciously destroying, injuring, or concealing any such boundary-mark shall for every such offence be liable to pay the value of such boundary-mark, and also to a penalty not exceeding five pounds, recoverable in a summary way before any justice.

269. The council may enter into any contract or ^{Council may} agreement with any person to execute any works or for ^{contract for} works, furnishing materials or other things required for the city ^{Act No. 35,} and authorised by this Act to be executed or obtained ^{1902, s. 203.} by the council.

270. (1) The owner of any premises shall in all cases ^{Owner to bear} be primarily liable to pay the amount of any expense ^{work ordered} incurred by the council in carrying out any work required in absence of ^{covenant by} by the council to be done on or in respect to any such tenant. ^{Ibid. s. 204.} premises under the provisions of this Act, except so far as any tenant has by any express agreement in that behalf rendered himself liable to pay the same.

(2) If any tenant, not being so liable, is compelled to pay or has his goods levied on to pay such amount, he shall, in the absence of any such express agreement, be entitled to deduct the same from any rent then or to grow due, or he may sue his landlord after making a demand for recovery of the amount.

271. The council may delegate to any of its officers ^{Council may} the performance of any duties and any authority by this ^{appoint} officers to ^{to} Act imposed upon and given to any specified officer, and do acts. ^{Ibid. s. 205.} may authorise any officer to do and perform any matter or thing by this Act authorised to be done and performed by the council.

272. (1) The corporation may accept and hold any ^{City may} real or personal estate conveyed, assigned, devised or ^{hold, and} bequeathed to them or to the council in trust for any ^{council} charitable or public purpose. ^{administer, charity property.}

(2) The council shall have full power to act for ^{Ibid. s. 206.} and on behalf of the corporation in the administration of such estates for the purposes and according to the trusts for which the same may have been conveyed, devised, assigned, or bequeathed.

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Power to
remedy
defects from
irregularity
in making
rates, &c.Act No. 35,
1902, s. 207.

273. If for any reason whatsoever any rate is not made within or by the time at which the same ought under this Act to be made, or if by reason of any irregularity in any assessment or making or levying of any rate any such rate may be or be considered to be illegal or not enforceable, or any doubt may arise as to the validity of any such rate, the Governor may extend the time for the making of any such assessment or rate and the levy of the same (as well after as before the expiration of the time within or by which such assessment or rate ought to be made or levied), and to authorise the doing by the council of such acts as may be necessary to cure any such irregularity and to make valid any such assessment and rate.

Penalty on
civic officer
for neglect.*Ibid.* s. 208.

274. If any civic officer or servant of the council neglect or refuse to do anything directed or required to be done by him by this Act or by any by-law in force for the time being, such civic officer shall, for every such offence, be liable to a penalty not exceeding fifty pounds, and such servant shall, for every such offence, be liable to a penalty not exceeding five pounds.

Offences
under this
Act.Act No. 7,
1924, s. 9 (c).

275. (1) Where any matter or thing is by or under this Act directed or forbidden to be done, or where the council or any person is authorised by this Act to direct any matter or thing to be done, or to forbid any matter or thing to be done, and such matter or thing if so directed to be done remains undone, or if so forbidden to be done is done, then in every such case every person offending against such direction or prohibition shall be guilty of an offence under this Act.

(2) The council may at its discretion prior or subsequently to or in lieu of prosecuting for such offence do any such matter or thing, and recover the costs and expenses thereof from such person in any court of competent jurisdiction.

Penalty.
Ibid.

276. Every person guilty of an offence under this Act shall for every such offence be liable to the penalty expressly imposed, and if no penalty is so imposed, to a penalty not exceeding twenty pounds, and to a further daily penalty not exceeding five pounds.

277.

277. Save as is hereinbefore otherwise directed, No. 58, 1932.
 all penalties imposed by this Act, or by any by-law made All penalties,
&c., to be
paid to the
city fund for
purposes of
this Act.
 under its authority, and all sums of money and costs Act No. 35,
1902, s. 209.
 made payable under this Act or any such by-law, may
 be recovered before any two justices in a summary manner
 according to the provisions of the Act or Acts relating to proceedings before justices, and shall, when recovered
 be paid over to the city fund.

278. All complaints or other legal proceedings for the breach of this Act, or of any by-laws made under its authority, may, unless hereinbefore otherwise provided, be laid and taken by the inspector of nuisances, or any other officer appointed by the council in that behalf, against any person for non-compliance with, or any breach of this Act. All legal
proceedings
may be taken
in the name
of the
inspector of
nuisances and
other officers.
Ibid. s. 210.

279. In addition to the mode of enforcing payment of any sum due and recoverable in respect of any rate, or of any part thereof, and any other amount otherwise payable by any person under the provisions of this Act by the means hereinbefore mentioned, the council may recover any such sum by action or suit against any person liable under the provisions of this Act to pay such sum, and may in any such proceeding recover the arrears of any rates. Recovery of
rates by suit.
Ibid. s. 211.
Act No. 39,
1905, s. 13.

280. No person shall be made liable to any incapacity, disability, forfeiture, or penalty under this Act unless the action or prosecution be commenced within one month after such incapacity, disability, forfeiture, or penalty has been incurred. In it of time for
actions for
forfeiture.
Act No. 35, 1902,
s. 212.

281. (1) For the purpose of maintaining and regulating the use of, and preventing any obstruction or nuisance in any public way, and also for securing and promoting the health of the inhabitants of the city, and preventing any nuisance therein, the council, their officers, and servants shall have power to enforce any provision in that behalf contained in the Police Offences Act, 1901. Council and
officers to
have powers
contained in
Police
Offences Act,
1901.
Ibid. s. 213.

(2) Nothing in any such Act contained shall be construed to impair or abridge any power contained in this Act of framing by-laws.

282.

—
Demanding
name of
offender.
Act No. 7,
1924, s. 12(a).

282. (1) Any servant of the council or member of the police force who finds a person committing a breach of the provisions of this Act or of the by-laws made hereunder shall—

- (a) demand from the person his name and place of abode; and
- (b) report the offence and the name and place of abode of the person to the council as soon as may be practicable.

(2) Any person who upon demand made as aforesaid—

- (a) refuses to state his name or place of abode; or
- (b) states a name or place of abode which in the opinion of the servant of the council or the member of the police force making the demand is false,

may without any other warrant than this Act be apprehended by the servant of the council or by the member of the police force and taken before any court of summary jurisdiction, there to be dealt with according to law.

(3) Any person who upon demand made as aforesaid—

- (a) refuses to state his name or place of abode; or
- (b) states a false name or place of abode,

shall be liable to a penalty not exceeding ten pounds.

(4) In the case of a servant of the council, subsection two of this section shall apply only to a servant who is a special constable or to whom the council by resolution decides that the subsection is to apply.

Obstructing
or molesting
officers liable
to a penalty.
Act No. 35,
1902, s. 214.

283. Every person who wilfully obstructs, hinders, or molests any officer, servant, or other person lawfully employed by, or acting under the authority of the council in the execution of any duty, or the exercise of any power under this Act or the Police Offences Act, 1901, or any by-law to be made hereunder shall be liable to a penalty not exceeding ten pounds.

284. (1) In any case where by this Act it is declared that any person shall be entitled to compensation for any loss or injury sustained by him, and in the case of any difference or dispute on any subject matter of this Act between any parties whomsoever if such parties agree to submit the same to arbitration, and in every case where any matter is required by this Act to be made the subject of a reference to arbitrators or is directed to be settled by arbitration, such agreement and such arbitration shall be held to be under and shall proceed in every respect according to the provisions of the Arbitration Act, 1902.

(2) Where such parties are unable to agree to any submission to arbitration, or are unable to agree to any sum to be paid by way of compensation, then the amount to be paid as compensation shall be determined in the Supreme Court by an action to recover such compensation to be brought by the claimant against the council, or upon an issue agreed upon by the claimant and council respectively, with power to the council to plead in bar of the action any tender which they may have made to such claimant on paying into court the amount so tendered, or to pay into court such sum of money as the council thinks fit, and to plead such payment in bar.

(3) The party succeeding in such action or upon such issue as aforesaid shall be entitled to costs to be awarded and recovered according to the practice of the court.

285. (1) Where any notice is required to be given or served under this Act the same unless otherwise provided herein may be served either---

- (a) personally; or
- (b) by delivering or leaving the same at or on the premises at which the person to whom the notice is addressed lives or carries on his business; or
- (c) by being posted at any post office addressed to the last known place of abode or business of such person; or
- (d) by being posted on any conspicuous part of the premises in respect of which or of anything in connection therewith such notice is addressed to any such person.

(2)

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(2) In all proceedings in which the council is a party, service on the town clerk of any legal process shall be taken to be good service on the council.

(3) Any notice, summons, order, or other legal document may be served personally upon any owner or tenant of premises, or may be delivered to any person, being apparently above the age of fourteen years, resident on the premises.

Provision in
case of
holidays.
Act No. 35,
1902, s. 217.

286. Whenever any matter or thing shall by this Act be directed to be performed on a certain day, and that day happens to be Sunday or a public holiday, the said matter or thing shall be performed on the next succeeding day.

Power of
entry on
private
lands.
Act No. 7,
1924, s. 12(b).

287. The council may, by its officers, employees, or workmen enter upon any lands, whether public or private, in the city for purposes connected with the construction, maintenance, or renewal of drains for carrying off storm-water from public ways :

Provided that in the exercise of the powers conferred by this section the council shall cause as little detriment and inconvenience and do as little damage as possible and shall make full compensation to persons for damage sustained by them by reason or in consequence of the exercise of such powers. The amount of such compensation shall, unless agreed upon, be determined by arbitration or by action at law at the election of the person claiming compensation :

Provided further that the council may in all cases set up by way of defence or in mitigation of damages, as the case may be, that the person claiming compensation has by his own act, neglect, or default caused or contributed to the damage in respect of which he claims to be compensated.

Joint action
by council
with councils
of other
areas.
Ibid.

288. (1) The council may enter into agreements with the councils of any areas constituted under the Local Government Act, 1919, for the carrying out jointly of works or undertakings authorised by any Act, or for the joint performance of duties or exercise of powers under any Act for the mutual benefit of the city and such area.

(2)

(2) Such agreements may provide for the control, regulation, maintenance, and management of such works and undertakings, or for the control, regulation, and management of the performance of such duties, or exercise of such powers either by the councils themselves jointly or by a joint committee composed of members of the councils.

(3) The council may in such agreements delegate to such committee such of its powers as are specifically mentioned therein.

289. (1) The council may, with the approval of the Governor, enter into agreements with the council of any area constituted under the Local Government Act, 1919, and adjoining the city for the alteration of boundaries between the city and any such area by taking part or parts of the city and adding the same to the area, or by taking part or parts of the area and adding the same to the city.

For the purposes of this subsection "adjoining" means abutting or only separated by a public reserve, road, river, watercourse, or tidal or non-tidal water, or other like division.

(2) Upon any such agreement being entered into the Governor shall, by proclamation published in the Gazette, set forth—

- (a) in Schedule A to such proclamation, the amended boundaries of the city, so as to include therein or exclude therefrom, as the case may be, any land added to or taken from the city in pursuance of any agreement referred to in the last preceding subsection. Such amended boundaries shall take the place of the boundaries set out in any prior Act or proclamation;
- (b) in Schedule B to such proclamation, the amended boundaries of any ward or wards of the city, so as to include therein or exclude therefrom, as the case may be, any land or portion thereof so added to or taken from the city;
- (c) in Schedule C to such proclamation, the boundaries of the land so added to or taken from the city.

(3)

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

(4) The boundaries set forth in Schedule B to such proclamation shall be the boundaries of the ward or wards named in that Schedule.

Charges and fees fixed by by-law or resolution.

Act No. 7, 1924, s. 12(b).

290. (1) In the following cases, that is to say, in any case where under the provisions of any Act, regulation, or by-law the council—

(a) supplies any service product or commodity; or
 (b) makes any registration; or
 (c) grants any license; or
 (d) gives any permission; or
 (e) furnishes any information; or
 (f) admits to any building or enclosure; or
 (g) receives any application for its approval,
 the council may fix charges or fees therefor by by-law or resolution, and may demand and recover such charges and fees.

(2) In any such by-law or resolution provision may be made requiring a deposit or prepayment in respect of such charge or fee.

(3) This section shall be deemed to include the supply of any service product or commodity to the Crown.

(4) Nothing in this section shall authorise any charge or fee contrary to the provisions of any Act, regulation, or by-law.

Steel and concrete buildings.

Act No. 76, 1916, s. 2.

291. (1) Buildings may, within the city of Sydney, be built, enlarged, or altered wholly or partly of composite steel and concrete or of steel framing construction subject to such conditions as may be prescribed by by-laws, which the council is hereby authorised to make, specifying the manner in which any such building shall be so built, enlarged, or altered.

(2)

(2) The provisions of Part XVII of this Act ^{No. 58, 1932.} relating to by-laws made thereunder shall apply to by-laws made under this section.

292. Notwithstanding the provisions of the City of Sydney Improvement Act and the rules thereunder, it shall be lawful for the council to grant approval to plans for the alteration of existing buildings within the city which do not comply with the requirements of such Act and rules in cases where the council is satisfied that such compliance is not reasonably practicable in the whole circumstances of the case.

Any such approval, however, shall be subject to such conditions and to such modifications of the plans as may be imposed by the council when granting such approval in each case.

In granting such approval and in fixing the conditions and modifications referred to the council shall require in the altered building such improvements as are reasonably practicable in the whole circumstances of each case having in view the objects aimed at by the said Act.

293. The council in exercise of its power to generate ^{Power to} and supply electricity conferred by the Municipal Council ^{supply steam.} of Sydney Electric Lighting Act, 1896-1928, may sell to ^{*Ibid.* s. 9.} any person such steam as is raised at its generating stations and is not required for the purpose of generating electricity and may enter into contracts for the supply and delivery of such steam.

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No. 58, 1932.

SCHEDULES.

FIRST SCHEDULE.

13.	Number of Act.	Name of Act.	Extent of repeal.
	53 Vic. No. 14	... An Act to declare valid an amended alignment of Essex-street in the City of Sydney.	The whole.
	No. 35, 1902	... Sydney Corporation Act, 1902 ...	The whole.
	No. 39, 1905	... Sydney Corporation Amendment Act, 1905.	The whole.
	No. 16, 1906	... Sydney Corporation Amendment Act, 1906.	The whole.
	No. 27, 1908	... Sydney Corporation (Amendment) Act, 1908.	The whole.
	No. 23, 1911	... Sydney Corporation (Amendment) Act, 1911.	The whole.
	No. 8, 1912	... Sydney Corporation (Dwelling-houses) Act, 1912.	The whole.
	No. 37, 1915	... Sydney Corporation (Amendment) Act, 1915.	The whole.
	No. 61, 1915	... Sydney Corporation (Election of Mayor) Act, 1915.	The whole.
	No. 12, 1916	... Sydney Corporation (Amendment) (No. 2) Act, 1916.	The whole.
	No. 60, 1916	... Sydney Corporation Amendment (Costs) Act, 1916.	The whole.
	No. 76, 1916	... Local Government (Amending) Act, 1916.	Part I.
	No. 22, 1917	... Sydney Corporation (Amendment) Act, 1917.	The whole.
	No. 6, 1918	... Sydney Corporation (Declaratory) Act, 1918.	The whole.
	No. 21, 1919	... Sydney Harbour Trust (Rating) Act, 1919.	Section 3.
	No. 10, 1921	... Land and Valuation Court Act, 1921.	Section 25.
	No. 39, 1922	... Sydney Corporation (Fish Markets) Act, 1922.	The whole.
	No. 7, 1924	... Sydney Corporation (Amendment) Act, 1924.	The whole except the short title and subsection (3) of section 14.

FIRST

FIRST SCHEDULE—*continued.*

Number of Act.	Name of Act.	Extent of repeal.
No. 18, 1924	Royal Commissions (Municipal Council of Sydney) Act, 1924.	The whole.
No. 28, 1924	Auctioneers Licensing (Amendment) Act, 1924.	Section 3.
No. 18, 1925	Sydney Corporation (Amendment) Act, 1925.	The whole.
No. 3, 1928	Sydney Corporation Amendment (Loans) Act, 1928.	Sections 2-5.
No. 34, 1929	Sydney Corporation (Amendment) Act, 1929.	The whole.
No. 1, 1930	Sydney Corporation Amendment (Loans) Act, 1930.	The whole.
No. 65, 1931	Rating (Exemption) Act, 1931	Sections 5, 9, 13.
No. 13, 1932	Public Health (Inspectors' Salaries) Amendment Act, 1932.	Section 3.
No. 23, 1932	Sydney Corporation (Amendment) Act, 1932.	Sections 1 (2), 2-5.

SECOND SCHEDULE.

Sec. 7.

BOUNDARIES OF THE CITY.

COMMENCING on the shores of Port Jackson at the middle of the cemented stormwater channel entering Rushcutters Bay; and bounded thence by the middle of that channel and sewer generally south-westerly to the south-western side of Liverpool-street; by that side of Liverpool-street south-easterly to its intersection with a line parallel to and distant 14 feet south-easterly from the south-eastern kerb line of Boundary-street; by that line south-westerly to the south-eastern side of Barcom-avenue; by that side of that avenue north-easterly about 30 feet; by a line following the middle of the old Rushcutters Creek westerly and south-westerly to the middle of Oxford-street at its intersection with the northerly prolongation of the middle of Dowling-street; thence by the middle of that street southerly to the westerly prolongation of the northern side of Seymour-place; by a line along that side of that place easterly in all about 248 feet to the southerly prolongation of the eastern boundary of property known as No. 15 Church-street, Paddington; by a line along that boundary northerly to the southern side of Church-street; by that side of that street and its prolongation easterly to the eastern side of Selwyn-street; by that side of that street southerly to the southern boundary of property known as No. 48 Selwyn-street, Paddington; by a line along that boundary across Iris-street, along

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along the northern boundary of property known as No. 51 Iris-street, and the southern boundary of property known as No. 85 Greens-road, Paddington, easterly to the eastern side of Greens-road; by that side of that road southerly to the south-western corner of the Victoria Barracks wall; by the southern side of that wall and a line along the middle of Leinster-street generally easterly to the middle of Gordon-street; by the middle of that street south-easterly to the northern side of Moore Park road; by that side of that road easterly to the south-eastern corner of St. Matthias' Church land; by the south-eastern boundary of that land north-easterly to the south-western side of Oxford street; by that side of that street and its prolongation south-easterly to the easterly prolongation of the northern side of Moore Park road; by a line southerly to the intersection of the easterly prolongation of the original southern side of that road with the eastern side of Lang-road; by that side of Lang-road southerly and south-westerly to the south-westerly prolongation of the south-eastern side of Cook-road; by that prolongation south westerly to the north-eastern side of Martin-road; by that side and the south-eastern side of that road south-easterly and south-westerly to its southernmost angle; by a line crossing Sydney to Randwick tramway and Anzac-parade south-westerly to the intersection of the southern side of Dacey-avenue with the south-western side of Anzac-parade; by the original south-western side of that parade (100 feet wide) south-easterly and southerly to the south-eastern corner of lot 1, deposited plan 5,549; by a line along the southern boundary of that lot, being also the southern boundary of property known as No. 11 Anzac-parade, the northern boundary of lots 1 to 13 inclusive, section 8, deposited plan 4,745, passing along the southern boundary of property known as No. 52 Boronia-street, the southernmost boundary of Moore Park and the southern boundary of 7 acres 3 roods 16 perches dedicated for electric tram car shed by Gazette of 8th January, 1908, westerly to the eastern side of Dowling-street; by a line along that side of that street northerly to the middle line of Cleveland-street; by that line westerly to a point in Princes Highway south-east of and rectangularly distant 43 feet $8\frac{1}{2}$ inches from the dwarf stone wall erected on the south-eastern boundary of Victoria Park: by a line along that highway parallel to and distant 43 feet $8\frac{1}{2}$ inches south-easterly from the south-eastern boundary walls of Victoria Park, lands vested in the University of Sydney and the Trustees for St. Paul's College and Moore College south-westerly to the north-easterly prolongation of the middle line of Carillon-avenue; by that line south-westerly to the middle line of Missenden-road; by that line south-easterly to the north-easterly prolongation of the south-eastern boundary of lot 1, section A, shown on roll plan 12 at the Registrar-General's Office; by a line along that boundary of that lot, lots 4 to 18 inclusive and 21, passing along the south-eastern boundaries of properties known as Nos. 153 Missenden-road, and 182 Layton-street, south-westerly to the middle line of Layton-street; by that line north-westerly to the north-easterly prolongation of the south-eastern boundary of lot 11, section 4, deposited plan 3,821; by a line along that boundary, also passing along the south-eastern boundary of property known as No. 20 Northwood-street south-westerly to Northwood-street; by a line across that street south-westerly to the northernmost corner

of

of lot 52, section 3, deposited plan 3,752, by the north-western boundary of that lot, being also the north-western boundary of property known as No. 24 Northwood-street, Newtown, south-westerly to Northwood-lane; by a line across that lane south-westerly to the easternmost corner of lot 16; by the south-eastern boundary of that lot, being also the south-eastern boundary of property known as No. 50 Roberts-street south westerly to Roberts-street; by a line across that street south-westerly to the northernmost corner of the land comprised in Certificate of Title, volume 1,844, folio 137; by the north-western boundary of that land, being also the south-eastern boundary of property known as No. 47 Roberts-street, south-westerly to Roberts-lane; by a line across that lane south-westerly to the easternmost corner of lot 20, section 2, deposited plan, 3,741; by the south-eastern boundary of that lot, being also the south-eastern boundary of property known as No. 46 Hopetoun-street south-westerly to Hopetoun-street; by a line across that street south-westerly to the easternmost corner of lot 64, section 1; by a line along the south-eastern boundary of that lot, being also along the south-eastern boundary of property known as No. 43 Hopetoun-street south-westerly to the middle line of Hopetoun-lane; by that line south-easterly to the north-easterly prolongation of the south-eastern boundary of lot 24, section 3, deposited plan 7; by a line along that boundary, being also along the south-eastern boundary of property known as No. 116 Australia-street south-westerly to the north-eastern side of Australia-street; by that side of that street south-easterly to the north-easterly prolongation of the middle line of Bishopgate-street; by that line south-westerly to the middle line of St. Mary street; by that line southerly to the easterly prolongation of the middle line of Gilpin-street; by that line westerly to the middle line of St. Mary lane; by that line southerly to the easterly prolongation of the middle line of Trade-lane; by that line westerly to the middle line of Kingston-lane; by that line southerly to the easterly prolongation of the middle line of Railway-avenue; by that line westerly to the southerly prolongation of the western boundary of lot 17, section J, deposited plan 3,857; by a line along that boundary, being also along the western boundary of property known as No. 5 Railway-avenue and the middle of Cardigan-lane northerly to the easterly prolongation of the southern boundary of the land comprised in Certificate of Title, volume, 1,631, folio 33; by a line along that boundary, being also along the southern boundary of property known as No. 132 Cardigan-street westerly to the middle line of Cardigan-street; by that line northerly to the easterly prolongation of the northern boundary of the land comprised in Certificate of Title, volume 2,603, folio 73; by a line along that boundary, being also the southern boundary of property known as No. 109 Cardigan-street westerly to the middle line of Stafford-lane; by that line northerly to the middle line of Salisbury-road; by that line westerly to a point south of the westernmost corner of lot 15, deposited plan 3,937; by a line northerly to that corner; by the northern side of Salisbury-road westerly to the middle of the original site of Johnston's Creek; by the middle of the original site of that creek downwards to its confluence with Orphan School Creek; by the middle of that creek upwards to the middle line of Parramatta-road; by that line north-easterly to the south-easterly prolongation of

No. 58, 1932. of the middle line of Bay-street; by that line north-westerly to the north-western side of William Henry street; by that side of that street north-easterly to the south-western side of Wattle-street; by that side of that street north-westerly to the south-eastern side of Pyrmont Bridge road; by a line across that road northerly to the waters of Port Jackson at Blackwattle Bay; and by those waters northerly and easterly generally, to the point of commencement.

Sec. 8.

THIRD SCHEDULE.

BOUNDARIES OF WARDS.

Gipps Ward.

Commencing on the shores of Port Jackson at the head of Sydney Cove, at the south-east corner of wharf No. 8; and bounded thence by a line bearing about 245 degrees 20 minutes to meet the intersection of the south-easterly prolongation of the centre line of Barton-street and the northerly prolongation of the centre line of Pitt-street by the latter prolongation and the centre line of Pitt-street southerly to the centre line of King-street; by that centre line easterly to the centre line of Castlereagh-street; by that centre line southerly to the centre line of Hay-street; by the centre line of that street generally westerly to meet the south-easterly prolongation of the centre line of Sussex-street; by that prolongation and that centre line north-westerly to the centre line of Bathurst-street; by that centre line westerly to meet the south-easterly prolongation of the south-western boundary of wharf No. 36B, being a line bearing 316 degrees 19 minutes; by that prolongation north-westerly to the shores of Port Jackson aforesaid at the head of Darling Harbour; and thence by those shores north-westerly, north-easterly, and southerly to the point of commencement.

Macquarie Ward.

Commencing on the shores of Port Jackson at the head of Sydney Cove at the south-east corner of wharf No. 8; and bounded thence by a line bearing about 245 degrees 20 minutes to meet the intersection of the south-easterly prolongation of the centre line of Barton-street and the northerly prolongation of the centre line of Pitt-street; by the latter prolongation and the centre line of Pitt-street southerly to the centre line of King-street; by that centre line easterly to the centre line of Castlereagh-street; by that centre line southerly to the centre line of Hay-street; by that centre line easterly to the centre line of Elizabeth-street; by that centre line southerly to the centre line of Albion street; by that centre line south-easterly and easterly to the centre

centre line of Crown-street; by that centre line northerly to the centre line of Oxford-street; by that centre line south-easterly to the centre line of Bourke-street at Taylor-square; by that centre line northerly to the centre line of William-street; by that centre line westerly to the centre line of Palmer-street; by that centre line, and its prolongation northerly to the centre line of Lincoln-crescent; by that centre line northerly to its intersection with the centre line of Cowper Wharf road; by a line north-east to the shores of Port Jackson at the head of Woolloomooloo Bay; and thence by those shores generally northerly and generally westerly to the point of commencement.

Fitzroy Ward.

Commencing on the City boundary on the shores of Port Jackson at the head of Rusheutter's Bay, and bounded thence by that boundary generally south-westerly to the centre line of Oxford-street; by that centre line north-westerly to the centre line of Bourke-street at Taylor-square; by that centre line northerly to the centre line of William-street; by that centre line westerly to the centre line of Palmer-street; by that centre line and its prolongation northerly to the centre line of Lincoln-crescent; by that centre line northerly to the intersection of that line with the centre line of Cowper Wharf road; by a line north-east to the shores of Port Jackson aforesaid; and thence by those shores generally north-easterly, south-easterly and south-westerly to the point of commencement.

Phillip Ward.

Commencing at the intersection of the south-western boundary of wharf No. 36B, with the shores of Port Jackson at the head of Darling Harbour, and bounded thence by a line bearing 136 degrees 19 minutes to meet the centre line of Bathurst-street; by that centre line of Bathurst-street easterly to the centre line of Sussex-street; by that centre line and its prolongation south-easterly to the centre line of Hay-street; by that centre line generally easterly to the centre line of Elizabeth-street; by that centre line southerly to the centre line of Chalmers-street; by the centre line of that street south-westerly to meet the north-eastern prolongation of the north-western boundary of Prince Alfred Park; by that prolongation and that boundary and the north-western boundaries of St. Paul's Church lands and their prolongation south-westerly to the City boundary at St. Paul's place; by that boundary westerly, south-westerly, northerly, north-easterly, easterly and north-westerly to the shores of Port Jackson aforesaid at the head of Blackwattle Bay; and thence by those shores north-westerly north-easterly, and south-easterly to the point of commencement.

Flinders Ward.

Commencing on the City boundary at its intersection with the centre line of Oxford-street, and bounded thence by the centre line of Oxford-street north-westerly to the centre line of Crown-street; by the centre line of that street southerly to the centre line of Albion-street; by

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by the centre line of that street westerly and north-westerly to the centre line of Elizabeth-street; by the centre line of that street southerly to the centre line of Chalmers-street; by the centre line of that street south-westerly to meet the north-easterly prolongation of the north-western boundary of Prince Alfred Park; by that prolongation and that boundary and the north-western boundaries of St. Paul's Church lands and their prolongation south-westerly to the City boundary at St. Paul's place; by that boundary easterly, southerly, again easterly, north-westerly, north-easterly, westerly and northerly to the point of commencement.

Sec. 10.

FOURTH SCHEDULE.

DECLARATION BY COLLECTOR.

I, _____, do hereby solemnly declare that having accepted the employment of a collector for the _____ ward of the city of Sydney, I will faithfully perform the duties of that employment to the best of my knowledge and ability, according to the provisions of the Sydney Corporation Act, 1932, and I will not insert in any list the name of any person whom I shall know or believe not to be entitled by the said Act to have his name entered on the roll for such ward; nor will I omit from any such list the name of any person whom I shall know or believe to be so entitled.

Declared before me, this

day of _____, 19 _____.

Justice of the Peace.

Sec. 12.

FIFTH SCHEDULE.

Ward.

List of citizens for the year _____.

Number in rate-book.	Number.	Christian and surname and residence.	Nature of qualification.

SIXTH

Sydney Corporation Act.

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SIXTH SCHEDULE.

NOTICE OF CLAIM.

Sec. 13.

To the chamber magistrate of the Central Police Court—

THIS is to give notice that [state Christian name and surname in full] of [state residence and occupation], claims to have his name inserted in the citizen's roll for the ward of the city of Sydney.

Dated this day of , 19 .

(Signature of claimant, or where claim is made by any person on behalf of a claimant, signature of that person, with his residence and occupation, and with a statement that he makes the claim on behalf of the claimant.)

SEVENTH SCHEDULE.

Sec. 13.

NOTICE OF OBJECTION.

To the chamber magistrate of the Central Police Court—

I HEREBY object to the name of , described as upon the list for the ward of the city of Sydney being retained on such list.

Dated this day of , 19 .

(Signature with residence and occupation.)

EIGHTH SCHEDULE.

Sec. 30.

SCRUTINEER'S DECLARATION.

I, A.B., appointed on behalf of C.D., one of the persons nominated for election this day as alderman for ward, to be a scrutineer at such election, do hereby solemnly declare that I will faithfully assist as such scrutineer, and will not attempt to ascertain for whom any elector shall vote, nor by any word or action, directly or indirectly, aid in discovering the same, unless in answer to any question which I am legally bound to answer, or in compliance with the provisions of the Sydney Corporation Act, 1932.

NINTH

594 Sydney Corporation Act.

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NINTH SCHEDULE.

Secs. 32, 35.

BALLOT-PAPER.

Act No. 34, ELECTION of an alderman (or aldermen) on the day
1929, s. 3 (3) of , 19 .
(d).

List of candidates for election.

For Ward of the City of Sydney.
Names. Addresses.

Sec. 36.

TENTH SCHEDULE.

POSTAL BALLOT-PAPER.

Insert No. to ELECTION of an alderman (or aldermen) on the day
be elected. of , 19 .

List of candidates for election.

For Ward of the City of Sydney.

Names. Addresses.

Directions.

The elector must mark his vote on this ballot-paper by making a cross opposite the name of each candidate for whom he votes.

He must vote for the full number of candidates to be elected, neither more nor less.

Postal Vote Certificate.

(To be printed or written on the left-hand side of the envelope in which a postal ballot-paper is returned to the Returning Officer.)

City of Sydney.

Ward.

Polling-place

I hereby certify that—

(1) I am the person whose name appears as _____ of
in the roll of citizens for _____ ward in the city of
Sydney.

(2) I am qualified to vote as _____ (*here insert whether an*
owner, lessee, occupier, or lodger).

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(3) I have still the qualification mentioned in the said roll and have not already voted for the above-mentioned ward at this election.

(4) I am unable to attend at the polling-booth to record my vote in the usual manner for the following reason :—*

- (a) I do not reside within the city.
- (b) I am seriously $\left\{ \begin{array}{l} \text{ill} \\ \text{infirm} \end{array} \right.$ and by reason of such illness infirmity will be precluded from attending at the polling-booth to vote.
- (c) I will, by approaching maternity, be precluded from attending at the polling-booth to vote.

(Signature)

(Date)

(Witness)†

(Occupation and postal address)

(Date)

(Place)

* Strike out the inappropriate paragraphs (a), (b), or (c)

† The witness must be one of the following persons :—A Commonwealth Divisional Officer, State Returning Officer, Commonwealth or State Electoral Registrar or Deputy Registrar, or Returning Officer of the City of Sydney, postmaster or postmistress, police or stipendiary magistrate, or justice of the peace, head school teacher, officer of police, medical practitioner, clergyman, officer of the State or Commonwealth Public Service, station manager, bank manager, or any other person mentioned in section 114B of the Parliamentary Electorates and Elections Act, 1912-1929.

NOTE.—The voter should place his postal ballot-paper, after he has marked it, in an envelope with the above superscription, which envelope may be furnished by the Returning Officer in response to an application under section 36, and after completion of the certificate post it to the Returning Officer in time to reach him before the hour for closing the poll on the day of election.

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Sec. 42.

ELEVENTH SCHEDULE.

VOTER'S DECLARATION.

Voter's number .

I, A.B., do solemnly declare that I am the person named in the roll now in force for the ward of the city of Sydney, my name being numbered therein as in the margin hereto; that I have not already voted in this ward at this election; and that I have still the qualification mentioned in the said roll.

A.B.

Made and subscribed before me this day of , 19 .

C.D. Presiding Officer.

Sec. 87.

TWELFTH SCHEDULE.

All that piece or parcel of land in the city of Sydney and municipality of Paddington, parish of Alexandria and county of Cumberland, and being part of the land resumed for sewerage purpose on Barcom Glen Estate: Commencing at a point on the south-western building line of Liverpool-street, distant $102\frac{1}{5}$ links south-easterly from Great Barcom street; and bounded on the north-east by the south-western building line of Liverpool-street bearing south 39 degrees $37\frac{1}{4}$ minutes east $109\frac{37}{60}$ links; on the south-east and south by lines bearing south 30 degrees $46\frac{3}{4}$ minutes west 582 links, south 51 degrees $23\frac{2}{3}$ minutes west $656\frac{9}{10}$ links, south 58 degrees $19\frac{1}{4}$ minutes west $223\frac{13}{16}$ links, north 89 degrees $6\frac{3}{4}$ minutes west $489\frac{19}{20}$ links, and north 69 degrees 48 minutes west $158\frac{5}{6}$ links respectively to Great Barcom street; on the north-west by that street bearing north 68 degrees $14\frac{1}{2}$ minutes east $154\frac{1}{6}$ links; and on the north and north-west by lines bearing south 69 degrees 48 minutes east $26\frac{4}{5}$ links, south 89 degrees $6\frac{3}{4}$ minutes east $441\frac{5}{6}$ links, north 58 degrees $19\frac{1}{4}$ minutes east $187\frac{3}{10}$ links, north 51 degrees $23\frac{2}{3}$ minutes east $631\frac{3}{10}$ links, and north 30 degrees $46\frac{3}{4}$ minutes east $599\frac{9}{10}$ links respectively, to the point of commencement,—excluding therefrom portions of West-street, Ice-street, Campbell-street, and a lane leading to Great Barcom street, and containing an area of 1 acre 3 roods 17 perches or thereabouts, exclusive of streets and lane.

THIRTEENTH

No. 58, 1932.

THIRTEENTH SCHEDULE.

FORM OF ASSESSMENT Book.

An assessment of the gross and net annual value of all premises liable Sec. 118.
to be rated in ward in the city of Sydney.

No. Situation.	Name of person rated.	Name of owner or landlord of premises rated.	Description of premises.	Gross annual value in pounds.	Net value fixed by valuers.	Net value fixed by city council or District Court.

(Signed)

{ A.B. }
C.D. } Valuers.

FOURTEENTH SCHEDULE.

Sec. 117

All that piece or parcel of land situated in the city of Sydney, county of Cumberland, parish of Alexandria, commencing at the intersection of the north-western side of Cook-road with the southern side of Park-road, and bounded thence by the latter road westerly to its intersection with a north-eastern corner of an area of 23 acres 2 roods 27 $\frac{1}{4}$ perches dedicated for military purposes 18th October, 1899; thence by south-eastern and north-eastern boundaries of that area, and by the north-eastern boundary of an area of 2 acres vested in the Royal Agricultural Society of New South Wales, being lines south-westerly and south-easterly to the north-eastern corner of the last-mentioned area; thence by part of the south-eastern boundary of that land south-westerly to the north-western corner of an area of 3 acres 1 rood 1 perch vested in the Royal Agricultural Society of New South Wales; thence by the north-eastern boundary of the said land south-easterly to the north-western side of Cook-road before mentioned; and thence by that road north-easterly to the point of commencement, as shown on plan catalogued Ms. 4,339 Sy., in the Department of Lands.

FIFTEENTH

No. 58, 1932.

Sec. 120.

FIFTEENTH SCHEDULE.

FORM OF NOTICE OF ASSESSMENT

City of Sydney.

No.

Ward

To

Notice is hereby given that by virtue of the Sydney Corporation Act, 1932, the council of the city of Sydney have ordered and directed you to be assessed in respect of the undermentioned premises at the sum hereunder set forth:—

Person rated.	Premises assessed.	Net value of premises clear of outgoings.
		£

Notice is also hereby given that if you are dissatisfied with the above assessment you may appeal against the same according to the provisions contained in sections of the abovenamed Act.

Dated at the Town Hall, Sydney, this day of
19 .

Town Clerk.

Date of service , 19 .

Sec. 127.

SIXTEENTH SCHEDULE.

FORM OF RATE BOOK.

No.	Situation.	Person rated.	Period for which rate is ordered half-year ending	Assessed annual value in pounds.	City rate.		Date of payment.
					Amount in the £.	Amount.	
					£	s. d.	

SEVENTEENTH

SEVENTEENTH SCHEDULE.

No. 58, 1932.

City rate No.

Ward. Sec. 129.

Amount assessed not exceeding £ .
 Received on the 19 , from the sum of
 being the amount of the half-yearly city rate to the
 19 , on premises of corresponding number with the above
 in the city rate books.

£

City Treasurer.

EIGHTEENTH SCHEDULE.

Sec. 131.

FORM OF NOTICE OF RATES.

City of Sydney.

No. Ward.
 To

Notice is hereby given that, by virtue of the Sydney Corporation Act, 1932, the council of the city of Sydney have ordered and directed you to be assessed and rated in respect of the undermentioned premises at the sums and for the purposes hereunder set forth :—

Person rated.	Premises assessed.	Net value clear of outgoings.	Nature of rates.	In the £.	Amount of rates.
			City rate half-year ending <i>or</i> other rate half-year ending <i>as the case may be.</i>	£	

NINETEENTH SCHEDULE.

Sec. 131.

TABLE OF COSTS.

	s. d.
For every warrant of distress	2 0
For every levy	1 0
For man in possession, one shilling per hour for the first three hours; and if longer detained, six shillings per day or part of a day.	
For inventory sale, commission and delivery of goods, not exceeding one shilling in the pound on the net proceeds of the sale.	

TWENTIETH

No. 58, 1982.

TWENTIETH SCHEDULE.

WARRANT OF DISTRESS AGAINST ANY NUMBER OF TENANTS ACTUALLY
RATED OR THE OCCUPANTS.

Sec. 132.

To and his assistants.

WHEREAS the several persons, whose names appear in the Schedule hereunder written, have been rated by the council of the corporation of Sydney in respect to the premises named in the said Schedule at the sums and for the rates set down opposite to their respective names. And whereas the said several sums were and still are due and payable on account of such rates, and default has been made in the payment thereof respectively to the city treasurer, although demand has been made according to law. These are, therefore, to authorise you forthwith to make distress of the several goods and chattels in the first place of the person or persons named in the said Schedule, if he, she, or they be then resident in the said premises, and have any goods and chattels there, and in case of a change of possession, then upon the goods and chattels of any person or persons who shall then be the occupier or occupiers in possession of the said premises so named in the said Schedule at the time of the execution of this warrant, and if within the space of three days next after the making of either of such distresses respectively the said several sums of money set opposite to their respective names at which the person or persons was or were so rated as aforesaid, and the said several sums for costs also set opposite to their respective names, including your lawful charges for levy, inventory, sale, commission and delivery of goods in each case, shall not be paid, that then you do sell the said goods and chattels of the person or persons so by you distrained, and out of the money arising by such sales respectively, you retain the respective sums so due and owing for the premises in the said Schedule mentioned and occupied by the party or parties whose goods you shall have sold, rendering to him, her, or them the overplus after deducting the charges of taking, keeping, and selling the said distress, and that you certify to me on or before the day of what you shall have done by virtue of this warrant.

SCHEDULE.

No. in rate book.	Names of ratepayers.	Description of property.	Situation of property.	What rates.	Costs.	Total.

Given under my hand and the common seal of the corporation of Sydney at the Town Hall this day
A.D. 19 .

Lord Mayor. (L.S.)

No. 58, 1932.

TWENTY-FIRST SCHEDULE.

1. Nothing in this Schedule shall affect any private agreement with respect to the ultimate liability to pay any specified rates or arrears of rates.

Sects. 138, 150.

Private agree-
ment as to
payment of
rates.

L.G. Act, 1906,

No. 56, s. 144 (5).

2. All such rates shall be a charge upon the land in respect of which such rates are imposed, except Crown lands, in priority to all sales, conveyances, mortgages, charges, loans, and encumbrances whatsoever, and may, notwithstanding any statute of limitations or anything contained in this Schedule, be recovered at any time within ten years by the council from the owner of the land, except the Crown.

3. Any rates due or to become due to the council and owing for a period of six months shall bear interest from their due date until payment at the rate of four per centum per annum calculated at simple interest: Provided that rates due to the council, and owing for a period of six months at the commencement of this Act, shall bear interest from the date of such commencement at the rate of four per centum per annum calculated at simple interest.

4. Such interest shall be recoverable as rates under this Schedule, but without any necessity to make any demand or give any notice.

Interest recover-
able as rates.

Ibid. s. 144 (9).

5. Where rates are due and unpaid in respect of any ratable land within the city, the council may recover from any person who is or has been in occupation of such land the amount of any such rates which have become due during such occupation, together with interest thereon, upon proving—

Recovery of
rates from
occupier.

- (a) that such rates are under this Act due and payable by the owner, and
- (b) that the owner is resident outside New South Wales or is unknown to the council, or that the council has commenced legal proceedings against him, for the recovery of such rates, and has used due diligence, but has been unable to effect due service on him:

Provided that such occupier may recover from the owner the amount of any such rates paid by him to the council, or may deduct the same from any rent or any proceeds of the land due or to become due from such occupier to the owner.

6. (1) In any proceeding by the council to recover the amount of any rate from the owner, or to prove under the last preceding clause that any rate is due and payable by the owner, the plaintiff must, in the event of a notice of defence or plea being filed, prove—

Proceedings
to recover
rates.

Ibid. s. 146.

- (a) the amount of the rate;
- (b) that the prescribed notice has been duly given of the valuation;
- (c) that the prescribed notice has been duly given to pay the rate.

(2) In any such proceeding an entry in the rate-book being one of a series of entries prescribed to be made, such series purporting to have been sealed with the seal of the council, signed by the Lord Mayor, and

Entry in rate-
book to be
evidence.

No. 58, 1932.

— and countersigned by the town clerk, shall be *prima facie* evidence of the facts therein stated without proof of the affixing of the seal or of the signatures of the Lord Mayor or town clerk.

Defences available.

(3) In any such proceeding to recover the amount of any *rate* the defendant shall not be allowed to raise any question of law or fact except as to a matter which by this clause the plaintiff must prove, or except that he is not the owner of the land subject to the *rate*.

Question of title not to be raised.

(4) In any such proceeding no jurisdiction otherwise competent shall be ousted on the ground that such proceeding raises a question of title to land or affects the title to any land. But no order or judgment in any such proceeding shall be admissible in any court as evidence of title.

Council may take possession of unoccupied land for arrears of rates.

L.G. Act, 1906, No. 56, s. 148.

Accounts of receipts and of moneys due in respect of land.

Application of moneys.

Persons entitled may demand land within specified period.

Council shall yield possession.

7. (1) When any ratable land is unoccupied, and the rates accrued in respect thereof under this Act have been unpaid for four years, the council may, subject to the conditions and after the notices prescribed,—

- (a) take possession of the land;
- (b) hold the land against any person; and
- (c) lease the land from time to time for any term not exceeding seven years.

(2) The council, after so taking possession of any land, shall keep accounts—

- (a) of the rents and other moneys received by it in respect of the land, less the expenses of and incidental to the giving of the prescribed notices, and the letting and the collection of the rents of the land;
- (b) of the rates and the interest thereon, and other sums due to the council in respect of the land.

(3) The moneys so received shall be applied in defraying the expenses necessarily incurred by the council in giving the notices, executing the lease, in collecting such rents and moneys, and in paying the rates and interest and other expenses due in respect of the land. The residue (if any) of such moneys shall belong to such person as would, when the same respectively were received, have been entitled to receive the rents and profits of the land if these provisions had not been enacted.

(4) Within sixteen years after the land has been so taken possession of by the council, any person who, but for the provisions of this Schedule, would be entitled to the land may inspect the accounts kept in pursuance of this clause, and may require the council, on payment of the balance (if any) due to the council, to put him in possession of the land, subject to any lease lawfully made by the council under this Schedule.

(5) The council shall comply with such requirement, and, if the balance is on the accounts against the council, shall pay such balance to the person aforesaid. Any tenant of the council shall attorn to the person so put in possession of the land.

(6) Unless some person within the said sixteen years so requires No. 58, 1932. the council to put him in possession of the land, the land and all rents Council may and moneys received by the council in respect thereof shall, on the retain land, expiration of such sixteen years, vest absolutely in the council.

TWENTY-SECOND SCHEDULE.

Sections 141,
147.

No. of Act.	Title of Act.	Extent of suspension.
59 Vic. No. 15	Land and Income Tax Assessment Act of 1895.	Subsections (vii) and (viii) of section 17, and the words in subsection (iv) of section 15, "except from land subject to land tax as hereinafter specifically excepted."
59 Vic. No. 15	Land and Income Tax Assessment Act of 1895	
61 Vic. No. 21	Land and Income Tax (Amendment) Act, 1897	So much as relates to land values taxation.
62 Vic. No. 37	Land and Income Tax (Declaratory) Act, 1898	
59 Vic. No. 16	Land Tax Act of 1895 ...	The whole.
Act No. 28, 1900.	Land Tax (Assessment Pooks) Act, 1900 ...	The whole.
Act No. 46, 1900.	Land Tax (Contribution) Act, 1900 ...	The whole.
Act No. 115, 1902.	Land Tax (Leases) Act, 1902 ...	The whole.

TWENTY-THIRD SCHEDULE.

Sec. 16

SCALE OF MAXIMUM RATES OF MARKET FEES AND CHARGES.

Market fees.

For every horse, mare, foal, mule, or gelding received into the yards for sale 1 0
For every milch cow so received 0 6

Charges for use of yards after the sale day for any portion of twelve hours.

For every milch cow and every horse, mare, foal, mule, or gelding 0 1

The

No. 58, 1932.

The above charges for the use of yards are not to be exacted for stock paying market fees if such stock are not yarded until after 2 p.m. of the day preceding the day on which they are offered for sale and are removed before 8 a.m. of the day following such sale day.

Sec 173.

TWENTY-FOURTH SCHEDULE.

1. 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.

2. 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 3½ perches, or thereabouts.

3. 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.

TWENTY-FIFTH

TWENTY-FIFTH SCHEDULE.

Within the county of Cumberland as follows:—Commencing at high-water mark on the east coast-line of the State of New South Wales at Barrenjoey; and bounded thence by a line bearing generally westerly to the northern extremity of Hawkesbury River railway bridge; thence by the Great Northern Railway line south-south-westerly to Pennant Hills railway station; thence by a line south-westerly to Parramatta railway station; thence south-easterly to Loftus Junction railway station; thence easterly to Hacking Point; and thence by the east coast-line aforesaid, and lines crossing the entrances of Bate Bay, Botany Bay, and Port Jackson, generally northerly to the point of commencement.

Secs. 195 and 196.

TWENTY-SIXTH SCHEDULE.

See. 254.

THIS indenture made the day of , one thousand nine hundred and , between the municipal council of Sydney, in the State of New South Wales (hereinafter called the council), of the one part, and of hereinafter called the purchaser, of the other part, witnesseth that the said council, in consideration of the sum of now paid to it (the receipt whereof is hereby acknowledged) doth hereby grant enfeoff and release unto the purchaser, his heirs and assigns, all that piece or parcel of land described in the Schedule hereto, to hold the said piece or parcel of land unto and to the use of the purchaser, his heirs and assigns, for ever.

In witness whereof the said parties have hereunto set their hands and seals the day and year first above written.

THE SCHEDULE.

The common seal of the municipal council of Sydney was hereto affixed by me Town Clerk of the said city, the day and year first above written.

Town Clerk.

Received on the day and year first above written of and from the abovenamed the sum of , being the consideration money above expressed to be paid by him.

City Treasurer.

TWENTY-SEVENTH

No. 58, 1932.

TWENTY-SEVENTH SCHEDULE.

Sec. 255.

TWENTY-SEVENTH SCHEDULE.
No. Series, Debenture £
Issued by the municipal council of Sydney under the provisions of the
Sydney Corporation Act, 1932.

TRANSFERABLE BY DELIVERY.

THIS debenture was issued by the municipal council of Sydney in pursuance of provisions of the abovementioned Act, and is to secure to the bearer a principal sum of payable at the on the day of . Interest at the rate of pounds per centum per annum on such principal sum in the meanwhile is payable by equal half-yearly payments on the day of , and the day of at , and a coupon is annexed for each payment which entitles the bearer of such coupon thereto.

Dated this _____ day of _____ A.D. _____

(L.S.) Lord Mayor.
 Town Clerk.

Entered at the office of the City Treasurer, in Register of Debentures,
fol. .

City Treasurer.

Sec. 255.

TWENTY-EIGHTH SCHEDULE.

11

Series.

Debenture £

Issued by the municipal council of Sydney under the provisions of
the Sydney Corporation Act, 1932.

TRANSFERABLE BY DELIVERY.

This debenture was issued by the municipal council of Sydney in pursuance of the provisions of the abovementioned Act, and is to secure to the bearer a total sum of £ payable by equal yearly (half-yearly) sums of £ payable at the Town Hall, Sydney, on the day of in each year up to and inclusive of the year 19

Interest upon the principal sum originally lent to the said council is provided for in such payments.

Dated this _____ day of _____ A.D. _____

(L.S.) Lord Mayor, City Treasurer.
Town Clerk.

Entered at the office of the City Treasurer, in Register of Debentures, folio .

City Treasurer.

TWENTY-NINTH

TWENTY-NINTH SCHEDULE.

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 $7\frac{8}{10}$ 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 $67\frac{5}{10}$ 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 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 beforementioned ; 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 beforementioned ; 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. Philip, 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 $\frac{1}{16}$ 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 $\frac{9}{10}$ 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 $\frac{3}{10}$ 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 $\frac{5}{10}$ 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 19 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 $\frac{7}{10}$ 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

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 $44\frac{2}{10}$ 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 by lines bearing south 26 degrees 23 minutes west $23\frac{6}{10}$ links, south 84 degrees 29 minutes west $40\frac{7}{10}$ 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.

THIRTIETH SCHEDULE.

See. 266.

All that piece or parcel of land, containing by admeasurement 1 rood 32 perches, situate in the city of Sydney, parish of Alexandria, county of Cumberland, being allotment 1 of section 12 of a Government subdivision at Woolloomooloo Bay, commencing at the intersection of the southern side of Nicholson-street with the eastern side of Bourke-street, and bounded thence on the west by the latter street southerly 70 feet to Wilson-street; thence on the south by that street easterly 283 feet 9 inches to Forbes-street; thence on the east by that street northerly 70 feet to Nicholson-street before mentioned; and thence on the north by that street westerly 283 feet 9 inches to the point of commencement, as indicated on plans catalogued S. 299-858 and S. 299A-858, in the Department of Lands.

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NEW