



# WESTERN AUSTRALIA.

ANNO QUADRAGESIMO SEXTO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. XIX.

AN ACT further to amend "The Municipal Institutions Act, 1876."

[Assented to, 21st September, 1882.]

**W**HEREAS it is expedient further to amend "The Municipal Institutions Act, 1876:" Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. THIS Act may be cited for all purposes as "The Municipal Institutions Further Amendment Act, 1882."

Title.

2. EVERY person liable to be rated in respect of property, whether consisting of one or more tenements, of the rateable value of

Who qualified to be councillors.

# 46° VICTORIÆ, No. 19.

## *Municipal Institutions Act—Amendment.*

Twenty pounds at the least in any municipal district shall, subject to the provisions of "The Municipal Institutions Act, 1876," be qualified to hold the office of councillor of the municipality, but so long only as he shall continue to hold such qualification.

3. THE 42nd section of "The Municipal Institutions Act, 1876," is hereby amended by adding the following words:—"And in case any person elected as chairman, councillor, or auditor shall not, within two months after his election, make and subscribe such declaration, his seat shall become vacant."

Declaration by councillors, &c.

4. EVERY person who acts as a councillor, being incapacitated under the provisions hereof or of any of the provisions of "The Municipal Institutions Act, 1876," to be or continue such or before he has made and subscribed such declaration as aforesaid, shall, save in case of incapacity proceeding from unsoundness of mind, be liable for every such offence to a penalty of Fifty pounds; and such penalty may be recovered by any person with full costs of suit in any Court of competent jurisdiction, and shall, when recovered, be paid into and form part of the municipal fund; and in every such action the person sued shall prove that at the time of so acting he was qualified under the provisions of this Act to be a councillor, and had made and subscribed the declaration aforesaid, or he shall be adjudged to pay the said penalty and costs without any other evidence being required from the plaintiff than that such person had acted as a councillor in the execution of this Act. Nevertheless, all acts as a councillor of any person incapacitated as aforesaid, or who shall not have made or subscribed the declaration aforesaid, done previously to the recovery of the penalty, shall be as valid as if such person had been capable and had made and subscribed such declaration.

Penalty for acting as councillor, being incapacitated.

Acts nevertheless to be valid.

5. THE chairman may call a meeting of the council as often as he shall think proper, and if he shall refuse or delay to call any such meeting after receiving a requisition for that purpose, signed by at least one-third of the councillors, they may call a meeting of the council, by giving at least twenty-four hours notice, signed by themselves, stating therein the business proposed to be transacted.

Special meeting.

6. NO councillor shall vote upon or take part in the discussion of any matter in or before the council in which such councillor has directly or indirectly, by himself or his partners, any pecuniary interest; and any councillor who knowingly offends against this section shall, for every such offence, be liable to a penalty not exceeding Fifty pounds.

Penalty for voting as councillor where interested.

# 46° VICTORIÆ, No. 19.

## *Municipal Institutions Act—Amendment.*

7. ALL moneys of the council amounting to Twenty pounds and upwards shall, within seven days, or such shorter period as the council may direct, after they have come into the hands of the treasurer of the council, be paid into such bank and in such manner as the council shall from time to time appoint and direct for that purpose. And no such money shall be drawn out of such bank by the treasurer of the council, excepting by a warrant for payment, signed by the chairman and countersigned by the municipal clerk. And that no person shall at one and the same time hold the offices of chairman and treasurer of any municipal council.

Bank account.

8. THE 99th section of "The Municipal Institutions Act, 1876," is hereby amended by adding the following words:—

Permanent works and undertakings.

11. Fire engines and other appliances for preventing and extinguishing fires.

12. Purchase of organs and other musical instruments.

9. THE 111th section of "The Municipal Institutions Act, 1876," is hereby amended by adding the following words:—" And until such time as the Colonial Treasurer and municipality can purchase consols or government stock as aforesaid, they may place the sinking fund at fixed deposit in any of the banks of this Colony."

Sinking Fund.

10. EVERY person elected into any corporate office under this Act may at any time resign such office, and the resignation shall be held to be complete from the date of its being received by the municipal clerk or person acting as such.

Resignation.

11. THIS Act and the said recited Act shall henceforth be read together as one Act.

Acts assimilated.

In the name and on behalf of the Queen I hereby assent to this Act.

WILLIAM C. F. ROBINSON, Governor.