

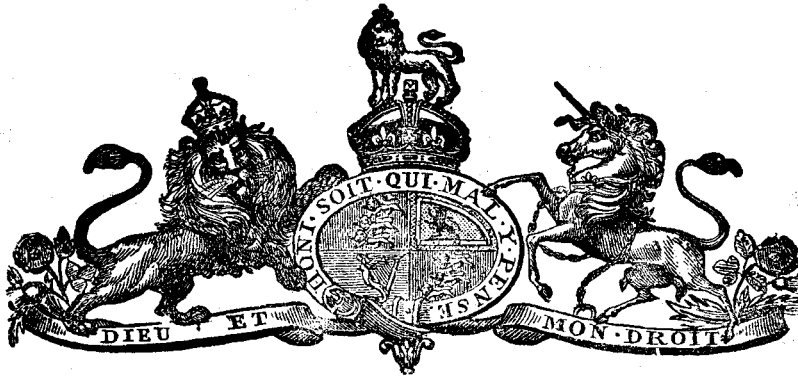
THE LOCAL GOVERNMENT AMENDMENT ACT, 1911.

ANALYSIS.

1. Short title.
2. Repeal of 8 Ed. VII. No. 35.
3. A amendment of definition of " elector " in Section 5 of Principal Act, so as to include corporation or joint stock company.
4. Provisions enabling the Governor to give effect to prayer of a petition under Section 16 of Principal Act, and to give effect to changes arising out of his exercise of powers under Section 16 or 17.
5. Amendment of Section 19 of Principal Act.
Alteration of boundaries of a ward.
6. Expenses incidental to constitution of a new municipality.
7. Public cemeteries may be vested in council by proclamation.
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8. Amendment of Section 33 of Principal Act.
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9. Amendment of Section 34 of Principal Act.
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11. Repeal of Section 47 of Principal Act.
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22. Amendment of Section 111 of Principal Act.
23. Amendment of Section 113 of Principal Act.
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T A S M A N I A



1911.

ANNO SECUNDO

GEORGII V. REGIS.

No. 65.



AN ACT to further amend "The Local Government Act, 1906." [12 January, 1912.] ^{A.D.} 1911.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Local Government Amendment Act, 1911," and shall be deemed to be incorporated with and be construed as one with "The Local Government Act, 1906" (hereinafter called the Principal Act), and every amendment thereof. Short title.

2 "The Local Government Amendment Act, 1908," is hereby repealed. Repeal of 8 Ed. VII. No. 35.

Amendment of Part I. of the Principal Act.

3 The definition of "elector" in Section Five of the Principal Act is hereby amended—(a) By omitting from line Two the figure "I," and from line Four the figure "II."; and (b) by inserting at the end of the said definition the words—"and also includes any corporation or joint stock company the name of" Amendment of definition of "elector" in Section 5 of Principal Act, so as to include

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corporation or
joint stock com-
pany.

Provisions
enabling the
Governor to give
effect to prayer
of a petition
under Section 16
of Principal Act,
and to give effect
to changes arising
out of his exercise
of powers under
Section 16 or 17.

which as the owner or occupier of any property within the municipality appears on the assessment roll.

“Any such elector may by writing under its common seal depute any person to vote on its behalf, and such person may vote on behalf of any such elector. Section Fifty of this Act shall not apply to any person so deputed to vote.”

*Amendments of Part III. of the Principal Act.***4—(1) Whenever—**

Any petition is presented to the Governor praying him to exercise any of the powers mentioned in Section Sixteen of the Principal Act : or

Any change arises out of the exercise by the Governor of any of the powers conferred by Section Sixteen or Seventeen of the Principal Act : or

Any alteration is made under or by virtue of the Principal Act, or any other Act, in any boundary of a municipality—
the Governor in his discretion may cause to be done everything he deems necessary, desirable, or expedient to be done—

To give effect to the prayer of the petition, or in relation to the petition : or

To give effect to the change so arising as aforesaid, or in relation thereto : or

In relation to a municipality of which any boundary is altered—

and in particular, but so as not to derogate from or restrict the generality of the power hereinbefore given, the Governor may by proclamation exercise all or any of the following powers, and the following provisions shall apply, namely :—

- i. The Governor may continue in office all or any number of the members of a council for such time as he deems expedient, and may do so notwithstanding any alterations in the boundaries of the municipality or any ward or wards thereof, or any alteration of the subdivision or any resubdivision of a municipality, or any abolition of wards :
- ii. The Governor may direct and declare that all or any number of the members of a council shall go out of office on a specified date, or upon the happening of a specified event, and if less than all are to go out, may specify the manner of determining them, or may name them ; and such members shall go out of office accordingly :
- iii. The Governor may make temporary appointments of councillors :
- iv. The Governor may direct elections of councillors to be held for the return of all the members of a council, or of One or more councillors, and whether to represent an undivided municipality or all the wards or any ward of a municipality :

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v. The Governor may direct and empower the Minister to determine the date and place for any election, and to make such provisions as the Minister may consider desirable to enable the election to be carried out, including the appointment of any officers. A.D. 1911.

(2) The provisions of this section shall have a retrospective effect, as if at the commencement of the Principal Act they had been inserted therein immediately after Section Seventeen thereof.

5 Section Nineteen of the Principal Act is hereby amended—

i. In Subsection (2) by striking out the words “or ward” in the two places where those words occur in the said subsection :

Amendment of Section 19 of Principal Act. Alteration of boundaries of a ward.

ii. By inserting the following new subsection :—

“(2A) The petition to alter the boundaries of any ward within a municipality shall set forth—

(a) The boundaries of the land proposed to be severed or added ;

(b) The names of members, if any, who should cease to hold office by reason of the severance of portion of the ward ;

and all other necessary particulars, and shall be signed by a majority of the owners and occupiers of property situated in the land proposed to be severed or added.

“Such petition shall be presented to the council, and upon the council passing a special resolution approving of the prayer of such petition and affixing the common seal of the municipality thereto, it shall be lawful for the Governor to give effect to the prayer of such petition, and to proclaim the altered boundaries” :

iii. In Subsection (3) by striking out the words “or wards” and “or ward” where those words occur in the said subsection, and after the word “subsection” in the last line by adding the figure “(2).”

6 All expenses of and incidental to the constitution of any new municipality under the Principal Act, and the First election of members of the council of the municipality or of any election held by order of the Governor, shall be certified under the hand of the returning officer, and shall be paid, in the first instance, out of the Consolidated Revenue by warrant under the hand of the Governor, directed to the State Treasurer, who shall be repaid out of the municipal fund of the council within Six months after the election.

Expenses incidental to constitution of a new municipality.

7 The Governor may by proclamation vest in the council of a municipality the control of any public cemetery therein, and upon the publication in the “Gazette” of the proclamation the following pro-

Public cemeteries may be vested in council by proclamation.

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29 Vict. No. 7.

Effect of
proclamation.

visions shall, by the mere operation of this Act, take effect as from a date to be stated in the proclamation—

- i. The council of that municipality shall become and be the trustees for such public cemetery under "The Cemeteries Act, 1865," and its amendments, and shall have the control and government thereof; and any other trustees for such cemetery shall thereupon cease to hold office:
- ii. The council shall have and may exercise all the functions, powers, and authorities conferred upon, and be subject to all the obligations imposed upon and perform the duties of, trustees of a public cemetery under or by virtue of the lastmentioned Acts, as if the council were named therein as trustees:
- iii. All the estate and interest of any trustees ceasing to hold office as aforesaid, in any land held for the purposes of the lastmentioned Acts, shall, without the necessity of any conveyance, vest in the warden, councillors, and electors of the said municipality, and all other assets, property and rights of the said trustees shall devolve upon and vest in the council of the said municipality.

Amendments of Part IV. of the Principal Act

Amendment of
Section 33 of
Principal Act.
Councillor resign-
ing ineligible for
re-election in
certain cases.

8 Section Thirty-three of the Principal Act is hereby amended by inserting the following proviso at the end thereof:—" Provided that in case any extraordinary vacancy occurs in the council of any municipality within Two months before any annual election by reason of a councillor resigning his seat, such councillor shall be ineligible for re-election or appointment as a councillor of the same ward in any municipality for a period of Three months, unless such councillor, if his seat had not so become vacant, would have gone out of office on the day appointed for such annual election."

Amendment of
Section 34 of
Principal Act.

9 Section Thirty-four of the Principal Act is hereby amended by inserting immediately before the word "elector" the word "male."

Amendment of
Section 39 of
Principal Act.

10 Section Thirty-nine of the Principal Act is hereby amended—

- i. By omitting from line Two of Subsection (4) the words "or other cause than illness":
- ii. By inserting in line Six of Subsection (5), immediately after the words "unless he," the words "resigns with the consent of the council or."

Amendments of Part V of the Principal Act.

Repeal of Section
47 of Principal
Act.

11 Section Forty-seven of the Principal Act is hereby repealed.

Declaration of
election where
uncontested.

12 Section Sixty-nine of the Principal Act is hereby repealed, and the following section is hereby substituted therefor:—

"**69**—(1) If at the expiration of the time limited as hereinbefore provided for the nomination of candidates the number of persons who

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have become candidates as aforesaid does not exceed the number of councillors then to be elected, the returning officer shall declare such candidates to be duly elected, and they shall be deemed to be then duly elected accordingly. A.D. 1911.

“(2) Such declaration shall be made—

i. In the case of an annual election, on the day appointed for such election :

ii. In the case of an extraordinary election, on the nomination day.

“(3) After such declaration the returning officer shall forthwith publish in some newspaper generally circulating in the neighbourhood the names of the councillors so elected.” Names of councillors elected to be published.

13 Each poll clerk shall, before the day of the poll at any election of members, make and subscribe before a returning or presiding officer, or any justice of the peace, a declaration according to the form in the Schedule (4) to the Principal Act. Poll clerk's declaration. Schedule (4) to Principal Act.

14 Section Fifty-one of the Principal Act is hereby amended by inserting at the end of the section the words :— Amendment of Section 51 of Principal Act.

“(3) Notwithstanding any of the provisions of this Act, the Governor may make regulations providing, in all cases where only one councillor is to be elected, for the election of councillors to be conducted, so far as relates to the method of marking the ballot-papers and counting the votes, on the system provided in ‘The Electoral Act, 1907’; and such regulations, when issued, shall supersede the provisions of this Act in so far as such provisions are inconsistent therewith.” Governor may make regulations in case of elections where only one councillor to be elected.

15 Section Seventy-five of the Principal Act is hereby amended by omitting the word “by-law” in line Five, and substituting therefor the words “special resolution.” Amendment of Section 75 of Principal Act.

Amendments of Part VI. of the Principal Act.

16 Section Ninety-four of the Principal Act is hereby amended as follows :— Amendment of Section 94 of Principal Act.

i. By omitting Subsection (1), and substituting therefor the following subsection, namely :—

“(1) At the First meeting of the council of a newly constituted municipality, or at some adjournment thereof, and thereafter at the First meeting of the council after the conclusion of every annual election of councillors, or at some adjournment of such First meeting, the councillors present shall, after fixing the amount of the allowance (if any) to be granted to the warden, choose one of the councillors to be warden for the ensuing year, and he shall hold office until his successor is chosen or appointed” : Councillors present to elect warden. T.B.A., 48. R.M.A., 48, 49.

ii. As to Subsection (2), by omitting the word “special” in line Five thereof :

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- iii. As to Subsection (3), by omitting the words "At every election of warden" in line One thereof, and substituting therefor the words "Before proceeding to fix the amount of the allowance (if any) to be granted to the warden, and before proceeding to elect the warden."

Amendment of
Section 96 of
Principal Act.

17 Section Ninety-six of the Principal Act is hereby amended as follows:—

- i. By omitting Subsection (2), and substituting therefor the following:—

"(2) Hereafter in every municipality the council thereof shall hold a First meeting, after the conclusion of every annual election, on such day and hour as may be appointed by the by-laws or by resolution, at the office of the council":

- ii. By omitting Subsection (3) thereof.

Business at
ordinary
meetings.
3 Ed. VII. No.
1893, s. 183
(Vic.).
6 Ed. VII. No.
32, s. 163 (W.A.).

18—(1) The ordinary meetings of the council shall be held for transacting the ordinary business of the council under the Principal Act.

(2) Ordinary business shall, amongst other matters, include the following:—

- i. Superintending the conduct of the officers of the council:
- ii. Inquiring into the conduct of the contractors or other persons employed by the council to execute any works:
- iii. Inquiring into the state and progress of such works:
- iv. Generally giving such directions from time to time as may be necessary for carrying into effect the purposes of the Principal Act and its amendments.

(3) If at any ordinary meeting any councillor objects that any motion moved without notice does not deal with ordinary business, such motion shall be of no effect unless the same shall be agreed to at such meeting by a majority of the whole number of members of the council; but nothing herein contained shall validate any extraordinary business transacted without notice.

(4) All ordinary meetings, except when in committee, shall be held with open doors, unless it becomes necessary to exclude strangers on account of their disorderly conduct.

Notice of
extraordinary
business.
Ibid., Vic., s. 184.
Ibid., W.A., s.
164.

19—(1) Where any business other than ordinary business is required or intended to be transacted, done, or adopted at any ordinary meeting of the council notice thereof shall be given to each of the councillors in the manner and time required for special meetings.

(2) No such extraordinary business shall be transacted or adopted at any ordinary meeting unless due notice of such business has been given to each councillor.

Amendment of
Section 99 of
Principal Act.

20 Section Ninety-nine of the Principal Act is hereby amended as follows:—By omitting all words from the word "otherwise" in line

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Six of Subsection (6) to the word "meeting" in the Eighth line thereof, and substituting the words "so as to reach the usual place of business, if any, within the municipality or the place of abode of each of the councillors Two clear days at least prior to the meeting." A.D. 1911.

21 Section One hundred and three of the Principal Act is hereby amended by inserting, after the word "committee" appearing in the First line of Subsection (7), the words "of which the warden is not a member." Amendment of Section 103 of Principal Act.

22 Section One hundred and eleven of the Principal Act is hereby amended by inserting the following at the end thereof:—"Each of the councillors of a council may be recouped out of the municipal fund expenditure actually incurred by him in travelling, whether within the municipality or not, if such travelling was upon council business solely, and pursuant to a resolution of the council." Amendment of Section 111 of Principal Act.

23 Section One hundred and thirteen of the Principal Act is hereby amended by inserting the following proviso at the end thereof:—"Provided that any council may in any financial year out of its municipal fund expend any sum or sums of money, not exceeding in the whole Twenty-five Pounds, for any purposes whatsoever approved of by the council; and it shall not be incumbent upon the council to apply any such sum or sums generally in the improvement of the municipality or in carrying out all or any of the objects and purposes of this Act; but each item of such expenditure must be sanctioned by a Two-thirds majority of the councillors present." Amendment of Section 113 of Principal Act. A council may expend not exceeding £25 in any year for purposes not authorised by any Act.

24 Notwithstanding anything in any Act it shall be taken and deemed to be lawful for the council of any municipality to have applied and to apply out of the municipal fund of the municipality any sums of money approved by the council (not exceeding the sum of Twenty-five Pounds) in connection with celebrations in Tasmania on the occasion of the coronation of Their Majesties the King and Queen. Validation of expenditure in connection with coronation celebrations.

Amendment of Part VIII. of the Principal Act.

25 Subsection (1) of Section One hundred and nineteen of the Principal Act is hereby amended by inserting after the word "analyst," at the end of line Three, the words "district trained nurse." Amendment of Section 119 of Principal Act.

26 A council may, after passing a special resolution, from time to time contract with any other council or councils for the employment of any person in any capacity, and whether as a relieving officer or otherwise, for the joint or mutual service of the contracting parties, and for payment of a contribution either annually or otherwise out of the municipal fund towards the salary or remuneration of any such person. Provision for employment of officers for mutual service of several municipalities.

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Amendment of
Part XI. of
Principal Act.*Amendments of Part XI. of the Principal Act.***27** Part XI. of the Principal Act is hereby amended as follows:—

- i. As to the title, by omitting the word “ordinary”;
- ii. As to Section One hundred and fifty-five, by omitting the word “ordinary” in line One, and the words “(not being special rates)” in line Three, and the word “ordinary” in the marginal note to the said section.

Repeal of Sections
159 to 172 inclu-
sive of Principal
Act.**28** Sections One hundred and fifty-nine to One hundred and seventy-two, both inclusive, of the Principal Act are hereby repealed.*Rates, Charges, &c.—Provisions as to Levying Rates.*Rates may be
levied.**29**—(1) Rates for any of the purposes of this Act or the Principal Act may be made and levied by the council from time to time, subject to the provisions contained in this Act and the Principal Act, and of such amounts as the council thinks fit, upon the annual value of property as shown by the assessment roll, unless otherwise provided for by any previous Act.

(2) The general rate must be made and levied equally upon all ratable property within the municipality.

(3) Special rates may be made and levied either equally upon all ratable property generally or of a specified class—

- i. Within the whole municipality: or
- ii. Within a particular part of the municipality.

(4) Special rates may be named according to the purposes for which the proceeds are to be expended.

(5) A special rate levied within a particular part of the municipality shall be called a separate local rate.

Period for which
rate made
may be altered.**30**—(1) Every rate may be made for and in respect of such period as the council thinks fit, and as is named in the resolution for making the rate; but this provision shall not prevent the council from afterwards altering or diminishing such period, or from making or levying during any such period another rate, if the council otherwise has power under this Act or the Principal Act to make or levy the same.

(2) Such rate may be made and levied either prospectively, in order to raise money for the payment of future expenses, or retrospectively in order to raise money for the payment of expenses incurred at any time before the making of the rate.

Distinct accounts.

31 The council shall keep, or cause to be kept, a separate and distinct account of—

- i. All moneys received in respect of every special rate or separate local rate levied under the Principal Act as amended by this Act, and of all moneys received by the council by way of endowment or subsidy upon such rates



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respectively, so that the moneys so received shall be credited to the same accounts as the rates in respect of which they were respectively received : and

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17. All moneys disbursed in respect of the purposes for which such rates are levied—

and shall apply, or cause to be applied, the moneys standing to the credit of such account for the purposes for which such rates are levied, and no other.

32—(1) Before making any general rate the council shall cause an estimate to be prepared of the proposed expenditure of the council during the period for which the rate is made and the several heads of expenditure in respect of which the rate is required.

Estimate to be prepared before rate made.

(2) Before making any special rate the council shall cause an estimate to be prepared of the proposed expenditure upon the purpose to which the rate is to be devoted.

(3) The provisions of this section do not apply to a special loan rate, or to any rate levied as the result of a poll of electors.

Provisions not to apply to certain rates.

33—(1) The council shall levy all rates in the areas of—

i. Every municipality : and

ii. Every local district—

and make and publish the notice of levy, and shall collect all rates and any prescribed charges or expenses payable to such council.

Powers of council in regard to rates and charges required to be made by certain local authorities.

(2) All rates shall, whenever practicable, be levied in the month of July.

Rates leviable in July.

(3) Except when for any cause it may be necessary to levy a rate for any purpose of the Principal Act or this Act after the making and levying of the rates for the year, all rates, whether general or special, levied in any district upon the properties therein shall, where practicable, be demanded together ; but the demand shall show the several rates.

Rates to be consolidated into one demand.

(4) The form of the demand, counterfoil, and receipt used by a council collecting rates shall be such as the Auditor-General from time to time determines.

Form of demand.

34 Any rate which a council is empowered to make and levy shall be considered to have been duly made and levied, and to be payable by the person liable to pay the same at the place and in manner stated in the demand to be issued as provided in the preceding section, when a notice, signed by the warden and not less than Three councillors, specifying the amount in the Pound, or per acre in the case of a codlin moth tax, of the rate, the purpose and period for which the same is made, and at what times the same is payable, has been gazetted.

When a rate is to be considered duly levied.

Special Rates.

Health Rate.

35—(1) The council may from time to time make and levy a special rate, to be called a "health rate."

Health rate.

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Purposes to which such proceeds may be applied.

(2) No moneys raised by a health rate shall be applied for any purpose other than the purpose of defraying the expenses incurred or payable by the board in the execution of "The Public Health Act, 1903," or any amendment thereof, or any by-laws thereunder, and not being expenses incurred in respect of any undertaking or contract for the removal of house refuse from premises, or the cleansing of closets, ashpits, or cesspools.

Road Rate.

Obligation to levy minimum road rate at least Once a year.

36—(1) Every council shall at least Once in every year make and levy a special rate, to be called a "road rate," of not less than Sixpence in the Pound of the annual value of the whole of the ratable property in the municipality.

Application of proceeds.

(2) The proceeds of every such rate shall be appropriated and applied for the purpose of constructing, repairing, renewing, improving, or maintaining any roads, streets, pathways, bridges, culverts, drains, ditches, jetties, wharves, and tramways, or in connection therewith, and administrative charges.

Except with consent, Three-fifths to be expended in ward.

(3) Excepting with the written consent of all the councillors representing the ward, Three-fifths of all moneys received by the council in respect of any property situate in any ward from the making and levying of any such road rate as aforesaid shall be expended within such ward for the purposes mentioned in Subsection (2) of this section or any of them, and the remaining Two-fifths of such moneys shall be applied as aforesaid throughout the municipality without having regard to the ward in which it was raised.

Separate account to be kept of the portion of road rate raised in ward.

(4) The council shall keep or cause to be kept a separate and distinct account of all moneys raised in respect of the road rate in each ward, and the expenditure of same.

Codlin Moth Tax.

Codlin moth tax.

37 For the purposes of "The Codlin Moth Act, 1888," and its amendments, the council may make and levy the tax prescribed by that Act as prescribed by that Act, and all the provisions of that Act in any way relating to taxes, or to the payment of an additional amount where the tax is not paid in time, shall be applicable.

Cleansing Rate.

Cleansing rate. Cf. Q. 1902, s. 217.

38—(1) When a council undertakes or contracts for the removal of house refuse from premises, or the cleansing of closets, ashpits, or cesspools, the expense of such work may be defrayed from moneys raised by a special rate, to be called a "cleansing rate," and which rate the council is hereby authorised to make and levy.

Upon occupied property where service rendered.

(2) A cleansing rate shall be made and levied upon all occupied property with respect to which the council undertakes or contracts for the performance of the duties aforesaid, and may be made and levied either—

1. Upon the basis of and in proportion to the ratable value thereof : or

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- ii. Upon the basis of the number of persons who may reasonably be expected to occupy the several properties : or
- iii. Upon the basis of the superficial measurement of the buildings upon the several properties : or
- iv. Upon one such basis with respect to ratable property the occupation whereof is of one kind, and upon another basis with respect to ratable property the occupation whereof is of another kind : or
- v. Upon such other basis as the council thinks just and reasonable.

A.D. 1911.

39 Whenever a council contracts with any person for the removal of house refuse, or the cleansing of closets, ashpits, or cesspools, on the basis of a rate agreed upon between the council and such person for the work in respect of each closet, ashpit, cesspool, house, or premises, the council, instead of imposing a cleansing rate in respect of such work, may publish in some newspaper circulating in its municipality the scale of charges fixed by the contract, and the occupier of any premises in respect of which any such work is done by the contractor under his contract with the council, shall pay to the contractor therefor on demand the proper charge for the work according to the said scale of charges, and in case of refusal or neglect to pay such charge the same may be recovered by the contractor from the occupier in a summary way by complaint before a justice.

Power of contractor to recover.

40—(1) Any council instead of making and levying a cleansing rate for the purpose, may make and levy, and cause to be collected as the council thinks fit, a charge for every removal of nightsoil, garbage, offal, filth, ashes, rubbish, house refuse, or other putrescible or offensive matter.

Local authorities may charge for sanitary service per pan, &c., removed.

Such charge shall not exceed the sum of One Shilling for each removal of any pan or other receptacle of not more than Four cubic feet in capacity containing any such matter as aforesaid.

(2) Upon the making of a charge by any council under this section, a notice, signed by the warden and not less than Two councillors, specifying—

Notice of charge to be given.

- i. The amount payable for each removal of any pan or other receptacle as aforesaid :
 - ii. The area or limits within which such charge shall be due and payable : and
 - iii. The purpose and period for which the same is payable—
- shall be gazetted.

(3) Upon any such notice being so published, the charge therein mentioned shall be payable and paid at the times specified in such notice by the occupiers of the properties in respect of which the service is rendered to the person from time to time appointed by the council to collect and receive the same, and such charge may be recovered from such occupiers in the same way as rates in arrear are recoverable.

It shall not be necessary in any such notice to set forth the names of the persons liable to pay the charge or the sums which they are liable

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to pay, or any other particulars than hereinbefore in that behalf mentioned, nor to make or issue the demand in writing required in the case of a rate.

Purposes of special rates.

3 Edw. VII. No. 37.

41 The council may make and levy special rates for the purpose of—

- i. Carrying out, or giving effect to, any of the provisions of any laws for the time being in force relating to the public health :
- ii. For the purpose of defraying the cost of—
 - (a) Constructing and maintaining any works for or relating to sewerage or drainage ;
 - (b) Constructing and maintaining works for the manufacture or conservation and supply of gas, or electricity, or hydraulic or other power ;
 - (c) Watering, cleansing, or lighting roads ;
 - (d) Establishing, maintaining, and managing premises for public recreation according to the provisions of "The Public Recreation Grounds Act, 1888" ;
 - (e) The destruction of rabbits ;
 - (f) The eradication of noxious weeds ;
 - (g) Constructing and maintaining slaughterhouses or abattoirs ;
 - (h) Constructing, establishing, maintaining, or managing any other undertaking or work whatsoever.

52 Vict. No. 17.

53 Vict. No. 42.

Separate Local Rate.

Councils may levy separate local rate.

42 The council of each municipality may make and levy a separate local rate upon all ratable property within any defined portion of the municipality for the purpose of defraying the cost or the interest upon the cost of any work or undertaking, whether of the kind authorised by the immediately preceding section or not, by which, in the judgment of the council, special advantages may accrue to such defined portion.

Separate local rate, how recoverable.

43 Every separate local rate shall be made and be recoverable in the same manner, and shall be payable by the like persons within such defined portion, as any other rate under the Principal Act, as amended by this Act ; but such separate local rate shall not exceed an amount equal to the sum of One Shilling in the pound in any one year upon the annual value of the property within such defined portion.

Notice of separate local rate to be given.

44 Before making any such separate local rate the council shall, by notice, define the portion of the municipality in respect of which the rate shall be payable ; and such notice shall be signed by the warden and not less than Three councillors, and shall specify the boundaries of such defined portion ; and such notice shall be gazetted Once and advertised Twice and posted throughout the municipality for the period of not less than Four weeks next before the time when such notice is to take effect : Provided that this section shall not apply to the annual reimposition, in the same defined portion of a municipality,

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of a rate of the same amount as previously made and levied, for any purpose involving continued annual expenditure. A.D. 1911.

45 If a requisition in writing, signed by Fifteen or more electors, shall be presented to the warden not less than Seven days before the time when such notice is to take effect, requiring him to call a public meeting of the electors within the portion of the municipality defined by the notice to consider the question of making such separate local rate, the warden shall, within Five days after the receipt by him of such requisition, convene a public meeting of the electors within such defined portion accordingly. Warden to call meeting to consider question, if required by electors.

The electors present at any such meeting may by a majority of votes alter, but not extend, the boundaries of the portion of the municipality in respect of which such separate local rate shall be payable, or may agree to the boundaries as specified by the council in such notice as aforesaid; and any such rate made and levied by the council shall, if any such public meeting is held as aforesaid, be made and levied only on the ratable property within the portion of the municipality the boundaries of which have been agreed to at such meeting: Provided that if it shall be decided at such meeting by a majority of the votes of the electors present thereat that no separate local rate shall be made as aforesaid, it shall not be lawful for the council to make and levy such rate.

At any such meeting every municipal elector present thereat is hereby empowered to give, and shall if he votes give, the number of votes to which he is entitled under Part V. of the Principal Act in accordance with the provisions of Part V. aforesaid.

46 The making and levying a separate local rate shall not in any way affect any other rate which may under any law be made and levied upon the property in the defined portion; and no separate local rate shall be deemed to be a special rate within the meaning of "The Local Bodies Loans Amendment Act." Not to affect other rates. 46 Vict. No. 14.

47 Section One hundred and seventy-three of the Principal Act is hereby amended as follows:— Amendment of Section 173 of Principal Act.

i. As to Subsection (1), by inserting at the end of the subsection the following as Paragraph vi. thereof:—

"vi. Any property belonging to and occupied by any marine board or harbour trust":

ii. As to Subsection (2), by omitting from line One of the subsection the words "such rates," and substituting therefor the words "rates levied upon any of the foregoing."

Exempting property of marine board from rates.

48 Subsection (2) of Section One hundred and seventy-four of the Principal Act is hereby omitted, and the following subsection is hereby substituted therefor:—

"(2) It shall be lawful for the council to remit or excuse the payment of the whole or any part of any rate, debt, fee, penalty, stallage, toll, due, rent, charge, costs, expenses, or sum of money payable to the corporation or the council by any person, upon its own motion, or Repeal of Subsection (2) of Section 174 of Principal Act and substitution of new subsection. Power to remit rates, debts, &c.

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upon the application of such person, if it shall appear to the council or the warden that—

- i. Such person is in indigent or poor circumstances : or
- ii. That the payment of the same would inflict hardship on such person : or
- iii. The payment would be out of proportion to the benefits received : or
- iv. The amount cannot be collected : or
- v. In the interests of the municipality it is advisable so to do.

And the council may from time to time delegate to the warden the power to remit and excuse hereby given."

Fees for inspection of stock to be paid into municipal fund unless determined otherwise by council.
5 Ed. VII. No. 30.

49 All fees for inspection of stock received under or by virtue of "The Police Act, 1905," by an inspector of stock appointed by a council shall be paid into and form part of the municipal fund, unless the council by resolution otherwise determine.

50 Section One hundred and eighty-one of the Principal Act is hereby repealed.

Repeal of Section 181 of Principal Act.
Amendment of Section 182 of Principal Act.

51 Section One hundred and eighty-two of the Principal Act is hereby amended by adding the following provision :—

"Whenever any person has actually vacated the premises for or upon which any rate is due, or if the council or its collector has reason to believe that any person is about to vacate the premises for or upon which any rate is owing, then, notwithstanding the provisions of Section One hundred and eighty-two requiring Twenty-one days' notice to be given, it shall be lawful, upon demand having first been made, for any justice of the peace to at once thereafter summon the defaulter to appear before him or any justice of the peace, and all provisions of the said section relating to recovery shall then be exercisable."

Amendments of Part XII. of the Principal Act.

Amendment of Section 193 of Principal Act.

52 Section One hundred and ninety-three of the Principal Act is hereby amended by inserting the words "under 'The Local Public Works Loans Act, 1890,' or" between the words "raised" and "by" in the Second line of that section.

Borrowing on Overdraft.

Temporary loans from banks.

53 For the temporary accommodation of a council it shall be lawful for the council, and without passing a special resolution for the purpose, to obtain advances from banks by overdraft of the current account upon the credit of the municipality ; but no such overdraft or accommodation shall at any time under any circumstances exceed One-half of the prior year's revenue.

Municipalities to have power to obtain overdrafts to extent of deposit receipts.

54—(1) Any council may, without passing a special resolution for the purpose, obtain or have advances from any bank by overdraft of current account to the amount or extent of any deposit receipts for money due by the bank to the body corporate of the municipality.

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(2) Such advances shall not be taken into consideration in ascertaining the amount or extent of advances or accommodation which any council may, pursuant to the last preceding section, obtain from any bank.

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Such overdrafts not to be calculated for certain purposes.

55 Section One hundred and ninety-five of the Principal Act is hereby amended by omitting Paragraph i. in Subsection (1).

Amendment of Section 195 of Principal Act.

Amendment of Part XIII. of the Principal Act.

56 Section One hundred and ninety-seven of the Principal Act is hereby amended by omitting in line Nine of Subsection (1) the words "Two councillors," and substituting therefor the words "Five councillors."

Amendment of Section 197 of Principal Act.

Amendment of Part XIV. of the Principal Act.

57 Section Two hundred and five of the Principal Act is hereby amended as follows:—

Amendment of Section 205 of Principal Act.

- i. As to Subsection (9), by adding to Paragraph iv. "and regulating time when and place where, and clothing in which, people are allowed to bathe in public":
- ii. As to Subsection (12), by omitting Paragraph viii., and substituting therefor the following:—
 - "viii. Regulating and licensing porters, public carriers, carters, water-drawers, and vehicles plying or contracting for hire, either generally or in particular instances, with power to impose different licence fees and conditions as to different classes of vehicles, and as to any class of vehicle when used for different purposes, and as to different classes of freight":
- iii. As to Subsection (13), by adding to Paragraph xxvi. the following words:—"and as to the tethering of horses and locking of wheels of vehicles left in the street untended":
- iv. As to Subsection (13), by inserting the following paragraph immediately after Paragraph vi.:—
 - "vi. Regulating and controlling (notwithstanding any regulations under the immediately preceding paragraph) from time to time, in the case of any specified road, during any specified period of time, any specified traffic; with power in particular to prescribe and regulate the kind and weight of loads to be carried or taken, having regard to the nature, condition, or class of road."

Amendments of Part XVI. of the Principal Act.

58—(1) Subsection (1) of Section Two hundred and thirty-two is hereby amended by striking out the words "no fee shall," and inserting the words "the usual court fees may."

Amendment of Section 232 of Principal Act.

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(2) Subsection (3) of Section Two hundred and thirty-two is hereby amended by inserting immediately after the word "order" in line One of the subsection the words "either generally or in any particular case."

Police may take proceedings for breach of enactment, &c.

59 Notwithstanding anything to the contrary contained in the Principal Act, proceedings for the breach of any enactment, by-law, or regulation may be taken by constables or officers of police as if the Principal Act had not been passed.

Similar public notifications of several wards may be included in One advertisement.

60 Similar public notifications of several or all of the wards of a municipality may, to save expense, be included in One advertisement or notice, and if signed by the warden or council clerk shall be sufficient for the purposes of the Principal Act, notwithstanding that such warden or council clerk may not be the officer required by the Principal Act to insert such advertisement or publish such notice.

Leasing Unused Roads.

Power to lease certain unused roads, &c.

61— (1) Where in any municipality any land comprised in a road or street, or part of a road or street, in any town is not immediately required to be used as a public thoroughfare, the council may, with the consent of the Governor—

- i. Take possession of such land :
- ii. From time to time grant leases of the same.

(2) The council shall not grant or renew any lease of any such land until the expiration of One month after a notice has been advertised in a newspaper circulating in the district stating its intention so to do, and appointing a day, at least Fourteen days after the date of the last publication of such notice, on or before which objections in writing will be received and considered by the council.

(3) The council shall receive and duly consider all such objections, and report thereon to the Minister.

(4) Every such lease shall—

- i. Be for such term, not exceeding Three years, as to the council seems fit :
- ii. Reserve the best rent which can be reasonably obtained for the land : and
- iii. Contain such other reservations and such exceptions, covenants, and conditions as the Governor may approve.

(5) During the currency of such lease all right-of-way through or over such land may be suspended.

Rents to be paid into municipal fund.

(6) All rents received shall be paid into and form part of the municipal fund.

Courthouses may be rented to councils by Minister of Lands.

62 The Minister of Lands is hereby authorised to enter into agreements to rent to municipal councils courthouses throughout the State, on such terms and conditions as may be agreed upon by the said Minister and the municipality interested.

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Reprint of Principal Act.

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63 In any reprint of the Principal Act as amended—

Reprint of
Principal Act.

- i. The sections of this Act referred to in Column I. of the schedule to this section shall be inserted in the order and place indicated in Column II. of the said Schedule:
- ii. Such amendments as are merely formal or consequential and rendered necessary by the incorporation of a section or enactment with the Principal Act, may be made by the direction of the Attorney-General.

SCHEDULE.

COLUMN I. Sections of this Act to be incorporated with Principal Act upon reprint.	COLUMN II. Order and place of insertion upon reprint.
Section Four	After Section Seventeen of Principal Act
Section Six	After Section Twenty-one thereof
Section Seven	After Section Twenty-two thereof
Section Thirteen	After Section Sixty-three thereof
Sections Eighteen and Nineteen ..	After Section Ninety-seven thereof
Section Twenty-four	After Section One hundred and thirteen thereof
Section Twenty-six	After Section One hundred and nineteen thereof
Sections Twenty-nine to Forty-six, both inclusive	After Section One hundred and fifty-eight thereof
Section Forty-nine	After Section One hundred and fifty-six thereof
Sections Fifty-three and Fifty-four	After Section One hundred and ninety-three thereof
Section Fifty-nine	After Section Two hundred and thirty-three thereof
Section Sixty	After Section Two hundred and twenty-seven thereof
Sections Sixty-one and Sixty-two...	After Section One hundred and thirty-one thereof

