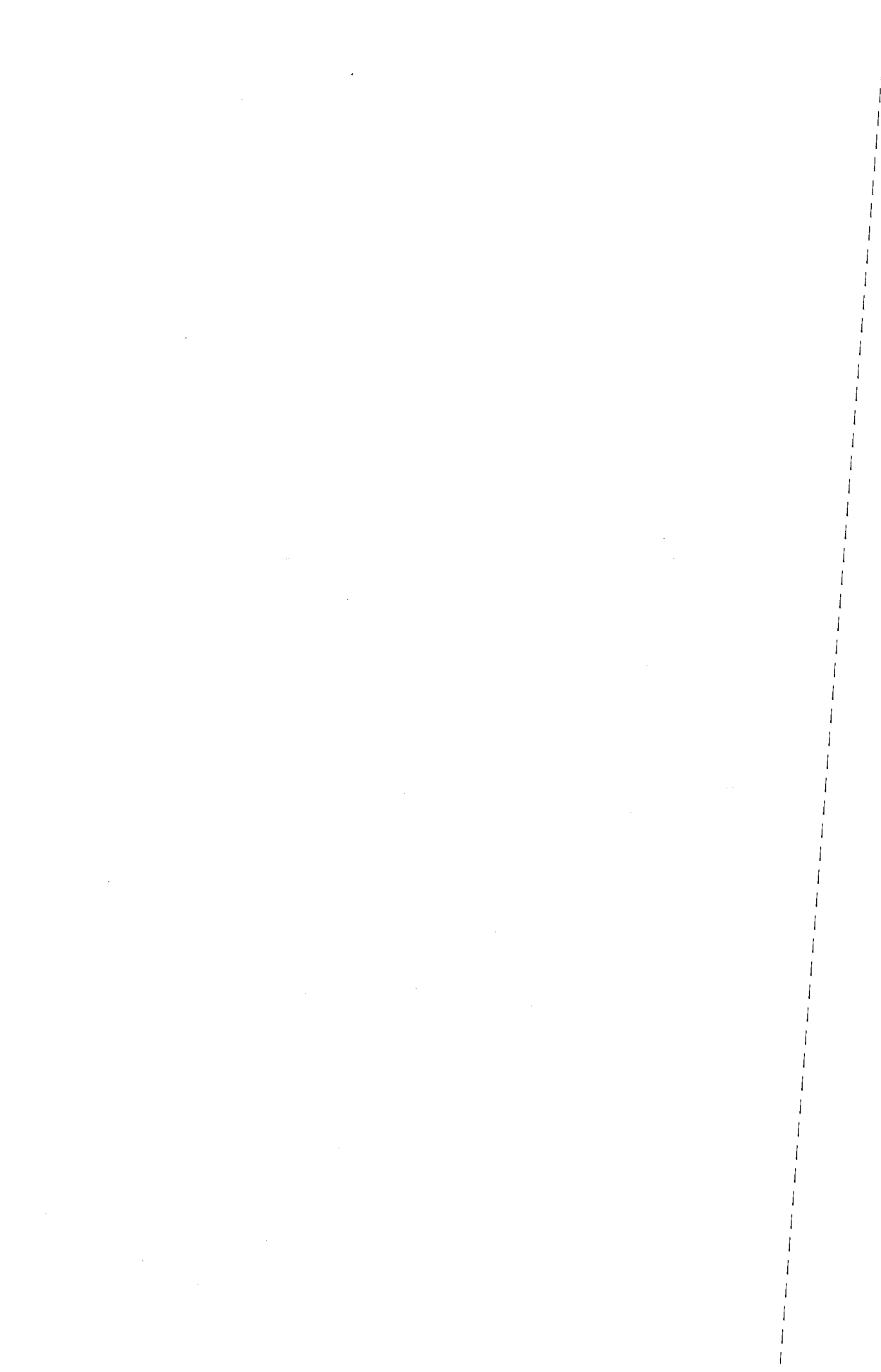


TASMANIA.

THE LOCAL GOVERNMENT ACT 1940.

ANALYSIS.

1. Short title.	Section 166.
2. Repeal.	Section 172.
3. Amendment of 6 Edw. VII. No. 31.	Section 173.
Section 8.	Section 174.
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Section 62.	Conditions precedent for opening of private streets.
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Section 107.	
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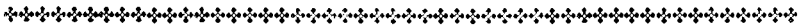


1940.

ANNO QUARTO

GEORGII VI. REGIS.

No. 46.



AN ACT to amend the *Local Government Act* 1906; and to repeal the *Public Recreation Grounds Act* 1888. [3 December, 1940.] A.D. 1940.

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 Act* 1940. Short title.

2—(1) The enactments enumerated in the schedule are Repeal. hereby repealed to the extent therein specified.

(2) Such repeal, so far as the same relates to the *Public Recreation Grounds Act* 1888 and the *Principal Act* respectively, shall not take effect until the twenty-fourth day of April, one thousand nine hundred and forty-one.

Local Government.

A.D. 1940.

3 The Principal Act is hereby amended—

Amendment
of 6 Edw.
VII. No. 31.
Section 8.

- I. By inserting at the end of section eight thereof the following new subsection (3):—

“(3) On the first day of May, one thousand nine hundred and forty-one, every recreation ground district constituted under the *Public Recreation Grounds Act 1888*, vested in, or controlled by, trustees elected or appointed under that Act, or purporting so to be, shall be taken over by the council of the municipality in which such district is situated, and all property vested in any persons as trustees of such recreation ground district shall, by virtue of this Act on that date, vest in, and belong to, such council, and shall thereafter be held by such council for recreation purposes under the provisions of this Act, and thereupon all such trustees as aforesaid shall cease to hold office.”:

Section 13.

- II. By inserting at the end of section thirteen thereof the following new subsections (5), (6), (7), (8), and (9)—

“(5) If at any time a petition for that purpose, signed by not less than one-third of the electors of the municipality, is presented to the council or commission, as the case may be, the council or commission shall take a poll, as and when prescribed, to determine whether the municipality is to be governed by council or commission.

(6) If at such a poll a majority of the valid votes cast is in favour of a change of government, effect shall be given to such change as and when prescribed.

(7) Where such change requires the appointment of a commission the Governor shall appoint a commission in accordance with the provisions of the *Statutory Authorities' Administration Act 1937*.

(8) When a poll under this section has been taken in any municipality, no further poll shall be taken thereunder until the expiration of three years from the date of taking the former poll.

(9) At any poll under this section voting shall be compulsory, and the provisions of section one hundred and twenty-two A of the *Electoral Act 1907* shall apply in relation to such poll as if it were an election under that Act; and references

Local Government.

therein to the Chief Electoral Officer or to a divisional returning officer shall be construed as references to the returning officer under this Act.”: A.D. 1940. —

- III. By deleting the words “of the council” in section twenty-five thereof: Section 25.
- IV. By deleting the words “or on” to “appointment” in section thirty-two thereof: Section 32.
- V. By deleting the word “male” in the first line of section thirty-four thereof: Section 34.
- VI. As to section thirty-five thereof by inserting— Section 35.
- (a) “at a rental or price determined by public tender or official valuation” after “lands” in paragraph II. of subsection (2): and
- (b) “consisting of more than seven members, and of which he is neither the manager nor a director” after “company” first occurring in paragraph V. of subsection (2):
- VII. By deleting the words and figures— Section 45.
- (a) “under £240” and substituting “upwards” in the antepenultimate line: and
- (b) “£240” (in the penultimate line) to “6” in the last line—
- of section forty-five thereof:
- VIII. By deleting the word “six” and substituting “four” in— Sections 46-50.
- (a) Section forty-six:
- (b) Subsection (5) of section forty-eight:
- (c) Section forty-nine (twice occurring): and
- (d) Section fifty—
- thereof:
- IX. By substituting for repealed section forty-seven thereof the following new section forty-seven— New section 47.
- “**47**—(1) The clerk before each election, shall prepare from the appropriate assessment, a roll of persons entitled to vote at the election. Voters’ roll.
- (2) Such roll, to be called the voters’ roll, shall show, in the alphabetical order of their surnames, the names of all persons appearing on the assessment roll as owners or occupiers of property within the municipality.

Local Government.

- A.D. 1940.
- (3) Any elector may inspect the draft roll at the clerk's office at any reasonable time within one month before the roll is closed, and may object to any error found therein or to the omission of any elector's name therefrom.
- (4) Every such objection shall be determined by the clerk before the roll is closed.
- (5) The voters' roll shall be prepared and completed and closed on—
- I. In the case of a triennial election, the thirty-first day of March: and
- II. In any other case, the twenty-eighth day—immediately before the election.”:
- Section 62. X. By deleting the words “assessment roll” in section sixty-two and substituting “voters' roll”:
- Section 72. XI. As to section seventy-two thereof—
- (a) By expunging subsection (5): and
- (b) By deleting “and forms of declaration” twice occurring in subsection (6):
- Section 73. XII. By deleting “assessment roll” to “force” in paragraph II. of section seventy-three thereof and substituting “voters' roll”:
- Section 77. XIII. As to section seventy-seven thereof—
- (a) By deleting “write” to “aforesaid” in paragraph I. and substituting “make the declaration set forth in form VI. in the second schedule”:
- (b) By deleting “a cross thus ×” to “members to be elected” in paragraph IV. and substituting “the prescribed figures against the names of each of as many candidates as are required to be elected”:
- Section 78. XIV. By deleting “assessment” twice occurring in section seventy-eight thereof and substituting “voters'”:
- Section 79. XV. By deleting—
- (a) “the electors' declaration” to “false; and”: and
- (b) “also”—
- in section seventy-nine thereof:
- Section 82. XVI. By expunging paragraph II. of section eighty-two thereof:

Local Government.

XVII. By substituting for repealed sections eighty-three and eighty-four thereof the following new sections eighty-three and eighty-four—

A.D. 1940.

New section 83.

Duties of presiding officers.

“**83** Where there is more than one polling-place for an election, the presiding officer of each polling-place, except the chief polling-place, shall, as soon as practicable after the close of the poll, open the ballot-box, and shall—

- I. Count the number of first choices recorded for the respective candidates, and place them in separate parcels, according to the names of the candidates for whom such first choices are recorded, rejecting all informal voting-papers:
- II. Count the number of, and place in another parcel, all the voting-papers which have been rejected as informal:
- III. Transmit the following information forthwith to the returning officer—
 - (a) The number of first choices recorded for each candidate: and
 - (b) The total number of voting-papers rejected as informal— and shall immediately thereafter make out and sign an abstract containing the above information:
- IV. Seal such parcels and transmit them to the returning officer, and shall also transmit to him at the same time, in separate parcels securely fastened—
 - (a) The unused and spoilt ballot-papers:
 - (b) The certified copies of rolls supplied to the said presiding officer on which the fact of any person having received a ballot-paper has been noted:
 - (c) An account, in which such presiding officer shall charge himself with the number of ballot-papers originally delivered to him, the number thereof delivered to and used by voters, and the number not so delivered or left unused, and the number set aside for separate custody (which account is hereinafter referred to as the ballot-paper account).

Local Government.

A.D. 1940.

Every such ballot-paper account shall be verified as well by the signatures of the said presiding officer and the poll-clerk (if any), as also by the signature of any scrutineer present who consents to sign the same: and

- v. Shall severally indorse such parcels as aforesaid with a description of the contents thereof, and with the name of the municipality, the name of the place of polling, and the date of the polling, and sign with his name the said indorsement.

“**84**—(1) In the case of every election the returning officer shall, as soon as practicable after the close of the poll, proceed with the scrutiny as follows—

- I. He shall open the ballot-box used at the principal polling-place, and all the sealed parcels of the ballot-papers received by him from the several presiding officers, and verify the contents of such parcels:
- II. He shall then count the votes in the manner prescribed:
- III. He shall make out and sign an abstract of the result of the poll:
- IV. As soon as may be practicable after he has counted all the votes openly, at the chief polling-place declare the names of the persons duly elected at such election.

(2) In the event of two or more candidates obtaining an equal number of votes at any election, and if one additional vote for any one of them would have entitled him to be declared elected, it shall be determined by lot, in the presence and under the direction of the returning officer, which of them shall be declared elected.

(3) The returning officer shall forthwith cause to be delivered to the clerk, and also to be gazetted, a notice under the hand of the returning officer of the name of every candidate so elected, the name of the municipality, and the date of the declaration of the result of the election.

(4) Forthwith after receipt by him of the notice referred to in subsection (4) of this section, the clerk shall serve, or cause to be served personally on, or leave, or cause to be left, at the usual place of abode of, each candidate so elected a notice of his election as a councillor.”:

New section
84.

The scrutiny.

Local Government.

XVIII. By deleting "statement and declarations" in section eighty-seven thereof and substituting "and statement": A.D. 1940.
Section 87.

XIX. By inserting in subsection (2) of section one hundred and seven thereof, after "company" and within the brackets, the words "comprising more than seven members and of which he is neither the manager nor a director": Section 107.

XX. As to section one hundred and thirty-two thereof— Section 132.

(a) By deleting "twenty-five" in subsection (1) and substituting "twenty": and

(b) By inserting at the end the following new subsection (5)—

"(5) At all such meetings twenty electors shall constitute a quorum.":

XXI. By inserting at the end of section one hundred and fifty-nine thereof the following new subsections (6) to (9)— Section 159.

"(6) Any council, by special resolution, may determine upon what basis rates shall be made and levied, as hereinafter provided.

(7) Any such resolution may be that rates shall be levied on—

I. The annual value:

II. The unimproved value: or

III. A value ascertained by combining, as prescribed, the annual value and the unimproved value—

of property within the municipality.

(8) Every such resolution shall be passed not less than six months before the date on which it is expressed to take effect and from and after the date on which such resolution is expressed to take effect, the rates levied in such municipality shall be upon the basis thereby determined.

(9) Where in any Act a specific rate or a maximum or minimum rate is prescribed, and is based on the annual value of property, the rate so prescribed, if the council has determined that rates shall be levied under paragraph II. or paragraph III. of subsection (7) hereof, shall be read and construed as meaning a rate which, upon such altered basis, will produce the equivalent, as nearly as may be, of the amount which the prescribed rate levied upon the annual rate would produce.":

Local Government.

A.D. 1940.

New section
162.Councils to
prepare
annual
estimates.

XXII. By substituting for repealed section one hundred and sixty-two the following new section one hundred and sixty-two—

“ **162**—(1) Every council shall submit for consideration, at its first ordinary meeting in the month of August in each year, its estimates of revenue and expenditure (hereinafter called ‘the estimates’) for the current financial year.

(2) The estimates shall be adopted by the council not later than the thirty-first day of August in each year, and all rates and charges levied in respect of that financial year shall be in conformity therewith.

(3) The estimates shall show separately the probable receipts and expenditure respectively in respect of the several separate accounts kept by the council, and shall show in respect of each such account—

- I. Particulars of each item to which the figures relate:
- II. The estimate adopted for the immediately preceding financial year:
- III. The actual receipts and disbursements for such preceding year: and
- IV. The estimated receipts and disbursements for the current financial year—

and shall be in such form as may be prescribed or as the Auditor-General may approve.

(4) The council, in its operations and proceedings during the financial year, shall conform with limits set out in the estimates for that year, and shall, as far as is practicable, keep its expenditure within such limits.

(5) The clerk shall submit to each ordinary monthly meeting of the council a financial statement, as prescribed, showing for each month after the month of August progressive comparisons of the estimates with the receipts and expenditure up to the end of the respective months preceding each meeting.

(6) Any surplus or deficit shown at the end of any financial year shall be carried forward and taken into account in framing the estimates for the following financial year.

(7) At the end of each financial year all authorisations of expenditure then unexpended shall lapse, and any expenditure in respect of the relevant item shall require to be again authorised in the next financial year before the same may be utilised.

Local Government.

(8) All ordinary disbursements of the council during the months of July and August in any financial year may be made in anticipation of, and shall be included in, the estimates for that financial year. A.D. 1940.

(9) The provisions of this section shall not operate to prevent any transfer of moneys authorised by this Act to be made from any one account to some other account.

(10) Where the council has at the commencement of this section an existing overdraft in the general fund or other fund, the council shall extinguish the overdraft by—

- I. A fixed debenture loan having a currency of not more than fifteen years: or
- II. Making equal annual provision in the budget for a period not exceeding fifteen years for the general fund or for each particular undertaking fund, as the case may require.”:

XXIII. By expunging subsection (2) of section one hundred and sixty-three thereof and substituting therefor the following new subsection (2)— Section 163.

“(2) All general rates for the financial year shall be levied not later than the thirty-first day of August in each year.”:

XXIV. As to section one hundred and sixty-six thereof— Section 166.

(a) By deleting “sixpence” and substituting “one shilling and threepence” in subsection (1): and

(b) By expunging subsections (3) and (4):

XXV. By inserting “and sixpence” after “one shilling” in subsection (2) of section one hundred and seventy-two thereof: Section 172.

XXVI. By inserting after paragraph VI. of subsection (1) of section one hundred and seventy-three thereof (in alignment with the commencement) the words “but where any State servant (other than an employee in the Railway Department residing on a railway, or an officer residing on any property as caretaker only thereof) resides on any land belonging to or used by His Majesty, he shall be liable to pay the like rates as if such land were private property; and such rates may be levied on and recovered from him, but shall not be a charge on, or recoverable against, such land.”: Section 173.

Local Government.

A.D. 1940. XXVII. By expunging paragraph II. of subsection (2) of section one hundred and seventy-four thereof; and by adding at the end of that section the following new subsection (5)—

Section 174.

“(5) Every council shall keep a remissions book, and shall enter therein particulars of every remission granted and the reasons for granting the same.”:

Section 176. XXVIII. By inserting after subsection (1) of section one hundred and seventy-six thereof the following new subsections (1A) and (1B)—

“(1A) Demands for all rates levied for the financial year as provided by section one hundred and sixty-two shall be issued by the council not later than the thirtieth day of September in the year in which they are so levied, but non-compliance with this provision shall not invalidate any demand for any such rate.”

“(1B) Where a council decides that the rates levied for the financial year shall be payable by half-yearly instalments, the demands required by subsection (1A) hereof shall be for a half year only, and a second demand in respect of the remaining half year shall be issued not later than the thirty-first day of March next following.”:

Section 195. XXIX. By inserting “and annual estimates” after “accounts” in subsection (3) of section one hundred and ninety-five thereof:

Section 205. XXX. By inserting the word “dilapidated” before “ruinous” in paragraph III. of division (2) of section two hundred and five thereof:

New section 205B. XXXI. By substituting for repealed section two hundred and five B thereof the following new section two hundred and five B—

Timber tolls in several municipalities.

“**205B**—(1) Where any road runs through more municipalities than one, no toll, charge, or payment, imposed in respect of the same timber by all such municipalities under paragraph XIII. of division (10) of section two hundred and five shall exceed in the aggregate the maximum prescribed by that paragraph.

(2) The toll, charge, or payment to be imposed in every such case shall be of such amount as shall be agreed upon by all the councils concerned, or, in default of such agreement, as the Minister may determine.

Local Government.

(3) The toll, charge, or payment shall be collected by the council (being a party to the imposition thereof) in whose municipality the timber is first carried over such road or by such other municipality as may be determined by the agreement of all the parties. A.D. 1940.

(4) The council collecting such toll, charge, or payment shall allocate and pay to each of the other councils concerned a proportion thereof, determined according to the mileage over which such timber is carried in the several municipalities concerned respectively.

(5) The by-laws may prescribe the persons by whom, the manner in which, and the time at which, any toll, charge, or payment in respect of the carriage of timber over any road shall be paid.”:

XXXII. By substituting for repealed section two hundred and forty-four thereof the following new Parts XVII. and XVIII., comprising sections two hundred and forty-four to two hundred and fifty-one— New Parts
XVII. and
XVIII.

“PART XVII.

SUBDIVISIONS AND PRIVATE STREETS.

Division I.—Private Streets.

“**244**—(1) The council may cause any private street, laid out and used as a public thoroughfare prior to the first day of January one thousand nine hundred and forty, or any part of such street to be constructed in such manner as the council may determine. New section
244.
Construction
by council of
existing private
streets.

(2) The cost incurred by the council in such construction, or such proportion thereof as the council may determine, shall be borne and paid by the owners of the lands fronting or abutting on such private street or portion thereof, at such times, in such manner, and upon and subject to such terms and conditions as may be prescribed by by-law.

(3) In determining the proportion of such cost to be borne by owners the council shall have due regard to the extent and nature of the improvements effected on the lands fronting or abutting on such street and the amount of the rates which have been paid, or may be reasonably expected to be payable, in respect thereof.

Local Government.

A.D. 1940.

(4) When any such private street or portion thereof has been constructed as aforesaid, the same shall be maintained and kept in good repair by the council out of any moneys at its disposal.

New section
245.
Conditions
precedent for
opening of
private
streets.

“**245**—(1) No new private street shall be constructed, opened, or used, or the construction thereof commenced, in any town, until a plan drawn to scale showing such proposed new street, its width and direction, and the proposed provision for its drainage, has been submitted to and approved by the council.

(2) No land upon or in relation to which it is proposed to provide a new private street shall be subdivided or sold until the provisions of this section in respect of such street have been complied with and such street has been constructed in accordance with section two hundred and forty-six.

(3) Except as hereinafter provided, every new private street shall be of the width of sixty feet at least, and shall be constructed for use as a carriage-way.

(4) Within such areas as the council, upon the recommendation of its engineer, and with the approval of the Director of Public Health, may by resolution determine, the council, with the approval of the Governor, may permit the construction of a new private street of such width and construction as the council in each case may determine.

(5) Upon receipt of the council's approval, in writing, of the plan submitted under subsection (1) hereof, the owner of the land shall forthwith procure a detailed survey of the proposed new street to be made by a qualified surveyor, and shall submit such surveyor's plan, in duplicate, together with duplicate copies of the proposed specifications for the construction of the new street and for the drainage thereof, to the council for its approval; and such specifications shall set out all such particulars as may be prescribed or as may be necessary for the proper construction of such street and the drainage thereof.

(6) On receipt of such plans and specifications the council shall consider the same, and may give or refuse its approval, or may approve the same with such alterations as the council may think necessary.

(7) When the council has approved such plan and specifications, one copy of each shall be sealed with the council's seal and returned to the owner.

Local Government.

“**246**—(1) Every new private street shall A.D. 1940.
comply with and fulfil the following require-
ments—

New section
246.
Requirements
for new pri-
vate streets.

I. The carriage-way shall be not less than forty-two feet in width, except in the case of a street which—

(a) Is less than sixty feet wide: or

(b) In the opinion of the council is unlikely to form part of a main or arterial road—

when the carriage-way shall be of such width as the council may direct:

II. The surface of the carriage-way shall have a fall from the crown to the channels at the sides thereof of not less than three-eighths, and not more than three-quarters, of an inch per foot:

III. The whole of the carriage-way shall be covered with not less than eight inches of paving of either crushed metal or gravel, laid in two courses, the lower one of which may be of rubble or crushed metal broken to a three-inch ring-gauge and the upper one, in the case of crushed metal, broken to a one-inch and one-half ring-gauge; and, in the case of gravel, all stones larger than will pass through a one-inch ring-gauge shall be screened out of the gravel forming the upper course. Should the council require a thicker pavement than that abovementioned, the additional thickness shall be provided over the whole or part of the carriage-way and laid in layers of not more than four inches in thickness; or, if the council should consider the thickness above prescribed is not required, the pavement may be of such thickness as the council, with the approval of the Director of Public Works, may direct:

IV. Each course shall be well and properly consolidated and rolled as required by the council:

V. The surface course, if of crushed metal, shall be properly blinded with good gravel or other material approved by the council, properly swept in, watered, and rolled:

Local Government.

A.D. 1940.

- VI. Footways shall be constructed on each side of the carriage-way of a width of not less than nine feet, except in cases of streets of less than sixty feet in width, when the width of the footway shall be as required by the council, but shall not be less than five feet:
- VII. Each footway shall have a cross-fall of one-half inch per foot to the channel:
- VIII. The surface of the footways shall be covered with asphalt, macadam, or approved gravel, three inches thick, well laid, and rolled smooth to the satisfaction of the council:
- IX. Each footway shall have a stone or concrete kerb, not less than five inches thick and twelve inches deep, laid solidly and parallel to the centre line of the street, and with the same gradient as the road, and so as to show six inches of a smooth face above the channel: Provided that the council may, in the case of nearly-level streets, permit or require the kerbing to vary and show from four to eight inches of a smooth face, to give the necessary or advisable gradient in the gutter:
- X. A gutter of stone or concrete, eighteen inches wide and five inches thick, shall be constructed along the kerb of each footway at such levels as the council shall require: and
- XI. Such other requirements as the council shall, either generally by by-law or specifically in any particular case, determine.

(2) Where the street is constructed in hilly country or in a purely residential area which, in the opinion of the council, is unlikely to become a business centre, the requirements of subsection (1) hereof may be varied as prescribed.

“**247**—(1) Every new private street shall be constructed by—

- I. The council at the request and cost of the owner: or
- II. The owner under the supervision of the council's engineer—

within twelve months after the date of the notification of the council's approval or such further time as the council may allow.

Local Government.

(2) The council, at the request of the owner, A.D. 1940.
may quote a sum for such construction, and the
acceptance by the owner of the price so quoted
shall constitute a contract by the council to con-
struct the street at that price, subject to payment
by the owner to the council of the sum so named
or to security for such payment to the satisfaction
of the council being provided by the owner within
one month after the date of such quotation.

(3) Where such street is constructed by the
owner the owner shall—

- I. Show to the council's engineer, when
required, all contracts and other docu-
ments relating to the construction of such
street:
- II. Furnish to such engineer full particulars of
all arrangements made in relation to such
construction: and
- III. Pay to the council a fee for supervision
equal to three pounds per centum of the
total cost of construction except where
the same is constructed under the direct
supervision of a qualified engineer
employed by the owner and approved by
the Director of Public Works—

and all persons concerned in the construction of
such street shall obey the lawful orders of the
council's engineer.

“**248**—(1) No new private street shall be
opened or used until the foregoing requirements of
this Part have been complied with.

New section
248.
Taking over
of new pri-
vate streets.

(2) The owner of the land on which such street
is constructed shall maintain such street to the
satisfaction of the council for three months after
the date on which it is opened.

(3) After the expiration of the said period of
three months, the owner may convey or transfer
to the council the land comprising such street, or
may dedicate the same as a public street in such
manner as the council may approve, and thereupon
the council shall take over, and at all times main-
tain such street as a public street.

Division II.—Subdivision of Land.

“**249**—(1) Except as herein otherwise pro-
vided, no land in any town shall be subdivided
into allotments for the purposes of sale, or which
are capable of being sold as separate allotments,

New section
249.
Requirements
as to sub-
division of
land.

Local Government.

A.D. 1940.

or shall be sold or offered for sale in allotments unless every such allotment—

- I. Has a frontage upon a street of not less than fifty feet, and a depth of not less than ninety feet; but must have a minimum area of not less than five thousand square feet:
- II. Has reasonable vehicular access to such street or some other street:
- III. Is capable of being sufficiently drained into a public channel or drain:
- IV. Is shown on a survey plan of such subdivision, sealed by the council as hereinafter provided.

(2) Before subdividing such land or offering the same or any part thereof for sale in allotments, the owner shall make application to the council for approval of the proposed subdivision and shall submit with such application a plan drawn to scale showing—

- I. The size and measurements of the proposed allotments:
- II. The general levels and contours of the land:
- III. Any street proposed to be constructed on the land:
- IV. The proposed drainage for each allotment: and
- V. Such other particulars, if any, as may be prescribed.

(3) The council shall refer such application and plan to its engineer, who shall report to the council recommending its acceptance or rejection of the application or the acceptance thereof, with such alterations as may be specified in such recommendation, and the reasons for such rejection or alteration, as the case may be.

(4) The council, upon consideration of such report, may grant or refuse the application or may grant the same with such alterations as it may specify; and shall notify the owner in writing of its decision thereon.

(5) The owner, on receipt of the council's approval, shall, before proceeding with the subdivision, procure a plan, to be prepared by an authorised surveyor, showing—

- I. The measurements and boundaries of all the proposed allotments:

Local Government.

II. The position and measurements of all new streets, if any: A.D. 1940.

III. All such levels as may be necessary to satisfy the council that all statutory requirements are fulfilled: and

IV. The position, length, direction, and outlet of all proposed drains—

and shall be in conformity with such alterations, if any, as the council may have required.

(6) The owner shall furnish to the council not less than two copies of such plan, and the council, upon being satisfied that the same complies with all statutory requirements, shall cause its seal to be affixed to the original plan, and shall return it so sealed to the owner.

(7) The owner, before completing the sale of any such allotment as aforesaid, shall—

I. If any land comprised therein is under the *Real Property Act 1862*, lodge the same or a certified copy thereof, sealed by the council, in the office of the Recorder of Titles: and

II. If any of such land is not under the said Act, register such plan as provided by the *Registration of Deeds Act 1935*.

(8) The council, in considering any application under this section, shall have regard to—

I. The situation and planning of streets in relation to public convenience, present and prospective, and to inter-communication with neighbouring localities, within or without the area included in any subdivision:

II. The method of draining allotments and streets necessary in the circumstances, present and prospective, and the disposal of such drainage:

III. Whether the owner will transfer or convey to the council, in fee simple for a nominal consideration, and necessary drainage reserves:

IV. The character and construction of the streets necessary in the circumstances, present and prospective:

V. Whether splaying or rounding of corners of junctioning streets is necessary:

VI. Whether or not blind streets are desirable in the circumstances:

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VII. Whether or not lanes or rights-of-way to give access to the rear of allotments are necessary: and

VIII. Whether or not public garden or recreation space is desirable.

(9) In any case where an allotment comprises an area not less than five thousand square feet, but a frontage of fifty feet, or a depth of one hundred feet, as the case may be, is not obtainable, the council, with the approval of the Director of Public Health and with the consent of the Governor, may permit the same to be sold or built upon with a frontage of less than fifty feet or a depth of less than one hundred feet respectively.”:

Second
schedule.

XXXIII. As to the second schedule thereto—

(a) By deleting the words “of the council” in form IV.: and

(b) By deleting “72 (5)” at the head of form VI. and substituting “77 I.”; and expunging paragraphs 2, 3, and 5 of form VI. and substituting therefor the following new paragraph 5—

“5. That rates for which I alone am liable have been paid up to the thirtieth day of June last.”:

Third
schedule.

XXXIV. As to the third schedule thereto—

(a) By expunging the first paragraph of the directions from “The elector” to “polling-place” and substituting therefor the following new paragraphs—

“The elector will go into one of the voting compartments in the polling-place and, with the pencil there provided or some other pencil, mark his ballot-paper, or ballot-papers, as follows—

He will write one of the figures **1, 2, 3, 4, 5**, and so on, in consecutive numerical order, according to his preference, opposite the name of each of as many candidates as are required to be elected.

The elector will then fold his ballot-papers so that the name or initials of the presiding officer can be, and the names of the candidates cannot be, seen; and,

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without exposing those names to any person, exhibit his ballot-papers to the presiding officer, and place them in the respective boxes provided for that purpose. He shall then forthwith quit the polling-place.”: and

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- (b) By deleting the words “with or without hard labour” in the final paragraph thereof.

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THE SCHEDULE.

Regnal Year and Number.	Title of Act.	Extent of Repeal.
52 Vict. No. 17	<i>The Public Recreation Grounds Act 1888</i>	The whole Act
62 Vict. No. 65	<i>The Perth Water Act 1898</i>	Section 61
4 Edw. VII. No. 19	<i>The Fingal Water Act 1904</i>	Section 35
6 Edw. VII. No. 31	<i>The Local Government Act 1906</i>	Sections 83 and 84 Section 162 Section 205B Section 244
7 Geo. V. No. 46	<i>The Fingal Water Amendment Act 1917</i>	Section 5
11 Geo. V. No. 27	<i>The Perth Water Act 1920</i>	Section 7
12 Geo. V. No. 13	<i>The Fingal Water Amendment Act 1921</i>	The whole Act
1 Edw. VIII. No. 9	<i>The Local Government Act 1936</i>	The whole Act
1 Geo. VI. No. 64	<i>The Local Government Act 1937</i>	The whole Act
2 Geo. VI. No. 8 ..	<i>The Local Government Act 1938</i>	The whole Act
2 Geo. VI. No. 33	<i>The Local Government Act (No. 2) 1938</i>	Section 4



