



Western Australia.

ANNO QUADRAGESIMO NONO

VICTORIÆ REGINÆ.

No. XVII.

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

[Assented to, 24th September, 1885.]

WHEREAS it is expedient 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:—

1. THIS Act may be cited as "The Municipal Institutions Act, 1876, Amendment Act, 1885." Title.

2. THE 31st Section of "The Municipal Institutions Act, 1876," is hereby amended by omitting the words in the second line "one o'clock in the afternoon," and substituting in lieu thereof the words "eleven o'clock in the forenoon." Extension of hours of elections.

3. THE 32nd Section of the said Act is hereby amended by omitting the word "five," in the second line, and substituting in lieu thereof the word "six." Extension of hours of polling.

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Permanent works
and undertakings.

4. "THE Municipal Institutions Act, 1876," Section 99, is hereby amended by adding the following words:—

" 13. The permanent paving and kerbing of footpaths, either with flagging, timber, slate, cement, or asphalté.

" 14. Erection of lamp posts, lamps, and all necessary connections for lighting the city with gas."

Council may manu-
facture gas.

5. THE council may manufacture or contract for the manufacture of gas for lighting the streets and public places of such municipality, and provide or contract for gasometers and all requisite apparatus and machinery, and appropriate, purchase, or rent any land which may be necessary for the establishment of such manufacture.

Carriage stands.

6. THE council shall have power from time to time to appoint and fix places in the public streets of the municipality to be used as public stands for licensed vehicles plying for hire, and from time to time to alter, vary, or cancel, and remove stands so appointed, notwithstanding any such stands may have been or may be declared, included, or named in any by-law of the corporation, and the council may appoint other stands as to them may seem necessary, and may direct, order, and fix the number and class of licensed vehicles to be allowed at any one time to ply for hire on any such stands as to them may seem expedient.

Temporary stands
may be appointed by
mayor.

7. THE council may authorise the mayor for the time being, as circumstances may arise, to appoint temporary stands in any of the public streets, and to cancel such temporary stands as may to him seem expedient.

Amending rate books.

8. IF it shall at any time appear to the council that any property which ought to be included in any assessment book shall have been omitted therefrom, or that the name of any person has been inserted therein as the owner or occupier of any property in respect of which some other person ought to have been assessed, or that any other matter purely of error shall need rectification, the council may cause a description of the property so omitted and the name of the owner or occupier to be inserted therein, together with the annual value at which such property shall be assessed, and may also substitute for the name of the person erroneously inserted therein as the owner of any property assessed the name of the true owner or occupier thereof, and correct any such other error in the said assessment book as may be requisite.

Council may use pre-
vious year's rate
books.

9. THE council may in their discretion, instead of causing to be prepared and published a fresh assessment in any year, use the

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assessment of the last or any previous year, with such alterations and additions as may appear necessary, and such assessment, with such alterations and additions as aforesaid, shall, on public notice being given that the same will be used as the assessment for the ensuing year; be deemed to have been duly made and published under the requirements of the principal Act.

10. ANY council, pending the collection of any rates or subsidies in aid of rates or grants which may be payable by the Government, may, for the purpose of carrying on or completing public works then in progress, obtain advances from any bank by overdraft of the current account; but no such overdraft shall at any time under any circumstances exceed one-fourth of the prior year's income.

Overdraft.

11. THE one hundred and twenty-third section of the Municipalities Act, 1876, is hereby amended by adding the following words at the end of the section:—"Provided, however, that the council of any municipality may re-appropriate any such surplus to the continuation of the works for which the loan was incurred or to other undertakings of permanent utility. But such re-appropriation shall not be made until the council has been specially convened for that purpose, nor until one month after such meeting, when the council shall be called to confirm such re-appropriation, during which time plans and specifications shall be laid upon the table for inspection by the ratepayers."

Re-appropriation of surplus of loan monies.

12. THE roof-flat or gutter of every building, and every balcony, shop-front, or other projection must be so arranged and constructed, and so supplied with gutters and pipes as to prevent the water therefrom dropping upon or running over any public way, but the water therefrom must be conducted through a pipe or trunk under the footway to the street gutter or drain, to the satisfaction of the surveyor or other officer of the council duly authorised.

Drains under footways, &c.

13. ALL penalties under this Act, and all orders for the payment of money or otherwise, may be enforced and recovered summarily before any two or more Justices of the Peace in Petty Sessions according to the provisions of the Acts in that behalf; and sections A, C, F, G, H, and I of "The Shortening Ordinance, 1853," shall be incorporated with and taken to form a part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act. Provided that any person who shall think himself aggrieved by any order made under this Act for the payment by such person of any sum exceeding Five pounds, or by the infliction of any penalty exceeding Five pounds, or of any term of imprisonment, shall have the right of appeal mentioned in Section I aforesaid.

Penalties and moneys may be enforced and recovered summarily.

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Penalties and other moneys recovered under the Act to be the property of the council.

14. ALL penalties and other sums of money recovered summarily or otherwise under this Act, or under any of the by-laws made under the provisions of this Act, shall be paid to the council of the municipality, and shall become the property and part of the ordinary income of the municipality.

Acts assimilated.

15. THIS Act and the Municipal Institutions Act, 1871 and 1876, and all amendments of the said Acts, shall henceforth be read together as one Act.

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

F. NAPIER BROOME, Governor.