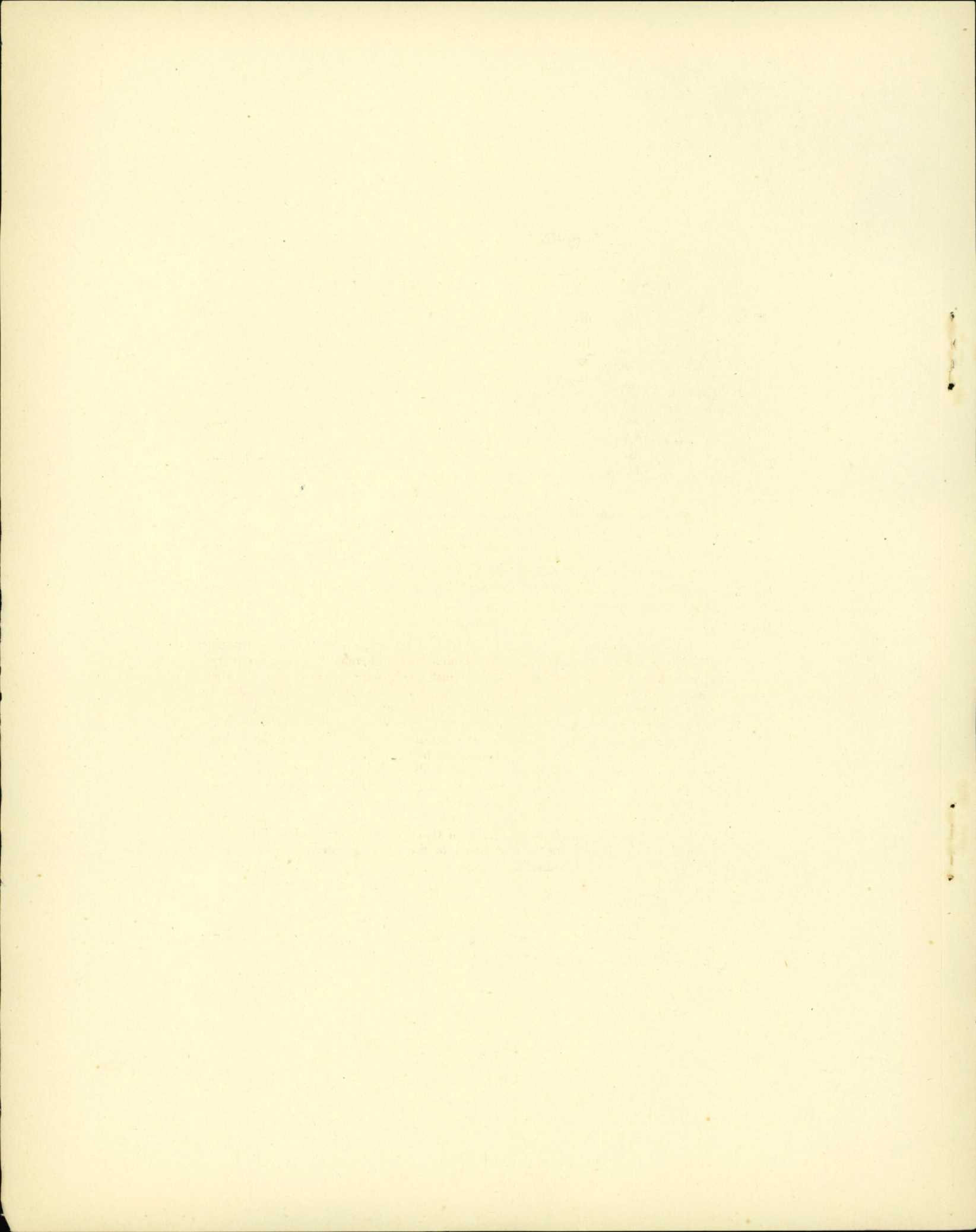


LOCAL GOVERNMENT (AMENDMENT) BILL.

Schedule of the amendments referred to in Message of 31st October, 1939.

- No. 1.—Page 4, clause 2, line 12. *After “works” insert “including a power to levy rates in respect of such works”*
- No. 2.—Page 5, clause 2, line 9. *After “works” insert “or in respect of the income of any fund connected with such works”*
- No. 3.—Page 6, clause 2, line 4. *After “works” insert “or charged upon the income of any fund connected with such works”*
- No. 4.—Page 6, clause 2, line 11. *After “works” insert “or charged upon the income of any fund connected with such works”*
- No. 5.—Page 6, clause 2, line 17. *After “works” insert “or charged as aforesaid”*
- No. 6.—Page 6, clause 2, line 26. *After “delegation” insert “or of any person entitled at the said date to any security by virtue of this Act”*
- No. 7.—Page 6, clause 2, line 29. *After “works” insert “or charged upon the income of any fund connected with such works”*
- No. 8.—Page 7, clause 2, line 3. *After paragraph (j) insert new paragraph—*
(ja) Every holder of any bond, debenture, mortgage deed or other security given by a constituent council before the delegation whereby any loan is charged upon the income of any fund of the constituent council connected with such works shall have the same security rights, powers, authorities and remedies in respect of the income of the corresponding fund of the county council as if a bond, debenture, mortgage deed or security in similar terms mutatis mutandis had been given to such holder by the county council: Provided that where works of more than one constituent council become vested pursuant to this Act in a county council, the county council shall keep a separate account of its income from or in relation to the works formerly vested in each of the constituent councils; and the holders of securities given by any one of the constituent councils shall have priority over the holders of securities given by any others of the constituent councils to the extent of that part of the income of the county council which arises from or in relation to the works formerly vested in such one of the constituent councils.
- No. 9.—Page 7, clause 2, line 31. *Omit “this section” insert “the Local Government (Amendment) Act, 1939”*
- No. 10.—Page 7, clause 2, line 33. *After “rights” insert “powers, authorities”*
- No. 11.—Page 8, clause 2, line 1. *After “delegation” insert “or of any person entitled to any security by virtue of this Act”*



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 18 October, 1939.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. K. CHARLTON,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 31st October, 1939.

New South Wales.



ANNO TERTIO

GEORGII VI REGIS.

Act No. , 1939.

An Act to make further provision for and in relation to county councils; to authorise the Colonial Treasurer to guarantee loans of certain councils and county councils; to amend the Local Government Act, 1919, as amended by subsequent Acts, in certain respects; and for purposes connected therewith.

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
5 the same, as follows:—

1. This Act may be cited as the "Local Government Short title.
(Amendment) Act, 1939."

13981 232—A

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Local Government (Amendment).

2. The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment
of Act
No. 41, 1919.

5 (a) by inserting after subsection nine of section five hundred and sixty-two the following new subsection:—

Sec. 562.
(Constitu-
tion of
county
councils.)

10 (9A) Where the Governor by proclamation alters the boundaries of a county district by including in the county district the whole or part of a municipality or shire and the proclamation directs that such municipality or shire or the part thereof shall be a county electorate an election of a delegate of the council concerned shall be held in the prescribed manner within a time specified in the proclamation and the dele-
15 gate elected shall, subject to this Act, hold office until the next general election of the county council.

20 (b) (i) by inserting after subsection two of section five hundred and sixty-four the following new subsection:—

Sec. 564.
(Functions
of county
councils.)

25 (2A) Where a county district is constituted or proposed for the purpose of the supply of water or electricity in bulk only, the councils of the municipalities and shires concerned in the district (constituted or proposed) may, under and in accordance with subsection two of this section, request the Governor to delegate to the county council the power to exercise or perform, for the benefit of the county district, so much of any power or duty which by law those councils or any one of them may exercise or perform, as relates to the supply of water or elec-
30 tricity in bulk only.

(ii) by inserting next after subsection four of the same section the following new subsection:—

(4A) Where a delegation has been made in pursuance of a request of the nature
referred

Local Government (Amendment).

referred to in subsection (2A) of this section—

- 5 (a) each constituent council shall have full power to exercise or perform so much of any power or duty which by law may be exercised by a council in relation to the supply of water or electricity, as has not been delegated to the county council;
- 10 (b) a county council may with the consent of the council of an area supply water or electricity, as the case may be, otherwise than in bulk, to any person within that area or to
- 15 all or any of the persons in a specified locality within that area upon such terms and conditions as it may deem fit;
- 20 (c) the county council shall sell and deliver and the constituent councils shall buy and receive water or electricity, as the case may be, at such points within the district and on such terms and conditions as
- 5 may be agreed upon or, in the event of agreement not being reached between the county council and any constituent council, at such point and on such terms and conditions
- 30 as the Governor shall from time to time notify in respect of that constituent council;
- 3 (d) a constituent council shall not (except with the consent of the county council) supply water or electricity, as the case may be, except water or electricity bought and received pursuant to paragraph (c) of this subsection.

(c)

Local Government (Amendment).

(c) by inserting next after section 564A the following new sections:—

New secs. 564B, 564C, 564D and 564E.

5 564B. (1) Where a county district is consti-
 10 tuted for the purpose of the supply of water or
 electricity (otherwise than in bulk only) and
 any works of water supply or works for the
 15 supply of electricity, as the case may be, or the
 control and management of any such works are,
 at the date of the constitution of the county dis-
 trict, vested in a constituent council and the
 powers and duties of the constituent council
 relating to such works **including a power to levy**
rates in respect of such works are, by a delegation
 20 proclaimed under section five hundred and sixty-
 four of this Act, delegated to the county council
 then, as from the date upon which the proclama-
 tion of such delegation is published in the
 Gazette (in this subsection hereinafter referred
 to as "the date of the delegation") the following
 provisions shall have effect:—

Transfer of assets, etc., in certain events.

25 (a) All real and personal property and all
 right and interest therein and all man-
 agement and control of any land or
 thing which immediately before the date
 of the delegation is vested in or be-
 longs to the constituent council and is
 held in connection with such works shall
 vest in and belong to the county council.

30 (b) All rates, moneys, liquidated and un-
 liquidated claims which immediately be-
 fore the date of the delegation are pay-
 able to or recoverable by the constituent
 council in relation to such works shall
 35 be rates, moneys, liquidated and un-
 liquidated claims payable to or recover-
 able by the county council.

(c) All suits, actions, and proceedings pen-
 ding immediately before the date of the
 delegation at the suit of the constituent
 council

Local Government (Amendment).

- 5 council in relation to any matter or
claim in relation to such works shall
respectively be suits, actions and pro-
ceedings pending at the suit of the
county council.
- 10 (d) All contracts, agreements, and under-
takings entered into with and all securi-
ties lawfully given to or by the consti-
tuent council in respect of such works
**or in respect of the income of any fund
connected with such works** and in force
immediately before the date of the
delegation shall be deemed to be con-
tracts, agreements, and undertakings
15 entered into with and securities given
to or by the county council.
- 20 (e) The county council may pursue the
same remedies for the recovery of any
such moneys and claims, and for the
prosecution of such suits, actions, and
proceedings as the constituent council
might have done but for this section.
- 25 (f) The county council may enforce and
realise any security or charge existing
immediately before the date of the dele-
gation in favour of the constituent coun-
cil in respect of any such moneys and
claims as if such security or charge
were existing in favour of the county
30 council.
- 35 (g) All debts due and moneys payable by
the constituent council solely relating
to such works, and all claims liquidated
or unliquidated recoverable against the
constituent council solely relating to
such works shall be debts due and
moneys payable by and claims recover-
able against the county council.
- 40 (h) The county council shall as from the
date of the delegation indemnify and
keep

Local Government (Amendment).

5 keep harmless the constituent council
against all claims against that council
in respect of moneys borrowed in con-
nection with such works **or charged upon**
the income of any fund connected with
such works and against all claims for
any other liabilities incurred in respect
thereof.

10 (i) The county council shall pay all interest
accruing due in respect of any moneys
borrowed on account of such works **or**
charged upon the income of any fund con-
ected with such works and make the
15 contributions required by or under this
Act to be made to any reserve for loan
repayment in connection with any loan
on account of such works **or charged as**
aforsaid or to any other fund or account
whatsoever.

20 (j) Nothing contained in this section shall
prejudice or affect the security rights,
powers, authorities, and remedies of
any holder of a bond, debenture, mort-
25 gage deed or other security given by
the constituent council before the date
of the delegation **or of any person entitled**
at the said date to any security by virtue of
this Act in respect of loans raised for
purposes of such works **or charged upon**
30 **the income of any fund connected with such**
works 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,
35 powers, authorities, and remedies in
respect of such works and in respect of
any assets hereby vested in the county
council and the revenue therefrom as if
the said bond, debenture, mortgage deed

or

Local Government (Amendment).

or other security had been given by the county council instead of by the constituent council.

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(ja) Every holder of any bond, debenture, mortgage deed or other security given by a constituent council before the delegation whereby any loan is charged upon the income of any fund of the constituent council connected with such works shall have the same security rights, powers, authorities and remedies in respect of the income of the corresponding fund of the county council as if a bond, debenture, mortgage deed or security in similar terms *mutatis mutandis* had been given to such holder by the county council: Provided that where works of more than one constituent council become vested pursuant to this Act in a county council, the county council shall keep a separate account of its income from or in relation to the works formerly vested in each of the constituent councils; and the holders of securities given by any one of the constituent councils shall have priority over the holders of securities given by any others of the constituent councils to the extent of that part of the income of the county council which arises from or in relation to the works formerly vested in such one of the constituent councils.

35

(k) Nothing contained in ~~this section~~ the **Local Government (Amendment) Act, 1939**, shall prejudice or affect the rights, **powers, authorities** and remedies, against the constituent council, its revenues and assets, of the holder of any bond, debenture, mortgage deed or other security given by that council before
the

Local Government (Amendment).

the date of the delegation **or of any person entitled to any security by virtue of this Act.**

5 (1) The liability imposed upon the county council by this section shall for the purpose of securing the discharge thereof rank in priority over any loan raised by the county council.

10 (2) Where a county district is constituted for the purpose of the supply of electricity (otherwise than in bulk only) and at the date of such constitution there is in existence an agreement under section four hundred and twenty of this Act, entered into by a constituent council with some other person, which agreement relates to the supply of electricity by that other person to the public, and the powers and duties of the constituent council relating to works for the supply of electricity (including the powers and duties conferred and imposed by section four hundred and twenty of this Act) are by a delegation proclaimed under section five hundred and sixty-four of this Act, delegated to the county council, then as from the date upon which the proclamation of such delegation is published in the Gazette, such agreement shall be deemed to be an agreement entered into by the county council with such other person.

30 564c. (1) Where a county district is constituted for the purpose of the supply of water (otherwise than in bulk only) the county council may arrange with a constituent council for the maintenance and management within the area of the constituent council of specified reticulation works with such restrictions and reservations as to the county council may seem meet.

Delegation by county council to constituent council.

35 Such arrangement shall be embodied in an agreement between the county council and the constituent council which shall contain such provisions as may be agreed upon or as may be prescribed.

40 (2)

Local Government (Amendment).

5 (2) Where an agreement has been entered into in pursuance of subsection one of this section the Governor may by proclamation delegate to the constituent council the power to exercise or perform any power which has been delegated to the county council and which, by the agreement, is required or authorised to be exercised or performed by the constituent council in relation to such maintenance and management; 10 and upon publication of such proclamation the constituent council shall have full power to exercise the powers and shall perform the duties described in the proclamation. In describing any such power or duty in the proclamation it shall 15 be sufficient to quote the part or section number of this Act prescribing the power or duty.

20 564D. (1) Where a county council in the exercise of powers delegated to it under this Part borrows money for the purpose of works of water supply or works for the supply of electricity, the Treasurer may, on the recommendation of the Minister, guarantee the due repayment of the amount so borrowed. Guarantee by Treasurer.

25 (2) Such sums as may from time to time become due and payable by the Treasurer under any guarantee given under the authority of this section shall be paid out of moneys provided by Parliament.

30 564E. Where a county council has raised a loan for works of water supply or works for the supply of electricity and in the opinion of the county council any works constructed out of moneys provided by the loan would be of special benefit to portions only of the district the county council may for the purpose of paying interest on and repaying the principal of the loan, at its discretion, make and levy loan rates differentially upon the ratable land within such portions Special provisions as to certain loan rates.

35

Local Government (Amendment).

only or upon the ratable land within such part or parts of such portions only as the county council may determine.

- 5 (d) by inserting after subsection four of section 493A the following new subsection:—
- (5) For the purposes of this section "council" includes a county council.

Sec. 493A.
(Agreement by Treasurer in relation to certain loan liabilities.)

3. The Local Government Act, 1919, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 41, 1919.

- 10 (a) by omitting from subsection one of section five hundred and sixty-five the words "particularly, in respect of any matter for which the county council is not authorised to rate" and by inserting in lieu thereof the words "in particular, but without prejudice to the generality of the fore-
- 15 going provisions";
- (b) by inserting in the same subsection after the words "expenses of the county council" the words "other than expenses incurred or to be
- 20 incurred in respect of any matter for which the county council is authorised to rate";
- (c) by omitting from subsection five of the same section the words "in respect of any matter for
- 25 which the county council is not authorised to rate, that council" and by inserting in lieu thereof the words "the county council";
- (d) by inserting in the same subsection after the word "expenditure" the words "other than
- 30 expenditure in respect of any matter for which the county council is authorised to rate."

Sec. 565.
(Assessment of cost.)

4. The Local Government Act, 1919, as amended by subsequent Acts, is further amended by inserting after section one hundred and eighty-two the following new section:—

Further amendment of Act No. 41, 1919.

- 35 182A. (1) The Treasurer may on the recommendation of the Minister guarantee the due repayment of any moneys borrowed in accordance with the provisions of this Act by the council of an area situated within the Western Division.

New sec. 182A.
Guarantee by Treasurer.

Local Government (Amendment).

5 (2) Such sums as may from time to time become due and payable by the Treasurer under any guarantee given under the authority of this section shall be paid out of moneys provided by Parliament.

(3) For the purposes of this section, the municipalities of Balranald, Hillston and Nyngan shall be deemed to be situated within the Western Division.

Local Government Members

The following is a list of the members of the Local Government who were elected at the general election held on the 15th day of November 1911. The names are given in the order in which they were elected, and the section shall be indicated by the number of the section in which they were elected.

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(10)