

No. , 1936.

A BILL

To constitute a North Coast County Council and to define its powers, authorities, duties and functions; to abolish the Clarence River County District and to dissolve the Clarence River County Council; to transfer to the North Coast County Council the undertaking and the assets and liabilities of the Clarence River County Council and also certain trading undertakings of certain other councils together with the assets and liabilities of such councils held or incurred by such councils in connection with such undertaking, and also the interest of certain councils in certain trading franchises; and for purposes connected therewith.

[MR. SPOONER ;—18 *June*, 1936.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

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PART I.

PRELIMINARY.

Short title, commencement, and division into Parts.

1. (1) This Act may be cited as the "North Coast County Council Act, 1936."

(2) This Act shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette, which day is in this Act referred to as the commencement of this Act.

(3) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

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PART II.—THE NORTH COAST COUNTY DISTRICT AND THE NORTH COAST COUNTY COUNCIL.

DIVISION 1.—*Constitution of the North Coast County District.*

DIVISION 2.—*Constitution of the North Coast County Council.*

DIVISION 3.—*Abolition of the Clarence River County District; dissolution of the Clarence River County Council; transfer to the North Coast County Council of the powers, etc., of the Clarence River County Council and the powers, etc., of certain other councils relating to the supply of electricity.*

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PART III.—EXERCISE OF POWERS, ETC., OF THE NORTH COAST COUNTY COUNCIL.

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Construction.

2. This Act shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts, hereinafter referred to as the Principal Act, and unless the context necessarily requires a different meaning, the expressions defined in the Principal Act shall bear the same meanings in this Act.

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3. The North Coast County District and the North Coast County Council, constituted under this Act, shall respectively be deemed to be a county district and a county council constituted under Part XXIX of the Principal Act, and the provisions of Part XXIX of the Principal Act, and of any ordinances made thereunder, shall to the extent to which they are not inconsistent with this Act apply to and in respect of the North Coast County District and the North Coast County Council in like manner as they would apply to and in respect of a county district and county council constituted and provided in accordance with the said Part XXIX.

Application
of Part
XXIX of
Act No. 41,
1919.

PART II.

THE NORTH COAST COUNTY DISTRICT AND THE NORTH COAST COUNTY COUNCIL.

DIVISION 1.—*Constitution of the North Coast County District.*

4. (1) For the purposes of this Act the areas of the shires of Tweed, Byron, Kyogle, Terania, Gundurimba, Tintenbar, Tomki, Woodburn, Copmanhurst, Harwood, Orara, Nymboida, Dorrigo, Bellingen, Nambucca and Macleay, and of the municipalities of Murwillumbah, Mullumbimby, Lismore, Ballina, Casino, Maclean, Grafton, South Grafton, Ulmarra and Kempsey, are constituted a county district under the name of the "North Coast County District."

Constitution
of North
Coast
County
District.

(2) The Governor may from time to time by proclamation published in the Gazette include any other area or portion of an area in the North Coast County District. No area or part of an area shall be so included unless the North Coast County Council has recommended such inclusion and the council of the area has consented thereto.

(3) (a) Where an area or part of an area is included in the North Coast County District in pursuance of the provisions of subsection two of this section upon the

the termination of any electricity franchise existing in such area or part of an area the North Coast County Council may purchase from the holder of such franchise the reticulation and equipment used in connection with the supply theretofore carried on in such area or part of an area, upon such terms and conditions as may be agreed upon. 5

(b) The provisions of paragraph (a) of this subsection shall not be construed to limit in any way any power or authority in relation to the purchase of reticulation or equipment which the North Coast County Council could have exercised if paragraph (a) of this subsection had not been enacted. 10

(4) Where the council of any area is carrying on an electricity undertaking and such area is included in the North Coast County District in pursuance of the provisions of subsection two of this section— 15

(a) the provisions of subsections three, four and five of section eleven of this Act, and

(b) the provisions of section twelve of this Act, excluding subparagraphs (iv) and (v) of paragraph (h), and 20

(c) the provisions of section thirteen of this Act with regard to joint committees,

shall, mutatis mutandis, apply. 25

(5) The areas referred to in subsection one of this section and any area included in the North Coast County District in pursuance of the provisions of subsection two of this section are referred to in this Act as "constituent areas" and the councils of such areas as "constituent councils." 30

DIVISION 2.—Constitution of the North Coast County Council.

Constitution
of North
Coast
County
Council.

5. Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette there shall be constituted a county council under the name of "The North Coast County Council," which shall have and may exercise the powers, authorities, duties and functions conferred and imposed upon it by or under this Act. 35

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6. (1) The North Coast County Council shall consist of councillors who shall be elected as in this Part provided. Councillors to be elected.

5 (2) (a) Until fixed in pursuance of this section the number of such councillors shall be nine. Number of councillors.

(b) The number of such councillors may from time to time be fixed by proclamation.

(3) Each councillor shall be elected to represent a constituency.

10 (4) (a) Each constituency shall comprise the areas grouped therein respectively as set out from time to time by proclamation. Constituencies.

(b) There shall be three constituencies and each constituency shall return an equal number of councillors.

15 (5) A proclamation under this section shall not take effect until the ordinary election of councillors next following the date of such proclamation except for the purposes of such election and any matter incidental thereto.

20 7. (1) A councillor of the North Coast County Council shall be elected by the aldermen and/or councillors of the areas included within each such constituency. Qualifications for elections.

(2) Any person shall be eligible for election as a councillor if at the time of the holding of the election he is eligible to be elected as an alderman or councillor of any of the areas for the time being comprised in any such constituency and would not be disqualified to hold office if elected as a councillor of the North Coast County Council.

8. The office of a councillor shall—

30 (a) commence on the day of his election or appointment as councillor; and Tenure of Office.

(b) become vacant on the day appointed for the next ordinary election of councillors or upon the occurrence of an extraordinary vacancy, whichever happens first.

35 The election of councillors shall be carried out and conducted and the result thereof notified to the Governor in the manner prescribed by ordinances made under the Principal Act in that behalf. Method of election.

Elections.

9. (1) The first ordinary election of councillors shall be held on the date of the constitution of the North Coast County Council.

(2) The second ordinary election of councillors shall be held upon a day fixed and advertised by the returning officer being within two months after the date appointed by the Principal Act for the ordinary triennial election of aldermen or councillors of areas in the year one thousand nine hundred and forty. **5**

(3) Each ordinary election of councillors after the second shall be held upon a day fixed and advertised by the returning officer being within two months after the date appointed by the Principal Act for the ordinary triennial election of aldermen or councillors of areas. **10**

(4) An election to fill an extraordinary vacancy shall be held upon a day fixed and advertised by the returning officer being within two months after the occurrence of the vacancy. **15**

(5) If a vacancy in the office of a councillor continues after the time prescribed for election thereto, the Governor may appoint any qualified person to the vacant office: Provided that where he deems it expedient the Minister may authorise the holding of an election to fill the vacant office. **20**

Returning officer for first election.

10. (1) For the purposes of the first ordinary election of councillors, the Governor may appoint a returning officer and such deputy returning officers, poll clerks, and assistants as he may deem necessary. **25**

Expenses of election.

(2) The expenses incurred in the conduct of such election shall when certified under the hand of the returning officer be paid out of the Consolidated Revenue Fund. The amount of such expenses shall be repaid by the North Coast County Council within six months after the account therefor is rendered to the council by the Colonial Treasurer. **30**

(3) The office of the North Coast County Council shall be situated at Grafton. **35**

DIVISION

DIVISION 3.—*Abolition of the Clarence River County District; dissolution of the Clarence River County Council; transfer to the North Coast County Council of the powers, etc., of the Clarence River County Council and the powers, etc., of certain other councils relating to the supply of electricity.*

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11. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (in this Division referred to as "the appointed day") the Clarence River County District shall be abolished and the Clarence River County Council shall be dissolved.

Abolition of
Clarence
River
County
District,
etc.

The appointed day shall be not later than six months after the day appointed in pursuance of section five of this Act for the constitution of the North Coast County Council.

15 (2) Upon and from the appointed day the North Coast County Council shall exercise and perform—

20 (a) the powers, authorities, duties and functions of the Clarence River County Council exercised or exercisable by it immediately prior to the appointed day;

25 (b) the powers, authorities, duties and functions of the constituent councils conferred or imposed by the Principal Act in relation to the supply of electricity and/or the supply and installing of electrical fittings and appliances, and the granting of permission to any person to supply electric current to the public and for such purposes to lay or erect pipes, wires, poles or other apparatus on, under or over any public place.

30 (3) Upon and from the appointed day such persons who prior to the appointed day were servants of the Clarence River County Council and such persons who prior to the appointed day were servants of the councils referred to in paragraph (a) of section twelve of this Act as the Governor upon the recommendation of the joint committee constituted under paragraph (c) of subsection three of section thirteen of this Act may direct and such servants of the North Coast County Council and of the said
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40 councils as are transferred or appointed to the service of
the

the North Coast County Council between the commencement of this Act and the appointed day shall become and be the servants of the North Coast County Council.

Any person so transferred or appointed shall retain and shall have and enjoy the same rights and privileges, if any, with regard to leave, as if he had continued a servant of the Clarence River County Council or of a council referred to in paragraph (a) of section twelve of this Act, as the case may be, during the period of his service with the North Coast County Council.

(4) Where any condition of employment of any person so transferred or appointed to the service of the North Coast County Council is at the date of his transfer or appointment regulated by an award or an industrial agreement such condition shall continue to be so regulated until an award by which the North Coast County Council is bound is made by a competent tribunal or such condition is regulated by an industrial agreement to which the said council is a party.

(5) Where a servant of the Clarence River County Council or a council referred to in paragraph (a) of section twelve of this Act who was or is employed in or in connection with the electricity undertaking of the Clarence River County Council or one of the said councils is not included among the persons so transferred or appointed to the North Coast County Council he shall, if he is not within a period of two months from the appointed day provided with a position in the service of the council by whom he was employed immediately before the appointed day, be deemed to have been retired from his position and shall be entitled to a gratuity equivalent to the amount of two weeks' salary or wages for each year of service, such salary or wages being reckoned on the average of the salary or wages paid to him during the fifty-two weeks immediately preceding the termination of his employment. Such gratuity shall be paid by the North Coast County Council.

Whether or not a person was or was not employed in or in connection with the electricity undertaking of the Clarence River County Council or of a council referred to in paragraph (a) of section twelve of this Act shall be decided

decided by the committee constituted under the provisions of paragraph (c) of subsection three of section thirteen of this Act.

5 This subsection shall not apply if within a period of two months from the appointed day any of the constituent councils or the North Coast County Council offers him and he accepts a position in its service.

10 No person so transferred or appointed or a person who is deemed to have been retired from the service of a council in pursuance of this subsection shall be entitled to claim benefits under this Act as well as under any other Act (other than the Local Government (Superannuation) Act, 1927-1935), ordinance, regulation or resolution in respect of the same period of service.

15 **12.** Upon and from the appointed day the following provisions shall, subject to this Act, have effect:—

Rights,
liabilities,
and pro-
perty.

20 (a) All real and personal property and all right and interest therein and all management and control of any land or thing which, immediately before the appointed day, is vested in or belongs to the Clarence River County Council or to any of the councils of the shires of Byron, Dorrigo and Kyogle and of the municipalities of Casino, Lismore, Mullumbimby and Murwillumbah and is held by it in connection with the supply of electricity and/or the supply and installing of electrical fittings and appliances by it shall vest in and belong to the North Coast County Council.

25 (b) All moneys, liquidated and unliquidated claims which, immediately before the appointed day are payable to or recoverable by the Clarence River County Council or to or by a council referred to in paragraph (a) of this section in relation to the supply of electricity and/or the supply and installing of electrical fittings and appliances by it shall be moneys, liquidated and unliquidated claims payable to or recoverable by the North Coast County Council. In this paragraph "Moneys payable to or recoverable by" a council shall include any amount due to the electricity trading fund by the general or any other fund.

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(c)

- (c) All suits, actions, and proceedings pending immediately before the appointed day at the suit of the Clarence River County Council or at the suit of a council referred to in paragraph (a) of this section (respecting any matter or claim in relation to the supply of electricity and/or the supply and installing of electrical fittings and appliances by it) shall respectively be suits, actions, and proceedings pending at the suit of the North Coast County Council. 5 10
- (d) All contracts, agreements, and undertakings entered into with and all securities lawfully given to or by the Clarence River County Council or a council referred to in paragraph (a) of this section (in relation to the supply of electricity and/or the supply and installing of electrical fittings and appliances by it) and in force immediately before the appointed day shall be deemed to be contracts, agreements, and undertakings entered into with and securities given to or by the North Coast County Council. 15 20
- (e) The North Coast County Council may pursue the same remedies for the recovery of any such moneys and claims, and for the prosecution of any such suits, actions, and proceedings as the Clarence River County Council or a council referred to in paragraph (a) of this section might have done but for this Act. 25
- (f) The North Coast County Council may enforce and realise any security or charge existing immediately before the appointed day in respect of any such moneys and claims as if such security or charge were existing in favour of the North Coast County Council. 30
- (g) All debts due and moneys payable by the Clarence River County Council or by a council referred to in paragraph (a) of this section (in relation to the supply of electricity and/or the supply and installing of electrical fittings and appliances by it) and all claims liquidated or unliquidated 35 40

5 unliquidated recoverable against the Clarence
River County Council or against a council re-
ferred to in paragraph (a) of this section (in
relation to the supply of electricity and/or the
supply and installing of electrical fittings and
appliances by it) shall be debts due and moneys
payable by and claims recoverable against the
North Coast County Council. In this paragraph
10 "Debts due or moneys payable" by a council
shall include any amount due by the electricity
trading fund to the general or other fund.

15 (h) (i) Notwithstanding anything contained in this
Act a franchise which has been granted by a
constituent council in pursuance of section
four hundred and twenty of the Principal
Act to a person to supply electric current to
the public shall, unless terminated in pursu-
ance of this paragraph, continue in force
20 until terminated in accordance with the pro-
visions of the franchise.

(ii) Upon and from the appointed day the North
Coast County Council shall, to the exclusion
of the council which granted such franchise,
be entitled to exercise any option of pur-
25 chase reserved in such franchise.

(iii) The exercise of such option shall, subject
to the provisions of this paragraph, be sub-
ject to the terms and conditions contained
in such franchise.

30 (iv) Where such option refers to the purchase
of plant in a constituent area and such plant
is also used by the person to whom the fran-
chise was granted for the purpose of supply-
ing electric current to the public in another
35 or other areas then such option shall be
exercisable by the North Coast County
Council only upon the condition that it shall
subject to the provisions of this paragraph
also purchase such plant in such other area
40 or areas, or such plant as may be agreed
upon

upon between the North Coast County Council and such person, as is used for the purpose of supplying electric current to the public within such other area or areas (hereinafter referred to as "the additional plant"): Provided that in determining the purchase price of the additional plant no allowance shall be made in respect of any estate, right or interest in any land or other property which the said person holds of or from the council or councils of such other area or areas. 5 10

For the purposes of this paragraph "plant" includes electricity works, pipes, wires, poles and other apparatus and all estates and interests of the person to whom the franchise was granted in any land used in connection therewith. 15

Upon the completion of such purchase any agreement between the said person and the council or councils of such other area or areas relating to the supply of electric current to the public shall be deemed to be terminated save and except in respect of any breach thereof antecedent to the completion of such purchase. 20 25

- (v) Where the North Coast County Council proposes to exercise an option of purchase in pursuance of the provisions of this paragraph it shall give three months' notice of its intention so to do to the person to whom the franchise wherein such option was reserved was granted. If such person does not within two months of the giving of such notice require the North Coast County Council to purchase the additional plant the said council may exercise such option without being bound to purchase the additional plant. 30 35

(vi)

5 (vi) The price to be paid by the North Coast
County Council consequent upon the exercise
of such option of purchase or in connection
with the purchase of the additional plant
shall be mutually agreed upon. Failing such
mutual agreement, the question as to what
price shall be paid shall be referred to
arbitration under and in pursuance of the
10 Arbitration Act, 1902, or any Act amending
or re-enacting the same: Provided that in
determining the purchase price the value of
the plant only shall be taken into account
and no allowance shall be made directly or
indirectly for the value of rights granted by
15 a council relating to the supply of electric
current to the public or for goodwill.

(i) No attornment by a lessee of any land vested
in the North Coast County Council by this section
shall be necessary.

20 **13.** (1) During the period commencing on the date
of the constitution of the North Coast County Council
and ending on the appointed day, the powers, authorities,
duties, and functions of the council shall be limited to the
matters and things following, that is to say:—

Preliminary
powers and
functions
of the
North Coast
County
Council.

- 25 (a) election of a chairman;
(b) the provision of an office for the council;
(c) the appointment of servants of the council and
the organisation of the staff of servants;
30 (d) the preparation, performance and carrying into
effect of all such acts, matters and things as in
the opinion of the council are necessary or ex-
pedient in order to enable the council to exercise
all or any of the powers, authorities, duties, and
functions vested in the council by or under this
35 Act;
(e) the making of arrangements and agreements in
accordance with this section.

But nothing contained in this subsection shall be con-
strued so as to limit the exercise by the council of its
powers

powers, authorities, duties, and functions in respect of any of the aforesaid matters and things after the appointed day.

(2) For the purposes of carrying out the powers, authorities, duties, and functions referred to in subsection one of this section, the North Coast County Council may, with the approval of the Governor, make use of the services of any of the servants of the Clarence River County Council or of a council referred to in paragraph (a) of section twelve of this Act; and the Clarence River County Council or council, as the case may be, shall take all necessary steps to give effect to such approval. 5
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Division of assets and liabilities, and use of staff of councils.

(3) (a) Each of the councils referred to in paragraph (a) of section twelve of this Act and the North Coast County Council shall as soon as practicable after the constitution of the North Coast County Council arrange and determine what books, documents, records and papers shall be handed over to the North Coast County Council and arrange and agree upon a division of the council's assets, debts, and liabilities so that the assets, debts, and liabilities to be transferred by this Act shall be defined. Where an agreement has been arrived at or a determination made on any matter referred to in this paragraph a sufficient record thereof shall be filed in the offices of the councils concerned and a copy transmitted to the Minister for record purposes. 15
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(b) For the purposes referred to in paragraph (a) of this subsection a joint committee of three members shall in each case be appointed, consisting of a representative of the North Coast County Council, a representative of the council concerned and a chairman who shall be appointed by the Governor, and who shall convene the committee. 30

(c) For the purposes of making recommendations to the Governor as to which servants of the Clarence River County Council and of the councils referred to in paragraph (a) of section twelve of this Act should be transferred to the service of the North Coast County Council and how the 35
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the expense of meeting the payments if any on account of leave of a servant to be so transferred should be apportioned between the Clarence River County Council or council referred to in paragraph (a) of section twelve, 5 as the case may be, and the North Coast County Council, there shall be constituted a joint committee. Such committee shall consist of the following members: one member appointed by the Governor who shall be chairman; one member of the North Coast County Council appointed 10 by the Governor to represent such county council; one member of the Clarence River County Council appointed by the Governor to represent such county council; one member, who shall be a member of one of the councils referred to in paragraph (a) of section twelve of this 15 Act appointed by the Governor to represent such councils. Meetings of the committee shall be convened by the chairman. On any question which is to be decided by a vote of the members of the committee the chairman shall have a second or casting vote, in addition to an original vote.

20 (d) Any expenses of the joint committee shall be charged to the North Coast County Council.

(4) (a) The North Coast County Council is hereby authorised to expend such moneys as may be necessary for the purpose of exercising and performing 25 the powers and for that purpose may, with the approval of the Governor, make arrangements with any bank or other financial institution for a temporary loan of the required amount. Interim expenditure.

(b) The Colonial Treasurer is hereby 30 authorised to guarantee to such bank or institution the repayment of the amount of such temporary loan, with interest at the rate agreed upon between the council and such bank or institution.

14. (1) The North Coast County Council shall as 35 from the appointed day indemnify and keep harmless each council referred to in paragraph (a) of section twelve of this Act against all claims against it in respect of moneys borrowed in connection with the supply of electricity and/or

and/or the supply and installing of electrical fittings and appliances by it and against all claims for any other liabilities incurred in respect thereof.

(2) The North Coast County Council shall make due repayment of all moneys borrowed on account of the electricity undertakings of the Clarence River County Council and of councils referred to in paragraph (a) of section twelve of this Act, shall pay all interest accruing due in respect of moneys so borrowed, and shall make the contributions required by law or by any agreement to the sinking funds established in connection with any loan on account of such undertakings. 5 10

(3) Nothing contained in this Act shall prejudice or affect the security rights, powers, authorities, and remedies of any holder of a bond, debenture, mortgage deed or other security given by the Clarence River County Council or by a council referred to in paragraph (a) of section twelve of this Act before the commencement of this Act, but such holder shall have and continue to have during the currency of his bond, debenture, mortgage deed or other security the same security rights, powers, authorities, and remedies in respect of the electricity undertakings and other assets vested in the North Coast County Council and the revenue therefrom as if the said bond, debenture, mortgage deed or other security had been given by the North Coast County Council instead of by the Clarence River County Council or a council referred to in paragraph (a) of section twelve of this Act. 15 20 25

(4) The liability imposed upon the North Coast County Council for the purpose of securing the discharge thereof shall rank in priority over any loan raised by the North Coast County Council. 30

Ordinances. **15.** Ordinances may be made to carry this Part into effect. 35

Delegation. **16.** (1) The transfer to the North Coast County Council of the powers, authorities, duties and functions of the Clarence River County Council and of a council referred to in paragraph (a) of section twelve of this Act shall without affecting in any way the powers conferred by this Act or by the Principal Act be deemed to be a delegation 40

delegation within the meaning of section five hundred and sixty-four of the Principal Act to the North Coast County Council of—

- 5 (a) all the powers, authorities, duties and functions of a council under section three hundred and eighty-two of the Principal Act to construct, extend, protect, maintain, control and manage works for the supply of electricity, and those
- 10 under sections four hundred and sixteen to four hundred and twenty both inclusive of the Principal Act relating to the supply of electricity and the supply and installing of electrical fittings and appliances;
- 15 (b) the power to raise special loans and overdrafts for the purpose of exercising the power of supplying electricity and of supplying and installing electrical fittings and appliances; and
- (c) the power to make and levy a loan rate in connection with any loan so raised.
- 20 (2) For the purpose of more effectually enabling the North Coast County Council to exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by this Act and without affecting in any way the powers, authorities, duties and functions conferred or imposed by this Act or by the Principal Act, the provisions of the Principal Act mentioned in the Schedule to this Act shall, mutatis mutandis, apply to and in respect of the North Coast County Council and the powers and duties conferred and
- 25 imposed upon the council or the president or mayor or shire or town clerk or other servant of a shire and/or a municipal council by such provisions or by any ordinance made under or in pursuance of such provisions are hereby conferred and imposed upon the
- 30 North Coast County Council or the chairman or general manager or other servant of the North Coast County Council, as the case may require.
- (3) (a) The North Coast County Council may arrange with any constituent council to execute within
- 40 the area of the constituent council any service relating to any power, authority, duty, or function transferred

Schedule.

Delegation to councils.

or delegated to the North Coast County Council by this or any other Act, with such restrictions and reservations as to the North Coast County Council may seem meet.

Such arrangement shall be embodied in an agreement between the council concerned and the North Coast County Council, which shall contain such provisions as may be agreed upon or as may be prescribed by ordinance. 5

(b) A council may enter into and execute an agreement in pursuance of this section. 10

PART III.

EXERCISE OF POWERS, ETC., OF THE NORTH COAST COUNTY COUNCIL.

Reserved functions. cf. Irish Free State L.G. (Dublin) Act, 1930 No. 27,551, Cork City Management Act, 1929, No. 1, s. 8.

17.(1) Subject to this Act the North Coast County Council shall directly exercise and perform all and every 15 of the powers, authorities, duties and functions of that Council in relation to the following matters, that is to say:—

- (a) the making of any rate, the fixing of charges or fees, or the borrowing of any moneys; 20
- (b) the voting of moneys for expenditure on the works, services and operations of the Council;
- (c) the acquisition, leasing, sale and exchange of any land or other property and the granting of any lease of land; 25
- (d) subject to the provisions of this Part, the acceptance of tenders;
- (e) any proposal for the making of an ordinance;
- (f) the election of the chairman of the Council;
- (g) meetings of the Council; 30
- (h) travelling expenses of members of the Council;
- (i) public inquiries ordered by the Governor or the Minister;
- (j)

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- (j) any application or notice to the Governor or the Minister;
- 5 (k) awards or industrial agreements under the Industrial Arbitration Act, 1912, or any amendment thereof, and any question as to the payment to any servant of any salary or wages at a rate in excess of the rate fixed by any such award or industrial agreement;
- 10 (l) subject to the provisions of this Part, the appointment, suspension and termination of employment of the General Manager, the Chief Engineer, and the Secretary, and the granting of any gratuity to any servant upon the termination of his employment;
- 15 (m) any agreement respecting the supply of electricity in bulk by the Council to another authority supplying electricity;
- (n) the extension of the Council's operations into other areas;
- 20 (o) the continuance of the sale or hire of electrical fittings and appliances;
- (p) the authorising of the establishment of new generating stations to be operated by the Council or the construction of additional main generating units or main transmission lines;
- 25 (q) the conditions respecting any sinking fund or investment;
- (r) the division of assets, debts and liabilities between the councils referred to in paragraph (a) of section twelve and the Council, and the transfer of servants from the Clarence River County Council and the councils referred to in paragraph (a) of section twelve of this Act to the service of the Council as referred to in section thirteen of this Act;
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- 35 (s) matters relating to the indemnity which the Council is required to give under this Act;
- (t) the inclusion of any new area or part in the North Coast County District; (u)

- (u) the delegation of reserved functions to the General Manager, and the revocation of such delegation;
- (v) the appointment of representatives of the Council to attend any conference or meeting and the payment of the expenses of such representatives. **5**

(2) The powers, authorities, duties and functions enumerated in subsection one of this section are referred to as the "reserved functions." **10**

Power to
delegate to
General
Manager.

18. The North Coast County Council may by resolution with the approval of the Governor delegate to the General Manager either wholly or in part, and either permanently or for a limited period, and subject to such limitations as may be contained in the resolution or as may be prescribed, any of its reserved functions except the power to borrow or to make a rate, and may by subsequent resolution withdraw any such delegation, either wholly or in part. **15**

No act of the General Manager done within the scope of any such delegation during the period such delegation was in force, shall be invalidated by reason of a withdrawal of the delegation. **20**

General
Manager.
Ibid. s. 39.
Ibid. s. 9.

19. (1) The North Coast County Council shall appoint a person chosen solely on the basis of his executive and administrative experience and qualifications to be the General Manager. **25**

(2) The General Manager shall exercise and perform for and on behalf of the North Coast County Council— **30**

- (a) the powers, authorities, duties and functions of the Council other than the reserved functions;
- (b) such of the reserved functions as may be delegated to him by the Council and in respect of which the delegation shall not have been withdrawn by the Council; **35**
- (c) the appointment, suspension and termination of employment of servants of the Council (not including the Chief Engineer or the Secretary).

(3)

(3) For the purposes of every enactment (including enactments passed or made after the passing of this Act) relating to County Clerks, the General Manager shall be the County Clerk of the North Coast County Council and have, exercise and perform all the powers, authorities, duties, functions and rights for the time being held, conferred or imposed by any such enactment or otherwise by law on the County Clerk.

(4) Any fees or emoluments which are payable by or under any statute (whether passed before or after this Act) to County Clerks, and are received by the General Manager by virtue of his being the County Clerk of the North Coast County Council, shall be paid by the General Manager into the appropriate fund of the Council and be accounted for accordingly.

(5) The General Manager shall be a servant of the Council.

(6) The General Manager shall be paid such salary as the Council may determine.

(7) The General Manager may do all such matters and things, including the making of contracts for and on behalf of the North Coast County Council, and the affixing of the official seal of the North Coast County Council to documents, as may be necessary for or incidental to the exercise or performance of any of the powers, authorities, duties and functions conferred and imposed upon him by or under this Act.

(8) The General Manager shall not affix the official seal of the North Coast County Council to any documents save in the presence of the chairman.

(9) The General Manager may, subject to the provisions of any ordinance made in relation thereto, call for and accept tenders for contracts where the contract involves the estimated expenditure of an amount not exceeding one thousand pounds, and such amount is within the limit of expenditure authorised by the North Coast County Council.

20. (1) Noel Valentine Selby Wilton, Esquire, the Chief Engineer and Manager of the Clarence River County

First
General
Manager.

County Council, shall be and is hereby appointed to be the first General Manager for the North Coast County Council as from the appointed day referred to in section eleven of this Act.

(2) The said Noel Valentine Selby Wilton, 5 Esquire, shall be deemed to have been appointed as General Manager by the Council, and shall hold office for a period of two years, unless he sooner dies or resigns his office, or his employment is terminated by the Council.

(3) The appointment of the said Noel Valentine 10 Selby Wilton under this section shall be deemed to be a transfer within the meaning of subsection three of section eleven of this Act.

General
Manager to
furnish
information
and advice.
Ibid. s. 54.
Ibid. s. 11.

21.(1) The General Manager shall, whenever requested by the Chairman of the North Coast County 15 Council, or by that Council so to do, afford to the chairman or the Council (as the case may require) all such information as may be in the possession or procurement of the General Manager in relation to any act, matter or thing appertaining to or concerning any business or 20 transaction of the Council which is mentioned in such request.

Ibid. s. 55.
Ibid. s. 12.

(2) It shall be the duty of the General Manager to advise and assist the North Coast County Council generally in relation to the exercise or performance by 25 it of the reserved functions and in particular in relation to any matter or thing concerning the exercise or performance by that Council of the reserved functions on or in respect of which the Council requests the advice or assistance of the General Manager. 30

(3) It shall be the duty of the General Manager to carry into effect all lawful orders of the Council in relation to the exercise and performance of the reserved functions.

Ibid. s. 56.

(4) The North Coast County Council may at any 35 time by resolution require the General Manager to prepare and submit to the Council plans and specifications for the execution of any particular work specified in such resolution

resolution which can lawfully be executed by the Council, together with an estimate of the probable cost of the execution of such work.

5 Where the Council passes any such resolution the General Manager shall, as soon as conveniently may be, prepare and submit to the Council plans and specifications and an estimate in accordance with such resolution.

10 **22.** (1) The General Manager shall have the right to attend meetings of the North Coast County Council and to take part in discussion at such meetings as if he were a councillor, but he shall not be entitled to vote on any question which is to be decided by a vote of the councillors.

Attendance
at meetings.
Ibid. s. 13.

15 The General Manager shall not be entitled to be present at any such meeting during any discussion which concerns his appointment or dismissal or his salary or the conditions of his employment.

20 (2) The General Manager shall attend any meeting of the North Coast County Council at which he is required by the Council to attend, and shall at such meeting give to the Council such advice and assistance as shall reasonably be required of him by the Council, and for that purpose the General Manager shall arrange for the attendance at such meeting of such of the servants of the
25 Council as may be necessary, having regard to the business to be transacted at such meeting.

30 **23.** (1) The North Coast County Council, at a meeting specially summoned for the purpose in accordance with any ordinance made in that behalf, may by resolution require any particular act, matter, or thing specifically mentioned in such resolution to be done in relation to any of the powers, authorities, duties and functions of the Council which are not reserved functions.

Special
meetings.
Ibid. s. 58.

35 (2) Where a resolution has been proposed at the meeting of the Council summoned for the purpose under this section, the Council and the General Manager shall consider such resolution and if after such consideration the Council pass such resolution and the number of members voting for such resolution is not less than five
40 or the number fixed from time to time by proclamation, the
General

General Manager shall, if and when and so far as money for the purpose is or has been provided, do in accordance with such resolution the act, matter, or thing which is required by such resolution to be done.

(3) A resolution passed under this section shall not be so expressed as to apply or extend— 5

(a) to the exercise or performance of any power, authority, duty, or function of the Council generally or to every case or occasion of the exercise or performance of any such power, authority, duty or function or to a number or class of such cases or occasions so extended as to be substantially or in effect every case or occasion on which such power, authority, duty or function is exercised or performed; nor 10 15

(b) to the exercise or performance of any power or duty conferred or imposed on the General Manager by or under this Act in relation to the servants of the Council or the control, supervision, service, remuneration, privileges, or superannuation of such servants or any of them. 20

Any resolution purporting to be passed by the Council under this section which contravenes this subsection shall be void and of no effect.

(4) In the event of any dispute arising between the Council and the General Manager as to whether or not any resolution passed by the Council under this section contravenes the provisions of subsection three hereof, the matter shall be referred for decision to the Minister. 25 30

The decision of the Minister upon any such reference shall be final, and shall be binding upon the Council and the General Manager.

24. (1) The servants of the North Coast County Council shall perform their duties as such servants in accordance with such directions as the General Manager may from time to time give, either generally or in relation to the performance of any particular duty or any particular class or classes of duties or in relation to the performance of any such duty by any particular servant 35 40

of

Duties of
servants.
Ibid. s. 59.
Ibid. s. 14.

of the Council, and the General Manager shall have and exercise control and full supervision of and over such servants and any and every act or thing done or to be done by them in their capacity as servants of the Council.

- 5 (2) Subject to this Act and to the provisions of any Act and of any ordinance or regulation made there-
under and for the time being in force in relation to the
service, remuneration, privileges or superannuation (as
the case may be) of the servants of the Council, the
10 General Manager shall consider and decide all such
questions as may from time to time arise in relation to
the service, remuneration, privileges and superannuation
of the servants of the Council.

25. (1) Every act or thing done or decision taken by
15 the General Manager which, if done or taken by the coun-
cil of a county district, or municipality or shire, would
be required by law to be done or taken by resolution of
such council, shall be done or taken by the General Mana-
ger by an order in writing signed by him and containing
20 a statement of the time at which it was so signed.

General
Manager
to act by
signed
order.
Ibid. s. 60.
Ibid. s. 15.

- (2) Where by or under any Act, including this
Act, public notice of any matter is required to be given
by the council, such notice shall be given by the General
Manager.

- 25 (3) Every order made by the General Manager
under this section shall for all purposes be deemed to be
made at the time at which it is signed by the General
Manager, and every such order shall, until the contrary
is proved, be deemed to have been so signed at the time
30 stated in that behalf in such order.

- (4) The General Manager shall keep a register in
which shall be entered a copy of every order made by him
under this section, and the General Manager shall, at
every meeting of the North Coast County Council, pro-
35 duce for the inspection of the members of the Council
so much of such register as contains any such orders
made since the next previous meeting of the Council.

- (5) Every document purporting to be an order
made and signed by the General Manager shall, without
40 proof of the signature of the person purporting to sign
such

such document or that such person was the General Manager, be received in evidence in all courts, and shall, until the contrary is proved, be deemed to be an order duly made and signed by the General Manager under this section and to have been so signed at the time stated in that behalf therein. 5

(6) Every document purporting to be certified in writing by the General Manager or by a prescribed officer of the Council to be a true copy of an order made by the General Manager under this section shall, without proof of the signature of the person purporting so to certify or that such person was the General Manager, be received in evidence and shall, until the contrary is proved, be deemed to be evidence of the contents of the order of which it purports to be a copy and of the fact that such order was duly made and signed by the General Manager under this section at the time stated in that behalf therein. 10 15

Authorisa-
tion of
payments.
Ibid. s. 61.
Ibid. s. 16.

26. (1) The General Manager may by order signed by him and countersigned by the secretary of the North Coast County Council authorise the making of any payment out of the funds of that Council in respect of any expense or on account of any liability incurred by the Council or the General Manager on behalf of the Council in the exercise or the performance by the Council or the General Manager (as the case may be) of any of the powers, authorities, duties or functions of the Council which are exercisable or performable by it or him respectively under this Act. 20 25

(2) The Council may at any time by resolution direct that every order made under subsection one of this section shall, during such period as is specified in such resolution, be submitted to the chairman or to some other councillor nominated from time to time for the purpose by the Council for his signature. 30 35

(3) The Council may at any time by resolution revoke a direction given under subsection two of this section.

(4) Where the Council gives any such direction as is hereinbefore mentioned, then, while such direction remains in force, the signature of the chairman or of the councillor 40

councillor nominated for the purpose (as the case may require) shall be necessary on every such order as is mentioned in subsection one of this section in addition to the signature and counter-signature mentioned in that
5 subsection, but the chairman or such councillor (as the case may be) shall not by reason of the fact of his signature being on any such order incur any liability to which he would not have been liable if such direction as aforesaid had not been given.

10 **27.** (1) The General Manager shall cause to be prepared in each year at the prescribed time and in the prescribed form an estimate of income and expenditure (in this section referred to as the estimates) showing the amounts which in his opinion will be necessary to meet
15 the expenses and provide for the requirements of the North Coast County Council during the year then next ensuing.

Estimate of expenses and rates.
Ibid. s. 17.
Ibid. s. 77.

(2) The estimates prepared in each year under this section shall be considered by the Council at a meeting thereof (in this section referred to as the budget
20 meeting), at which the General Manager shall be present and which shall be held at the time prescribed either generally or in regard to any particular year and of which not less than twenty-one days' notice in the prescribed form shall have been given by the General
25 Manager to every councillor.

(3) Not less than twenty-one days before the day on which a budget meeting is to be held, the General Manager shall send to every councillor and shall deposit
30 in the offices of the Council a copy of the estimates required by this section to be considered by the Council at such meeting, and the General Manager shall at the same time give notice in the prescribed manner and form of the fact that such estimates have been prepared and that
35 a copy thereof has been so deposited.

(4) The copy of the estimates deposited under this section in the offices of the Council may be inspected free of charge by any member of the public at any time
at

at which such offices are open for the transaction of official business, and the General Manager shall supply to every person making application to him therefor a copy of such estimates at the price of one shilling per copy.

(5) At a budget meeting or any adjournment thereof under this section the Council may (subject to the provisions of this section) amend whether by addition, omission, or variation the estimates required by this section to be considered by it at such meeting, and the Council shall by resolution passed at such meeting or any adjournment thereof adopt such estimates either with or without amendment and shall by the same or any subsequent resolution passed by it at such meeting or such adjournment thereof determine in accordance with such estimates as so adopted the rates (if any) to be made and levied or the charges and fees to be imposed for the purposes specified in such estimates. 5
10
15

(6) Where at a budget meeting an amendment of the estimates considered at such meeting is proposed and the General Manager is of opinion that such amendment, if made, would seriously prejudice the efficient or economic performance of the duties of the Council, the General Manager shall at such meeting state his objection to such amendment and his reasons therefor, and thereupon the Council shall consider such objection and shall either decide at such meeting not to make such amendment or shall adjourn the further consideration of such amendment. 20
25

(7) Where the further consideration of an amendment of the estimates is adjourned under subsection six of this section, the budget meeting shall, after all business which can lawfully and conveniently be transacted thereat without adjournment is disposed of, be adjourned for not less than fourteen days and at such adjourned meeting the amendment or amendments which occasioned the adjournment (with or without any modification thereof) but no other amendment of the said estimates shall be considered and decided upon and the business of the budget meeting shall be completed. 30
35

28. In every action or other legal proceeding, whether
civil or criminal, instituted in any court of law or equity
by or against the North Coast County Council the General
Manager shall act for and on behalf of the Council and
5 may do all such acts, matters or things as he may consider
necessary for the preparation and prosecution or defence
of such action or other proceeding in the same manner
in all respects as if (as the case may require) he were the
plaintiff or prosecutor or the defendant therein, and
10 where any such action or other proceeding relates to
the exercise or the performance by the Council of any of
the reserved functions the General Manager shall in the
doing of any such act, matter or thing as aforesaid act
with the express authority of the Council, which
15 authority shall be deemed to have been given unless and
until the contrary is shown.

Legal
proceedings.
Ibid. s. 80.
Ibid. s. 20.

This section shall not apply where the amount involved
in any such action or legal proceedings as aforesaid
exceeds five hundred pounds.

20 29. (1) Where the General Manager is on leave or is
through illness, absence from the North Coast County
District, or suspension from the performance of his
duties, temporarily incapable of exercising and perform-
ing the powers, authorities, duties and functions con-
ferred and imposed on him by this Part, a deputy General
25 Manager shall be appointed under this section for the
duration of such leave or incapacity but may be removed
at any time during such leave or incapacity.

Deputy
General
Manager.
Ibid. s. 79.
Ibid. s. 19.

(2) Where the General Manager is on leave and
30 also where the General Manager is so incapable as afore-
said and such incapacity is due to absence from the North
Coast County District the power of appointing the
deputy General Manager under this section may be ex-
ercised by the General Manager, after consultation with
35 the chairman, before and in contemplation of such leave or
such incapacity (as the case may be), but in every other
case, that is to say, where the General Manager is so in-
capable as aforesaid owing to illness or suspension and
also where the General Manager is on leave or is so in-
40 capable as aforesaid owing to absence from the North
Coast

Coast County District and a deputy General Manager is not appointed under this section before such leave or incapacity or having been so appointed is removed under this section during such leave or incapacity, the power of appointing the deputy General Manager under this section shall be exercisable at any time during such leave or incapacity by the chairman. 5

(3) In every case the power of removing the deputy General Manager under this section shall be exercisable by the Council only. 10

(4) The deputy General Manager shall, during the continuance of the leave or incapacity on account of which he is appointed or until he is removed under this section, have all the powers and authorities and shall exercise and perform all the duties and functions of the General Manager and for that purpose all references in this Act to the General Manager (other than the references to the General Manager in this section and the references in this Act to the appointment and remuneration of the General Manager) shall be construed as including the deputy General Manager. 15 20

(5) There shall be paid by the Council to the deputy General Manager such remuneration (if any) as the Council may determine.

Servants.

30. The General Manager shall appoint and employ such servants of the Council as he may deem necessary for the purposes of this Act. 25

Chief
Engineer.

31. (1) The North Coast County Council shall appoint a person to be the Chief Engineer of the electricity undertaking of the Council. 30

(2) The Chief Engineer shall, under and subject to the direction, control, and full supervision of the General Manager, have the principal oversight of all works in or connected with the Council's electricity undertaking. 35

(3) The Chief Engineer shall by virtue of such appointment be a servant of the Council.

(4) The Chief Engineer shall be paid such salary as the Council may determine.

32.

32. (1) The North Coast County Council shall appoint and employ a person as Secretary of the Council. Secretary.

(2) The Secretary shall by virtue of such appointment be a servant of the Council.

5 (3) The Secretary shall be paid such salary as the Council may determine.

(4) The Secretary shall perform such duties as may be prescribed.

33. (1) The provisions of section ninety-nine of the Application
of s. 99 of
Act No. 41,
1919.
10 Principal Act relating to inquiry before dismissal shall apply with respect to the dismissal by the Council of the General Manager, the Chief Engineer and the Secretary.

(2) If either of the persons appointed as Chief
15 Engineer or Secretary respectively was a servant of the Clarence River County Council or of a council referred to in paragraph (a) of section twelve who has been transferred to the North Coast County Council under subsection three of section eleven of this Act, he shall retain and enjoy the rights and privileges conferred upon trans-
20 ferred officers by that subsection.

SCHEDULE.

Sec. 16.

Sections eighty-four, eighty-five, and eighty-seven.

Sections one hundred to one hundred and five, both inclusive.

25 Sections one hundred and eight and one hundred and ten and one hundred and eleven.

Section one hundred and twenty and sections one hundred and thirty-two to one hundred and sixty-five, both inclusive.

Sections one hundred and seventy-three to two hundred, both inclusive.

30 Sections three hundred and eighty-three and three hundred and eighty-four.

Subsection one of section four hundred and eighty-two.

Section five hundred and six.

Sections

Sections five hundred and sixteen, five hundred and seventeen, 517A, five hundred and eighteen, five hundred and nineteen, five hundred and twenty and five hundred and twenty-one.

Section five hundred and twenty-four.

Section five hundred and twenty-five.

5

Section five hundred and twenty-eight.

Section five hundred and twenty-nine.

Section five hundred and thirty.

Sections five hundred and thirty-one to five hundred and thirty-six, both inclusive.

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