

LOCAL GOVERNMENT (FURTHER AMENDMENT) ACT.

Act No. 41, 1939.

An Act to amend the Local Government Act, 1919, the Country Towns Water Supply and Sewerage (Debts) Act, 1937, the Gas and Electricity Act, 1935-1936, and certain other Acts, in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 13th November, 1939.]

George VI.
No. 41, 1939.

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 (Further Amendment) Act, 1939." Short title.

2. (1) The Local Government Act, 1919, as amended by subsequent Acts, is amended— Amendment of Act No. 41, 1919.

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| (a) by omitting from subsection four of section one hundred and seventy-seven the word "thirty-nine" and by inserting in lieu thereof the word "forty"; | Sec. 177 (4).
(Approval of certain ordinary loans.) |
| (b) by omitting from subsection thirteen of section 400A the word "thirty-nine" and by inserting in lieu thereof the word "forty"; | Sec. 400A (13).
(Loans and Advances Advisory Committee.) |
| (c) by omitting from subsection five of section 422B the word "thirty-nine" and by inserting in lieu thereof the word "forty"; | Sec. 422B (5).
(Agreement by Treasurer in relation to certain franchises.) |
| (d) by omitting from subsection four of section 493A the word "thirty-nine" and by inserting in lieu thereof the word "forty." | Sec. 493A (4).
(Agreement by Treasurer—loan liabilities.) |

(2)

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(2) Subsection one of this section shall be deemed to have commenced on the thirtieth day of June, one thousand nine hundred and thirty-nine.

Further amendment of Act No. 41, 1919.

Sec. 379.
(Water local rates.)

3. (1) The Local Government Act, 1919, as amended by subsequent Acts, is further amended—

(a) by inserting after subsection (5A) of section three hundred and seventy-nine the following new subsection:—

(5B) The council may exempt from water local rates any land which is situated within two hundred and fifty yards of a gravitation or rising water main and which is not connected thereto.

New sec.
132A.

(b) by inserting next after section one hundred and thirty-two the following new section:—

Exemption from rating.

132A. No land which is exempt from rating shall become ratable by reason only of the fact that such land or any building thereon is permitted by the owner thereof to be used exclusively for purposes of a patriotic nature relating to the present war without any rent, other than a nominal rent, being reserved to such owner or any other benefit whatsoever being derived by such owner from such use of the land.

Amendment of Act No. 58, 1932.

New sec.
118A.

(2) The Sydney Corporation Act, 1932-1934, as amended by subsequent Acts, is amended—

(a) by inserting after section one hundred and eighteen the following new section:—

Exemption from rating.

118A. No land or building which is exempt from rating shall become ratable by reason only of the fact that such land or building is permitted by the owner thereof to be used exclusively for purposes of a patriotic nature relating to the present war without any rent, other than a nominal rent, being reserved to such owner or any other benefit being derived by such owner from such use of the land or building.

(b)

(b) by inserting next after section 246A the following new section:—

246B. (1) The power to resume lands conferred upon the municipal council of Sydney by section sixteen of the Sydney Corporation Amendment Act, 1905 (whether as originally enacted or as amended from time to time), shall be deemed always to have extended to the resumption of lands of the Crown, or lands vested in any corporation created by statute which held lands on behalf of the Crown, or lands vested in any statutory body representing the Crown where, at the date of publication of the notice of resumption in the Gazette, such lands formed the whole or part of a road, highway, street, square, lane, court, alley or other thoroughfare or place used for the passage of the public through or along the same, and in respect of which the said municipal council of Sydney had, at any time prior to the publication of the said notice of resumption, expended money in the formation, paving, maintenance, lighting, cleansing or draining the same.

(2) This section shall not extend to such of the lands of the Crown purported to have been resumed by the municipal council of Sydney before the twenty-second day of December, one thousand nine hundred and thirty-two, and in respect of which the said municipal council of Sydney obtained from the Crown, subsequently to the date of publication in the Gazette of the relevant notice of resumption, a Crown grant, which grant shall have full force and effect as if this section had not been enacted.

4. (1) The Local Government Act, 1919, as amended by subsequent Acts, is further amended by inserting next after section five hundred and three the following new section:—

503A. (1) A council may subject to such conditions (if any) as may be prescribed—

(a) expend its corporate funds to promote or assist recruiting for military service or to promote

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New sec. 246B.

Resumption under Sydney Corporation Amendment Act, 1905, of streets, etc., vested in Crown.

Further amendment of Act No. 41, 1919. New sec. 503A.

National Service expenditure.

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promote or contribute towards the cost of promoting the training of persons for emergency services during time of war;

(b) pay to any servant—

- (i) who is engaged on war service as defined in the Defence Act, 1903-1939, of the Parliament of the Commonwealth of Australia; or
- (ii) who is engaged upon training as a member of any National Emergency Service; or
- (iii) who is engaged on service with such National Emergency Service,

the difference between the pay received by such servant for such service and the salary or pay of such servant in the service of the council.

(2) For the purposes of this section "council" includes a county council and a county council may exercise the powers given by this section in all respects as if such powers had been delegated to the county council by proclamation issued in pursuance of section five hundred and sixty-four of this Act.

(3) This section shall extend to any expenditure incurred before the commencement of the Local Government (Further Amendment) Act, 1939, by a council for any of the purposes referred to in this section and such expenditure shall be deemed to have been validly incurred.

(4) Ordinances may be made for carrying this section into effect.

Further amendment of Act No. 58, 1932.
New sec. 61B.

(2) The Sydney Corporation Act, 1932-1934, as amended by subsequent Acts, is further amended by inserting next after section 61A the following new section:—

National Service expenditure.

61B. (1) The council may subject to such conditions (if any) as may be prescribed—

- (a) expend its corporate funds to promote or assist recruiting for military service or to promote

promote or contribute towards the cost of promoting the training of persons for emergency services during time of war; No. 41, 1939.

(b) pay to any servant—

(i) who is engaged on war service as defined in the Defence Act, 1903-1939, of the Parliament of the Commonwealth of Australia; or

(ii) who is engaged upon training as a member of any National Emergency Service; or

(iii) who is engaged on service with such National Emergency Service,

the difference between the pay received by such servant for such service and the salary or pay of such servant in the service of the council.

(2) This section shall extend to any expenditure incurred before the commencement of the Local Government (Further Amendment) Act, 1939, by the council for any of the purposes referred to in this section and such expenditure shall be deemed to have been validly incurred.

(3) By-laws may be made for carrying this section into effect.

(3) The Gas and Electricity Act, 1935-1936, is amended by inserting in Schedule Five to that Act immediately before the words "Section five hundred and six" the following words "Section 503A". Amendment of Act No. 42, 1935. Schedule Five.

5. The Local Government Act, 1919, as amended by subsequent Acts, is further amended— Further amendment of Act No. 41, 1919.

(a) by inserting next after section four hundred and sixty-nine the following new Division:— New sec. 469A.

DIVISION 3A.—*Roads, public reserves and channel land within irrigation areas.*

469A. (1) Notwithstanding anything contained in any other provision of this Part the duty which is laid by this Part upon any occupier to eradicate noxious plants from private lands shall, in the case of private lands within an irrigation Duties of occupiers of certain land.

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irrigation area, extend and apply not only to private lands occupied as such, but also to so much of any road, public reserve or channel land which intersects or bounds the private lands of which he is the occupier as is contiguous to and within a distance of one chain from such boundary.

(2) Where any road, public reserve or channel land is situate between and bounded by private lands of which there are different occupiers and is less than two chains in width, it shall be a sufficient compliance with subsection one of this section if the occupier eradicates the noxious plants from so much of the road, public reserve or channel lands as is contiguous to and within a distance of one-half of the width of such road, public reserve or channel land from the boundary of such private lands.

(3) In this section—

“Irrigation area” means an irrigation area constituted under the Murrumbidgee Irrigation Act, 1910, or the Irrigation Act, 1912, or under either of those Acts as amended by subsequent Acts.

“Channel land” means land in an irrigation area designed and used or proposed to be used by the Water Conservation and Irrigation Commission for the purpose of water supply or drainage channels.

Sec. 475.
(Private
land
adjoining
infested
public
lands.)

(b) by inserting at the end of section four hundred and seventy-five the following new subsection:—

(2) Subsection one of this section shall not, after the commencement of the Local Government (Further Amendment) Act, 1939, apply to or in respect of any private land within an irrigation area constituted under the Murrumbidgee Irrigation Act, 1910, or the Irrigation Act, 1912, or under either of those Acts as amended by subsequent Acts, which has a frontage to any road or public reserve or any land designed and used or intended to be used by the
Water

Local Government (Further Amendment) Act.

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Water Conservation and Irrigation Commission for the purpose of water supply or drainage channels.

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6. (1) The Country Towns Water Supply and Sewerage (Debts) Act, 1937, is amended—

Amendment of Act No. 32, 1937.

Sec. 2

(Certificates in connection with adjustment of certain capital debts to the Treasurer for water supply and sewerage.)

(a) by inserting in subsection one of section two after the words "Minister for Public Works may" the words "with the concurrence of the Colonial Treasurer";

(b) by inserting in subsection two of the same section after the words "Minister for Public Works may" the words "with the concurrence of the Colonial Treasurer";

(c) by omitting from subsection four of the same section the word "thirty-nine" and by inserting in lieu thereof the word "forty."

(2) Subsection one of this section shall be deemed to have commenced on the first day of July, one thousand nine hundred and thirty-nine.

7. The Gas and Electricity Act, 1935-1936, is further amended by inserting next after section fifty-five the following new sections:—

Further amendment of Act No. 42, 1935.

New secs. 55A-55E.

Inscribed stock. cf. Act No. 58, 1932, s. 262F.

55A. (1) For securing repayment of the principal and interest in respect of any loans raised by the Sydney County Council in pursuance of the power in that behalf conferred by section fifty-five of this Act, the Sydney County Council may, notwithstanding the provisions of this or any other Act, issue inscribed stock as prescribed and may maintain inscribed stock registries in any country in which the principal is payable.

(2) Inscribed stock shall be transferable in the books of the Sydney County Council in the manner prescribed.

(3) Inscribed stock issued by the Sydney County Council in accordance with the provisions of this section shall be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920-1938, contained in the Second Schedule to that Act.

(4)

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(4) (a) Any trustee, unless expressly forbidden by the instrument (if any) creating the trust, may invest any trust moneys in his hands in stock inscribed by the Sydney County Council, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925-1938, or any Act replacing the said Act.

(b) Any stock inscribed by the Sydney County Council shall be a lawful investment for any moneys which any company, council or body corporate incorporated by any Act of the Parliament of New South Wales is authorised or directed to invest in addition to any other investment expressly provided for the investment of such moneys.

(c) No notice of any trust expressed, implied or constructive shall be received by the Sydney County Council or by any officer or servant of the same in relation to any stock inscribed by the Sydney County Council.

(5) The Sydney County Council may on the application of any holder of its debentures and subject to such conditions (if any) as may be prescribed, cancel any such debentures so held by him, and may issue to such holder in lieu thereof inscribed stock of an equal face value bearing the same rate of interest and repayable upon the date originally fixed for payment of the debentures so cancelled:

Provided that such cancellation and issue of the inscribed stock shall not in any way affect the obligations of the Sydney County Council in relation to any reserve for loan repayment or any sinking fund in respect of the loans, the debentures of which shall have been so cancelled and in like manner and on like application the Sydney County Council may cancel inscribed stock and issue debentures of an equal face value in lieu thereof. The Sydney County Council as holder of any of its own debentures or inscribed stock shall have the like powers as any other holder under this section.

55B. (1) A Registry of Inscribed Stock shall be established at the office of the Sydney County Council and at such other places as the Minister, at the

the request of the Sydney County Council, may appoint.

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The treasurer of the Sydney County Council or the person for the time being acting in his place shall be the registrar.

The Minister, at the request of the Sydney County Council, may appoint such other persons, whether servants of the Sydney County Council or not, to be deputy registrars or assistant deputy registrars.

55c. Inscribed stock of the Sydney County Council may be purchased by the council out of moneys held as a reserve for the repayment of the loan for which such stock was issued, at or below its face value.

Exchange stock, etc. cf. Act No. 11, 1938, s. 79.

55d. In the application of sections one hundred and ninety-three and one hundred and ninety-six of the Principal Act to and in respect of the Sydney County Council, those sections shall be read as if the words "inscribed stock" were inserted immediately before the word "debenture" wherever occurring.

Receivers.

55e. The Sydney County Council may, on the application of any holder of its debentures and subject to such conditions (if any) as may be prescribed, cancel any such debentures so held by him and issue to such holder in lieu thereof debentures of another denomination or other denominations which—

Exchange of debentures.

- (a) have an aggregate face value equal to the aggregate face value of the cancelled debentures; and
- (b) bear the same rate of interest as the cancelled debentures; and
- (c) are repayable upon the date originally fixed for repayment of the cancelled debentures.

S. The Broken Hill Water and Sewerage Act, 1938, is amended—

Amendment of Act No. 20, 1938. Sec. 47. (Catchment areas.)

- (a) by inserting in subsection three of section forty-seven after the figures "1913" the words and figures "or the Western Lands Act of 1901";

(b)

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- (b) by inserting at the end of the same subsection the words "until notice of intention so to do has been given to the board and the council in the manner and of the duration prescribed by the regulations."
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