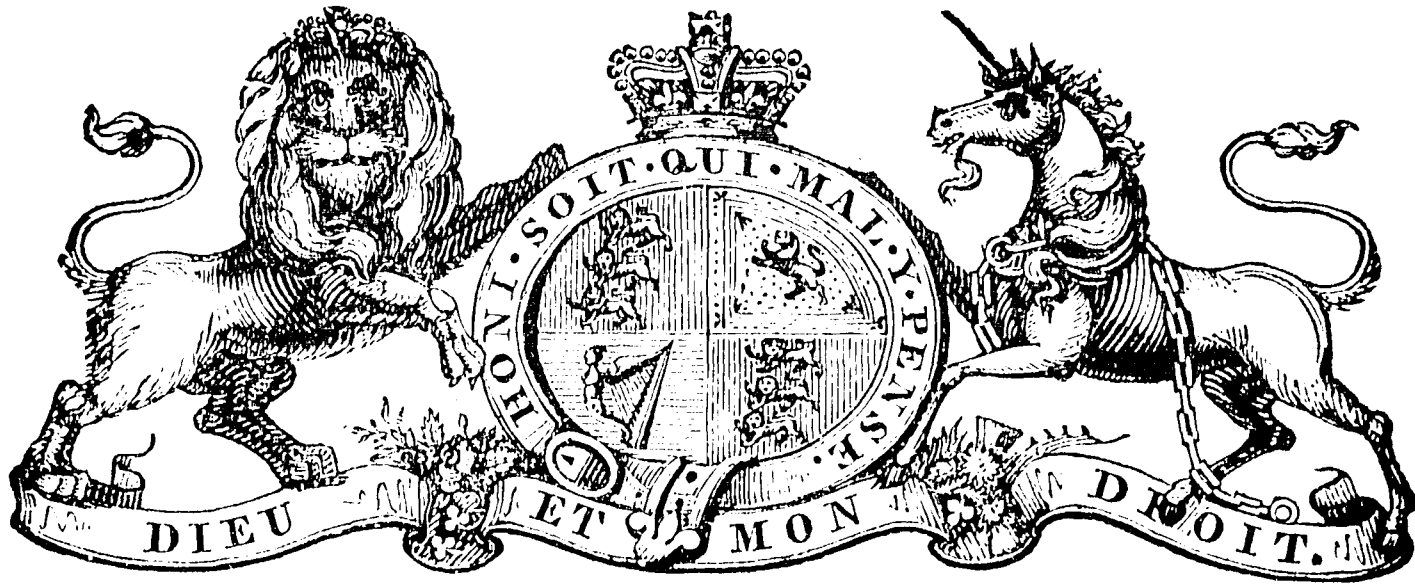


VICTORIA.



ANNO QUADRAGESIMO OCTAVO

VICTORIÆ REGINÆ.

\*\*\*\*\*

No. DCCCXXI.

An Act to further amend the "Local Government Act 1874."

[12th December 1884.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may for all purposes be cited as "The Local Government Amending Act 1884," and shall be read with and construed as a part of the "Local Government Act 1874" (hereinafter referred to as the "Principal Act") and any Act amending the same.

Short title and construction.

2. For the purposes of this Act and the "Local Government Act 1874" save where there is something in the context inconsistent therewith any inland lake whether natural or artificial and any navigable water vested in any municipality or the council thereof upon which boats are used or ply for hire shall be deemed to be a public highway.

Navigable lake, &c., to mean a public highway.

3. In section three hundred and four of the Principal Act, and in sections twenty-seven and twenty-eight of "The Local Government Act Amendment Act 1883," the word "net" shall be repealed wherever it occurs, and the word "income" shall be taken to mean and include income from general rates only. Provided always that if the council of any municipality shall have made and levied within any year a general rate or rates exceeding in the whole the amount of One shilling and sixpence in the pound, then only such portion of the sum actually received by such council in respect of such general rate or rates as shall bear

Borrowing power of municipalities to be unaltered by reference to the general rates without deduction.

Published as a Supplement to the 'Victoria Government Gazette' of Friday, 12th December 1884.

bear to the whole sum so received the same proportion which One shilling and sixpence bears to the whole amount in the pound so made as general rates in such year shall for the purposes of this section be and be deemed to be income from general rates, but any loan the *Government Gazette* notice of which has been published before the passing of this Act shall have the same force and effect and may be incurred secured and repaid in all respects as if this Act had not passed.

Sinking fund may be invested by municipality in repurchase of their own debentures. Ss. 325 and 327 No. 506.

4. Where any loan has been or shall be incurred by any municipality and a sinking fund has been or shall be about to be formed under the provisions of the Principal Act, all sums forming such sinking fund or any portion thereof may in lieu of being invested in the purchase of Victorian Government stock or Victorian Government debentures be applied to the repurchase of any debentures issued by the municipality in accordance with the provisions of "*The Local Government Act Amendment Act 1883.*"

Amendment of sec. 45 No. 786.

5. The words "being a shire" in section forty-five of "*The Local Government Act Amendment Act 1883*" are hereby repealed.

Power to borrow after partial performance of contract.

6. When a contract for any permanent work under Part XIII. of the "*Local Government Act 1874*" as amended by "*The Local Government Act Amendment Act 1883*" has been partially or wholly performed and the contractor has not been paid the whole consideration for the performance of such contract, the council of the municipality which has entered into such contract may borrow upon the credit of such municipality in the same way as it might have done before the commencement of such permanent work, anything to the contrary in the said recited Act notwithstanding.

Power for municipalities to contract as to bridge in line with Swanston street Melbourne.

7. The council of any municipality interested in the construction of the bridge across the River Yarra in line with Swanston street and the approaches thereto or in any works for the improvement of the channel or banks of the said river may in the name and on behalf of the municipality make a contract with the Board of Land and Works for the payment of a sum of money mutually agreed upon by such council, and the said Board of Land and Works as a contribution by such council towards the cost of the erection and maintenance of the said bridge and carrying out of such works notwithstanding that the site of any portion of the said bridge or of such works is not within the municipal district of such council and may carry out such contract according to the tenor thereof.

Municipal council may delegate authority to construct tramway.

8. When the council of any municipality shall have obtained an order authorizing the construction of any tramway under the provisions of "*The Local Government Act 1883,*" such council may, subject to the provisions herein contained, delegate the authority conferred by such order to any person or corporation to construct maintain and manage such tramway upon such terms and subject to such conditions and stipulations not inconsistent with any of the provisions contained in

in such order as may be contained in any agreement in writing under the seal of such municipality and of the other party thereto ; and upon the execution of such agreement when the same shall have been approved by the Governor in Council the rights powers privileges and obligations which by the said order were granted to or imposed upon such council shall for the purposes of the order be possessed by and imposed upon such person or corporation in the same way as if such person or corporation were the council of the municipality.

9. No proposition for delegating such authority shall be adopted by the council unless a notice thereof has been published in the *Government Gazette*, and also twice in some newspaper generally circulating in the neighbourhood not less than one month nor more than three months before such proposition is adopted, stating that it is the intention of such council to delegate the authority aforesaid to a person or corporation.

Gazette notice to be published.

10. Within one month after the publication of such notice as aforesaid, any twenty persons whose names are inscribed on the municipal roll may by writing under their hands delivered to the chairman or clerk of the municipality demand that the question whether or not such delegation of authority should be made be submitted to the election of the ratepayers.

Power to demand the submission of proposal to the ratepayers.

11. When any such demand has been made, the votes of the ratepayers shall be taken upon such question on a day to be fixed by the chairman of the municipality not less than twenty-one nor more than twenty-five clear days after the delivery of such demand, and such day shall be forthwith notified in some newspaper generally circulating in the neighbourhood, and on such day a poll shall be taken of all ratepayers who desire to forbid the council from delegating such authority ; and at the taking of such poll papers in the form in the First Schedule hereto shall be used instead of ballot-papers, and the returning officer his deputy or such other person as may be appointed to take the poll shall at the request of any person whose name is on the roll and who desires to forbid the council from delegating such authority deliver to such person as many of such papers as the number of votes to which such person appears by the roll to be entitled.

Votes of the ratepayers how taken.

First Schedule.

12. One scrutineer to be present in every polling booth shall be appointed by the council, and the persons demanding a poll may by writing under their hands or the hands of any three of them appoint one scrutineer to be present in every polling booth.

Scrutineers.

13. Immediately upon the close of the poll the returning officer or deputy or such other person as may be appointed at each polling booth shall proceed in the presence and subject to the inspection of the poll clerk and of so many of the scrutineers as please to be present to ascertain the number of votes recorded, and the deputy or such other person

Result how ascertained.

person shall immediately forward a statement in writing made up under the inspection of the scrutineers of the total number of votes recorded, and such returning officer shall as soon as conveniently may be on or after the day of the poll give public notice of the number of votes recorded, and shall declare the council to be forbidden to delegate such authority or not to be so forbidden according as such number of votes forms or does not form one-third of the number of votes for which voters are inscribed on the municipal roll.

Proceedings to be had as upon an election of councillors.

14. Subject to the foregoing provisions, upon the submitting of any such question as aforesaid to the election of the ratepayers all proceedings shall be had and taken as nearly as may be as upon an election of councillors.

If no demand made or ratepayers fail to forbid, council may proceed.

15. If no such demand is made as aforesaid that the question whether or not such delegation of authority be made be submitted to the election of the ratepayers, or if on such demand being made the ratepayers fail to forbid the council from delegating such authority, the council may at any time not less than one month nor more than three months after the last publication of such notice as aforesaid make application to the Governor in Council for approval of the purposes mentioned in such notice.

Laying down of tracks of iron steel &c.

16. The laying down of any track way or pavement of iron steel wood or stone on any street or road and the construction or maintenance of the same shall be deemed permanent works and undertakings within the meaning of Part XIII. of the Principal Act.

Repeal of section 49 No. 786.

17. Section forty-nine of "*The Local Government Act Amendment Act 1883*" is hereby repealed.

Section 11.

FIRST SCHEDULE.

Shire of

[or as the case may be].

This is to forbid the Council of the \_\_\_\_\_ from proceeding further with a proposition for delegating authority for the construction of a tramway, notice of which has been published in the *Government Gazette* of \_\_\_\_\_

DIRECTIONS.

This paper is to be dropped by the voter desiring to forbid the above-mentioned proposition for delegating authority for the construction of a tramway into the ballot-box. The voter is not permitted to take his ballot-paper out of the ballot-room or polling booth.

MELBOURNE:

By Authority: JOHN FERRES, Government Printer.