

LOCAL GOVERNMENT VALIDATION AND ENABLING ACT.

Act No. 24, 1914.

An Act to authorise and validate certain borrowings by councils ; to authorise and validate certain actions ; to amend the Local Government Act, 1906, the East Maitland Public Reserve Act, and certain other Acts ; and for purposes consequent thereon or incidental thereto. [Assented to, 26th November, 1914.]

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

1. This Act may be cited as the “Local Government Validation and Enabling Act, 1914,” and shall be construed with the Local Government Act, 1906, which Act and the Acts amending it are herein referred to as “the Local Government Acts”.

2. Notwithstanding anything in the Local Government Acts as to the procedure precedent to borrowing, the Council of the Municipality of Central Illawarra may, with the consent of the Minister, on the security of any bank stock in the possession of the council, borrow from any bank in which such stock is held, and for any period

Short title.

Central Illawarra Municipality—borrowing on security of bank stock.

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Validation of
various loans.
Certain uses
of loan
moneys.

3. Where, before the commencement of this Act, a loan has been made to the council of a municipality or of a shire, such loan shall be deemed to have been a good, valid, and legal loan, and to have been lawfully contracted by such council, and the securities given for such loan shall be deemed to have been and to be good and valid securities, and to have been lawfully given to secure the repayment of such loan. The application of such loans for the payment of expenditure incurred for the loan works before the making of the loan and the application of such loans to repay advances from the temporary loan fund for the loan works shall be deemed to be valid.

Manly loan—
validating
invalid poll.

4. (1) Whereas the Governor having approved on the tenth day of March, one thousand nine hundred and fourteen, of the Council of the Municipality of Manly borrowing the sum of thirty thousand pounds, the borrowing of such sum is hereby authorised notwithstanding any non-compliance with the requirements of the Local Government Acts as to the procedure precedent to such borrowing.

(2) A loan rate shall be levied as required by the said Acts, provided that if the said council borrows the said sum or any portion thereof during the year ending the thirty-first day of December, one thousand nine hundred and fourteen, it may postpone the levying of the loan rate until the following year.

Marrickville
Municipal
Council Loan.—
Authorization
of borrowing at
rate of interest
in excess of that
specified in loan
proposals.

5. (1) Whereas the Governor approved on the eighteenth day of February, one thousand nine hundred and thirteen, of the Council of the Municipality of Marrickville borrowing a sum of twelve thousand pounds for the purpose of the construction of kerbing and guttering
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and tarpaving certain footpaths in the municipality, and a sum of nine thousand pounds for the purpose of the erection of a garbage destructor, and whereas the said council failed to negotiate such loans at the rate of interest specified in its applications for the Governor's approval to such borrowings, the said council is hereby authorised, notwithstanding anything to the contrary contained in the Local Government Acts, and without the necessity to carry out the provisions of those Acts as to the procedure precedent to borrowing, except as to the levying of a loan rate, to borrow the said sums for the purposes stated respectively at a rate of interest not exceeding four and three-quarter per centum per annum. Such borrowing shall be deemed to be a borrowing under and in accordance with the provisions of the Local Government Acts.

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(2) A loan rate shall be levied as required by the said Acts, provided that if the said council borrows the said sum or any portion thereof during the year ending the thirty-first day of December, one thousand nine hundred and fourteen, it may postpone the levying of the loan rate until the following year.

6. In any case where a council has before the commencement of this Act failed to comply with the provisions of the Local Government Acts in respect to the making of any loan rate or local loan rate, the Minister may, upon application by the council, validate the action of such council in that respect if, in his opinion, the interests of the ratepayers and other persons interested in the loan will be benefited by such validation.

Non-levying of loan rates may be validated.

7. In any case where before the commencement of this Act a council has reduced the amount of any loan rate in consequence of an increase of valuations, but so that the yield from such reduced rate is not less than the amount required to be raised by such loan rate, the action of such council shall be deemed to have been and to be valid.

Reduction of loan rate in consequence of increase in valuations.

8. Where before the commencement of this Act any money belonging to any fund of a council has been expended by a council for the establishment or maintenance of the sanitary or garbage service such expenditure shall be deemed to be valid.

Use of general fund for sanitary or garbage service establishment.

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No. 24.** **9.** Whereas certain persons have contracted with the Commercial Banking Company of Sydney, Limited, for the payment of the purchase money, or part thereof, for land at Mount Victoria, and whereas such land has been dedicated as a public park, the council of the Shire of Blue Mountains is authorised to discharge the said obligations to the said bank, and any payment made by the council in respect thereof before the commencement of this Act shall be deemed to be valid.
- Blue Mountains Shire—purchase of land for park.
- 10.** (1) Notwithstanding any of the provisions of the East Maitland Public Reserve Act, the Council of the Municipality of East Maitland shall be deemed to have been authorised to expend, for the purposes of the general fund, any amounts heretofore derived in respect of any lands comprised within the East Maitland pasturage reserve and expended for the said purposes.
- East Maitland Pasturage Reserve.
- Use of funds. The amount of any moneys derived in respect of the said lands, and heretofore expended by the council for the purposes of the gas works trading fund, shall be repaid to the pasturage reserve special fund within a period of five years from and after a date, and at a rate of annual payment to be fixed by the Minister.
- Refund from the Gas Trading Fund.
- Future use of funds. (2) The council may, unless otherwise directed by the Minister, expend upon the maintenance of any public reserve within the municipality, from the moneys hereafter to be derived in respect of any lands comprised within the East Maitland pasturage reserve, any sum not exceeding an amount which may be fixed by the Minister from time to time.
- Leases. (3) Any lease or agreement to lease any land comprised within the East Maitland pasturage reserve made by the council before the commencement of this Act shall be deemed to be valid notwithstanding any incapacity of the council to enter into any such lease or agreement.
- Oaklands water supply. **11.** The agreement made between the Minister and the Council of the Shire of Urana in reference to certain works for the supply of water to the village of Oaklands shall be deemed to be valid.
- Water hyacinth eradication. **12.** A council of a shire or of a municipality which before the passing of this Act has carried out any operations for the extirpation and destruction of water hyacinth

**Main Southern Railway Deviation (Picton to
Mittagong) Act.**

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hyacinth, or expended its funds for that purpose, or contributed towards the cost of the carrying out of such work by any other council, or by an unauthorised body known as the "Water Hyacinth Eradication Board," established at Coraki, shall be deemed to have been authorised so to do, and the council, and that board and the officers and servants of the council, and any person whosoever acting for or on behalf of the council or that board, shall be and are hereby indemnified from and against any liability which may have arisen from the reasonable carrying out of any such operations, and from and against any liability in respect of the use of the council's funds in the manner aforesaid.

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